

CHAPTER 4
ALARM SYSTEMS

SECTION 4-1. DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall the meanings respectively ascribed to them by this section:

Alarm Board shall mean a facility within the Communications Center located within the Public Safety Building, which is designed to receive direct signals from alarm system.

Alarm Monitoring shall mean a function of the Emergency Communications Center whereby emergency alarms will be monitored and received and police, fire, or rescue units dispatched per policy.

Alarm Subscriber shall mean the person who has primary control over the residence or commercial premises in which an alarm is installed or the person who contracts for such alarm services.

Alarm System shall mean an assembly of equipment and/or devices arranged to signal the presence of a hazard requiring urgent attention and to which police, fire & rescue and/or other emergency personnel are expected to respond.

Application for Connection shall mean a form to be completed in its entirety and submitted to the Emergency Communications Center prior to connection of an alarm within the Emergency Communications Center.

Application Fee shall mean a fee set forth in this chapter in the amount of \$100, which is to be submitted with the completed application to the Emergency Communications Center prior to initiation of any monitoring by the Emergency Communications Center.

Audible Alarm shall mean a device designed for the detection of unauthorized entry or fire on protected premises which generates an audible sound when it is activated.

Automatic Dialing Device shall mean a device which is interconnected to a telephone line and is programmed to a selected and predetermined telephone number and which transmits by pre-recorded voice message or signal the existence of a hazard requiring urgent attention and to which police, fire & rescue, or other emergency personnel are expected to respond.

Bank shall mean a financial institution which is required by Federal law or regulation to maintain an alarm system or other device for notification of criminal activity related to robbery or burglary.

Chief of Police shall mean the chief of police of the City of Winchester or his designee.

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Communications Director shall mean the individual within the Emergency Communications Center responsible for day to day operations.

Digital Decoder shall mean a device within the Emergency Communications Center that receives coded information via telephone circuits, decodes the information, and provides the Emergency Communications Center with information enabling them to dispatch emergency personnel.

Emergency Medical Services Alarm shall mean an alarm that denotes the existence of a medical emergency requiring the summons and response of emergency medical personnel.

False Alarm shall mean any communication generated by an alarm system, sent directly or indirectly to police, or fire & rescue for the purpose of securing their response when, in fact, there is no hazard requiring urgent attention from either the police and/or fire & rescue personnel. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; signals which are purposely activated to summon emergency assistance when requirement for such assistance does not exist; and signals for which the actual cause is not determined. False alarms shall not include signals activated by unusually severe weather conditions or other causes which are identified and determined by the chief of police and/or fire & rescue chief as related to their specific areas of responsibility.

Fire Alarm shall mean a signal from an alarm system denoting the existence of fire on the protected premises, or such alarm system requiring the response of emergency response personnel.

Fire and Rescue Chief shall mean the fire & rescue chief of the fire & rescue department of the City of Winchester.

Person shall mean any individual, group of persons, firm, partnership, association of any kind, company or corporation.

Protected Premises shall mean the premises upon which an alarm system has been placed for the purpose of detecting a hazard as described in this section.

Subscriber shall mean an individual and/or firm that has an alarm system monitored within the Emergency Communications Center and has complied with all provisions set forth within this chapter.

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Subscriber Monitoring Fee shall mean the assessment of \$25.00 per month/\$300.00 per year for each subscriber payable to the City of Winchester for which the Emergency Communications Center will perform the alarm monitoring function.

User shall mean any person using an alarm system regardless of whether the person owns the premises on which the alarm system is located.

(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02; Ord. No. 2011-21, 10-11-11)

State Law Reference--Code of Virginia, §15.2-911.

SECTION 4-2. AUTOMATIC DIALERS.

- (a) Dialing devices designed to automatically dial and transmit a prerecorded message or signal directly into the Emergency Communications Center may be programmed to dial a special telephone line terminating in the Emergency Communications Center, provided that the owner or lessee of such device has received approval from the chief of police, fire & rescue, or their designees, and complies with all other provisions in this section.
- (b) The owner or lessee of an automatic dialing device which is programmed to dial a special telephone line transmitting directly into the Emergency Communications Center shall pay the City an application fee of fifty dollars (\$50.00) per year to help defray administrative and operational costs of the system.
- (c) Every business or person selling or leasing any automatic dialing device which is programmed to dial a special designated telephone line transmitting directly into the Emergency Communications Center shall either:
 - (1) Provide or make available at all times repair service for such device should it malfunction, and provide the alarm user written information which will enable the alarm user to properly operate and maintain the device. Additional information shall include telephone numbers where services for such device may be obtained at all times; or
 - (2) Furnish the alarm user, if the device is to be serviced by the user, a manual or other detailed information which enables the alarm user to properly operate, service, and maintain the device together with written information, including telephone number, concerning where service may be obtained.
 - (3) Provide "hands on" training to the owner regarding how to properly operate the device.
(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02)

(Note: The effective date of this Ordinance is July 1, 2002)

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SECTION 4-3. AUTOMATIC DIALING DEVICE; RESTRICTIONS.

