

VILLAGE ORDINANCE 2017-34  
EXHIBIT A

**WINDSOR MUNICIPAL CODE**  
**CHAPTER 26. HEALTH, HOUSING & PUBLIC WELFARE**

Sec. 26-134 to Sec. 26-149, inclusive, are reserved for future use.

**ARTICLE IV. ALARM SYSTEM ORDINANCE is hereby created, to read as follows:**

**Sec. 26-150 Title.**

This article shall be known as the Village of Windsor's "Alarm System Ordinance."

**Sec. 26-151 Declaration of Purpose.**

(1) The purpose of this article is to provide minimum standards and regulations applicable to alarm devices and systems. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

(2) A further purpose of this article is to reduce the number of false alarms by: (a) eliminating automatic telephone alarm devices preprogrammed to telephone Village of Windsor and Dane County emergency numbers; (b) requiring permits for certain types of alarms; and, (c) imposing penalties upon the owners of alarm devices that repeatedly generate false alarms.

**Sec. 26-152 - Administrative rules and forms.**

The officer in charge (OIC) of the Windsor Police Department shall promulgate such rules and forms as the OIC deems necessary for implementation of the Alarm System Ordinance. Any such rules and forms shall be submitted to the Village Board for review and approval prior to implementation, and shall be public records available for review at the Village Municipal Building.

**Sec. 26-153 Definitions.**

Unless the context clearly requires otherwise, the following words and phrases shall have the meanings indicated:

**Alarm or alarm device or device** shall mean any device, whether mechanical, electrical or otherwise, which is designed to be activated by a criminal act, a fire or other act unauthorized by the owner of the device and which sends an audible, electronic, voice or other type of signal intended to alert law enforcement officers of the criminal act, fire or other unauthorized act.

**Console** shall mean an alarm reception console in the Police Department's communication center, whether located in DCSSO or the WPD, which console receives signals directly from Type I alarms.

**DCSSO** is the Dane County Sheriff's Office.

**False alarm** means any signal generated by an alarm device which in fact is not activated by the type of activity the device is intended to detect, or which is not due to an emergency situation. False alarms include, but are not limited to, alarms which are triggered by negligent or willful acts of employees of alarm owners. False alarm does not include alarms caused by violent weather conditions or alarm requests where the responding law enforcement officer finds evidence of a criminal offense or attempted criminal offense. Multiple false alarms within a 24-hour period may be counted as one false alarm event at the discretion of the Police Department.

**Fire Department** means the DeForest Windsor Fire & EMS Department or such other department responding to a call within the district or contracted area served by the DeForest Windsor Fire & EMS Department.

**Owner** means the owner of an alarm device, or his or her agent or employee.

**Person** means individuals, associations of individuals, firms, corporations and business entities.

**Police Department** means the Windsor Police Department (WPD) and/or the Dane County Sheriff's Office (DCSO).

**Response to alarm or responded to by law enforcement officers** means a request for law enforcement response which was communicated to the Police Department's law enforcement officers.

**Type I Alarm** means any alarm device which is linked to the console in such a manner that upon being activated alarm signals are sent directly to the console within the Police Department.

**Type II Alarm** is any alarm device which when activated sends a prerecorded message over telephone lines to the Police Department.

**Type III Alarm** is any alarm device which when activated sends a signal to agencies, persons or firms, private or public, other than the WPD or DCSO. Type III alarms which send signals to public law enforcement agencies other than the WPD or DCSO are not covered by the terms of this ordinance in any manner whatsoever.

**Type IV Alarm** is any alarm system used to alert or signal persons within the premises where the alarm is located or that sends notifications directly to the owner.

**Village** shall mean the Village of Windsor.

**WPD** is the Windsor Police Department. The Village of Windsor currently staffs the WPD with deputies from the DCSO, who serve the Village of Windsor pursuant to a contract between the Village of Windsor and Dane County.

**Sec. 26-154 ALARM DEVICES; GENERAL REGULATION.** Except as hereafter provided, no device which transmits any type of signal to the Police Department, Fire Department or to any agency of Dane County government shall be installed or maintained in existence except in accordance with the terms of this Alarm System Ordinance and any such existing device that is not in compliance shall be removed by the owner within 30 days of the effective date of this Alarm System Ordinance.

**Sec. 26-155 ALARM DEVICE REGULATION; EXCEPTIONS.** This Alarm System Ordinance is intended to regulate any alarm device which is designed to *and* does in fact, generate or result in a response from the Police Department or Fire Department. Alarm devices that generate signals to private firms or individuals that in turn call upon the Police Department or Fire Department for response shall be subject to the penalties for false alarms set forth in the Alarm System Ordinance. Persons who receive notification from an alarm device and in turn call upon the Police Department or Fire Department for response shall be subject to the penalties for false alarms set forth in the Alarm System Ordinance.

**Sec. 26-156 RESPONSIBILITY FOR ACTS OF OTHERS.** Owners of alarms shall be responsible for the acts of persons acting under their control or under their authority. Owners of commercial establishments utilizing Type I, Type III or Type IV alarms shall be responsible for the acts of their employees or others acting under their control, at their direction or with their permission. Employees, patrons, agents or tenants of an alarm owner shall be presumed to be acting at the direction of or under the control of the owner where the device is located unless the circumstances show otherwise. Owners of alarms shall be responsible for false alarm signals generated by alarm devices on their premises or under their control only if the owner, or a person presumed to be acting at the direction of or under the control of the owner, upon observing an alarm signal, conveys a request for emergency service to the Police Department or Fire Department.

**Sec. 26-157 PERMIT APPLICATIONS; APPLICATION MATERIALS CONFIDENTIAL TO THE FULL EXTENT PERMITTED BY LAW.** Applications for permits under this ordinance are confidential and shall not be released to any person by the custodian thereof, except upon court order or where redacted in a manner that protects both the owner's and the public's welfare and public safety. Although weighing public risks and benefits will be applied in response to a particular request, the Village Board finds that public safety interests generally outweigh the presumption that any such application materials and/or permits are open to the public.

**Sec. 26-158 FEE PAYMENT AND PERMIT ISSUANCE BY VILLAGE CLERK.** Permits authorized by this Alarm System Ordinance shall be issued by the Village Clerk. The Village Clerk shall be responsible for permit applications and registrations, recordkeeping and the collection of fees associated with permits.

**Sec. 26-159 TYPE I AND TYPE III ALARMS; PERMIT REQUIRED.**

- (1) Any person desiring to install a Type I or Type III alarm after January 1, 2018, shall first secure a permit from the Village. Permits shall be renewed on a calendar year basis beginning on January 1st of each year.
- (2) On or before February 1, 2018, owners of existing Type I and Type III alarms shall secure permits therefor or disable such devices.
- (3) Permits shall be subject to renewal on a calendar year basis beginning with January 1st of each calendar year or partial calendar year thereafter. Renewal fees shall not be prorated for a partial calendar year.

**SEC. 26-160 TYPE I AND TYPE III ALARMS; APPLICATIONS FOR PERMITS.**

- (1) Persons desiring to obtain a permit for a Type I or Type III alarm shall first complete an application therefor containing the following information:
  - (a) The name, complete address (including apt/suite number), mailing address if different from the address of the alarm site, and telephone numbers of the person who will be the permit holder. The permit holder shall be responsible for the proper maintenance and operation of the alarm system and the payment of all costs assessed under this ordinance.

- (b) The classification of the alarm site as either residential (includes, but is not limited to, single family dwelling, apartment, condominium, mobile home) or commercial.
  - (c) For each alarm system located at the alarm site, the classification of the alarm type (i.e. intrusion, interior motion, holdup, fire, perimeter, other); for each classification, whether such alarm is audible or silent; and any special conditions of the alarm site, and
  - (d) The nature of the business or facility which the device is intended to protect; the nature of unauthorized acts or events which the device is intended to protect against; and such additional information as may be reasonably requested by the Police Department.
- (2) Applicants for permits shall provide the names and telephone numbers of at least three individuals who are able and have agreed to:
- (a) Receive notification of an alarm system activation at any time;
  - (b) Respond to the alarm site any time to deactivate the device upon request of the Police Department;
  - (c) Upon request, grant access to the alarm site and deactivate the system if necessary; and
  - (d) Empower repair persons to conduct repairs, at the owner's sole expense, in the event of a malfunctioning alarm.
- (3) Information regarding the alarm installation/service company and/or the alarm monitoring company is also required.

**Sec. 26-161 TYPE I and TYPE III ALARMS; PERMIT DURATION AND FEES.**

- (1) Permits issued on or after January 1, shall be valid only for the calendar year in which issued. Failure to renew will be classified as use of a non-registered alarm system and may be subject to citations and penalties as provided in this chapter without waiver.
- (2) Type I alarms for which the permit has expired shall be disabled within 10 days of the expiration date so that any alarm signal which is generated by the device is not received at the console.
- (3) Type III alarms for which the permit has expired shall be disabled within 10 days of the expiration date of the permit.
- (4) There shall be no prorating of permit fees and no refunds of registration or registration renewal fees.
- (5) The fee for a permit is set by fee schedule adopted by resolution of the Village Board.
- (6) One permit shall cover all alarm devices installed at one address. Additional permits shall be required at other addresses of the permit holder.
- (7) Any outstanding fees or fines owed by an applicant must be paid before an alarm permit may be issued or renewed.
- (8) An alarm permit may not be transferred to another person or alarm site.

