

Note: Text taken from the TOWN OF CHARLTON – VOTE CERTIFICATE

At a legal meeting/election of the qualified voters of The Town of Charlton, held May, 7, 2005 Session II the following business was transacted under Article 48

**ARTICLE 48. TOWN OF CHARLTON GENERAL BYLAWS -
PROPOSED ARTICLE XXXIV - ALARM SYSTEM BY-LAW**

To see if the Town will vote to amend the Town of Charlton General Bylaws by adding thereto a new Article XXXIV reading as follows, or take any other action relative thereto or thereon:

ARTICLE XXXIV - ALARM SYSTEM BY-LAW

Section 1. Title and Purpose

- (A) This by-law shall be known as the Alarm System By-Law and shall regulate alarms which cause a message to be transmitted to the Charlton Police or Fire Departments.
- (B) The purpose of this by-law is to encourage alarm users to maintain the operational reliability of their alarm systems, to reduce or eliminate false alarm dispatch requests, to establish a system of regulations and fees with respect to alarm systems, and to provide for penalties for violations of this by-law.

Section 2. Permit Requirements

- (A) No alarm user shall operate, or cause to be operated, an alarm system or device without a valid permit issued in accordance with this by-law. A separate permit is required for each alarm site. No alarm permit shall be required for any motor vehicle equipped with an alarm system or device.
- (B) Each alarm user shall register his / her alarm system or device with the Chief of Police prior to use. However, any alarm user with an alarm system or device that is in use as of the effective date of this by-law must register said alarm system with the Charlton Police Department no later than (60) days from such date.
- (C) Alarm system applications shall be available at the Charlton Police Department or via the Charlton Police Department's web site.
- (D) There shall be no fees implemented or charged in the registering and/or in obtaining a permit for alarm system.

Section 3. Alarm System Operation and Maintenance

- (A) The alarm user shall maintain the alarm site and alarm system in a manner that will minimize or eliminate false alarm dispatches.
- (B) The alarm user shall make every reasonable effort to respond or cause a representative to respond within thirty (30) minutes, when notified, to deactivate a malfunctioning alarm system or to provide access to the alarm site.
- (C) The alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than twenty (20) minutes after being activated. All alarm users with alarm systems or devices that emit an audible signal must comply with this section within (60) days of the effective date of this bylaw.

(D) The alarm business performing monitoring services shall attempt to verify every alarm signal, except for a duress or hold-up alarm activation, or fire alarm before requesting a police or emergency response to an alarm signal.

(E) An alarm system does not include an alarm designed to alert only the inhabitants of a premises and which does not have a sound device, which can be heard on the exterior of the alarm site.

(F) No alarm system or device designed to transmit emergency messages directly to the police or fire department or that emits an audible signal that would require a response by either police or fire personnel shall be worked on, tested or demonstrated without obtaining permission from the Police Department Communications Section. Permission is not required to test or demonstrate an alarm system or devices that do not transmit emergency messages or signals directly to the police or fire department.

Section 4. Fines

(A) Effective sixty (60) days from the enactment of this by-law, an alarm user shall be subject to warnings and fines for false alarm dispatches emitted from an alarm system within a 365 day period, based on the following schedule.

Number of False Alarm Dispatches	Action Taken	Fine
1	Warning	None
2	Warning	None
3	3 rd Offense	\$ 50.00
4	4 th Offense	\$ 75.00
5	5 th & Subsequent	\$100.00

(B) Any alarm user operating an alarm system without a permit as prescribed under Section 2 – Paragraph (A) of this by-law shall be subject to an additional fine of \$25.00 for each false alarm dispatch.

(C) An alarm dispatch request caused by a criminal offense, a fire or other emergency, or an alarm resulting solely from power outages or extreme weather conditions shall not be counted as a false alarm.

(D) All fines resulting from the enforcement of the provisions of this by-law pertaining to alarms shall be collected in the form of a personal check, money order or registered check, made payable to the Town of Charlton and forwarded to the Charlton Police Department. All funds collected shall be added to the Town’s general treasury in accordance with G.L. c.44, sec.53.

(E) State, federal, county and municipal entities shall be exempt from the provisions of this by-law.

(F) All fines shall be paid within twenty-one (21) days of receipt of a non-criminal violation notice.

Section 5. General Provisions

(A) Except as otherwise required by law, including the Commonwealth’s Public Records Act, the information furnished and secured pursuant to this by-law shall be confidential in character and shall not be subject to public inspection.

(B) This bylaw shall be enforced by the alarm administrator as defined in paragraph (C) immediately below and Section 6 – Paragraph (I) below. Penalties for violations may be enforced by a non-criminal disposition

pursuant to Section 21D of Chapter 40 of the Massachusetts General Laws and Article XXXXIV of the Charlton General Bylaws.