It shall be unlawful for any salesman, installer, or user to install or operate an automatic dialing device which is programmed to transmit a prerecorded message or coded signal directly to the Emergency E-9-1-1 telephone number, or to any other telephone line not designated by the Emergency Communications Center for this purpose.

- (a) Any person who installs, operates, or maintains an automatic dialing device which is programmed to transmit a prerecorded message or code signal directly to an E-9-1-1 telephone number, or to any other telephone line not designated by the Emergency Communications Center for this purpose shall be deemed guilty of a Class 3 misdemeanor.
- (b) Any person who possesses or controls an automatic dialing device which transmits a prerecorded message or code signal directly to an E-9-1-1 telephone number, or to any other telephone line not designated by the Emergency Communications Center for this purpose where there is no actual threatened emergency or criminal activity shall be deemed guilty of a Class 2 misdemeanor.
- (c) This section shall apply only to those automatic dialing devices interconnected to the Emergency Communications Center.
(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02)

(Note: The effective date of this Ordinance is July 1, 2002)

SECTION 4-4. AUDIBLE ALARMS; POSTING OF NOTICE.

Every person maintaining or using an audible alarm shall post a current notice containing the type of alarm, the names and telephone numbers of the persons to be notified for rendering repairs or service and securing the protected premises during any hour of the day or night when the audible alarm is activated. Such notices shall be posted near the alarm in a position so that it is legible from the ground level adjacent to the location of the audible alarm. Any violation of this section shall be a Class 4 misdemeanor.
(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02)

(Note: The effective date of this Ordinance is July 1, 2002)

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SECTION 4-5. AUDIBLE ALARM DEACTIVATION.

Any audible alarm once activated must be silenced within thirty (30) minutes, either manually or by an automatic cutoff device. Any violation of this section shall be a Class 4 misdemeanor.

(Ord. No. 031-83, 9-13-83)

SECTION 4-6. CONNECTION TO DIGITAL DECODER; REQUIREMENTS.

At the discretion of the Emergency Communications Center Supervisor any person may connect an alarm system directly to the digital decoder within the Emergency Communications Center upon the following conditions:

- (a) Conformance to procedures and guidelines promulgated by the Emergency Communications Center.
- (b) Submission of Emergency Communications Center forms to be provided of written request containing the following information:
 - (1) The name, address, and telephone number of the person making the request.
 - (2) The address and telephone number of the premises secured by the alarm system.
 - (3) The names, addresses, and telephone numbers of the person installing, the person maintaining, and the person owning the alarm system.
 - (4) The name, address, and telephone number of at least (4) persons to be contacted in the event of an alarm or alarm malfunction; and
 - (5) Monitoring fee is defined as an annual fee in the amount of \$300.00 annually, payable to the City of Winchester on or before January 1st of each year for the Emergency Communications Center to perform the alarm monitoring function.
 - (6) The time, date, and name of the person who performed “hands on” training to teach the user proper alarm use.
 - (7) Any additional relevant information required by the Chief of Police, and Chief of Fire and Rescue.
- (c) Alarm owners or lessees desiring to subscribe to the monitoring services of the Emergency Communications Center shall pay a non-refundable application fee at

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such time as the Application for Connection is submitted to the Emergency Communications Center for review. Subscribers of record will be provided with a new application upon adoption of this ordinance. Upon submittal of the new application, the application fee will be payable.

(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02; Ord. No. 2011-21, 10-11-11)

SECTION 4-7. RESPONSIBILITY OF SUBSCRIBER AFTER APPROVAL BY EMERGENCY COMMUNICATIONS CENTER.

Following approval of an alarm system connection by the Emergency Communications Center Supervisor the user shall be responsible for:

- (a) Cost of installation and hook up to the decoder.
- (b) Maintenance and testing of the alarm system.
- (c) Continuous training of all employees and other persons who may have occasion to activate the alarm system. Such training program shall emphasize the proper setting, activation, and resetting of alarms.
- (d) Execution of a written agreement absolving the City of Winchester from responsibility or obligation as to any omission or commission resulting from termination of the user's alarm system at the decoder in the Emergency Communications Center.
- (e) Acknowledgement that the subscriber or their designee is responsible to have a representative immediately respond to the alarmed premises when requested by police and/or fire & rescue personnel.
(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02)

(Note: The effective date of this Ordinance is July 1, 2002)

SECTION 4-8. FALSE ALARMS; COLLECTION AND PAYMENT OF FEES AND PENALTIES.

- (a) The owner or lessee of any alarm or automatic dialing device shall be penalized a fee of one hundred dollars (\$100.00) for each false alarm in excess of three (3) transmitted by such device in any twelve-month period which resulted in a response by police, fire, rescue, or other emergency services personnel.
- (b) The discretion as to which alarms are false shall be with the Fire & Rescue Chief or his designee with fire alarms and the Police Chief or his designee with all other

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alarms based on information provided to the Emergency Communications Center by on-scene personnel from the applicable response agency.

- (c) The City Treasurer shall administer collection of fees and penalties imposed by this chapter, based on information provided to him by the Emergency Communications Center.
(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02; Ord. No. 2011-21, 10-11-11)

SECTION 4-9. DISCONNECTION FROM DIGITAL DECODER.

Disconnection from the digital decoder may occur in the event of the occurrence of three (3) or more false alarms originating from the same user location within any ninety (90) day period or in the event that a user fails to pay any fees and penalties imposed by this chapter within thirty (30) days of billing.

Such subscriber's alarm device may have monitoring continued if prior to expiration of a period of fifteen (15) days from the date of such notice the user remits all outstanding fees and penalties and provides evidence satisfactory in the judgment of the Emergency Communications Center that corrective action to prevent additional false alarms have been taken; otherwise, the Emergency Communications Center may disconnect.
(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02; Ord. No. 2011-21, 10-11-11)

SECTION 4-10. RECONNECTION TO DIGITAL DECODER.

An alarm system which has been disconnected from the digital decoder pursuant to Section 4-9 of this chapter may at the discretion of the Emergency Communications Director, when applicable, be reinstated. A reinstatement fee of one hundred dollars (\$100.00) will be required to reinstate.
(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02; Ord. No. 2011-21, 10-11-11)

SECTION 4-11. RETROACTIVE APPLICATION TO EXISTING ALARM BOARD CONNECTIONS.

The subscriber of any alarm system connected to the Emergency Communications Center on the effective date of this ordinance shall by written communication within thirty (30) days thereof notify the Emergency Communications Center of their intention to retain the connection of their alarm system to the alarm board in accordance with the provisions of this chapter.

Any user who after thirty (30) days from the effective date of this ordinance has failed to communicate this intention to retain the services of the Emergency Communications Center shall be disconnected. (Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02)

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(Note: The effective date of this Ordinance is July 1, 2002)

SECTION 4-12. INTENTIONAL FALSE ALARMS PROHIBITED.

It shall be deemed a Class 1 misdemeanor for any person to knowingly and willfully:

- (a) Call or summon, without just cause, by telephone or other method any police, fire or rescue apparatus or personnel;
- (b) Activate any alarm system to summon police, fire or rescue apparatus, or any other emergency personnel;
- (c) Maliciously activate any manual or automatic fire alarm in any building used for public assembly or any other public use, including but not limited to schools, theaters, stores, office buildings, shopping centers and malls, coliseums and arenas, whether or not fire apparatus responds.
(Code of 1959, §16-5)(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02)

(Note: The effective date of this Ordinance is July 1, 2002)

State Law Reference--Similar provisions, Code of Virginia, §18.2-212.

SECTION 4-13. USE OF ALARM WITHOUT PERMIT.

No user shall allow any alarm system or automatic dialing device which terminates in the Emergency Communications Center located in the Public Safety Building to become operational without first obtaining written permission from the Emergency Communications Center as required by this chapter. Violation of this section is punishable as a Class 3 misdemeanor.

(Ord. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02)

(Note: The effective date of this Ordinance is July 1, 2002)

SECTION 4-14. LIMITATION OF LIABILITY.

The City of Winchester shall be under no duty or obligation to a subscriber or any other person under any provision of this chapter and shall not be held liable for actions, failure to act, or conditions including, but not limited to, any defects in an alarm system or any delays in transmission or responses to any alarm.

(Ord. No. 031-83, 9-13-83; Ord. No. 013-2002, 5/14/02)

(Note: The effective date of this Ordinance is July 1, 2002)

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SECTION 4-15. NON-APPLICABILITY.

- (a) The provisions of this chapter shall not be applicable to audible alarms affixed to automobiles, boats, boat trailers, or recreational vehicles; or to alarm systems which generate a signal limited to the premises and intended to alert only persons on the premises.
- (b) Governmental agencies or departments are exempt from fees required by this chapter.

(Ord. No. 031-83, 9-13-83)

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