

# City of Auburn, Maine

*"Maine's City of Opportunity"*

Office of the City Clerk



## Council Workshop Agenda Packet

October 27, 2008

This packet contains the City Council Workshop Agenda and supporting documents. The items in this packet are bookmarked in Adobe Acrobat .pdf format. You may need to click on the Bookmark tab on the left to open the Bookmark window. If you do not see a Bookmark tab on the left, you may need to select the Show/Hide Navigation Pane button in your icon toolbar above or update your version of the Adobe Reader. You can download the free Adobe Reader application at [www.adobe.com](http://www.adobe.com).



## **City Council Workshop October 27, 2008**

### **Agenda 5:30 p.m.**

**5:00 p.m. – Dinner**

**5:30 p.m. – Workshop**

- 1. Discussion: Use of City Owned Vehicles by Employees**
- 2. Discussion: Elimination of Overnight Parking Ban**
- 3. Discussion: False Alarms (Security Systems)**

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**Executive Sessions:** On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda.

The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405. Those applicable to municipal government are:

1. Discussion of personnel issues
2. Discussion or consideration of the condition, acquisition, or the use of real or personal property or economic development if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency.
3. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators.
4. Consultations between a body or agency and its attorney
5. Discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute.
6. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes
7. Consultations between municipal officers and a code enforcement officer relating to enforcement matter pending in District Court.

# City of Auburn

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City Council, Auburn, Maine

Date: September 17, 2007

**TITLE: ORDINANCE – CHAPTER 15, ARTICLE 2 – SECURITY  
SYSTEMS**

**Be It Ordained by the Auburn City Council that be added to the ordinances as attached.**

Motion for acceptance of first reading: Richard Gleason      Seconded by: Raymond Berube

Vote: 5 Yeas, No Nays

Motion for acceptance of second reading and final passage: Raymond Berube

Seconded by: Ellen Peters

Vote: 7 Yeas

Action by the City Council: Passed

Date: October 1, 2007

Attest:

City Clerk

## CHAPTER 15 ARTICLE 2 - SECURITY SYSTEMS

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### **Sec. 2.1 Definitions**

In this article, the following words and phrases shall be defined as follows:

Alarm System Means a device or system which transmits a signal intended to summon aid in a robbery, burglary, or personal hostage situation. The term alarm system does not include a system installed on a vehicle, personal safety alarm device, or a system designed to alert only the persons within a premises which does not emit a signal visible or audible outside of the premises.

Alarm Site a single premises or location served by an alarm system.

Chief the Chief of Police of the City of Auburn or his authorized representative.

False Alarm Notification an alarm notification to the Police Department when the responding personnel find no evidence of actual or attempted robbery, burglary, or personal hostage.

Local Alarm an alarm system that emits a signal at an alarm site which is audible or visible from the exterior of the alarm site.

Person includes an individual, corporation, partnership, association, or similar entity.

### **Sec. 2.2 Permit Required**

The owner or person in control of a premise commits an offense if he installs an alarm system or possesses an activated alarm system without first obtaining a permit from the Chief. A separate permit is required for each alarm site.

### **Sec. 2.3 Application; False Statements; Issuance; Transferability; Permit Fees**

(a) The application for a permit shall contain the following information:

- (1) Name, business address, home address, business telephone number, and home telephone number of the person in whose name the permit is requested;
- (2) Name, business telephone number, and home telephone number or two (2) persons who are authorized and have agreed to receive notification at any time from responding Police personnel to come to the alarm site within thirty (30) minutes after receiving such notification;
- (3) Classification of the alarm site as residential, commercial or banking institution;
- (4) Purpose of the alarm, i.e. burglary, robbery;
- (5) Any other information required by the Chief to insure compliance with all provisions of this article.

(b) The permit holder shall notify the Chief of any change in the information contained in the application within five (5) days of such change.

(c) If the application complies with all requirements of this article, the Chief shall issue a permit upon receipt of a thirty dollars (\$30.00) permit fee.

(d) Any false statement of a material nature made by an applicant for the purpose of obtaining a permit shall be grounds for denial of the issuance of the permit, or cancellation of the permit if it has been issued.

(e) A permit is not assignable or transferable to another person.

(f) A permit shall be valid for the period of January 1 through December 31<sup>st</sup> of the same year issued. However, if a permit is obtained after December 1<sup>st</sup>, the permit shall be valid through December 31<sup>st</sup> of the next calendar year. Permits expire on December 31<sup>st</sup>. After expiration, a new application must be made. Permit renewals for the next calendar year shall start on December 1 of the year of expiration. Renewals may be made on weekdays during normal business hours in person, by telephone, or by mail. A renewal fee of five dollars (\$5.00) for residential permits and ten dollars (\$10.00) for commercial permits will be charged if renewal occurs before expiration. There will be a thirty dollars (\$30.00) charge for renewals made after December 31<sup>st</sup>.

