



The Mayor and Commissioners of the Town of Elkton

Ordinance 2 - 2023

BY: Mayor and Commissioners

INTRODUCTION: March 15, 2023

ADOPTION: April 5, 2023

AN ORDINANCE CONCERNING

The Code of the Town of Elkton Title 9 Chapter 9.24 ALARM DEVICES

FOR THE PURPOSE of amending the Code of the Town of Elkton, Title 9, Chapter 9.24, Alarm Devices, providing certain requirements by persons installing, operating and maintaining alarm devices within the town; providing for fees for false alarms involving the Elkton Police Department and/or a fire company; and providing for the collection of fees by the finance department.

WHEREAS, Article XI-E., Constitution of the State of Maryland; Section 4-103(b)(3), Subtitle 1, Title 4, Division II, Local Government Article, Annotated Code of Maryland; the Charter and Code of the Town of Elkton provide the authority under which the Mayor and Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

WHEREAS, the Town provides public safety and law enforcement services to the public by its police department, including police response to alarm signals from residential, commercial and institutional properties throughout the town; and

WHEREAS, fire emergency responses are provided by a fire company operating within the town in response to alarms from residential, commercial, and institutional properties; and

WHEREAS, the Mayor and Commissioners have determined that persons installing and maintaining alarms for residential, commercial and institutional properties shall comply with the provisions of the Code of the Town of Elkton regarding the maintenance of those alarms and reasonably prevent false alarms directly or indirectly affecting the Elkton Police Department and/or a fire company providing fire emergency services within the town; and

WHEREAS, the Mayor and Commissioners have further determined that when the number of false alarms exceeds a certain amount during any 12-month period, as hereinafter specified, the alarm user shall be charged a false alarm fee(s) payable to the Town, as hereinafter set forth.

NOW, THEREFORE, the Mayor and Commissioners of the Town of Elkton hereby and ordain the following:

Section 1. The Code of the Town of Elkton, Title 9, Chapter 9.24, Alarm Devices, shall be amended and shall read as follows:

The Code of the Town of Elkton
Title 9
Chapter 9.24
Alarm Devices

Sections:

- §9.24.010 Definitions
- §9.24.020 False Alarm Investigation and Report
- §9.24.030 Deactivation of Audible Alarms
- §9.24.040 Other Requirements for Alarm Users.
- §9.24.050 False Alarm Fee Collection; Disbursement of Fees.
- §9.24.060 Severability.

§9.24.010 Definitions.

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

- A. “Alarm device” - any device which when activated is intended to transmit a signal directly or indirectly to request police and/or fire services to respond on an emergency basis, inclusive of audible signals at or near the exterior of the protected premises and/or devices that transmit via telephone, cable, or by other means a request for police and/or fire services to a private or government operated central alarm station for the purpose of relaying a request for police **and/or fire** services, and/or a device which transmits a request for emergency services directly to a police and/or fire company. Alarm devices in motor vehicles are not included under this definition.
- B. “Alarm user” - any person, as defined under this Code, Title 1, Chapter 1.04, §1.04.010, upon whose premises an alarm device is installed within the town.
- C. “Chief of Police” - the Chief of Police, Elkton Police Department.
- D. “Elkton Police Department: - the police department of the Town of Elkton.
- E. “Fire Company” – Singerly Fire Company, Station 13, 300 Newark Avenue, Elkton, and/or another organization providing emergency firefighting services.
- F. “False alarm” - the activation of an alarm device or other communication equipment, including telephone, fax, or Internet which results in the response by police and/or fire company personnel to any alarm user's premises within the town where no police and/or fire emergency services are required, as determined by police and/or fire company personnel or the Chief of Police after investigation. A false alarm shall not include alarm signals which result from hurricane, gale, tornado or other weather conditions, earthquake or any major disruption of electric, telephone or other public utility failure or transient interruption. Notice to the Elkton Police Department or Cecil County 911 Center of an alarm error by an alarm user or by a private or government operated central alarm station prior to police or fire company personnel arrival on the alarm user's premises shall not be a false alarm under this definition.

§9.24.020 False Alarm Investigation and Report.