The alarm user may appeal the decision of the alarm administrator to the Town Administrator or designee by filing a written request for a review within twenty (20) days after receipt of a non-criminal violation notice. The Town Administrator or designee shall conduct a hearing and render a written decision within thirty (30) days following receipt of such request for review. The decision of the Town Administrator or designee shall be final. Nothing in the three immediately preceding sentences shall affect the time limits, penalties, procedures or remedies applicable under the aforementioned non-criminal disposition statute and bylaw, the administrative appeal to the Town Administrator being intended to be a separate, additional process, provided that if the Town Administrator should decide in favor of the alarm user the town shall not proceed any further with the non-criminal disposition procedure and no fine shall be enforced there under.

(C) The Chief of Police or his or her designee shall serve as the alarm administrator to: administer, control and review alarm applications, permits, and alarm dispatch requests, develop a procedure to accept verified cancellation of alarm dispatch requests, promulgate such regulations as may be necessary or required to implement this by-law and enforce the provisions hereof.

Section 6. Definitions

Definitions – For the purpose of this by-law, the following terms, phrases, words and their derivations shall have the following meaning. The word “shall” is always mandatory and not merely directory.

(A) **Alarm System** – The term “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 or fire personnel are expected to respond. In addition, any device which when activated calling for a response by police or fire personnel: (a) transmits a signal to the Charlton Police or Fire Departments; (b) transmits a signal to a person who relays information to the Charlton Police or Fire Departments; or (c) produces an audible or visible signal to which police or fire personnel are expected to respond. Excluded from this definition and the scope of this by-law are devices which are designed to alert or signal only persons within the premises in which the device is installed.

(B) **Alarm User** – The term “Alarm User” means: Any person on whose premises an alarm system is maintained within the Town. The owner of any premises on which an alarm device is used, provided that an occupant that expressly accepts responsibility for an alarm device by registration pursuant to: Section 2 (B) of this by-law shall be deemed the alarm user. Excluded from this definition are: (a) State, federal, county and municipal agencies; persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. However, if such an alarm system employs an audible signal or flashing light outside the premises, the user of such an alarm system shall be within the definition of “alarm user” and shall be subject to this by-law.

(C) **False Alarm** – The term “False Alarm” means: (a) the activation of an alarm system or device through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his / her employees or agents; (b) any signal or oral communication transmitted to the Charlton Police Department requesting, or requiring, or resulting in a response on the part of the police department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises or no attempted robbery or burglary at a premises; (c) any signal or oral communication transmitted to the Charlton Fire Department requesting, or requiring, or resulting in a response on the part of the fire department when in fact there has been no fire, or potential hazardous or life threatening situation or circumstance at a premises. Excluded from the definition are activation of alarm systems caused solely by a criminal offense, a fire, or other emergency, power outages or extreme weather conditions.

(D) **Chief of Police** – The term “Chief of Police” means the Chief of Police of the Town of Charlton or his / her designated representative.

(E) **Police or Police Department** – The term “Police” or “Police Department” means the Town of Charlton Police Department or any authorized agent thereof.

(F) **Fire Department** – The term “Fire Department” means the Town of Charlton Fire Department or any authorized agent thereof.

(G) **Town** – The term “Town” means the Town of Charlton.

(H) **Alarm Administrator** – The term “Alarm Administrator” means the Chief of Police of the Town of Charlton or his / her designated representative.

(I) **Town Administrator** – The term “Town Administrator” means the Town Administrator of Charlton or his / her designated representative.

(J) **Board of Selectmen** – The term “Board of Selectmen” means the Selectmen of the Town of Charlton.

Section 7. Enforcement of This By-Law

The Town, upon authorization by the Board of Selectmen, may institute civil proceedings to enforce the provisions of this by-law. The provision of this bylaw may be enforced with the prior approval of the Board of Selectmen under Massachusetts General Laws and Article XXXIV of the Charlton General Bylaws as provided in Section 5 – Paragraph (B) above.

Section 8. Severability

The invalidity of any part or parts of this by-law shall not affect the validity of the remaining parts.

And further by inserting the following in Section 2 of Article XXXIV of the General Bylaws, as numbered item 16 of Said Section 2:

“16. Article XXXIV Alarm System Bylaw of the Town of Charlton General Bylaws:

Enforcing Person: Alarm Administrator as defined in said Bylaw.

Fine schedule: First and second offense– warning; \$50.00 for the third offense, \$75.00 for fourth offense and \$100.00 for the fifth and any subsequent offense; and \$25.00 per system alarm dispatch without permit per Section 4(B) of said Bylaw; or such other fine as may be provided by said Bylaw as same may be amended from time to time.

SPONSOR: POLICE CHIEF AND BYLAW COMMITTEE

RECOMMENDATION OF THE FINANCE COMMITTEE: