

Title 5 ► Chapter 4

Regulation of Private Alarm Systems

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Sec. 5-4-1 Title.

This Chapter shall be known as the Village of Elk Mound Alarm Systems Ordinance.

Sec. 5-4-2 Declaration of Purpose.

The purpose of this Chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. 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.

Sec. 5-4-3 Definitions.

Within this Chapter, the following terms, phrases and words and their derivations have the meaning given herein.

- (a) **Alarm Business.** Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) **Alarm System.** An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) **Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) **Answering Service.** A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
- (e) **Automatic Dialing Device.** An alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) **Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.
- (g) **Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
- (h) **Burglar Alarm System.** An alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) **Direct Connect.** An alarm system which has the capability of transmitting system signals to the Police or Fire Department.
- (j) **False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
- (k) **Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

- (l) **Central Station.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) **Primary Trunk Line.** A telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.
- (n) **Subscriber.** A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

Sec. 5-4-4 Administrative Rules.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Chapter. Such rules shall require the approval of the Village Board and shall be open to inspection by the public.

Sec. 5-4-5 Automatic Dialing Devices.

No person shall interconnect any automatic dialing device to a Police or Fire Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this Chapter, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police or Fire Department shall only be done person to person on the telephone line.

Sec. 5-4-6 Direct Connections to the Police Department.

Direct connections to the Police or Fire Department are prohibited, but may be authorized pursuant to the direct connection policies of each Department, a copy of which is on file with the Chief of Police and Fire Chief.

Sec. 5-4-7 Testing.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification and approval of the Police Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.

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- (b) No alarm system relayed through intermediate services to the Police Department will be tested to determine the Police Department's response without first notifying the appropriate authority. However, the Police Department may inspect or test on-site alarm systems authorized under this Chapter.
- (c) Alarm systems shall be in compliance with all pertinent response policies of the Police Department.

Sec. 5-4-8 Notification.

When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

Sec. 5-4-9 Fee for Answering Alarms.

- (a) **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 of Elk Mound. Such false alarms constitute a public nuisance and must be abated.
- (b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (c) **False Alarms; Administrative Charges.**
 - (1) Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the Village a charge for false alarms responded to by the Police or Fire Department according to the fee schedule in Section 1-3-1 for each calendar year for each location connected. Separate accounts shall be kept for false alarms as to criminal activity and false alarms for fire or other emergencies.
 - (2) This Subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture(s) which may be imposed under the next

Subsection (d) hereof for violation of this Section for allowing or maintaining condition(s) or act(s) violative of the intent of this Section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.

- (d) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Section 1-1-6 of this Code. When any premises located in the Village is owned, leased or occupied by two (2) 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 Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (e) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six (6) months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 5-4-10 Village Liability.

The Village of Elk Mound shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this Chapter, including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

Sec. 5-4-11 Permits for Private Alarm Systems.

- (a) **Permit Required.** A permit is required for each private alarm system on premises within the Village. There shall be a permit fee per Section 1-3-1.
- (b) **Interior Alarms.** A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) **Issuing Authority.** The Police Chief shall issue the permits and collect the fees.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the Police Chief. The Police Chief shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Police Chief shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.

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- (e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Police Chief shall have a right to appeal that decision to the Village Board. The procedure for this appeal shall be as set forth in Section 5-4-12.

Sec. 5-4-12 Revocation of Permits.

- (a) **Hearing.** Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Police Chief. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) days prior to the hearing.
- (b) **Grounds for Revocation.** The Police Chief may revoke a permit on the following grounds:
 - (1) The application for a permit contains a false statement of a material fact.
 - (2) A licensee has repeatedly failed to comply with the provisions of this Chapter.
 - (3) An alarm system repeatedly actuates false alarms.
- (c) **Appeals.** Any permittee may appeal the decision of the Police Chief by filing a written notice of appeal with the Police Chief within ten (10) days after the decision. Such appeal shall be heard by the Village Board within thirty (30) days after filing the appeal. 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 gives its decision. The Police Chief shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery 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.

Title 5 ► Chapter 5

Emergency Government

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Sec. 5-5-1 Policy and Purpose.

- (a) **Purpose.** To ensure that the County of Dunn will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from man-made and natural disasters, an Emergency Government Organization is created to carry out the purposes set out in Chapter 22, Wis. Stats.
- (b) **Definitions.** As used in this Chapter:
- (1) **Emergency Government** includes "civil defense" and means all measures undertaken by or on behalf of the State and its subdivisions.
 - a. To prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population.
 - b. To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.
 - (2) **Civil Defense** means all measures undertaken by or on behalf of the State and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.

Sec. 5-5-2 County Emergency Government Committee.

- (a) **How Constituted.** The Executive Committee of the County Board as created under its rules is hereby designated as the County Emergency Government Committee. When acting as such committee, the Chairman shall be its chairman.

- (b) **Duties of County Emergency Government Committee.** The County Emergency Government Committee shall be an advisory and planning group and shall advise the County Emergency Government Director/Coordinator and the County Board of Supervisors on all matters pertaining to emergency government. It shall meet upon call of the chairman.

