Chapter 11

OFFENSES AND MISCELLANEOUS PROVISIONS

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ARTICLE I. IN GENERAL

Section 11-1 Massage parlor operation restricted

(a) It shall be unlawful for any establishment, regardless of whether it is a public or private facility, to operate as a massage salon, bath parlor, or any similar type business, where any physical contact with the recipient of such services is provided by a person of the opposite sex.

(b) This section shall not apply to a physician, surgeon, chiropractor, osteopath, massage therapist, or physical therapist duly licensed by the state, or to a licensed nurse acting under the direct prescription and direction of any such physician, surgeon, chiropractor or osteopath. Also, this section shall not apply to barbershops or beauty parlors in which massage is given to the scalp, the face, the neck or the shoulders. (Ord. of 10-11-77, § 1; Ord. of 2-24-94)

Section 11-2 Bazaars and Raffles[1]

Sections 7-170 through 7-186, pertaining to provisions for bazaars and raffles, of the General Statutes of Connecticut, as amended, are hereby adopted by reference and made a part of this Code as if fully set out herein. (Ord. of 8-9-88)

Sections 11-16–11-17 RESERVED

ARTICLE II. OUTDOOR EVENTS[2]

DIVISION 1 GENERALLY

Section 11-18 Purpose

It is the intention of this article to provide for the protection of the health, welfare, property, and safety of the public in general by regulating through licensing and inspection outdoor events and affairs of like nature conducted in the town. (Ord. of 8-12-80)

Section 11-19 Definitions[3]

The following definitions shall apply to the interpretation and enforcement of this article:

Intermediate special event shall mean any public gathering of more than five hundred (500) but less than one thousand five hundred (1,500) persons assembled at any one (1) time for one (1) particular event. These may include, but are not limited to, festive activities, concerts, cultural events, exhibitions, competitions, collections of shows, live entertainments sporting events, music festivals or other non-sporting events which are open to the public at large, but shall not apply to public processions, parades or marches which are conducted on public streets or highways.

License shall mean the permission in writing of the town manager issued in accordance with the provisions of this article or other applicable laws to carry on an outdoor event.

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[1] Editor's note -- Codification of a nonamendatory ordinance adopted Aug. 9, 1988, as § 11-2 was at the editor's discretion.
[2] Cross reference—Streets, sidewalks and public places, Ch. 13.
[3] Cross reference—Rules of construction and definitions generally, § 1-2.

Special event shall mean any public gathering of more than one thousand five hundred (1,500) persons assembled at any one time for one particular event. These may include, but are not limited to, festive activities, concerts, cultural events, exhibitions, competitions, collections of shows, live entertainment, sporting events, musical festivals or other non-sporting events which are open to the public at large, but shall not apply to public processions, parades or marches which are conducted on public streets or highways.

Sponsor shall mean the person or entity who executes the application of a license to conduct a special event. (Ord. of 8-12-80, § I)

Section 11-20 Hours restricted

No activity or performance regulated by this article shall be conducted before 9:00 a.m. or after 12:00 midnight. (Ord. of 8-12-80, § III (I))

Section 11-21 Ticket sales restricted

(a) Ticket sales for any special event or performance shall be made in advance of the day the event or performance is to be held. No ticket sales shall be permitted at the site's box office on the day of the event. All advertising and publication pertaining to the event or performance shall contain notice that no ticket sales will be made at the site's box office on the day of the event. No ticket sales shall occur until a license is granted.

(b) Ticket sales for intermediate size events shall be permitted at the site's box office on the day of the event. No ticket sales shall occur until a license is granted. (Ord. of 8-12-80, § III (J))

Section 11-22 Licensee's responsibility for medical services

A licensee under this article shall be responsible for providing medical and ambulance services to the extent which shall be determined necessary by the director of public health. First aid facilities must be available at the event site and the cost borne by the operator. (Ord. of 8-12-80, § III (K))

Section 11-23 Indemnification Agreement

The sponsor of an event regulated by this article shall execute an indemnification agreement on behalf of the town substantially as follows:

"The sponsors hereby represent, stipulate, contract and agree that they do jointly and severally indemnify and hold harmless the Town of Killingly against liability for any and all claims for damages to property or injury to or death of persons arising out of or the conduct of the public at and during the life of the event." (Ord. of 8-12-80, § IX)

Section 11-24 Surety

(a) The town manager may require a surety in an amount satisfactory to the town manager in addition to the minimum surety specified below which amount may depend upon the type of and size of the event proposed, the duration of the event, the expected gross receipts of the event, the availability of alcohol, the potential for damage to public property, the amount of liability insurance carried by the sponsors under which the town is a named insured, and other related factors. This surety shall be used to guarantee that upon the termination of the event the general area where the event has been conducted will be left in good condition, cleaned up and cleared of all paper, waste material, and debris within five (5) days from the termination of the event.

