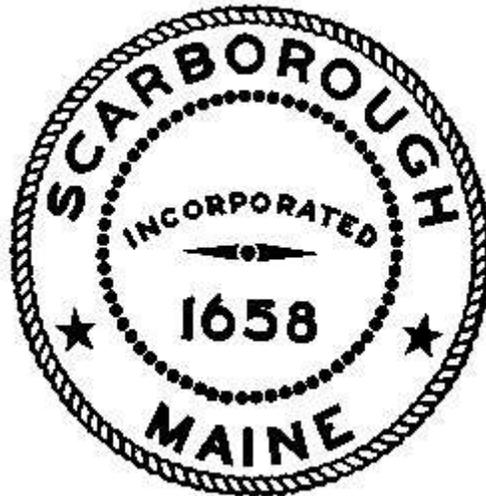


# **CHAPTER 607**

## **TOWN OF SCARBOROUGH**

### **ALARM SYSTEMS ORDINANCE**



**ADOPTED FEBRUARY 15, 1989  
AMENDED NOVEMBER 15, 1989  
EFFECTIVE DECEMBER 1, 1989  
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**ARTICLE ALARM SYSTEMS ORDINANCE.** [Adopted effective December 1, 1989, under 30-A, M.R.S.A., Chapter 141, Section 3001; Revised August 1, 1990].

**Title.** This ordinance shall be known and may be cited as the “Alarm Systems Ordinance of the Town of Scarborough, Maine.”

**SECTION I. Purpose.**

This ordinance recognizes the need for regulation of the installation and use of Alarm Systems in order to assure compatibility of equipment with the facilities of the Public Safety Communications Center, to avoid use of improper equipment, to assure adequate installation of equipment, to minimize false alarms and to compensate for the inappropriate use of municipal resources in response to false alarms, and to clarify the rights and responsibilities of the property owner and of the Town.

**SECTION II. Definitions.**

As used herein, the following terms shall have the following meanings:

**(a) “Alarm System”**

Means any mechanism, equipment or device designed to automatically transmit a signal, message or warning indicating fire, burglary, health emergency or like need for public safety assistance, from any mode, telephone, dialer, private third party monitors, Municipal Fire Alarm, etc., directly or indirectly to the Scarborough Public Safety Communications Center.

**(b) “Appropriate Departments”**

Means the Fire Department for fire or rescue alarms and the Police Department for alarms of unlawful entry, theft or other criminal activity.

**(c) “Appropriate Chief”**

Means the Chief of the Appropriate Department.

**(d) “Center”**

Means the Public Safety Communications Center of the Town of Scarborough.

**SECTION III. Permit Required.**

No person shall install, operate, maintain, alter, or replace an Alarm System within the Town of Scarborough after December 1, 1989, without holding an effective permit from the Chief of the Appropriate Department. Upon receipt of a completed application, the Chief of the Appropriate

Department will issue a permit to the owner. Owners of premises served by an existing Alarm System on December 1, 1989 shall have until January 1, 1990 to obtain a permit.

#### **SECTION IV. Application Procedure.**

Application for an Alarm System permit shall be made to the Appropriate Department by the owner of the premises to be protected or by the owner's authorized agent upon forms prepared by the Town, accompanied by a signed, dated receipt acknowledging that the owner or owner's authorized agent has received a copy of this ordinance and is aware of its terms.

The application form shall require the name, telephone number, and address of the owner of the premises to be protected, of her/his designated agent and of the proposed installer of the Alarm System. The proposed installer must have the capacity to maintain and service such Alarm System from a point within the State of Maine. The application form shall also require a description of the principal use of the premises to be protected, a description of the proposed system and, in case of the Fire Department, the location of its installation [except that said location shall not be required for single family or two family homes], and such other data as the Fire Chief may reasonably require in order to assure the use of appropriate equipment in responding to and combating a fire or other emergency. [amended 11/01/17]

The Chief of the Appropriate Department shall issue a permit upon receipt of a fully completed application form.

