

**TOWN OF CUMBERLAND  
ALARM SYSTEMS ORDINANCE**

**ARTICLE I**

**TITLE, PURPOSE AND DEFINITIONS**

Section 101, Title

This ordinance shall be known and may be cited as the "Alarm Systems Ordinance of the Town of Cumberland, Maine". This Ordinance shall repeal and replace the alarm systems ordinance previously adopted on August 28, 1978.

Section 102, Purpose

The purpose of this Ordinance is to protect the health, safety and welfare of its residents and reduce the incidence of non-emergency alarms by establishing appropriate guidelines for the installation and use of alarm systems and the notification of such installations.

Section 103, Definitions

For purposes of this Ordinance, certain terms or words used herein shall be defined as follows:

**Alarm Agent:** "Alarm agent" means any employee or representative of an alarm business whose duties include installing, servicing or repairing alarm systems located within the Town.

**Alarm System:** "Alarm system" means a system including any mechanism, equipment or device designed for the detection of unauthorized entry upon any property, other than motor vehicles or vessels, and/or the detection of heat, smoke or fire and which automatically transmit a signal, message or warning from a private facility, including telephonic alarm systems designed to operate automatically through the use of public telephone facilities, to the Town of Cumberland Police, Fire or Rescue Departments.

**Non-Emergency Alarm:** "Non-emergency alarm" means any alarm signal sent to the Police Department that is not in response to an actual or attempted unauthorized entry upon property requiring an immediate Police Department response, and any alarm signal sent to the Fire Department that is not in response to heat, smoke, fire or water requiring an immediate response by the Fire Department, and any alarm signal sent to the Rescue Department that is not in response to a medical

emergency requiring ambulance response. It includes, but is not limited to, false alarms caused by domestic animals, a malfunctioning alarm system, unusually severe weather conditions, intentional activation of an alarm system when an immediate response is not required, negligent activation of the alarm system or an improperly maintained alarm system.

**Person:** "Person" means a natural person, association, firm, partnership, corporation or other entity.

## ARTICLE II

### PERMITS

#### Section 201, Permits Required

No person shall install, maintain or operate an alarm system without first obtaining a permit therefor from the Chief of the Police, Fire or Rescue Department, as appropriate.

#### Section 202, Rules

The Chief of the Police, Fire or Rescue Department shall establish in writing such procedural rules not inconsistent with this Ordinance as are necessary to process alarm system permits.

#### Section 203, Applications

Applications for permits to install, maintain or operate an alarm system shall be filed with the Chief of the respective department, or his/her designee, on forms supplied by the Town of Cumberland, together with an application fee of twenty dollars (\$20). Said Application shall set forth the following:

1. Applicant's name, address and telephone number;
2. Address and telephone number of structure in which alarm system is to be installed;
3. Name, address and telephone number of the alarm system installer;
4. Name, address and telephone number of the person maintaining the alarm system;
5. Name, address and telephone number of the person to contact when the Police, Fire or Rescue Department receives an alarm;
6. Location of alarm system control panel within the structure;

7. Location of any lock box;
8. Type of alarm (telephonic or audible); and
9. A signed statement by an authorized alarm agent that the alarm system has been inspected and is in proper working order.

Section 204, Issuance

The Chief of Police, Fire or Rescue Department shall approve such application if he/she finds that:

1. The applicant has submitted a completed application pursuant to Section 203 of this Ordinance.
2. The use of said alarm system will not interfere with the orderly conduct of Town business.
3. The person installing the system maintains an adequate service organization to repair, maintain or otherwise service alarm systems purchased or leased by him/her.

The Chief of Police, Fire or Rescue Department may impose such conditions which reasonably relate to the application approval standards or the appropriate administration of this Ordinance, as evidenced by Section 102, upon said permits.

Section 205, Inspections

The Chief of Police, Fire or Rescue Department, or his/her designee, may inspect or cause to be inspected any alarm system or any property protected by an alarm system at all reasonable times to ensure compliance with the provisions of this Ordinance.

Section 206, Grounds for Suspension or Revocation

The Chief of Police, Fire or Rescue Department may suspend or revoke any permit issued pursuant to the provisions of this Ordinance, after giving written notice to the permit holder and an opportunity for the permit holder to be heard, if he/she determines that (i) the alarm system installed pursuant to said permit has been installed, maintained or operated in violation of any term or condition of said permit or the provisions of this Ordinance or (ii) the permit holder has failed to pay any penalty specified in Articles IV or VI of this Ordinance. In the event the Chief of Police, Fire or Rescue Department suspends or revokes a permit, the Town may disconnect the person from the alarm system or telephone call-in master panel; until such time as (i) all penalties incurred under this Ordinance have been paid; (ii) the permit holder has remedied the cause of the false alarms and provides satisfactory documentation that the system has been inspected; and (iii) the permit holder has applied for a new

permit: provided, however, the Town also reserves the right to collect any penalties incurred under this Ordinance as otherwise permitted by law.

**ARTICLE III**

**ALARM SYSTEMS**

Section 301, Automatic Dialing Services

No person shall install, operate or maintain an alarm system which automatically transmits a signal, message or warning to the Town of Cumberland Police, Fire or Rescue Department or to their respective telephone lines, except to such telephone number or numbers as designated by the permit issued under the provisions of this Ordinance or as otherwise approved and agreed to by the Chief of the respective department.

Section 302, Alarm System Information

Information relating to any alarm system shall be maintained in a confidential manner and the unauthorized release of such information by any person shall be a violation of this Ordinance.