(b) The town manager shall require a minimum surety of one thousand dollars ($1,000.00) for a special event.

(c) The town manager shall require a minimum surety of two hundred dollars ($200.00) for an intermediate special event. (Ord. of 8-12-80, § X)

Section 11-25 Effect of article on zoning regulations[4]

This article shall not supersede any town zoning regulations which may apply to outdoor events. Such outdoor events shall only occur in those sections of the town as designated by the zoning regulations. (Ordinance of 8-12-80, § III (L))

Section 11-26 Exemptions

The provisions of this article shall not apply to:

[4] Cross reference—Zoning regulations, App. C.

(1) Those events for which the town provides a direct financial contribution or those events sponsored by the town, Borough of Danielson, state or federal government and to any continuing recreational activities in existence on the effective date of the ordinance from which this article is derived.
(2) Events open to the public at large which will assemble less than five hundred (500) persons. (Ord. of 8-12-80, § XIII)

Section 11-27 Violations and penalties

Any violation by the operator of an event regulated by this article of the provisions of this article, upon conviction in addition to the forfeiture of the license shall be subject to punishment as provided in section 1-9 of this Code. (Ord. of 8-12-80, § XI)

Sections 11-28 – 11-38 Reserved

DIVISION 2 LICENSE

Section 11-39 Required

No special event shall be held without a valid license issued pursuant to this division. (Ord. of 8-12-80, § II (A))

Section 11-40 Application; required information

(a) No license for a special or intermediate size event shall be considered or issued unless and until the sponsor desiring to conduct the event shall have made and signed a written application to the town manager for an operator's license in the form provided by the town and paid the proper fee when required not less than forty-five (45) days for a special event and fifteen (15) days for an intermediate size event prior to the first day of operation of the proposed event.
(b) The application for such a license shall contain the following information taken under oath; however, the town manager may require further clarification of information if needed:
  (1) The name, address, and telephone number of the individual or organization wishing to conduct this event; if a partnership, names of all partners; if a corporation, club or association, names of all officers.
  (2) The name, address and telephone number of the individual who will be the chairman of the event and who will be responsible for its conduct.
  (3) The name, address and telephone number of the individual or organization to whom the license is desired to be issued.
  (4) The date and time schedule when the event is to be conducted, and the hours when the event will start and terminate.
  (5) The location for which such event is to take place.
  (6) The applicant must provide evidence satisfactory to the town manager to substantiate the total estimated attendance and the suitability of the proposed site in terms of location, size, and support facilities to protect the health, welfare, property, and safety of the public and the attendees. The license, if granted, shall specify the number which shall be permitted at the site.
  (7) Plot plan of the area with its facilities and narrative demonstrating adequate plans to meet applicable town, state and other standards to provide safety for the public in regard to:
    a. Parking.
    b. Law enforcement and security: The licensee is to be responsible for providing adequate police security and for supervision of parking vehicles. Determination of the extent of the security required and the number of people required for the orderly parking of vehicles shall be made by the town manager.
    c. Drinking water.
    d. Sufficient toilet facilities, both permanent and temporary.
    e Fire prevention and protection.
    f. Refuse collection and disposal.

The provisions of this subparagraph (7) shall not apply to intermediate size events. The final inspection of the facilities and review of the plans shall be subject to a review by the town manager, fire marshal, engineer, building official, zoning official, and director of public health at least forty-eight (48) hours before the time that the licensed

activity will begin to insure that all possible steps have been taken to safeguard the public from injury, fire, panic and unhealthful conditions. (Ord. of 8-12-80, §§ II (B), III)

Section 11-41 Public Notice of Application

(a) Public notice of each application for a license required by this division, disclosing pertinent facts concerning the event, shall be provided by the town manager within seven (7) days after the application is received with the cost of such publication paid by the applicant.

(b) The town manager shall not grant nor deny the license until at least eight (8) days after such public notice is made.

(c) This section shall not apply to an intermediate size event. (Ord. of 8-12-80, § II©, (D))

Section 11-42 Fees

(a) A fee of two hundred fifty dollars ($250.00) shall be charged for the special event operator's license required by this division.

(b) A fee of twenty-five dollars ($25.00) shall be charged for the intermediate size event operator's license required by this division.

(Ord. of 8-12-80, § VI)

Section 11-43 Denial

The town manager shall act upon an application for a license for a special event within fifteen (15) days after the filing of the same and within seven (7) days for an intermediate size event. If the town manager disapproves the application of the special event, he shall mail to the applicant by certified mail within twenty (20) days after the date upon which such application was filed a notice of his action stating in general terms the reason for his denial of the license and within nine (9) days for an intermediate size event.

(Ord. of 8-12-80, § IV)

Section 11-44 Appeal from denial

(a) Any appeal to the town council from denial of a license required by this division by the town manager must be taken within five (5) days after notice of such denial.

(b) The town council shall notify the applicant by certified mail within five (5) days of its decision.

(Ord. of 8-12 80, § V)

Section 11-45 Transfer prohibited

A license issued under this division may not be transferred by the licensee to any other individual, corporation, partnership, club or association.

(Ord. of 8-12-80, § VII)

Section 11-46 Revocation

The operator's license issued under this division may be revoked by the town manager at any time during the life of such license for any violation by the operator or any violation of the Code of the town or any other applicable state or federal law. Cause shall be deemed to include, but shall not be limited to, false information in the application for a license knowingly given, and failure to show good intent to comply with the conditions under which the license has been granted.

(Ord. of 8-12-80, § VIII)

Section 11-47 Term

The site for a special event shall not be licensed for the event for more than one day, and only one special event may take place within the confines of the town within a two-day period. The site for an intermediate size event shall not be licensed for such event for more than five (5) consecutive days.

(Ord. of 8-12-80, § III (H))

Section 11-48 – 11-60 Reserved

ARTICLE III. ADULT-ORIENTED ESTABLISHMENTS[5]

Section 11-61 Findings and purpose

The town council of the Town of Killingly, Connecticut finds:

(1) Should "adult-oriented establishments" locate in the Town of Killingly, they will require special supervision from the town's public safety agencies in order to protect and preserve the health, safety and welfare of the patrons of such establishments, as well as the health, safety and welfare of the town's citizens.

(2) Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:

a. Large numbers of persons, primarily male, frequent such "adult-oriented establishments", especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called "adult" motion pictures and/or video tapes and/or live entertainment; and

b. Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such "adult-oriented establishments" for the purpose of engaging in certain sexual acts; and

c. Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms; and

d. Doors, curtains, blinds and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios, and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in sexual acts therein with prostitutes or others, thereby promoting and encouraging prostitution and the commission of sexual acts which cause blood, semen and urine to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits; and

e. The reasonable regulation and supervision of such "adult-oriented establishments" tends to discourage such sexual acts and prostitution, and thereby promotes the health, safety and welfare of the patrons, clients and customers of such establishments.

(3) The unregulated operation of adult-oriented establishments including, without limitation, those specifically cited at paragraph (1) hereof, would be detrimental to the general welfare, health and safety of the citizens of Killingly.

(4) The Constitution and laws of the State of Connecticut grant to the town powers, especially police power, to enact reasonable legislation and measures to regulate and supervise "adult-oriented establishments" as hereinafter defined in order to protect the public health, safety and welfare.

(5) It is not the intent of the council, in enacting this article, to deny to any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the council to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually-oriented films, video tapes, books and/or other materials. Further, by enacting this article, the council does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually-oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors of exhibitors of such sexually-oriented materials may have to sell, distribute or exhibit such materials. (Ord. No. 98-023, § 1, 11-10-98)

Section 11-62 Definitions

For the purpose of this article, the words and phrases used herein shall have the following meanings unless otherwise clearly indicated by the context.

Adult bookstore means an establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, sexual aids, toys or novelties, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and may in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies or live entertainment, for observation by patrons therein.

