

**SECTION 1. PURPOSE**

It is determined that the number of false alarms being made to the Police and Fire Departments 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 bylaw will reduce the number of false alarms and promote responsible use of alarm devices in the Town of Berkley.

**SECTION 2. DEFINITIONS**

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

(a). *"Alarm System"* means: an assembly of equipment and devices such as a solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police and/or fire fighters are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted break at a premises are included.

(b). *"False Alarm"* means:

1. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents.

2. Any signal or oral communication transmitted to the Police or Fire Department requesting or requiring or resulting in a response on the part of the Police or Fire Department when in fact there has been no unauthorized intrusion, robbery, burglary, attempted threat, or fire or threat of fire, illness, injury or threat of life.

3. For the purpose of this definition, activation of alarm systems for the purposes of testing with prior approval of the Police or Fire Departments, or while there is an on-duty police officer or fire fighter, by acts of vandals, by acts of God, including but not limited to, power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbance shall not be deemed to be a false alarm.

(c). *"User"* means: the occupant of the premises containing the alarm systems.

(d). *"Contractor"* means: any firm or corporation in the business of supplying and installing alarm devices or serving the same.

**SECTION 3. ADMINISTRATOR**

There shall be in the Town an Administrator for alarm devices who shall have the powers and duties granted under this bylaw.

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 bylaw.

**SECTION 4. ALARM APPEAL BOARD**

There shall be in Town an Alarm Appeal Board which shall have the powers and duties granted under this bylaw. The Alarm Appeal Board shall consist of the Board of Selectmen.

**SECTION 5. REGISTRATION REQUIRED**

Each alarm user shall register his alarm device or devices 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.

**SECTION 6. CONFIDENTIAL INFORMATION**

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.

## **SECTION 7. CONTROL AND CURTAILMENT OF SIGNALS EMITTED BY ALARM SYSTEMS**

(a) Every user shall submit to the Police and/or Fire Chief the user's name, address, daytime and nighttime telephone numbers and the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the Police and/or Fire Department, to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed.

(b) All alarm systems installed after the effective date of this bylaw which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within ten (10) minutes after activation of the alarm system. All existing alarm systems must have a shutoff device installed within six (6) months of passage of this bylaw.

(c) Any alarm system emitting a continuous and uninterrupted signal for more than ten (10) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (a) of this section and which disturb the peace, comfort or repose of a community, a neighborhood, or a considerable number of inhabitants of an area where the alarm system is located, shall constitute a public nuisance.

(d) No alarm system which is designated to transmit emergency messages or signals of intrusion to the Police Department will be tested until the Police Dispatcher has been notified.

## **SECTION 8. PENALTIES**

Upon receipt of three (3) or more false alarms within a calendar year or for failure to pay the false alarm charge for said notice.

1. The user shall be assessed twenty-five (\$25.00) dollars as a false alarm service fee for each false alarm in excess of three (3) occurring within a calendar year. The user shall submit payment to the Town Treasurer within fifteen (15) days of such notice.
2. The Police or Fire Chief may in writing order the user:
  - a. To discontinue the use of the alarm.

## **SECTION 9. NOTIFICATION AND APPEAL**

### **a. *False Alarm Charges***

1. The Administrator shall notify the responsible alarm user of any false alarm charge by mail or by service in hand by a police officer. Within thirty (30) days after the mailing of such notice, the alarm user may file with the Administrator information to show the false alarm was not a false alarm within the meaning of this bylaw.

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

### **b. *Appeal to the Alarm Appeal Board.***

1. 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 fourteen (14) 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.

### **c. *Notice to include instructions.***

1. Each notice of a false alarm charge or the reaffirmation of such a charge shall refer to and provide instructions 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.

**SECTION 10. APPEAL FEES**

- a. There shall be a fee of ten (\$10.00) dollars for each appeal to the Alarm Appeal Board.
- b. 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.

**SECTION 11. CHARGES AND FEES PAID INTO THE GENERAL FUND**

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

**SECTION 12. TOWN ASSUMES NO RESPONSIBILITY FOR DEVICES**

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 the Police and Fire Departments. No liability whatsoever is assumed for the failure of such alarm devices or for monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with 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.

**SECTION 13. PENALTY FOR CERTAIN VIOLATIONS**

Any person who performs or causes to be performed any of the following acts shall be subject to a fine of up to One Hundred (\$100.00) dollars for each such act:

- (a) Intentional causing of a false alarm, in accordance with Massachusetts General Laws
- (b) Whoever fails to comply with Section 5 paragraph (a) or Section 7 paragraphs (a), (b), (c) or (d) shall constitute violations of this bylaw.

**SECTION 14. ENFORCEMENT OF THIS BYLAW**

The Town, upon authorization by the Administrator may institute civil proceedings to enforce the provisions of this bylaw.

**SECTION 15. EXCEPTIONS**

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

**SECTION 16. SEVERABILITY**

The invalidity of any part of this bylaw shall not affect the validity of the remaining parts or in any way act thereon.