

CHAPTER XXI
PUBLIC SAFETY REGULATIONS
ALARM SYSTEMS
Adopted - A.T.M. 5/2/03

Section 1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Contractor — Any firm or corporation in the business of supplying and installing private fire, intrusion or medical alarm devices or servicing the same.

False Alarm:

- A. False Private Fire Alarm — The activation of a private fire alarm system by any cause where in fact a hazard requiring attention to which Police or Fire Department personnel are expected to respond does not exist. Such cases include mechanical failure, malfunction, improper installation, recklessness, intentional conduct or negligence of the user of a private fire alarm system or of his or her employees or agent.
- B. False Private Intrusion Alarm — The activation of a private intrusion alarm system by any cause where in fact a hazard requiring attention to which police are expected to respond does not exist. Such cases include mechanical failure, malfunction, improper installation, recklessness, intentional conduct or negligence of the user of a private intrusion alarm system or of his or her employees or agent.
- C. False Private Medical Alarm — The activation of a private medical alarm system by any cause where in fact a hazard requiring attention to which Police, Fire or Emergency Medical Personnel are expected to respond does not exist. Such cases include mechanical failure, malfunction, improper installation, recklessness, intentional conduct or negligence of the user of a private medical alarm system or of his or her employees or agent.
- D. Exceptions. For purposes of the above definitions, activations of a private fire, intrusion or medical alarm system by acts of vandals, acts of nature, including, but not limited to, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances, shall not be deemed a false private alarm.

Private Alarm System — Any assembly of equipment or any device to signal the presence of a hazard to which the Town of Lenox Police, Fire or Emergency Medical Services are expected to respond.

Town — Town of Lenox, Massachusetts.

User — The owner of the private fire, intrusion, or medical alarm system.

Premises — Coverage of the private alarm system.

Section 2. Administrative Alarm Board.

- A. There shall be in the Town an Administrative Alarm Board for private fire, intrusion and medical alarm devices, which shall have the powers and duties granted under this Chapter.
- B. The Administrative Alarm Board shall be made up of the Fire Chief, Ambulance President and Police Chief, who will serve as the Boards Chairperson. Said Board shall function under the direction and control of the Board of Selectmen.
- C. The Town Manager or his designee shall be responsible for the maintenance of the alarm user registration files, the collection of registration fees and the billing of fees for private false alarms.
- D. All registration records of private alarm users maintained by the Administrative Alarm Board shall be stored and readily available as needed by the Police, Fire or Ambulance Squad.

Section 3. Private Alarm Appeal Board.

- A. There shall be in the Town a Private Alarm Appeals Board, which shall have the powers and duties granted to it under this Chapter.
- B. The Private Alarms Appeals Board shall consist of the Board of Selectmen.

Section 4. Registration Required.

Each private fire, intrusion or medical alarm user shall register his or her private alarm system, device or devices with the Administrative Alarm Board prior to use, provided that private alarm devices in use as of the effective date of this Chapter shall be registered by September 2, 2003.

Section 5. Confidential Information.

All information in the possession of the Administrative Alarm Board or the Police Department concerning specific private alarm devices shall be considered law enforcement information and as such shall be considered confidential and shall not be divulged without consent of the private alarm user or users concerned.

Section 6. Regulation of Private Alarm Systems.

- A. Every user shall submit to the Administrative Alarm Board the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal emitted by a private system and who are authorized to open the premises wherein the private alarm is installed.
- B. All private alarm systems installed after the effective date of this Chapter which uses an audible horn or bell shall be equipped with a device that will shut off such horn or bell within 10 minutes after activation of the private alarm system.
- C. All private alarm systems installed after the effective date of this Chapter shall be equipped with a battery backup or other device or be of a design so as to prevent the signaling of a private alarm in the event of AC power failure.
- D. No private alarm system shall be wired directly to the Town of Lenox Dispatch Center, Police Department, Fire Department or Ambulance Squad.
- E. All alarm signals must be from either a person hearing, seeing or otherwise becoming aware of said alarm, or an operator at a private monitoring station. Said operator shall be capable of informing the Dispatch Center of the existence of a possible problem requiring police, fire or ambulance response, as well as answering relevant questions the dispatcher may have. Private alarm systems with automatic dialers or systems utilizing any form of recorded voice message are prohibited.
- F. Every user shall follow Town By-Law Chapter V, Section 4, Uniform System for Numbering Dwellings and Principal Buildings.

Section 7. Registration Procedure; Fee.

- A. Every person who is the owner of, or who is in charge of premises on which a private alarm device is installed, shall register such fire/intrusion/medical alarm device annually, on or before April 1 of each year, and shall submit to the Administrative Alarm Board in the Town of Lenox, in writing, on or before that date, a registration statement, on a form established by the Administrative Alarm Board, and an annual registration fee established by the Administrative Alarm Board. The registration statement shall contain such person's name, address and telephone number, as well as the name, address and telephone number of at least two other persons who are authorized to respond to a signal transmitted by the private alarm device and who are authorized to open the premises on which the private alarm device is installed.