Adult entertainment means any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated

[5] Editor's note–Ord. No. 98-023, §§ 1—4, did not specifically amend the Code; hence, inclusion of its provisions as Art. III, §§ 11-61—11-64, of this chapter was at the discretion of the editor.

performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas", removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers.

Adult mini-motion picture theater means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

Adult motion picture theater means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

Adult-oriented establishment, shall include, without limitations, "adult bookstores", "adult motion picture theaters", "adult mini-motion picture theaters" and further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

Council means the Town Council of the Town of Killingly, Connecticut.

Director means the Killingly Director of Planning and Development.

Employee means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

Entertainer means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

Inspector means an employee of the Killingly Department of Planning and Development designated by the director of planning and development, and/or an employee of the Town of Killingly designated by the town manager, who shall hereby be authorized to inspect premises regulated under this article and to take the required actions authorized by this article in case of violations being found on such premises, and to require corrections of unsatisfactory conditions found on said premises.

Minor shall be deemed to refer to a person under the age of eighteen (18) years.

Operator means any person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.

Sexual activities, as used in this article, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which denote at least twenty-five (25) percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination or the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

Specified anatomical areas means:

(1) Less than completely and opaquely covered:
   a. Human genitals, pubic region;
   b. Buttocks;
   c. Female breasts below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

Specified sexual activities means:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse, or sodomy;

(3) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(Ord. No. 98-023, § 2, 11-10-98)

Section 11-63 Requirements for adult-oriented establishments

(a) No operator or employee of an adult-oriented establishment shall allow or permit any minor to loiter in any part of such establishment, including parking lots immediately adjacent to such establishment used by patrons of such adult-oriented establishment.

(b) Every adult-oriented establishment doing business in the town on or after December 1, 1998, shall be well-lighted at all times and be physically arranged in such a manner that the entire portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility intro such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures, or other types of adult-oriented entertainment.

(c) On or after December 1, 1998, the operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well-lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(d) Every act or omission by an employee constituting a violation of the provisions of this article shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(e) An operator shall be responsible for the conduct of all employees while on the license's premises, and any act or omission of any employee constituting a violation of the provisions of this article shall be deemed the act or omission of the operator for purposes of determining whether the operator shall be subject to the penalties imposed by this article.

(f) All adult-oriented establishments shall be open to inspection at all reasonable times by a Killingly inspector or such other person(s) as the town manager may designate. (Ord. No. 98-023, § 3, 11-10-98)

Section 11-64 Penalties and prosecution

(a) Any person, partnership or corporation who is found to have violated this article shall be fined a definite sum not exceeding one hundred dollars ($100.00) for each such violation.

(b) Each violation of this article shall be considered a separate offense, and any violation continuing for more than one (1) hour of time shall be considered a separate offense for each hour of violation.

(Ord. No. 98-023, † 4, 11-10-98)

Sections 11-65 through 11-69 Reserved.

Article IV REGISTRATION OF BURGLAR ALARMS

Section 11-70 Purpose

a) The purpose of this ordinance is to reduce or eliminate false alarms and improve the reliability of alarm systems by encouraging alarm users and alarm companies to properly use and maintain the operational effectiveness of alarm systems.

b) A reduction in false alarms will reallocate resources for an increased police presence in the community, thus permitting proactive law enforcement.

c) This ordinance governs alarm systems intended to summon police response, and requires registration, establishes fees, provides for fines for violations, and establishes a system of administration.

Section 11-71 Definitions

In this ordinance the following terms and phrases shall have the following meanings:

d) **Alarm** means a signal warning of danger, intrusion or a potentially harmful event.