Whenever a responding police officer or fire company personnel shall determine that a false alarm has been transmitted, a written report shall be submitted by such officer and/or fire company personnel to the Chief of Police stating the name of the business, public/private institution or government, address and telephone number, together with a statement of the circumstances surrounding such alarm and the officer's and/or the fire company personnel's opinion as to the likely cause of the alarm.

§9.24.030 Deactivation of Audible Alarms.

No alarm user shall install, operate and maintain an alarm device that shall emit an uninterrupted audible signal for a period longer than fifteen (15) minutes. Police responding to an audible alarm are hereby authorized to disable an alarm device without liability for any damage to such device if the audible signal shall sound for more than fifteen (15) minutes without interruption. Any such alarm device which has a mechanism to reset the alarm shall be equipped so that successive sounding of the alarm device shall be limited to no more than three fifteen (15) minute intervals. The sounding of an alarm device for more than fifteen (15) minutes or for more than three (3) fifteen-minute intervals shall constitute a false alarm, whether or not an actual emergency on the alarm user's premises triggered the alarm device.

§9.24.040 Other Requirements for Alarm Users

- A. The alarm user's premises shall prominently display an address and/or building number and business premises name sized and illuminated by street or other lighting so as to be clearly visible from the street frontage or parking lot.
- B. Alarm devices shall be equipped with a standby power source sufficient to maintain the device in an armed state for at least eight (8) hours in the event of a primary electrical service power failure.
- C. No direct connection with the Elkton Police Department shall be permitted without written authorization from the Chief of Police.

§9.24.050 False Alarm Fee Collection; Disbursement of Fees.

- A. If the Elkton Police Department and/or the fire company responds to more than four (4) false alarms at the premises of an alarm user, that alarm user shall be charged a fee. The fee is based on the number of false alarms at the alarm user's premises during a twelve (12) month period and as follows:
 - 1. Fifth to ninth false alarm \$50.00 for each false alarm
 - 2. Tenth false alarm \$150.00 for each false alarm
 - 3. Eleventh or more false alarms \$250.00 for each false alarm
- B. The Chief of Police or a designee shall determine whether a false alarm has occurred and the frequency of such false alarms. The alarm user shall be notified by the Elkton Police Department each time that an alarm occurs at the alarm user's premises. The fire company shall make the false alarm determination, track the frequency and make notification to the alarm user for fire alarms.
- C. The Town's Finance Department shall notify alarm users of amounts owed to the Town and shall make demand for payment therefore, pursuant to the provisions of this chapter. Invoices for false alarm fees are to be paid within thirty (30) days of the invoice date and deemed delinquent if not paid. Delinquent false alarm fees shall bear interest at the rate of 1.5% per month until paid. False alarm fees for alarm users who are owners of the premises on which a false alarm occurs shall be treated in the same manner as property

taxes for enforcement of payments. Any administrative costs and/or legal fees the Town incurs in the collection of the false alarm fee(s) shall be the responsibility of the alarm user.

- D. Tenants who have installed alarm systems shall be responsible for false alarm fees. Nonpayment of fees that are ninety (90) days in arrears by tenants shall constitute a municipal infraction and any violator shall be fined the amount of the unpaid false alarm fees, including interest, plus any administrative costs and/or legal fees the Town incurs in the collection of the fees.
- E. The Town may proceed by a suit in a court of competent jurisdiction to collect said fees from an alarm user after demand for payment of outstanding false alarm(s) has not been satisfied.
- F. False alarm fees collected by the finance department shall be deposited in and accounted for in the General Fund.

§9.24.060. **Severability.**

If any section, paragraph, clause, provision or portion of this Chapter shall be adjudged invalid, unenforceable or held unconstitutional, the same shall not affect the validity of the balance of this ordinance as a whole or any part or provision other than the part held to be invalid, unenforceable or unconstitutional.

**** END OF SECTION ****

DATE OF EFFECT

THIS ORDINANCE shall be effective on the 25th day of April, 2023.

ADOPTION BY THE MAYOR AND COMMISSIONERS

Mayor and Commissioners of the Town of Elkton

Mayor Robert J. Alt
Commissioner Jean A. Broomell
Commissioner Charles H. Givens, Sr.
Commissioner Robert M. Massimiano
Commissioner Earl M. Piner, Sr.