#### **Sec. 2.4 Automatic Shutoff Required**

In the event that a mechanism sounds an alarm signal for longer than fifteen (15) minutes after being activated, the Chief of Police or his designated representative is authorized to disable the alarm. All costs of the City in disabling such an alarm shall be assessed to the operator of the alarm system and shall be paid to the City of Auburn within thirty (30) days after the operator has received notice that the said costs have been assessed. Application for a permit under the provisions of this section constitutes a grant of approval by the operator of the alarm system for the City to deactivate the local alarm system under the provisions of this subsection.

#### **Sec. 2.5 Maintenance of System**

The permit holder shall maintain the alarm system in such a manner as to assure proper operation and to minimize false alarm notifications.

#### **Sec. 2.6 Reporting of Alarm Signals**

(a) A permit holder commits an offense if he allows alarm signals to be reported through a relaying intermediary that is not licensed to legally provide this service.

(b) A permit holder or other party commits an offense if they allow an alarm signal to be reported through an automatic dialing system directly to the Police Department other than through the installed alarm console.

#### **Sec. 2.7 Indirect Alarm Reporting**

A person who is engaged in the business of relaying alarm notifications to the City shall:

- (1) Send notification of an alarm to the City by an individual;
  - (2) Keep his business premises locked and secured at all times;
  - (3) Allow an inspection of his business premises by authorized agents of the Police Chief;
  - (4) Report alarms only to a telephone number, or numbers, designated by the City;
  - (5) Send alarm notifications to the City in a manner and form determined by the City;
- and
- (6) Maintain sufficient staff to insure that valid alarms are relayed immediately to the City.

#### **Sec. 2.8 Alarm Dispatch Records**

The Chief shall maintain a written record of all alarm notifications, including but not limited to the following;

- (1) Name of permit holder;
- (2) Location of alarm site;
- (3) Date and time of alarm notification;
- (4) Name of the responding Police Officer in charge of response;
- (5) Weather conditions; and
- (6) Whether the notification was a false alarm notification.

### **Sec. 2.9 Determination of False Alarm Notification**

(a) The Chief shall not consider an alarm notification to be false if he determines that the alarm was caused by:

- (1) A natural or man-made disaster;
- (2) Severe weather that causes physical damage to the premises;
- (3) Vandalism;
- (4) Telephone line outage;
- (5) Attempted entry or attempted robbery; or
- (6) Accidental activation by the occupant provided the alarm is immediately reported to the Police Department.

(b) The determination of the Chief in classifying an alarm notification as false or actual is final

### **Sec. 2.10 False Alarm Notification**

(a) The permit holder shall pay a fee \$30.00 beginning with the third and fourth false alarm notification (the first two are at no charge); an additional fee of \$50.00 will be assessed for the fifth and sixth false alarm and all subsequent false alarms will be assessed at \$100.00.

(b) The time period for alarms will be from the beginning of the permit period; and

(c) The Police Department shall, on a monthly basis, send to the permit holder, at the address stated on the application, a statement of fees due. The permit holder shall pay such fees within thirty (30) days of the date of the statement and shall be delinquent after such thirty (30) day period.

### **Sec. 2.11 Revocation of Permit**

The Chief shall revoke an alarm permit if he determines that:

- (1) There is a false statement of a material nature in the application for a permit;
- (2) The permit holder has violated any provision of this article; or
- (3) The permit holder is delinquent in payment of fees for false alarm notifications.

### **Sec. 2.12 Appeal from Denial of Issuance or Revocation of Permit**

(a) If the Chief denies the issuance of a permit, or suspends a permit, he shall send to the applicant or permit holder by certified mail, return receipt request, written notice of his action setting forth the reason for such action and advising the applicant or permit holder of the right to an appeal. The applicant or permit holder may appeal the decision of the Chief to the City Manager by filing with the City Manager's Office a written request for a hearing, setting forth his objections to the action of the Chief, within ten (10) days after receipt of the notice from the Chief. The filing of a request for an appeal hearing with the City Manager shall stay the action of the Chief in denying the issuance of or suspending a permit until a final decision on the appeal is made by the City Manager. If a request for an appeal hearing is not made within the ten (10) day limit, the action of the Chief is final.

(b) The City Manager /or designee shall preside at any administrative hearing conducted under the provisions of this section and shall consider evidence offered by any interested person. The formal rules of evidence shall not apply at such hearing. The City Manager shall render a written decision setting forth findings of fact and conclusions of law within thirty (30) days after the request for an appeal hearing is filed. Such decision shall affirm, reverse, or modify the action of the Chief, and the City Manager decision is final.

**Sec. 2.13 Violations; Penalties**

(a) A person commits an offense if he violates by commission or omission (non-registration of alarm) any provisions of this article that impose upon him a duty or responsibility. Each day or portion of a day in which the violation exists or is committed shall constitute a separate offense.

(b) Each offense is punishable by a fine in the amount of \$100.00.