

Town of Milton
115 Federal St
Milton, DE 19968



www.milton.delaware.gov
Phone: 302-684-4110
Fax: 302-684-8999

ORDINANCE NO. 2016-009

**AN ORDINANCE TO AMEND CHAPTER 167 OF THE TOWN CODE, ENTITLED
"SECURITY SYSTEMS and PROTECTIVE SERVICES," RELATED TO FALSE
ALARMS.**

WHEREAS, the Charter of the Town of Milton vests power in the Mayor and Town Council to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Mayor and Town Council of the Town of Milton have previously enacted an ordinance governing Security Systems and Protective Services, codified as Chapter 167 of the Town Code; and

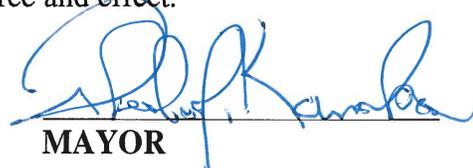
WHEREAS, the Mayor and Town Council held an open meeting on the 23rd day of January, 2017, to consider amendments to Chapter 167;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton:

Section 1. Amend title of Chapter 167 and § 167-1 through 167-9 of the Town Code, with additions shown by underline and deletions shown by strikethrough as attached:

Section 2. This Ordinance shall take effect immediately and prospectively. It shall have no effect on the need for compliance with any previously issued building permit.

I, THEODORE J. KANAKOS, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the **6th day of February, 2017**, at which a quorum was present and voting throughout and that the same is still in full force and effect.


MAYOR

Chapter 167. Security and Alarm Systems

§ 167-1. Definitions.

For the purpose of this chapter, the following definitions shall be applicable unless the context clearly indicates to the contrary:

SECURITY or ALARM SYSTEM

Includes any mechanical or electrical device used for the detection of burglars, robbery, fire or other hazard within a building, structure or facility or for alerting others to the commission of an unlawful act or hazard, or either or both, within a building, structure or facility, including all necessary equipment designed and installed for the detection of burglars, robbery, or other hazard in a single building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure or facility.

SECURITY or ALARM SYSTEM USER

Includes any person, firm, partnership, corporation, or other entity or any agent, officer, or employee thereof on whose premises a security or alarm system is maintained within the Town.

CALENDAR YEAR

The period beginning January 1 and terminating on December 31, both dates inclusive.

FALSE ALARM

Includes the activation of a security or alarm system through mechanical failure, malfunction, improper installation or because of negligence of the owner or lessee or the agent, servant, employee or business invitee of the owner or lessee, including the use of an alarm to summon police personnel for reasons other than those listed on the alarm system, but shall not include alarms which, in the opinion of the Chief of Police of the Town of Milton, are caused by electrical interruptions, floods, or other natural events.

§ 167-2 Excessive false alarms prohibited.

Security or Alarm System users shall not cause more than three alarm signals within a calendar year that elicit notification to the Milton Police Department where it is discovered that a situation requiring a response by the police does not exist and that is further defined as a "false alarm".

§ 167-3. Security or Alarm System maintenance.

Every security or alarm system user shall maintain its system in such a manner as to minimize the number of incidents of false alarms to the police.

§ 167-4. Violations and Penalties.

- A. Any security or alarm system user violating any provision of this article shall be subject to a civil penalty as set forth below for false alarms responded to by the Milton Police Department within a calendar year.

<u>Number of False Alarms</u>	<u>Civil Penalty per False Alarm</u>
<u>4 to 5</u>	<u>\$50.00 per violation</u>
<u>6 to 9</u>	<u>\$100.00 per violation</u>
<u>10 to 15</u>	<u>\$200.00 per violation</u>
<u>16 and over</u>	<u>\$250.00 per violation</u>

- B. Payment of fines shall be to the Town of Milton and addressed to 115 Federal Street Milton, DE 19968 within 30 days, after the receipt of the violation.

