

## ARTICLE XIV: REGISTRATION AND ENFORCEMENT OF ALARM SYSTEMS

### *Section 1: Definitions*

- A. Alarm Company is a person or business that sells, provides, monitors, maintains, services, repairs, alters, replaces, moves or installs an alarm system. This includes an individual or business that installs an alarm system for their private or proprietary facilities.
- B. Alarm Officer is a designee of the Police Department or Fire Department responsible for administration of the alarm program. The Alarm Officer is charged with the responsibility of reviewing alarm activations, service fee billing, reporting on problematic alarm systems and serving as a resource to the community.
- C. Alarm System is a device or series of devices that emit or transmit a remote or local audible, visual or electronic signal indicating an alarm has been activated and is intended or is likely to result in the summoning of police services or fire services. This does not include an alarm installed in a vehicle unless the vehicle is permanently located at the site.
- D. Alarm User is any homeowner, renter, lessee, or other resident and any renter, lessee, or owner of a business or other establishment or building (other than a government facility) who is primarily responsible for an alarm system and/or an activation of the alarm system.
- E. Alarm Verification is an alarm that has been independently verified by a third party other than the Police Department or Fire Department confirming that the alarm was activated as the result of a crime or incident requiring the police to investigate.
- F. Automatic Voice Dialer is any electronic, mechanical or other device that, when activated, automatically contacts the Police Department or Fire Department by telephone, radio or other means requesting police services through a prerecorded message or other automated system.
- G. Cancellation is the notification of the Police Department by the person, who initially requests police response to a non-High Risk Alarm activation, that the situation does not require a police response.
- H. Contact Person is one or more individuals, or a private business, that can respond to the alarm location to assist police and fire services to thoroughly inspect the property, secure unlocked doors and windows, deactivate or reset an alarm, and/or take responsibility for protected property.

- I. False Burglar Alarm is any alarm where a responding officer(s), having completed a timely investigation of the alarm site, finds no reasonable evidence of a criminal offense. False alarms include avoidable alarms whereby the alarm activation caused by non-criminal behavior could have been avoided with simple preventative measures.
- J. False Fire Alarm is any alarm where responding firefighters, having completed a timely investigation of the alarm site, find no reasonable evidence of a fire. False alarms include avoidable alarms whereby the alarm activation caused by non-fire behavior could have been avoided with simple preventative measures.
- K. Fire Alarm Malfunction(s) include operation of a faulty smoke or heat detection device, a faulty control panel or associated equipment, a water pressure surge in automatic sprinkler equipment, accidental operations of an automatic sprinkler system, an action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant, causing accidental activation of the internal fire alarm.
- L. High Risk Alarms include panic, duress, silent, robbery, hold-up and/or any similarly labeled alarm that suggests the alarm has been manually activated and a crime is in progress or there is some other life threatening event. High Risk Alarms also include commercial establishments such as gas stations, banks, jewelry stores and/or businesses with cash or valuables commonly victimized by robbery or commercial thefts.
- M. Nuisance Alarm is any alarm that activates repeatedly and/or unnecessarily within the same 24-hour period, emits an outside audible that does not reset after 10 minutes, emits an outside audible that sounds more than twice from the same activation, and/or when the Chief of Police or Fire Chief, or a designee, determines the alarm is a nuisance due to a violation(s) of these rules and regulations.
- N. Malicious False Alarm is any intentional activation of a fire alarm system not resulting from an actual fire or emergency.

## **Section 2: Automatic Voice Dialers Prohibited**

Alarm Users shall be prohibited from using, and Alarm Companies shall be prohibited from installing, automatic voice dialers.

## **Section 3: Alarm Registration**

- A. Alarm Systems in the Town of Swampscott shall be registered with the appropriate department(s) annually between January 1 and January 15. Any subsequent changes to the registration information shall be reported promptly.

B. Required Information:

1. The address and telephone number of the alarmed property;
2. The resident's name or business name at the alarmed property;
3. If different, the name, address and telephone number of the person(s) or business responsible for any alarm activation; and
4. The name(s) of a Contact Person(s), able to respond to secure the property or prevent additional False Alarms.

C. The Alarm User shall be responsible for ensuring that an Alarm System that is under their control and located within Swampscott is registered with the appropriate department(s).

D. An Alarm Company that monitors an Alarm System located in Swampscott with the purpose of reporting alarm activations to the Police Department or Fire Department may register that alarm on behalf of an Alarm User. If registering ten (10) or more Alarm Systems, the list shall be provided in alphabetical order by name. The Alarm Company shall notify the appropriate department of any new or removed Alarm Systems or when there has been a change to the required registration information.

An Alarm Company shall ensure that each Alarm System monitored by them is properly registered. Without confirmation that an Alarm System is properly registered, Alarm Verification shall be required prior to reporting the alarm activation to the Swampscott Police Department or Fire Department.

E. An Alarm System that is not monitored by an Alarm Company that produces a local audible, visual or electronic signal indicating an alarm has been activated and is intended or is likely to result in the summoning of police or fire services shall be required to be registered by the Alarm User.

F. Alarm Registration Fee. The annual fee for registering an alarm is \$10 for residential alarms and \$25 for commercial alarms.

G. No Registration Required if the residence or business has no local audible, visual or electronic signal that alerts a neighbor or passing person that an alarm has been activated and for other types of alarms where the Alarm User or Alarm Company provides Alarm Verification. In these instances, no False Alarm will be reported to the Police Department or Fire Department.

