

## ARTICLE 24

### Town of Belmont Alarm By-Law

#### 24.1. PREAMBLE

It is determined that the number of false alarms being made to the Police and Fire Department hinders the efficiency of those departments, lowers the morale of department personnel, constitutes a danger to the general public in the streets during responses to false alarms, and jeopardizes the response of volunteers; and that the adoption of this By-Law will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Belmont.

#### 24.2. DEFINITIONS

For the purpose of this By-Law the following definitions shall apply:

**24.2.1 Alarm Device**—Any device which when activated by a criminal act, fire or other emergency calling for Police or Fire Department response: (a) transmits a signal to the Town of Belmont's Public Safety Communications Center; (b) transmits a signal to a person who relays information to the Town of Belmont's Public Safety Communications Center; or (c) produces an audible or visible signal to which the Police or Fire Departments are likely to respond. Excluded from this definition and the scope of this By-Law are devices which are designated to alert or signal only persons within the premises in which the device is installed.

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**24.2.2 Alarm User**—The owner of any premises on which an alarm device is used; provided that an occupant who expressly accepts responsibility for an alarm device by registration pursuant to Section 24.5 shall be deemed the alarm user.

**24.2.3 Automatic Dial Alarm**—A telephone or device or attachment that mechanically or electronically selects a telephone line to Town of Belmont's Public Safety Communications Center and reproduces a prerecorded voice message to report a criminal act, fire or other emergency calling for Police or Fire Department response. Excluded from this definition are devices which relay a digital-coded signal to Town of Belmont's Public Safety Communications Center.

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**24.2.4 Contractor**—Any firm or corporation in the business of supplying and installing alarm devices or servicing the same.

**24.2.5 False Alarm**—Any activation of an alarm device to which the Police or Fire Department responds and which is not caused by a criminal act, fire or other emergency, except an activation caused by (a) malfunction of telephone company equipment or lines as verified by monitoring facilities at Town of Belmont's Public Safety Communications Center, or (b) power failure as verified by the Administrator. (c) an actual water flow or release from a fire suppression system. A series of such activations attributable to the same cause and occurring under circumstances beyond the control of the responsible alarm user shall be deemed a single false alarm.

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24.2.6 Master Box-A device either wired or wireless designed to transmit a signal to the Town of Belmont Public Safety Communications Center via municipal alarm circuits or radio receiving equipment.

24.2.7 Municipal Master Box- A Master Box owned by the Town of Belmont, Belmont Public Schools, Belmont Municipal Light Department or Facilities owned or operated by the Belmont Housing Authority.

### 24.3. ADMINISTRATOR

24.3.1 There shall be in the Town an Administrator for alarm devices who shall have the power and duties granted under this By-Law.

24.3.2 The Chief of Police or his designee shall be the Administrator under the direction and control of the Board of Selectmen which is authorized to adopt regulations for the administration of this By-Law.

### 24.4. ALARM APPEAL BOARD

24.4.1 There shall be in the Town an Alarm Appeal Board which shall have the powers and duties granted to it under this By-Law.

24.4.2 The Alarm Appeal Board shall consist of the Board of Selectmen.

### 24.5. REGISTRATION REQUIRED

24.5.1 Each alarm user shall register his alarm device or devices with the Administrator prior to use and annually as described below; provided that alarm devices in use on the effective date of this By-Law may be registered not later than sixty (60) days from such date.

### 24.6. REGISTRATION PROCEDURE

24.6.1 Alarm device registration shall be accomplished by filling out a form provided by the Administrator to include such information concerning the identity of the prospective alarm user, the identity of the alarm user's contractor, if any, and the nature of the proposed alarm device as the Administrator may require, and setting forth the terms to which a person who uses an alarm within the Town of Belmont agrees. In the case of first registrations of an alarm device or by a new alarm user, registration shall occur prior to use. Annual registration shall occur on or before June 15 of each year for the following one year period beginning July 1. The Administrator shall issue the alarm user written acknowledgment of proper registration.

24.6.2 It shall be the responsibility of each alarm user to notify the Administrator in writing of changes in registration information.

24.6.3 Initial and annual registration shall be accompanied by a fee as follows

(a) Alarm registration \$25.00

(b) Master box registration \$250.00 per master box, an additional \$250.00 for each building connected to a master box beyond the initial building

(c) Municipal Master Box registration No Fee

## 24.7. CONFIDENTIAL INFORMATION

24.7.1 All information in the possession of the Administrator, the Police Department or the Fire Department concerning particular alarm users and particular alarm devices shall be confidential and shall not be divulged without the written consent of the alarm user or users concerned.

## 24.8. AUTOMATIC DIAL ALARM — INTERCONNECTION TO TOWN OF BELMONT'S PUBLIC SAFETY COMMUNICATIONS CENTER

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24.8.1 No automatic dial alarm may be installed after the effective date of this By-Law without the prior approval of the Administrator.

24.8.2 Within six (6) months after the effective date of this By-Law, all automatic dial alarms presently in use shall be reprogrammed to dial a designated number within the Town of Belmont's Public Safety Communications Center. The automatic dial alarm shall be regulated so as not to repeat the message more than two (2) times. Service for having automatic dial alarms reprogrammed and regulated shall be at the user's expense.

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## 24.9. EXTERIOR AUDIBLE DEVICES

24.9.1 Unless required by law, no alarm device which produces an exterior audible signal shall be installed unless its operation is automatically restricted to a maximum of twenty (20) minutes. Any alarm device in use as of the effective date of this By-Law must comply with this section within one hundred eighty (180) days of such date.

24.9.2 Where an audible alarm continues beyond the maximum period or its activation is triggered repeatedly within a short time, the officer-in-charge of the Police Department may order the audible alarm to be silenced if it causes a disturbance of the peace unless the alarm user can correct the problem immediately. Reasonable efforts shall be made to notify the alarm user before taking this action.

24.9.3 The officer-in-charge and any person acting at his direction shall be ~~relieved~~ of any criminal or civil liability for reasonable acts taken to silence an audible alarm as permitted in this By-Law.

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## 24.10 DISCONTINUING ALARM RESPONSE

24.10.1 Where false alarm activations occur repeatedly at an address in the course of a day, the officer-in-charge of the Fire Department, for fire alarms. Or the officer-in-charge of the Police Department, for other alarms, may order that Police or Fire response to the location in response to alarm activations be discontinued temporarily.

When responses to alarm activations are discontinued, the Police or Fire officer-in-charge giving the order shall make reasonable efforts to inform the alarm user of this action so the alarm user may take corrective measures immediately.

24.10.2 The officer-in-charge and any person acting at his direction shall be relieved of any criminal or civil liability for discontinuing response to alarm activations when permitted by this By-Law.

24.11. REPORTING OF FALSE ALARMS

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24.11.1 The Police Department and Fire Department shall determine false alarms and report false alarms to the Administrator.

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24.12. ALARM CHARGES

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24.12.1 When the Administrator receives notice that the Police Department or Fire Department has responded to a false alarm the Administrator shall impose a charge on the responsible alarm user according to the following schedule:

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for the first false alarm within the Town's fiscal year.....	No Charge
for the second such alarm.....	\$10.00
for the third such alarm.....	\$25.00
for the fourth and subsequent such alarms.....	\$50.00

24.12.2 In addition to the provisions of Section 24.12.1, there shall be no charge for the first false alarm occurring within one month after installation of an alarm device, and such false alarms shall not be considered in determining charges in accordance with the schedule set forth in Section 24.12.1.

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24.12.3 Where the Administrator determines that the Police Department or Fire Department has responded to an unregistered alarm, the Administrator shall impose a charge of \$25.00 on the alarm user in addition to any false alarm charges that may be appropriate.

24.13. NOTIFICATION AND APPEAL

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24.13.1 False Alarm Charges

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(a) The Administrator shall notify the responsible alarm user of any false alarm charge by mail. Within thirty (30) days after mailing of such notice, the alarm user may file with the Administrator information to show that the alarm was not a false alarm within the meaning of this By-Law.

(b) The Administrator shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Within thirty (30) days after the mailing of such notice, the alarm user may file with the Alarm Appeal Board an appeal in writing.

(c) In addition, for good cause shown, the Administrator may reduce to one charge multiple charges that are due because of alarm activations occurring during a 24-hour period.

### 24.13.2 Appeal to the Alarm Appeal Board

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Upon receipt of a timely appeal from a false alarm charge, the Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user taking the appeal at his last known address at least fifteen (15) days before the hearing. On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.

### 24.13.3 Notice to Include Instructions

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Each notice of a false alarm charge or the reaffirmation of such a charge by the Administration shall refer to and provide instruction concerning the alarm user's right to further recourse by filing information with the Administrator or an appeal with the Alarm Appeal Board, as the case may be.