#### **SECTION V. Prohibited Systems.**

No system shall be permitted which automatically transmits to the Center telephone lines except to a number designated by the Chief of the Appropriate Department. Each alarm shall be reported individually, and no system shall be permitted which uses a constant signal for one type of alarm and a pulsating signal for another.

#### **SECTION VI. Alarm Response.**

The property owner or her/his designated agent, as kept on file at the Center, shall respond to each alarm at the request of the Appropriate Department for the purpose of securing the premises. [amended 11/01/17]

#### **SECTION VII. False Alarms.**

Any alarm system whose alarm system causes the transmittal of a non-emergency alarm more than three (3) times in any calendar year, after a 30-day start-up period for new installations, shall pay a fee as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council, for each instance of a non-emergency alarm in excess of that number, upon demand by the Chief of the Appropriate Department. The Chief of the Appropriate Department shall give suitable written warning to any permit holder, or to her/his designated agent, whose alarm system sends a third non-emergency alarm in any calendar year. Non-emergency alarm means any alarm transmitted to the Center when there is no actual emergency or no other circum-

stances requiring response from the appropriate department; it shall include, but shall not be limited to, false alarms caused by malfunctioning equipment, accidental or negligent activation of the alarm, or improperly monitored equipment. In the event an alarm is activated as a result of a natural or unnatural event beyond the property owner's control (i.e. disruption of the electrical service due to storm, motor vehicle accident, and the like); no fee shall be imposed at the discretion of the Chief of the Appropriate Department. [amended 11/01/17]

Not only does this apply to alarm systems which transmit directly to the Public Safety Communications Center but it shall include reports received by the Center from private alarm companies which monitor alarm systems installed within a private residence or business.

### **SECTION VIII. Permit Revocation.**

The Chief of the Appropriate Department may revoke the permit for any Alarm System in the event that:

- (a) Payment of any penalty fee is not made within sixty (60) days after the due date therefore,
- (b) Any deficiency therein reported to the owner is not corrected within 48 hours, or such longer time as the Chief of the Appropriate Department may permit,
- (c) Such Alarm System causes the transmittal of more than 3 non-emergency alarms in any 24-hour period or more than 6 non-emergency alarms in any 7-day period or otherwise persistently interferes with the orderly operation of the Center,
- (d) Any data provided in the application form for such system is found to have been falsified willfully or through gross negligence of the applicant.

Such revocation shall not be effective until the Chief of the Appropriate Department has given the permit holder or her/his designated agent actual notice of the reason therefor and reasonable opportunity to justify the same. [amended 11/01/17]

### **SECTION IX. Appeal.**

In the event of the refusal to issue or the revocation of any permit hereunder, the permit holder may appeal to the Town Manager within twelve (12) business days after actual notice of such decision is given to the permit holder or her/his designated agent. The Town Manager may affirm, modify or rescind such decision, and her/his action thereon shall be final and conclusive without right of further appeal. [amended 11/01/17]

### **SECTION X. Civil Violations.**

In addition to the foregoing grounds for revocation of a permit hereunder, the following events shall each constitute a civil violation, punishable in proceedings before the District Court by a fine not exceeding \$300:

- (a) The installation, operation, maintenance, alteration, or replacement of an Alarm System in the absence of an effective permit therefore signed by the Chief of the Appropriate Department;
- (b) The falsification of any data provided on an application form for an Alarm System, done willfully or through gross negligence;
- (c) The release of any information concerning any Alarm System to one not concerned with the maintenance or operation thereof or with the enforcement of this ordinance.

**SECTION XI. No Enlargement of Liability.**

Neither the issuance of a permit under this Ordinance nor the installation of an alarm system pursuant to such a permit shall create any obligation, duty, or liability on the part of the Town of Scarborough, its officers, agents or employees which obligation, duty or liability would not exist in the absence of such a permit or installation.