**Section 4: Duties of the Alarm User**

A. An Alarm User shall:

1. Ensure that the alarm is properly registered.
2. Ensure that the Alarm System is properly installed and maintained to minimize or eliminate False Alarms (including equipment that prevents False Alarms during regional power outages and severe storms).
3. Set the Alarm System so that the audible signal sounds for no longer than ten (10) minutes after being activated. The alarm shall be programmed to sound or cycle not more than twice during any single activation. The Alarm User shall not intentionally cause a False Alarm resulting in a public safety response to the alarm site.

B. Alarm User Guidelines

1. If two False Alarms are received in a calendar year, the Alarm System should be inspected, repaired if needed, and/or the Alarm User(s) should receive additional training in the use of the Alarm System.
2. Ensure that all persons who may activate the alarm are properly trained in the use of the Alarm System and/or have the means to disarm and rearm the Alarm System without causing a False Alarm.

**Section 5: Duties of the Alarm Company**

A. An Alarm Company shall:

1. Clearly distinguish High Risk Alarms when reporting alarm activation to the Police Department. High Risk Alarms will be given a high priority public safety response.
2. When reporting an alarm activation, provide, to the extent possible: the nature of the alarm; Alarm User's name and the address, the address where the alarm was activated, and any other pertinent information that may assist police officers to safely investigate the alarm.
3. Report an alarm Cancellation to the proper public safety department as soon as it is learned that a response is not required. Cancellations received prior to arrival of public safety personnel shall not result in a service fee.

B. Alarm Company Guidelines:

1. The Alarm Company shall install Alarm Systems that meet current industry standards and offer Alarm Users written and oral instructions as to the proper use of the system. The Alarm Company should make regular maintenance, upgrades and remedial training available to the Alarm Users.

#### Section 6: False Alarm Service Fee

- A. Residential. An alarm service fee of \$60 (sixty dollars) shall be assessed on the third and each subsequent false alarm in a calendar year.
- B. Non-Residential and High Risk Alarms. An alarm service fee of \$80 (eighty dollars) shall be assessed on the third and each subsequent false alarm in a calendar year.
- C. Malicious False Alarm. An alarm service fee of \$150 (one hundred and fifty dollars) shall be assessed for the first and subsequent alarms.
- D. All False Alarm activations that occur in one calendar day will be counted as one False Alarm.
- E. Alarm Users shall be billed once a month for the previous month's False Alarm activity. All service fees assessed shall be paid to the Town of Swampscott for deposit in the general fund.

If a bill is not paid within thirty (30) days, a second notice will be sent. If the bill is not paid after another thirty-day period, a final notice will be sent informing the owner and/or occupant that court proceedings will commence.
- F. When possible, the Police Department shall leave notice of each False Alarm activation at the residence or business of the Alarm User and provide a written letter of warning in response to the second False Alarm.
- G. Alarm service fees are not subject to appeal. However, the Police Chief or Fire Chief, Alarm Officer or their designees shall accept written documentation that outlines mitigating circumstances for the False Alarms and the measures being taken by the Alarm User to prevent future False Alarms. The Chief of Police or Fire Chief shall be authorized to waive service fees.
- H. An Alarm User with five (5) or more alarm service fees, unpaid for a period of six months, will be given a "FINAL" written notice of the fees owed. The Alarm User has fourteen (14) days to make full payment; otherwise the Alarm User is subject to an additional fine.

#### Section 7: Confidentiality

The Town recognizes that it is subject to the requirements of the Public Records Law, G.L. c.66, §10. However, in the interest of public safety, it is the intention of the Town, to the extent permitted by law, to maintain confidentially personal information and infrastructure information regarding Alarm Systems including, but not limited to, that specifically identifying the location, operations, or other proprietary information contained in alarm registrations.

### **Section 8: Government Immunity**

Alarm System registration is not intended to, nor shall it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability resulting from the failure to respond to a notification is hereby disclaimed; governmental immunity, as provided by law, is retained. When registering an alarm, the Alarm User and the Alarm Company shall acknowledge that law enforcement or fire services response may be influenced by factors such as, but not limited to: the availability of police units or fire units; priority of calls; weather conditions; traffic conditions; emergency conditions; and staffing levels.

### **Section 9: Enforcement**

Any person who violates any provision of Sections 2, 3, 4A, and 5A of this By-law shall be guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted. Penalties for violation of this By-law shall be as follows: \$50 for the first offense in a calendar year; \$100 for the second offense in a calendar year; and \$300 for the third and subsequent offenses in a calendar year. No person shall incur penalties in excess of \$750 in any one calendar year under this section.

This by-law may be enforced by any means available in law or in equity, including non-criminal disposition in accordance with G.L. c.40, §21D and Article XI, Section 2 of the Town By-laws. In addition to the enforcing authorities identified in said Article, any police officer of the Town or the Fire Chief or his designee shall be authorized to enforce this Bylaw.

1. Appropriation Amount: Not Applicable
2. Funding: Not Applicable
3. Indicate department priority in relation to your requests: Not Applicable
4. Justification Narrative: Historically a very small minority of alarm activations involve criminal conduct. This proposed bylaw is an effort to provide some regulatory oversight in the interests of public safety. The by-law provides a more stringent policy for repeated, false burglar and/or fire alarms.