### 24.14 APPEAL FEES

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24.14.1 There shall be a fee of \$10.00 for each appeal to the Alarm Appeal Board.

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24.14.2 The amount of the fee for taking an appeal may be raised or lowered from time to time at the discretion of the Alarm Appeal Board.

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### 24.15. CHARGES AND FEES PAID INTO GENERAL FUND

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24.15.1 Charges for false alarms, registration fees and appeal fees will be collected by the Administrator and deposited in the general fund.

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### 24.16. TOWN ASSUMES NO RESPONSIBILITY FOR ALARM DEVICES

24.16.1 Notwithstanding the provisions of this By-Law, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities at the Town of Belmont's Public Safety Communications Center. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities, or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device. Every officer, agent or employee of the Town shall be relieved of any criminal civil liability which might arise in connection with reasonable

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¶ 24.15.1 The Administrator, Police Department and Fire Department shall, with respect to each and every false alarm, compile information concerning alarm devices and contractors and the sources of false alarms, in a form such that the information may be evaluated in terms of the relative reliability of different sorts of alarm devices and particular contractors and the frequency of false alarms attributable to different categories of sources.

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actions the officer, agent or employees may be required or permitted to take under this By-Law.

#### 24.17. PENALTY FOR CERTAIN VIOLATIONS

24.17.1 Any person who performs or causes to be performed any one of the following acts shall be subject to a fine of up to One Hundred Dollars (\$100) for each such act:

(a) intentional causing of a false alarm;

(b) failure to register an alarm device or give notice of changes in registration information as required by this ordinance; each day of such failure shall constitute a separate violation;

(c) use of automatic dial alarm or an exterior audible alarm device in violation of the provisions of this By-Law; each day of such use shall constitute a separate violation;

(d) failure to pay a charge levied by the Administrator acting under Section 24.12 within thirty (30) days after the mailing of a notice of charge unless reconsideration is sought pursuant to Section 24.12.1(a); if reconsideration is denied, failure to pay such charge within thirty (30) days of the Administrator's decision on reconsideration unless an appeal is sought pursuant to Section 24.12.1(b); and if an appeal is denied, failure to pay such charge within fifteen (15) days of the Alarm Appeal Board's mailing of its decision affirming the charge.

#### 24.18. ENFORCEMENT OF THIS BY-LAW

24.18.1 The Town, at the election of the Administrator, may institute civil or criminal proceedings to enforce the provision of this By-Law.

24.18.2 The Administrator may order that response to alarm activations at a location be discontinued when: (a) an alarm user fails after notice to register an alarm device and fails to appear in response to criminal or civil action taken against the alarm user, (b) an alarm user fails to pay a charge or charges due and fails to appear in response to civil or criminal action taken against the alarm user or (c) the alarm user repeatedly fails, after notice from the alarm Administrator, to correct defects in the alarm device or mistakes made in the use of an alarm device and the Administrator determines that the purpose of this By-Law as set forth in the Preamble will be best served by discontinuing response.

24.18.3 The Administrator may order that a Master Box be disconnected from the Town's municipal wires or removed from receiving equipment when: (a) an alarm user fails after notice to register an alarm device and fails to appear in response to criminal or civil action taken against the alarm user, (b) an alarm user fails to pay a charge or

Deleted: Paragraph (d) inserted at April 22, 1985, Annual Town Meeting. Approved by Attorney General Francis X. Bellotti on July 31, 1985.

charges due and fails to appear in response to civil or criminal action taken against the alarm user or (c) the alarm user repeatedly fails, after notice from the alarm Administrator, to correct defects in the alarm device or mistakes made in the use of an alarm device (d) where the alarm users Master Box or equipment causes interference with other users and the Administrator determines that the purpose of this By-Law as set forth in the Preamble will be best served by disconnecting the Master Box.

24.18.4 The Administrator shall take reasonable steps to inform the alarm user in advance that responses will be discontinued or **the Master Box** disconnected and the actions that the alarm user must take in order to prevent alarm response from being discontinued or the Master Box from being disconnected.

#### 24.19. EXCEPTIONS

24.19.1 The provisions of this By-Law shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

#### 24.20 SEVERABILITY

24.20.1 The invalidity of any part or parts of this By-Law shall not affect the validity of the remaining parts.

**Deleted:** Section 24.18.1 amended at April 22, 1985, Annual Town Meeting. Approved by Attorney General Francis X. Bellotti on July 31, 1985.