Sec. 5-5-3 County Emergency Government Director.

- (a) **Joint Director.** There is hereby created the office of County Municipal Emergency Government Director. The County Emergency Government Director shall also hold the office of Emergency Government Director of such municipalities of Dunn County as may hereafter enact an ordinance parallel to this Chapter. In addition to his duties as County Emergency Government Director, he shall have the additional duties and responsibilities of a Municipal Emergency Director as provided for in Sec. 66.30, Wis. Stats.
- (b) **Salary, Term, Appointment and Statutory Provision.**
 - (1) **Salary.** The salary of the Director and members of his staff shall be as determined by the County Board.
 - (2) **Term.** The term of the Dunn County Emergency Government Director shall be at the pleasure of the County Board.
 - (3) **Appointment.** The Emergency Government Director shall be appointed by the Emergency Government Committee subject to approval by the County Board.
 - (4) **Statutory Provision.** The provisions of Sec. 22.16(9), Wis. Stats., relating to personnel, shall apply to the selection of the Director and his staff.
- (c) **Status.** The County Emergency Government Director shall be considered to be an employee of the County not under civil service and shall be entitled to all of the rights, privileges and benefits that County employees have. He shall report to the County Emergency Government Committee.
- (d) **Municipal Deputy Emergency Government Director.**
 - (1) Each municipality passing a joint action ordinance with the County may appoint a Deputy Emergency Government Director.
 - (2) The Municipal Deputy Emergency Government Director shall operate under the administrative direction of the County Emergency Government Director.
 - (3) Remuneration, if any, for the Deputy Municipal Emergency Government Director shall be determined and paid by the governing body of that municipality.

Sec. 5-5-4 Sharing of Costs.

- (a) **Office and Staff.** The Dunn County Board shall provide offices, office furniture, stenographic help and such office supplies as may be necessary to carry out the functions of the County Emergency Government Director.

- (b) **Major Equipment and Services.** Costs of equipment and services shall be borne one hundred percent (100%) by the municipal government requiring such procurement with federal matching procured by the County Municipal Director when applicable. Federal matching fund reimbursements shall be returned to the Treasurer for the municipality procuring the equipment or services.

Sec. 5-5-5 Joint Action Meetings.

Whenever it is deemed necessary by either the County Emergency Government Committee or the Emergency Government Committee of a municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as may arise.

Sec. 5-5-6 Duties of the County Emergency Government Director.

- (a) **County-Wide Duties.** The Director, in his capacity as County Director, subject to the control and direction of the County Emergency Government Committee, and under the general supervision of the County Board shall:
- (1) Develop and promulgate emergency government plans for the County including planning for joint action municipalities, consistent with the State plan of emergency government;
 - (2) Coordinate and assist in the development of non-joint action municipal emergency government plans within the County, and integrate such plans with the County plan;
 - (3) Direct the County and joint action municipality emergency government programs;
 - (4) Direct county-wise emergency government training programs and exercises;
 - (5) Advise the State Administrator of Emergency Government of all emergency government planning for the County and render such reports as may be required by the administrator;
 - (6) In case of a state of emergency proclaimed by the Governor, direct the County and joint action municipalities in emergency government activities and coordinate the non-joint action municipal government activities within the County, subject to the coordinating authority of the State Administrator;
 - (7) Perform such other duties relating to emergency government as may be required by the County Board.
- (b) **Municipal Duties.** The Director in his capacity as director for a municipality participating in joint action shall:
- (1) Direct the municipal emergency government organization;
 - (2) Develop, promulgate and integrate into the County plan, emergency government plans for the operating services of the municipality.

- (3) Direct participation of the municipality in such emergency government training programs and exercises as may be required on the County level or by the State Administrator;
- (4) Direct the municipal emergency government training programs and exercises;
- (5) Perform all administrative duties necessary for the rendering of reports and procurement of federal matching funds for each municipality requesting federal matching funds;
- (6) In case of a state of emergency proclaimed by the Government, direct the activities of the municipal emergency government organization;
- (7) Perform such other duties, relating to emergency government, as may be required by the municipal governing body.

Sec. 5-5-7 Utilization of Existing Services and Facilities.

- (a) **Policy.** In preparing and executing the Emergency Government Program, the services, equipment, supplies and facilities of the existing departments and agencies of the County shall be utilized to the maximum extent practicable; and the officer and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.
- (b) **Joint Action.** Municipalities entering into joint action with Dunn County will provide for utilization of existing services of municipal government.

Sec. 5-5-8 Other Emergencies.

- (a) **Joint Action Municipalities.** If the Governor determines that an emergency exists growing out of natural or man-made disasters, the County Emergency Government Director will activate and direct the emergency government services at the appropriate level of government affected by the emergency.
- (b) **Non-Joint Action Municipalities.** In the event of a natural or man-made disaster, the County Director shall coordinate the municipalities affected and render such assistance as is required and available from County resources.
- (c) **Penalties.** No person shall willfully obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this Chapter, or do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this Chapter. For a violation of any of the provisions of this Chapter, he shall be subject to a penalty as provided in Section 1-1-6.