

The Code of the Town of Stoneham, Massachusetts (3/2011)

Chapter 5A Stoneham Alarm Bylaw

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Sec. 5A-1. Preamble.

The purpose of this bylaw is to reduce the number of false alarms and to promote the responsible use of alarm devices in the Town of Stoneham. (5-7-90, Art. 17)

Sec. 5A-2. Definitions.

For the purpose of this bylaw, the following definitions shall apply:

(a) *Alarm Device* - Any device which when activated, calls for a police or fire response and (1) transmits a signal to police or fire headquarters, (2) transmits a signal to a person who relays information to police or the fire department or (3) produces an audible or visible signal to which the police or fire department are expected to respond. Excluded from this definition and the scope of this bylaw are devices which are designated to alert or signal only persons within the premises in which the device is installed and devices which are activated by the release of water from a sprinkler system. (10-26-98, Art. 27)

(b) *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 5 shall be deemed the alarm user.

(c) *Automatic Dial Alarm* - A telephone device or attachment that mechanically or electronically selects a telephone line to police or fire department and produces at the police or fire station a prerecorded voice message reporting a criminal act, fire or other emergency calling for police or fire response. (10-26-98, Art. 27)

(d) *Contractor* - Any individual, firm or corporation in the business of supplying and installing alarm devices or servicing the same.

(e) *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 (1) malfunction of telephone company equipment or lines as verified by monitoring facilities at police or fire headquarters, or as verified by the Administrator (2) power failure as verified by the Administrator. (10-26-98, Art. 27)

Sec. 5A-3. Administrator.

There shall be in the town, administrators for alarm devices who shall have the powers and duties granted under this bylaw. The Chief of Police or his designee and Fire Chief or his designee shall be the Administrator under the direction and control of the Town Administrator. (10-26-98, Art. 27)

Sec. 5A-4. Regulations.

The Board of Selectmen is authorized to adopt regulations for the administration of this bylaw. (5-7-90, Art. 17)

Sec. 5A-5. Alarm Appeal Board.

There shall be an Alarm Appeal Board appointed by the Board of Selectmen which shall consist of the Town Administrator or his designee, and two residents of the Town of Stoneham. (10-26-98, Art. 27) (10-18-07, Art. 7)

Sec. 5A-6. Registration required.

Each alarm user shall register his alarm device with the administrator prior to use; provided that alarm devices in use as of the effective date of this bylaw may be registered no later than sixty (60) days from such date. (5-7-90, Art. 17)

Sec. 5A-7. Registration procedure.

Alarm device registration shall be accomplished by filling out a form provided by the appropriate 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 administrators may require. The Administrators shall issue the alarm user written acknowledgment of proper registration. Every alarm user shall submit to the appropriate Administrator the names and telephone numbers of a sufficient number of persons who can be reached at any time, day or night, who are authorized to reset, repair or otherwise respond to an emergency signal transmitted by an alarm device. It shall be the user's responsibility to keep this list current at all times. (10-26-98, Art. 27)

Sec. 5A-8. Confidential information.

All information in the possession of the Administrators and the Police or Fire Department concerning particular alarm users and particular alarm devices, shall, to the extent permissible under State law, be confidential and shall not be divulged without the written consent of the alarm user or users concerned. (10-26-98, Art. 27)

Sec. 5A-9. Automatic dial alarms.

An automatic dial alarm system shall not be allowed to be connected to the Town of Stoneham Police Department or Fire Department. (10-26-98, Art. 27)

Sec. 5A-10. Exterior audible devices.

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 fifteen (15) minutes.

Any alarm device in use as of the effective date of this bylaw must comply with this section within one hundred twenty (120) days of such date. (5-7-90, Art. 17)

Sec. 5A-11. False alarm charges.

When the Police Department or Fire Department has responded to a false alarm, the appropriate Administrator shall impose a charge on the responsible alarm user according to the below referenced schedule. In instances where both the Police and Fire Departments respond to a false alarm, the Administrator shall be the Fire Chief. (10-26-98, Art. 27)

A. First false alarm within one calendar year NO CHARGE

B. Second false alarm within one calendar year \$ 50.00

C. Third (3rd) false alarm within one calendar year \$100.00

D. Fourth (4th) false alarm within one calendar year \$150.00

E. Fifth (5th) false alarm within one calendar year \$200.00

F. Each additional false alarm after the fifth within one calendar year - increment increase(s) above \$200 of 50.00

G. Any intentional false alarm \$500.00

H. Failure to register an alarm device \$100.00

I. Use of automatic dial alarm or an exterior audible alarm device in violation of the provisions of this bylaw \$150.00

(10-18-07, Art.7)

There shall be no charge for the first false alarm occurring within one (1) month after installation of an alarm device, and such false alarm shall not be considered in determining charges in accordance with the schedule set forth herein. (5-7-90, Art. 17)

Sec. 5A-12. Notification and appeal.

The administrator shall notify the responsible alarm user of any false alarm charge by mail within forty-five (45) days. After the 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 bylaw. The Administrator shall, within forty-five (45) days 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 mailing of such notice, the alarm user may file a written appeal with the Alarm Appeal Board. (5-7-90, Art. 17) (10-18-07, Art. 7)

Sec 5A-13. Appeal to the Alarm Appeal Board.

Upon receipt of a timely appeal from a false alarm charge, the Alarm Appeal Board shall hold a hearing to consider same and mail notice of the time and place of said hearing to the alarm user making 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 Alarm Appeal 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. (5-7-90, Art. 17)

Each notice of a false alarm charge or the reaffirmation of such a charge by the Administrator shall refer to and provide instructions concerning the alarm user's rights to further recourse by filing information with the administrator(s) or an appeal to the Alarm Appeal Board as the case may be. (5-7-90, Art. 17)

Sec. 5A-14. Refusal or failure to pay charge.

Refusal or failure to pay a charge properly levied shall result in prosecution of the violation in the local district court. The penalty not to exceed three hundred (\$300.00) for each offense. In the alternative, a non-criminal disposition penalty of fifty dollars (\$50.00) for each offense may be imposed pursuant to Section 1-4A of these bylaws. The additional enforcing persons shall be the Fire Chief or the Fire Chief's designee. Each day a violation continues shall constitute a separate offense. (10-26-98, Art. 27) (10-18-07, Art. 7)

Sec. 5A-15. Charges and fees paid into General Fund.

Charges for false alarms and appeal fees will be collected by the Administrators and deposited into the General Fund of the Town. (5-7-90, Art. 17)

Sec. 5A-16. Responsibility of the Town.

Notwithstanding the provisions of this bylaw, 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 police or fire headquarters. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities, or for the 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. (10-26-98, Art. 27)

Sec. 5A-17. Enforcement of this bylaw.

The Town may institute civil or criminal proceedings to enforce the provisions of this bylaw. In the alternative, a non-criminal disposition penalty of fifty dollars (\$50.00) for each offense may be imposed pursuant to Section 1-4A of these by laws. The additional enforcing persons shall be the Fire Chief or the Fire Chief's designee. (10-26-98, Art. 27) (10-18-07, Art. 7)

Sec. 5A-18. Exceptions.

The provisions of this bylaw shall not apply to alarm devices on premises owned or controlled by the Town, not to alarm devices installed in a motor vehicle or trailer. (5-7-90, Art. 17)

Sec. 5A-19. Severability.

The invalidity of any part or parts of this bylaw shall not affect the validity or enforceability of the remaining portion of the bylaw. (5-7-90, Art. 17)