

ARTICLE 30

ALARM BY-LAW

SECTION 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 the by-laws will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Grafton.

SECTION 2. Definitions. For the purpose of this By-Law the following definitions shall apply:

"Alarm System" means an assembly of equipment and devices or a single device 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 alarms 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.

"False Alarm" means:

- a. 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.
- b. 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.
- c. For purpose of this definition, activation of alarm systems by acts of vandals, by act 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.

"User" means the occupant of the premises containing the alarm systems.

"Contractor" means any firm or corporation in the business of supplying and installing alarm devices or serving the same.

SECTION 3. Administrator

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

SECTION 4. Alarm Appeal Board

- a. There shall be in the Town an Alarm Appeal Board which shall have the powers and duties granted top it under this By-Law.
- b. 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 By-Law 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 names and telephone numbers of at least two other persons who are authorized to respond 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 By-Law 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.

SECTION 8. Penalties, or violation of Section 7.

Upon receipt of three or more false alarms within a calendar year. (T.M. 10/20/03)

- a. The Police or Fire chief may in writing order the user:
 1. To discontinue the use of the alarm
 2. May disconnect any direct connections to the Police or Fire Department
 3. May order that further connections to the communications console in the Police or Fire Station will be contingent upon the user equipping any alarm system with a device that will shut off any audible horn or bell within ten (10) minutes after activation of the alarm system.
- b. The user shall be assessed a false alarm service fee for each false alarm in excess of three occurring within a calendar year. The fee schedule shall be: 4th occurrence - \$25.00; 5th occurrence - \$50.00; each subsequent occurrence - \$100.00. All fees assessed hereunder shall be paid to the Town Treasurer for deposit in the general fund. (T.M.10/20/03)

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. Within thirty (30) 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 By-Law.
2. 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.

b. 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 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.

c. Notice to Include Instructions

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 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 \$10.00 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 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 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 Police and Fire headquarters. 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 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.

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 for each such act:

- a. Intentional causing of a false alarm - \$100.00.
- b. Failure to register an alarm device or give notice of changes in registration information as required by this By-Law; each day of such failure shall constitute a separate violation subject to a fine of \$25.00.

SECTION 14. Enforcement of this By-Law. The Town, upon authorization by the Administrator may institute civil proceedings to enforce the provisions of this By-Law.

SECTION 15. Exceptions. 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.

SECTION 16. Severability. The invalidity of any part or parts of this By-Law shall not affect the validity of the remaining parts or in any way act thereon. (T.M. 5/22/92)