Section 303, Lock Boxes

It is not a requirement of this Ordinance, but the Town urges persons to install an approved lock box (preferably a "Knox Box System" or equivalent) as part of the alarm system in order to provide a key to the structure for use by the Police, Fire or Rescue Department when responding to an alarm. Further, all existing permit holders are urged to provide a lock box with a key to their structures and to notify the Police, Fire or Rescue Department in writing of the location of said lock box within (90) days after the effective date of this Ordinance.

**ARTICLE IV**

**TRANSMITTAL OF NON-EMERGENCY ALARMS**

Section 401, Penalties

Any permit holder whose system causes the transmittal of a non-emergency alarm shall be subject to the following penalties; provided, however, that in the event an alarm system is activated as a result of a natural or unnatural event beyond the permit holder's control and not directly caused by the permit holder (e.g. disruption of electrical service due to storm, motor vehicle accident, or contractor's negligence), no penalty shall be imposed at the discretion of the Chief of the respective department. It shall be the burden of the permit holder to demonstrate to the

satisfaction of the Chief that an alarm signal was the result of such natural or unnatural event beyond the permit holder's control.

For the purpose of this Section, the number of false alarms shall be based upon the calendar year and shall be recalculated annually.

1. First Response: For the first response by the Police, Fire or Rescue Department to a non-emergency alarm within any calendar year, the Police, Fire or Rescue Chief or his/her designee will document the date, time and alarm malfunction and keep this information on file for the period of one (1) year.
2. Second Response: For the second response by the Police, Fire or Rescue Department to a non-emergency alarm within any calendar year, the Police, Fire or Rescue Chief shall give written notice of the non-emergency alarm to the permit holder within three (3) days of the non-emergency alarm, along with notice of the monetary penalty for any additional non-emergency alarms received. The permit holder shall file a written report with the Police, Fire or Rescue Chief stating the cause of the false alarm, if known, and describing corrective action taken, if any, by the permit holder.
3. Third Response: For the third response by the Police, Fire or Rescue Department to a non-emergency alarm within any calendar year, the Police, Fire or Rescue Chief shall give written notice of the non-emergency alarm to the permit holder within three (3) days of the non-emergency alarm, which notice shall demand payment of seventy-five dollars (\$75) for a non-emergency Fire/Rescue alarm or twenty-five dollars (\$25) for a non-emergency Police alarm. This penalty may be excused by the Police, Fire or Rescue Chief for good cause shown by the permit holder. In the case of an alarm system malfunction or improperly maintained alarm system, the respective Chief shall require the permit holder to file with the respective department a signed statement of a qualified person that the alarm system has been inspected and is in proper working order.
4. Fourth Response: For the fourth response by the Police, Fire or Rescue Department to a non-emergency alarm within a calendar year, the respective Chief shall give written notice to the permit holder within three (3) days of the non-emergency alarm, which notice shall demand payment of a penalty to the Town in the amount of one hundred dollars (\$100) for a non-emergency Fire/Rescue alarm or fifty dollars (\$50) for a non-emergency Police alarm.

5. Subsequent Alarms: For all subsequent responses by the Police, Fire or Rescue Departments to a non-emergency alarm within a calendar year, the respective Chief shall give written notice to the permit holder within three (3) days of the non-emergency alarm, which notice shall demand payment of a penalty to the Town as listed below. Each non-emergency response shall be billed in twenty-five dollar (\$25) increments as the following examples demonstrate:

| <u>Fire/Rescue Alarms</u> | <u>Police Alarms</u> |
|---------------------------|----------------------|
| 5th \$125.00              | 5th \$ 75.00         |
| 6th \$150.00              | 6th \$100.00         |
| 7th \$175.00              | 7th \$125.00         |
| 8th \$200.00              | 8th \$150.00         |

6. Payment Due Date; Late Fees: The permit holder shall file any written report or signed statement required hereunder and pay any penalty demanded hereunder within ten (10) days after the permit holder's receipt of written notice from the Police, Fire or Rescue Department. If the permit holder fails to pay assessed charges within ten (10) days of receipt of said charges, there will be an additional five dollars (\$5) per day late fee added.
7. Grace Period for New Alarm Responses: For purposes of this Section, the calendar year shall not include the first thirty (30) days following the date of installation of any alarm system installed after the effective date of this Ordinance.

Section 402, Permit Holder Response to Alarms

The permit holder or his/her designated contact person, as kept on file with the Police, Fire or Rescue Departments, shall respond to each alarm at the request of the respective department's dispatcher for the purpose of securing the premises.

**ARTICLE V**

**REGISTRATION FEES**

A registration fee of twenty dollars (\$20) shall be assessed to each permit holder annually on the anniversary of the permit holder's original application. An application update form will be sent with each registration fee invoice, requesting the permit holder to identify any changes in alarm status, contact persons or

residential ownership. The permit holder shall complete such application update form annually.

Failure of the permit holder to complete an application update form may result in the revocation of the permit. Revocation of the permit shall result only after the permit holder has (i) received notice of his/her failure to complete the annual application update form and of the penalty thereof and (ii) been given adequate time, no more than ten (10) working days, to respond to such notice.

**ARTICLE VI**

**PENALTIES**

Violation of any provisions of this Ordinance, other than those provided for in Article IV, shall be punished by a fine of not more than one hundred dollars (\$100) for each offense. Each act of violation shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this Ordinance by appropriate action.

Adopted: November 22, 1993  
Amended: November 14, 1994