- B. For such private alarm devices currently installed, such persons shall submit such registration statements by September 2, 2003.
- C. Such registration form shall require permission from the user in favor of the Town of Lenox Public Safety Departments to break into and enter the registered premises forcibly without liability and an indemnification from the user in favor to the Town and its officers with respect to any such forcible breaking and entering in order to respond to such an alarm.

Section 8. Notice of Repeated False Alarms; Fee; Failure to Comply.

- A. Upon the occurrence of three false private fire, intrusion or medical alarms, or any combination thereof, attributable to one premise within a calendar year, the Administrative Alarm Board or its designee may, at its discretion, in writing, notify the private alarm user that:
 - 1) The user is to discontinue use of the private alarm insofar as it triggers a Police Department, Fire Department or Ambulance Squad response; and
 - 2) Further Police Department, Fire Department or Ambulance Squad response will be contingent upon the private alarm user equipping the private alarm system with a device that will shut off any audible horn or bell within 10 minutes after activation of the private alarm system; and
 - 3) Further Police Department, Fire Department or Ambulance Squad response will be contingent upon the private alarm user equipping the private alarm system with a battery backup or similar device, or the system shall be modified so as to prevent the signaling of the private alarm in the event of an AC power failure.
- B. The private alarm user shall be assessed a fee as set by the Administrative Alarm Board on their fourth false alarm. For each additional false private alarm occurring at the premises within the same calendar year a fee will be assessed. All fees assessed hereunder shall be paid to the Town Treasurer for deposit into the general fund.
- C. Failure to comply with Section 8 set forth in this Chapter shall be punishable in accordance with Section 13 of this Chapter.

Section 9. Notice of Fee; Appeals.

A. False private alarm fees.

- 1) The Administrative Board shall notify the responsible private alarm user of any false private alarm fee assessed under Section 8 above by certified mail to the address which is on file with the Administrative Alarm Board. Within 30 days after the mailing of such notice, the private alarm user may file with the Administrative Board information to show that the private alarm was not a false private alarm within the meaning of this Chapter.
- 2) The Administrative Board shall consider this information and, based thereon, shall affirm or rescind the false private alarm fee and notify the private alarm user of its decision by mail. Within 30 days after mailing such notice, the private alarm user may file with the Private Alarm Appeal Board an appeal, in writing.
- 3) The Administrative Board may consider waiving the false alarm fee if proper documentation is provided of a repair to the Private Alarm System.

B. Appeal to the Private Alarm Appeal Board. Upon receipt of a timely appeal from a false private alarm fee, the Private Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the private alarm user taking the appeal at his or her last known address at least 15 days before the hearing. On the basis of the information introduced at the hearing, the Board shall affirm the fee if it finds that the fee was properly imposed or rescind the fee if the fee was not properly imposed.

C. Notice to include instructions. Each notice of a false private alarm fee or the affirmation of such fee by the Administrative Board shall refer to and provide instructions concerning the private alarm user's right to further recourse by filing information with the Administrative Board or an appeal with the Private Alarm Appeal Board, as the case may be.

Section 10. Appeal Fees.

A. There shall be a fee as established by the Administrative Alarm Board for each appeal to the Private Alarm Appeal Board; provided however, that in the event that such Board finds in favor of the user, such appeals fee will be refunded.

Section 11. Fees Paid into the General Fund.

Fees for false private alarms, registration, fines and appeals will be collected by the Administrative Alarm Board and deposited into the Town's General Fund.

Section 12. Town Assumes No Responsibility for Devices.

Notwithstanding the provisions of this Chapter, the Town of Lenox and its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any private alarm device or of the private alarm monitoring facilities.

Section 13. Violations and Penalties.

Any person who commits, or causes to be committed, any of the following acts shall be subject to a fine as established by the Administrative Alarm Board.

- A. Intentional causing of a false private alarm.
- B. Failure to register a private alarm device or to submit changes in registration information, as required by this Chapter. Each day of such failure shall constitute a separate violation.

Section 14. Enforcement.

- A. The Town, upon authorization by the Administrative Board, may institute civil proceedings to enforce the provisions of Sections 6, 7 and 8 of this Chapter.
- B. Any police officer of the Town may utilize the non-criminal disposition procedure as set forth in the Town By-Laws, Chapter XIV, Enforcement, or may file an application for a criminal complaint with the Trial Court of the Commonwealth District Court, to enforce the provisions of this Chapter, Section 13.

Section 15. Exceptions.

The provisions of this chapter shall not apply to alarm devices on premises owned or controlled by the Town of Lenox nor to intrusion alarm devices installed in motor vehicles.

Section 16. Severability.

The invalidity of any provision of this Chapter shall not affect the validity of the remaining provisions.