

TOWN OF CHINCOTEAGUE, VA

ORDINANCE No. _____

August 3, 2015

AN ORDINANCE REGULATING ALARM SYSTEMS IN THE TOWN OF CHINCOTEAGUE, VA

WHEREAS, the Town Council of the Town of Chincoteague desires to promote the public health, safety, and welfare of the residents of the Town of Chincoteague; and

WHEREAS, under the authority of § 15.2 – 1102 (Uniform Charter Powers), the Town Council of the Town of Chincoteague may exercise its powers to secure and promote the general welfare of the inhabitants of the Town as well as the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the Town and its inhabitants ; and

WHEREAS, it is declared to be in the public interest to exercise those powers to regulate fire alarm systems of the Town of Chincoteague; and

WHEREAS, under the authority of §15.2 – 911 of the Code of Virginia, the Town of Chincoteague may enact an ordinance to regulate the use of alarm systems;

BE IT THEREFORE ORDAINED, by the Town Council of the Town of Chincoteague that the following provisions be enacted regulating alarm systems in the Town of Chincoteague.

State law references; Uniform Charter Powers, § 15.2- 1102; Regulating alarm systems, §15.2-911.

Chapter 26

FIRE PREVENTION AND PROTECTION

Article III. - False Alarms.

Sec. 26-40. - Purpose. Sec. 26-41. - Definitions. Sec. 26-42. - Penalty. Sec. 26-43. Training of persons using system; maintenance of system. Sec. 26-44. - Automatic dialing devices. Sec. 26-45. - Deliberate false alarms. Sec. 26-46. - Service fee for false alarms. Sec. 26-47 – Exceptions. Sec. 26-48. – Billing; interest on unpaid charges.

Sec. 26-40. - Purpose.

The purpose of this article is to reduce the number of nuisance fire alarms and thereby protect public safety by minimizing unnecessary use of the Town's emergency services (Volunteer Fire Company and Emergency Medical Services Division). This Article governs the installation and maintenance of alarm systems, establishes service fees for false alarms and provides a system of administration.

Sec 26-41. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them herein, except where the context clearly indicates a different meaning:

Alarm system means any device or system, including but not limited to an answering service, automatic dialing service or indirect alarm transmittal system, which transmits a signal visibly, audibly, electronically, mechanically or by any combination of these methods which indicates a hazard or occurrence requiring urgent attention and to which law enforcement personnel or firefighters are expected to respond. The term "alarm system" shall not include a personal, direct telephonic call requesting emergency services.

Alarm user or user means the owner or occupant of premises protected by an alarm system.

Answering service means a telephone answering service that receives emergency signals from alarm systems and informs the Eastern Shore of Virginia 911 Communications Center.

Automatic dialing service means a device interconnected to a telephone line and programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

Chief means any one of the volunteer fire department fire chiefs or their designee.

Commercial means any building/business required to have a Town Business License (Sec. 18-36)

False alarm means any alarm signal received by the Eastern Shore of Virginia 911 Communications Center which is not in response to an actual or possible emergency. False alarms include negligently activated signals, signals due to faulty, malfunctioning or improperly installed or maintained equipment, and signals purposely activated to summon fire, rescue and/or law enforcement personnel in non-emergency situations. False alarms do not include signals activated by unusually severe weather conditions, utility conditions or other causes which the chief determines were beyond the user's control.

Indirect alarm transmittal means any alarm system which causes a third party or answering service to notify the Eastern Shore of Virginia 911 Communications Center of an alarm activation.

Installer means any person who installs, services, monitors, sells or leases any alarm system.

Interconnect means to connect an alarm system to a voice-grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

Negligently activated signals means signals transmitted due to carelessness or negligence in installation, maintenance or operation of an alarm system, such signals being the result of the doing of an act where ordinary care suggests that the act should not have been done at all or that it should have been done in some other way.

Non-emergency situations means situations where an immediate response to a hazard or occurrence by fire personnel and/or rescue personnel is not deemed necessary to protect life or property.

Sec. 26-42. - Penalty.

Violations of Sections 26-43, 26-44, 26-45 and 26-48 shall be punishable as a Class 1 misdemeanor.

Any other violation of this Article shall constitute a Class 4 misdemeanor.