**Sec. 26-162 TYPE I ALARMS; TESTING REQUIREMENTS.**

- (1) Owners of Type I alarms may not conduct tests of the alarm device(s) without first obtaining the consent of the sheriff or his or her designee and then only upon full compliance with the conditions imposed by the sheriff.
- (2) The Police Department is authorized to impose conditions upon any owner desiring to conduct a test of an alarm system, including the following: that a law enforcement officer is present on the premises when the test is conducted; that authorization by the Police Department be given only to representatives of the owner specified in the application papers; that such tests be conducted at times and dates determined by the Police Department; and, such other conditions as the Police Department may reasonably require.
- (3) Any permit holder conducting more than six (6) tests of a Type I alarm at any one location in one (1) calendar year shall pay a fee of \$25.00 per test to the Village Clerk or obtain a written waiver, in advance, from the Police Department.

(4) The Police Department may with due diligence accept verbal notices of tests and authorize the same if in the opinion of the Police Department the integrity of the alarm system will not be jeopardized.

(5) For purposes of this section, "test" means only those owner-created situations where an alarm signal is actually received at the console.

(6) The provisions of this section shall in no way be considered to repeal, amend or abridge the authority of the Police Department to initiate tests from the console or otherwise, and no such departmentally authorized test shall be counted in determining the number of tests otherwise regulated by this section.

**Sec. 26-163 TYPE I and TYPE III ALARMS; INSTALLATION AFTER JANUARY 1, 2018.** All Type I and Type III alarms installed after January 1, 2018, shall be at the sole expense of the owner including, in the case of Type I alarms, the expense of connection to or modification of the console.

**Sec. 26-164 TYPE I ALARMS; NO VILLAGE OR COUNTY LIABILITY.**

(1) Neither the Village of Windsor nor Dane County assumes liability for the operation of any Type I alarm, including operation of the console, and any person owning a Type I alarm assumes the entire risk of its proper operation.

(2) Owners of Type I alarms shall be liable for the maintenance of both the console and alarm devices linked thereto, and shall indemnify, defend and hold harmless the Village of Windsor, Dane County, their officers, employees, officials and agents in the event of any action or claim brought against the Village, the County, its officers, employees, officials and/or agents, alleging any loss, expense, injury or liability of any kind suffered by any third party because of any alleged defective condition, maintenance or operation of the console or any alarm device linked thereto, and every such owner submitting an application for a permit will be deemed to have consented to the provisions of this section upon submission of the application.

**Sec. 26-165 TYPE I AND TYPE III ALARMS; FORFEITURES FOR FAILURE TO COMPLY WITH ALARM SYSTEM ORDINANCE.**

(1) Failure to Obtain Permit for New Alarm. Any person who violates section 26-159 (1) shall forfeit double the permit fee set forth in the Fee Schedule for each day that a violation exists up to a maximum of thirty (30) days of noncompliance per calendar year.

(2) Failure to Obtain Permit for Existing Alarm. Any person who violates section 26-159 (2) shall forfeit double the permit fee set forth in the Fee Schedule for each day that a violation exists beyond the thirty day transitional period specified in section 26-159(2) up to a maximum of thirty (30) days of noncompliance per calendar year.

(3) Failure to Disable Alarm After Permit Expires. Any person who fails to disable an alarm upon expiration of a permit, in the manner required by subsections 26-161 (2) and (3), shall forfeit not less than double the permit fee set forth in the Fee Schedule for each day of noncompliance up to a maximum of thirty (30) days of noncompliance per calendar year.

(4) Failure to Observe Testing Requirements. Any person who violates subsections 26-162(1) or (2) of this ordinance shall forfeit not less than double the permit fee set forth in the Fee Schedule for each violation. Each test conducted in violation of either section shall be considered a separate violation up to a maximum of thirty (30) days of noncompliance per calendar year.

(5) Payment of Forfeiture Required Prior to Issuance of Permit. All forfeitures due and under this Sec. 26-165 shall be paid in full prior to issuance of a permit.

**Sec. 26-166 TYPE IV ALARMS; NO PERMIT REQUIRED.**

Type IV alarms do not require a permit.

**Sec. 26-167 TYPE II ALARMS; PROHIBITED.**

(1) It shall be a violation for any person to install a Type II alarm after January 1, 2018.

(2) Existing installations of Type II alarms shall be deactivated or changed in such a manner that the alarm signal no longer is linked to a telephone of any department or agency, on or before February 1, 2018. Any person who violates section 26-167(2) shall forfeit double the permit fee set forth in the Fee Schedule for each day that a violation exists up to a maximum of thirty (30) days of noncompliance per calendar year.

**Sec. 26-168 ADMINISTRATIVE CHARGE FOR FALSE ALARMS; COSTS FOR PROSECUTION AND COLLECTION OF ADMINISTRATIVE CHARGE.**

(1) Generally. Each false alarm requires response of public safety personnel, involves unnecessary expense to the Village, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the Village. Such false alarms constitute a public nuisance and must be abated.

(2) Intentional False Alarm. No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.

(3) Administrative Charges Imposed for False Alarms. There shall be an administrative charge applied and paid by any person who, while having a permissible and permitted alarm system at one or more locations, signals a false alarm, as set forth herein. Separate records of false alarms shall be maintained for false alarms to the Police Department and false alarms to the Fire Department. The Village Clerk shall be responsible for billing such costs and fees. Such administrative charges shall be billed to the owner of the Property and, if unpaid for thirty (30) days or more, shall be assessed against each Property as a special charge for each false alarm made on a calendar year basis, as follows:

1. False Alarm Responded to by Police Department:
  - a. First two (2) false alarms for a location: no charge;
  - b. Third (3<sup>rd</sup>) false alarm per location: set by fee schedule adopted by resolution of Village Board;
  - c. Fourth (4<sup>th</sup>) false alarm per location: set by fee schedule adopted by resolution of Village Board;
  - d. Fifth (5<sup>th</sup>) false alarm per location: set by fee schedule adopted by resolution of Village Board;
  - e. Sixth (6<sup>th</sup>) and subsequent false alarm per location: set by fee schedule adopted by resolution of Village Board.
2. False Alarms Responded to by the Fire Department. The Fire Department shall make a monthly report to the Windsor Village Administrator of false alarm responses for all false alarms made against a Property. The Village Clerk shall be responsible for billing such costs and fees and, if unpaid for thirty (30) days or more, shall be assessed against each Property as a special charge for each false alarm made on a calendar year basis, as follows:
  - a. First two (2) false alarms per location: no charge;
  - b. Third (3<sup>rd</sup>) and subsequent false alarm per location: fee will be assessed which is the equivalent of 1.2 x the actual cost of response.

(4) Strict Liability for Payment of Administrative Charges. This Section 26-168 is intended to impose a strict liability for the administrative charge for services regardless of the cause of the false alarm. This applies to all false alarms. Failure to timely pay such administrative charge(s) in and of itself shall

constitute an additional violation of the Alarm System Ordinance, and where prosecution becomes necessary and conviction is obtained by the Village or collection efforts become necessary, said person shall not only be subject to payment of the administrative charge but also the costs of prosecution and the costs of collection, including attorney fees incurred by the Village for such prosecution and collection.

(5) Other Violations. Any person violating the Alarm System Ordinance in any manner, other than for collection of unpaid administrative charges treated in the immediately preceding subsections of Sec. 26-168, shall be subject to remedies allowable under law including prosecution and forfeiture as provided in Chapter 36 "Offenses" of this Code and the General Penalty provisions set forth in Sec. 1-15 of this Code. When any Property located in the Village is owned, leased, or occupied by two or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Alarm System Ordinance are complied with, and each person may be subject to a penalty on violation of this Alarm System Ordinance.

### **Sec. 26-169 - REVOCATION OF PERMITS.**

(1) Hearing. Before a permit issued pursuant to the Alarm System Ordinance may be revoked, a hearing shall be held before the officer in charge of the Police Department. Notice setting forth the time, place and nature of the hearing shall be sent by US mail postage paid or delivered to the permit holder at the address shown on the permit application not less than seven (7) days prior to the hearing.

(2) Grounds for Revocation. The officer in charge of the Police Department may revoke a permit on the following grounds:

1. The application for a permit contains a false statement of a material fact;
2. A permit holder has repeatedly failed to comply with the provisions of Alarm System Ordinance;
3. An alarm system repeatedly actuates false alarms.

(3) Appeals. Any permit holder may appeal the decision of the officer in charge of the Police Department by filing a written notice of appeal with the Village Clerk within ten (10) days after the Police Department's decision. Such appeal shall be heard by the Village Board within thirty (30) days after filing the appeal, unless the time for hearing is mutually extended by the parties. The Village Administrator is authorized to bind the Village with respect to any such extensions. The Village Board may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Village Board renders its decision. The Village Clerk shall give written notice of the time and place of the hearing to the appellant by US mail postage paid or personal delivery to the appellant, or to the person in charge of the premises using the standards for service of process, not less than seven (7) days before the hearing. In conducting the hearing, the Village Board shall not be limited by the technical rules of evidence. The Village Board's decision shall be final.