§ 167-5 Notice of Violation.

A notice of violation shall be sent by The Town of Milton Code Enforcement Officer to the security or alarm system user for each false alarm. The notice shall contain the number of false alarm violations by that security or alarm user for the calendar year and the corresponding civil penalty being assessed, if any. The notice of violation may be issued by mailing such notice to the security or alarm user at the address where the alarm system is located or registered.

§ 167-6 Payment.

All payments for civil penalties received under this article shall be delivered to the Town of Milton within 30 days of receipt of notice of violation

§ 167-7. Procedure to contest a violation

A security or alarm user who wishes to contest the validity of the false alarm violation under this article may contest the violation by appealing the decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal.

§ 167-8. Failure to pay civil penalty or successfully contest the violation

If the security or alarm system user fails to pay the civil penalty within 30 days from the receipt of the notice of violation, the Town of Milton may enforce the civil penalty by any means available in law or equity, including but not limited to civil action in the Justice of the Peace Court, including seeking judgement and execution on a judgement against the security or alarms system user.

§167-9 Security or Alarm system registration

A. A security or alarm system user shall not operate, or cause to be operated, a security or alarm system without first registering the system. A separate system registration is required for each system site.

B. The security or alarm system registration application form must be submitted to the Milton Police Department within 30 days after the security or alarm system at a particular site has been activated or within 30 days after a transfer in possession of the security or alarm system. Failure to submit a timely application will result in a non-registered security or alarm system. Use of a non-registered system shall consider the first false alarm in a calendar year to be the fourth violation, with the civil penalty being assessed accordingly.

C. Each security or alarm system application must include the following information:

(1) The name, complete address (including apartment/suite number) and telephone numbers of the person who will be the registration holder and responsible for the proper maintenance and operation of the system;

(2) The name and complete address of the security or alarm system site, the classification of the security or alarm system site as either residential (includes apartment, condominium, mobile home, etc.) or commercial, and the name, address and telephone number of the person responsible for that system site;

(3) For each security or alarm system located at the security or alarm system site, the classification of the system (i.e. burglary, holdup, duress, panic alarms, etc.) and for each classification whether such alarm is audible or silent;

(4) The mailing address, if different from the address of the security or alarm system site;

(5) Any dangerous or special conditions present at the security or alarm system site;

(6) The names and addresses of at least two individuals who are able to, and have agreed to:

- (a) Receive notification of a security or alarm system activation at any time and who can respond to the security or alarm system site and, upon request, gain access to the system site and deactivate the system if necessary; or,
- (b) Receive notification of a security or alarm system activation at any time and who has access to the system user for purposes of deactivating the system, if necessary.

(7) Type of business conducted at a commercial security or alarm system site;

(8) Signed certification from the security or alarm system user stating the following:

- (a) The date of installation, conversion or transfer of the system, whichever is applicable;
- (b) The name, address and telephone number of the system inspection company or companies performing the system installation; conversion or takeover of the security or alarm system installation company responsible for providing repair service to the system;
- (c) The name, address and telephone number of the monitoring company if different from the security or alarm system installation company;
- (d) That a set of written operating instructions for the security or alarm system, including written guidelines on how to avoid false alarms, has been left with the applicant by the system installation company; and,
- (e) That the security or alarm installation company has trained the applicant in proper use of the system, including instructions on how to avoid false alarms.

(9) Acknowledgment that any delay in law-enforcement authority response time may be influenced by factors including, but not limited to priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(10) Any false statement made by an applicant for the purpose of obtaining a security or alarm system registration shall be sufficient cause for refusal to issue a registration.

(11) A security or alarm system registration shall not be transferable to another person or system site. A security or alarm system user shall inform the system administrator of any change that alters any of the information listed on the system registration application within 30 days of such change.

§ 167-10. Confidentiality.

In the interest of public safety, all information contained in and gathered through the security system registration applications shall be confidential information.

