

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 Select Board 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 Select Board 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 (10-18-07, Art.7)	150.00

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)

Sec. 5A-20. Fire details.

Before undertaking 1) blasting, 2) demolition of buildings, 3) welding operations, or 4) groups of people more than 500 in places of assembly, within public or private property, the person responsible for such work or gathering, or in the absence thereof, the owner of the property, shall review such with the Chief of the Fire Department, or his designee, to determine whether or not such work will disrupt residents or pedestrians in the form of dust, fire, or explosion or cause other safety hazards to said persons. If the Fire Chief, or his designee, determines that such work or gathering will cause harm or effect the safety of residents, pedestrians, or participants, the person responsible and property owner shall observe the safety precautions ordered by the Chief of the Fire Department, including the hiring of Stoneham Fire Personnel, under the existing provision for paid fire details to protect residents, pedestrians, or participants from any dust, fire, explosion or other safety hazards that are connected to any such work or gathering. (4-03-01, Art. 18)

Sec. 5A-21. Lock boxes on certain buildings.

Any multi-family with a common area(s), commercial, or educational building whether new or existing that is erected or remodeled or contains or will contain a fire alarm system or sprinkler system of any kind, shall provide a lock box compatible with Stoneham Fire Department requirements. Said lock box shall be installed and located on the front of said building as prescribed by the Fire Chief, or his designee. The lock box shall be used to house all keys to the common area(s) of the building and only Stoneham Fire Rescue Officers shall have the key to the box. (4-03-01, Art. 19)

Sec. 5A-22. Master-connected Fire Alarm systems.

Any multi-family with the minimum number of dwelling units as established by regulation of the Stoneham Fire Department, commercial, or educational building whether new or existing that is erected or substantially altered containing greater than 5,000 square feet of floor area shall be master-connected to the Town of Stoneham's Fire Alarm System at the discretion of the Fire Chief or his designee. The system shall be approved by the Fire Chief, or his designee, and shall be compatible with the Town of Stoneham's Fire Alarm system in existence at the time of application, as determined by the Fire Chief, or his designee. (4-03-01, Art. 20) (5-5-08, Art. 16)

Sec. 5A-23. Permit fees for the Stoneham Fire Department.

Oil burner installations	\$20.00
Propane installation and storage	\$20.00
Flammable liquid and combustible storage	\$20.00
Gunpowder and ammunitions storage	\$20.00
Fireworks display	\$50.00 plus detail firefighter(s)
Blasting	\$50.00 plus detail firefighter(s)
Carnivals permit	\$100.00 plus detail firefighter(s)
Tank truck inspections	\$50.00 for 2 years
Tank removal	\$50.00 per tank
Tank installation	\$50.00 per tank
Smoke detector inspections	
Single family	\$20.00
Two family	\$40.00
3-5 family	\$20.00 per unit
6-25 units	\$50.00 plus \$10.00 per unit
Over 25 units	\$125.00 plus \$10.00 per unit
Annual fee for connecting to municipal fire alarm system	\$200.00

Demolition	\$50.00 plus detail firefighter(s)
Welding and cutting	\$50.00 plus detail firefighter(s)
Tentage	\$20.00
Model rockets	\$20.00
Moving a building through Town of Stoneham involving moving of fire alarm wiring	entire cost of fire alarm labor and materials
Tar kettle	\$20.00
Supervised firing of cannon	\$20.00
Salamanders	\$20.00
Testing of sprinkler and standpipe systems	\$150.00
Plan review for commercial property	
Fire alarm systems	\$50.00
Fire sprinkler systems	\$50.00
Quarterly inspections including Hotel, motel, nursing homes, clinics	\$25.00
(4-03-01, Art. 21)	

State law reference—Interference with police signal systems, G.L. c. 268, sec. 32.

Sec. 5A-24. Fire details on closed roadways and roadways under construction.

- (a) *Purpose* - The purpose of this section is to preserve the ability of the fire department of the Town of Stoneham to provide emergency services in all parts of the town during such times as roadway construction is underway. Delayed or impeded emergency access as a result of roadway construction may impact the lives, safety and well-being of the residents of the Town of Stoneham.
- (b) *Fire Details* - Before the commencement of any large scale construction projects on a public way or private way to which the public has a right of access, that will close such way or restrict, limit or interfere with the fire department's access on any way, the person or entity that is responsible for the construction shall be required to hire, at their sole cost and expense, a fire detail of sufficient capability in the judgment of the Fire Chief or his designee, to ensure adequate fire protection in and along the way or properties that may have impeded emergency access as a result of roadway construction. The Fire Chief or his designee shall have the discretion to waive this requirement in his or her sole discretion when there is appropriate safeguards in place to maintain emergency access during roadway construction. For the purposes hereof, roadway construction is defined as any work performed on a public way or private way to which the public has a right of access including street grinding and paving, street openings for utility repairs, utility installation, utility removal, excavating, jack and bore, rock hammering, rock splitting

and blasting, or any other similar work. For the purposes hereof, person is defined as any individual, corporation, company, trust, partnership, association or other form of entity.