e) **Alarm Administrator** means a person or persons designated by the Town Manager to administer, control and enforce the provisions of this ordinance.
f) **Alarm Installation Company** means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site.
g) **Alarm Dispatch Request** means a notification to the police department that an alarm, either manual or automatic, has been activated at a particular alarm site.
h) **Alarm Registration** means authorization granted by the Alarm Administrator to an alarm user to operate an alarm system.
i) **Alarm Site** means a single fixed premise or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.
j) **Alarm System** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon the police department, and including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.
k) **Alarm User** means any person occupying or having control over an alarm site who (which) has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm system which is not monitored, maintained or repaired under contract.
l) **Cancellation** means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the police department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request.
m) **Conversion** means the transaction or process by which one alarm installation company or monitoring company begins the servicing and/or monitoring of a previously unmonitored alarm system or an alarm system previously serviced and/or monitored by another alarm company.
n) **Duress Alarm** means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires police response.
o) **False Alarm** means an alarm dispatch request to the police department, when the responding police officer(s) find no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.
p) **Hearing Officer** means the Hearing Officer shall be appointed by the Town Manager, pursuant to the provisions of Section 1-10 of the Killingly Town Code, Citation for Violations of Ordinances, subsection a.
q) **Holdup Alarm** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
r) **Local Alarm System** means any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.
s) **Monitoring** means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the police department for the purpose of summoning police to the alarm site.
t) **Monitoring Company** means a person(s) in the business of providing monitoring services.
u) **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering at an arming station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235)
v) **Panic Alarm** means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring police response. Person means an individual, corporation, partnership, association, organization or similar entity.
w) **Responder** means an individual capable of reaching the alarm site within [20] minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.
x) **SIA Control Panel Standard CP-01** means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms.

y) **Takeover** means the transaction or process by which an alarm user takes over control of an existing alarm system, which was previously controlled by another alarm user.

z) **Verify** means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting police dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

aa) **Zones** means division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

Section 11-72 Registration required; application; fee; transferability; false statements

aa) No alarm user shall operate, or cause to be operated, an alarm system at any alarm site without a valid alarm registration. A separate alarm registration is required for each alarm site.

bb) The $25 fee for an alarm registration shall be paid by the alarm user. No refund of a registration fee will be made. The registration fee must be submitted to the alarm administrator within five (5) business days after the alarm system installation or alarm system takeover. The registration fee will be waived within sixty (60) days of the enactment of this ordinance for current alarm users. Alarm companies will be encouraged to distribute and collect the alarm registration form.

cc) Each alarm registration application must include all information requested by the alarm administrator, including, but not limited to:

1. the name, complete address (including apt/suite number), email address, if any, and telephone numbers of the person who shall be the registration holder and responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this section;
2. the classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) or commercial;
3. for each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarms or other) whether such alarm is audible or silent;
4. mailing address, if different from the address of the alarm site;
5. any dangerous or special conditions present at the alarm site;
6. names and telephone numbers of at least two 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 within twenty (20) minutes at any time; and
   (c) upon request can grant access to the alarm site and deactivate the alarm system if necessary;
7. type of business conducted at a commercial alarm site;
8. an acknowledgement that police response may be influenced by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

dd) An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any of the information listed on the alarm registration application within five (5) business days of such change.

ee) All fees and fines owed by an applicant must be paid before an alarm registration may be issued or renewed.

Section 11-73 Duties of the alarm user

ff) An alarm user shall:

1. maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;
2. make every reasonable effort to have a responder to the alarm system's location within twenty (20) minutes when requested by the police department in order to:
   (a) deactivate an alarm system;
   (b) provide access to the alarm site; and/or
   (c) provide alternative security for the alarm site.
3. not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

gg) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten (10) minutes after being activated.

hh) An alarm user shall have an alarm installation company inspect the alarm system after two (2) false alarms in a one (1) year period. The alarm administrator may waive a required inspection if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system. After four (4) false alarms

within a one (1) year period, the alarm user must have an alarm installation company modify the alarm system to be more false alarm resistant or provide additional user training as appropriate.

ii) An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

Section 11-74 Duties of alarm installation company and monitoring company

jj) The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

kk) Upon the effective date of this ordinance, alarm installation companies shall not program alarm systems so that they are capable of sending One Plus duress alarms. Monitoring companies may continue to report One Plus duress alarms received from alarm systems programmed with One Plus duress alarms prior to enactment of this ordinance. However, upon the effective date of this ordinance, when a takeover or conversion occurs or if an alarm user requests an alarm system inspection or modification pursuant to Section 4 of this ordinance. an alarm installation company must remove the One Plus duress alarm capability from such alarm systems.

ll) Upon the effective date of this ordinance, alarm installation companies shall not install a device to activate a holdup alarm, which is a single action, non-recessed button.

mm) Ninety (90) days after enactment of this ordinance, the alarm installation companies shall, on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

nn) After completion of the installation of an alarm system, an alarm installation company employee or representative shall review with the alarm user a Customer False Alarm Prevention Checklist approved by the alarm administrator.