The Town Council may institute in the Circuit Court of Accomack County or in any other court of competent jurisdiction to restrain, enjoin or otherwise prevent a violation of this Article.

Sec 26-43. - Training of persons using system; maintenance of system.

It shall be the responsibility of alarm system users to provide training to employees, tenants or other persons about activation of the alarm system in emergency situations and about proper operation of the alarm system, including setting, activating and resetting the alarm. All instructions about alarm systems and procedures shall be in writing, suitable for distribution , and shall be available for inspection by the appropriate Town employees or agents of the Town herein being the chief of the Chincoteague Volunteer Fire Company Department. The user shall also be responsible for maintaining the alarm system in proper working order.

Sec 26-44. - Automatic dialing devices.

It shall be unlawful for any person to install, sell, lease, use or cause or allow to be installed, sold, leased or used, within the Town, automatic dialing devices or systems which are set or programmed to directly contact the Eastern Shore of Virginia 911 Communications Center without the prior approval of the Eastern Shore of Virginia 911 Communications Center and the Town's Building and Zoning Department.

Sec 26-45. - Deliberate false alarms.

It shall be unlawful for any person to knowingly activate or cause to be activated an alarm system in a non-emergency situation without just cause. This shall not prohibit periodic testing of direct transmittal systems when the Eastern Shore of Virginia 911 Emergency Communications Center has been notified in advance.

Sec 26-46. - Service fee for false alarms.

Response by fire and/or rescue personnel to a false alarm shall result in fees in the following amount being assessed against alarm system users for false alarms resulting in response by fire and/or rescue personnel and occurring during any period of 365 successive days. Alarm system users shall pay such service fee for false alarms within thirty days of billing.

A. Commercial Response by fire and/or rescue personnel:

1. First false alarm... No charge
2. Second false alarm... \$150
3. Third false alarm... \$250.00
4. Fourth false alarm... \$350.00
5. Fifth false alarm... \$500.00 and each subsequent false alarm...

B. Residential Response by fire and/or rescue personnel:

1. First false alarm... No charge
2. Second false alarm... No charge
3. Third false alarm... \$50.00
4. Fourth false alarm... \$100.00
5. Fifth false alarm... \$200.00 and each subsequent false alarm...

26-47. - Exceptions.

Service fees shall not be charged for false alarms from alarm systems in premises owned, leased, occupied or under the control of the United States, the Commonwealth of Virginia, political subdivisions of the Commonwealth of Virginia, or any of their officers, agents or employees while they are acting or are employed in their official capacity. However, all other requirements of this article shall apply to such systems.

26-48. - Billing; interest on unpaid charges.

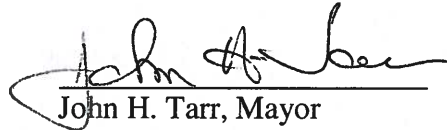
The chief shall notify the Town's Emergency Management Coordinator of each false alarm to which they respond by submitting the designated report form (EMFA-Form 1) and such information shall be retained and maintained by the Emergency Management Coordinator. At the end of each month, the Emergency Management Coordinator shall notify the Town Manager of the Town of Chincoteague of service fee assessments for false alarms by submitting form EMFA-Form 2. The form shall provide the date of the each false alarm, name of the alarm system user, the address of the false alarm, and the amount due for the false alarm. The Town of Chincoteague Town Manager shall bill for any due service fees. Any account more than thirty

days in arrears shall be subject to interest at the legal rate provided by the Code of Virginia, commencing when the account is more than thirty days in arrears. All monies collected as a result of enforcement of this ordinance shall be earmarked for Emergency Management (EOC Operations/Training).

26-49. Effective date.

This ordinance shall become effective upon passage.

Adopted this 3rd day of August, 2015
To be enacted the 1st day of September, 2015.


John H. Tarr, Mayor

Attest:


Robert Ritter, Town Manager

I certify that the foregoing is a true copy of an ordinance adopted on August 3, 2015, 2015 by the Chincoteague Town Council.


Robert Ritter, Town Manager

Council Voting:

E. Richardson	<u>yea</u>
J. Jester, Jr.	<u>yea</u>
J. Leonard	<u>yea</u>
J. Frese	<u>yea</u>
B. Ellis, Jr.	<u>yea</u>
G. Taylor	<u>yea</u>