oo) A monitoring company shall:

1. report alarm signals by using telephone numbers designated by the alarm administrator;
2. communicate alarm dispatch requests to the police department in a manner and form determined by the alarm administrator;
3. communicate cancellations to the police department in a manner and form determined by the alarm administrator;
4. ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm;
5. communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request;
6. communicate type of alarm activation (silent or audible, interior or perimeter);
7. after an alarm dispatch request, promptly advise the police department if the monitoring company knows that the alarm user or the responder is on the way to the alarm site;
8. attempt to contact the alarm user or responder within 24 hours via mail, fax, telephone or other electronic means when an alarm dispatch request is made; and

pp) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the alarm administrator of such purchase and provide details as may be reasonably requested by the alarm administrator.

Section 11-75 Duties and authority of the alarm administrator

qq) The alarm administrator shall:

1. designate a manner, form and telephone numbers for the communication of alarm dispatch requests; and
2. establish a procedure to accept cancellation of alarm dispatch requests.

rr) The alarm administrator shall establish a procedure to record such information on alarm dispatch requests necessary to permit the alarm administrator to maintain records, including, but not limited to, the information listed below.

1. identification of the alarm site;
2. date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator name or number;
3. date and time of police department officer arrival at the alarm site;
4. zone and zone description, if available;
5. weather conditions;
6. name of alarm user's representative at alarm site, if any;
7. identification of the responsible alarm installation company or monitoring company;

8. whether a police officer was unable to locate the address of the alarm site; and
9. cause of alarm signal, if known.

ss) The alarm administrator shall establish a procedure for the notification to the alarm user of a false alarm. The notice shall include the following information:
1. the date and time of law enforcement response to the false alarm;
2. the identification number of the responding police officer; and
3. a statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting fines.

tt) The alarm administrator may require a conference with an alarm user and the alarm installation company and/or monitoring company responsible for the repair or monitoring of the alarm system to review the circumstances of each false alarm.

uu) At the alarm administrator's discretion, an alarm user may be required to remove a holdup alarm that is a single action, non-recessed button, if a false holdup alarm has occurred.

vv) The alarm administrator will make a copy of this ordinance and/or an ordinance summary sheet available to the alarm user.

Section 11- 76 Fines

ww)An alarm user shall be subject to surcharges, depending on the number of false alarms within any calendar year based upon the following schedule:

1. False Alarm Fines per Incident

No. of False Alarms	Fines
1	$0
2	$0
3	$0
4	$50
5	$75
6	$100
7 or more	$200

xx) In addition, any person operating a non-registered alarm system will be subject to a fine of $100.00 for each false alarm in addition to any other fines. The alarm administrator will waive this additional fine for a non-registered system if the alarm user submits an application for alarm registration within ten (10) days after of notification of such violation.

yy) If cancellation occurs prior to law enforcement arriving at the scene, this is not considered a false alarm, and no fines will be assessed.

zz) Notice of the right of appeal under this ordinance will be included with any fines to be assessed.

Section 11-77 Notification

aaa) The alarm administrator or responding police officer shall notify the alarm user in writing after each false alarm. The notification shall include the fine schedule for false alarms and a description of the appeals procedure available to the alarm user.

bbb) The alarm administrator shall provide specific notice to the alarm user when a fine is imposed.

Section 11-78 Appeals

Any appeal of a fine assessed by the alarm administration shall be pursuant to the provisions of Section 1-10 of the Killingly Town Code regarding citations for violations of town ordinances.

Section 11-79 Enforcement and penalties

This ordinance shall also be enforced pursuant to the provisions of Section 1-9 and 1-10 of the Killingly Code of Ordinances relative to general penalties and citations for violations of ordinances, and all violations of this ordinance shall, in addition to any penalties set forth herein, be subject to the provisions of Section 1-9 and 1-10 for violations of citations.

Section 11-80 Confidentiality

In the interest of public safety, all information contained in and gathered through the alarm registration applications shall be for law enforcement use only and applications for appeals shall be held in confidence by all employees, representatives and agents of the Town of Killingly to the extent allowable by applicable state and federal laws.

Section 11-81 Government immunity

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of police response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 11-82 Severability

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision. (Ord. of 3-15-05)