



**CHAPTER XXIV**

**Burglar & Fire Alarm Regulations**

**Section 1. Purpose**

The Town's "alarm history" from 1998 through 2007 has shown evidence that less than 1% of alarm activations involve criminal conduct. The model burglar alarm by-law drafted by the National Burglar & Fire Alarm Association and the False Alarm Reduction Association was used as a resource in preparing a modified version for the Town of Danvers. This has been done in an effort to provide some regulatory oversight and in the interests of public safety. The by-law provides a more stringent policy for repeated, false burglar and/or fire alarms.

**Section 2. 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. 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 3. Automatic Voice Dialers Prohibited**

Alarm Users are prohibited from using, and Alarm Companies are prohibited from installing, automatic voice dialers. A violation of this rule is punishable by fine. Alarm activations that are not High Risk Alarms should be reported to the Police Department or Fire Department on the published business telephone line. Known emergencies should be reported by dialing 9-1-1. Other special lines may be designated by the Police Chief or Fire Chief to report alarm activations.

## Section 4. Alarm Registration

### A. Required Information

1. The address and phone number of the protected property;
2. The resident name or business name at the protected property;
3. If different, the name, address and phone number of the person(s) or business responsible for any alarm activation.

B. An Alarm Company that monitors alarm systems with the purpose of reporting alarm activations to the Police Department or Fire Department shall register all alarm systems monitored by the company located within Danvers annually between January 1 and January 15. If registering 10 or more alarms, the list must be provided in alphabetical order by name. Whenever there is a change, the Alarm Company will register, within two weeks, any new and removed Alarm Systems or where there has been a change to the required registration information.

C. An Alarm Company without registration information must coordinate with the Alarm User and/or the person or business that retains the registration information and confirm that each Alarm System is properly registered. Without confirmation that an Alarm System is properly registered, Alarm Verification is required prior to reporting the alarm activation to the Danvers Police Department or Fire Department.

D. An Alarm User with an Alarm Company is excused from registering their alarm if an Alarm Company has registered the same Alarm System. The Alarm User and the Alarm Company are responsible for coordinating who will register the Alarm System.

E. An Alarm User without an Alarm Company is responsible for registering 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 services. The address, name of the person responsible for the Alarm System and phone number of the property must be provided annually between January 1 and January 15 and/or within two weeks of a change to this information.

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

G. No Registration is 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 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.

H. Recommendation – Use of Contact Person. When registering an Alarm System, the Police Department will accept the name of and encourage the use of a Contact Person. This information will be used when there is an alarm activation to help protect the property or to avoid additional False Alarms.

I. Violation of Section 4, including any false statements during the registration process, is punishable by fine.

## **Section 5. Duties of the Alarm User**

- A. Register. Insure that the alarm is properly registered.
- B. Maintain. Insure 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). 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.
- C. Train. Insure 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.
- D. Proper Use. Adjust the Alarm System so that an alarm's 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 police response to the alarm site. Any violation of this subsection is punishable by a fine.

## **Section 6. Duties of the Alarm Company**

- A. Proper Installation. 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.
- B. High Risk Alarms. Alarm Companies should clearly distinguish High Risk Alarms when reporting alarm activation to the Police Department. High Risk Alarms will be given a high priority police response.
- C. Reporting Alarm. The Alarm Company representative, when reporting an alarm activation, should provide, when available: the nature of the alarm, the owner's name and the address of the alarm, the location within the address where the alarm was activated, and any other pertinent information that may assist police officers to safely investigate the alarm.
- D. Cancellation. An alarm Cancellation should be reported to the Police Department as soon as it is learned that a police response is not required. Cancellations received prior to police arrival will not result in a service fee. No Cancellation will be accepted for High Risk Alarm activations.

## **Section 7. Nuisance Alarms and Alarm Response Suspension**

- A. The Police Chief, or Fire Chief or his designee, may suspend police or fire response to any alarm where an undue number of false alarms have occurred and/or where an Alarm User or Alarm Company does not reasonably comply with any provision of the Burglar and Fire Alarm bylaw.

- B. High Risk alarms will be given a priority police response and will not be suspended without the prior investigation by the Alarm Officer or other designee as to the reasons for excessive False Alarms.
- C. Residential Alarm. When there have been three (3) False Alarm activations in a 24-hour period, the Police Chief or Fire Chief or designee may suspend further police or fire response to the alarm for up to three (3) days. When there have been eight (8) False Alarms that are subject to the alarm service fee, the Police Chief or Fire Chief or designee may suspend further police response for any period of time thereafter.
  - 1) The Police Chief or Fire Chief or his designee shall issue to the permit holder a written notice by certified mail of his intention to suspend or revoke the alarm permit. Notice will include the date of the intended suspension or revocation, the reasons for the suspension or revocation, and notice that the permit holder is entitled to a hearing upon written request.
  - 2) Upon receipt of a notice of suspension or revocation, the permit holder may, within five (5) working days of receipt, submit a written request for a hearing before the Police Chief, the Fire Chief, or a designee thereof. At the hearing, the permit holder shall have the right to present evidence, cross-examine witnesses, and be represented by counsel. The hearing shall be informal and shall not be subject to the rules of evidence or formal courtroom procedure. After a hearing, the hearing officer may issue a written order of suspension or revocation for a given period of time. He may also withdraw any previous order of suspension or revocation.
- D. Non-Residential Alarm. When there have been three (3) False Alarm activations in a 24-hour period, the Police Chief or Fire Chief or designee may suspend further police or fire response to the alarm for up to three (3) days. When there have been ten (10) False Alarms that are subject to the alarm service fee, the Police Chief or Fire Chief or designee may suspend further police or fire response for any period of time thereafter.
- E. Restoration of Service. The Police Chief or Fire Chief or designee may authorize restoration of police or fire response when an Alarm User or Alarm Company reasonably demonstrates that they have taken appropriate measures to prevent additional False Alarms and/or have come into full compliance with these rules and regulations.

#### **Section 8. False Alarm Service Fee**

- A. **Residential. An alarm service fee of \$80 (eighty dollars) will be assessed on the third and each subsequent false alarm in a calendar year. The alarm service fee for the first and second alarm will not be assessed, provided no additional False Alarms occur during the calendar year.**
- B. **Non-Residential and High Risk Alarms. An alarm service fee of \$120 (one hundred and twenty dollars) will be assessed on the third and each subsequent false alarm in a calendar year. The alarm service fee for the first and second alarm will not be assessed, provided no additional False Alarms occur during the calendar year.**
- C. **Malicious False Alarm. An alarm service fee of \$150 (one hundred and fifty dollars) will 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. When possible, the Police Department will leave notice of each False Alarm activation at the residence or business and provide a written letter of warning on the second False Alarm.**
- F. Alarm service fees are not subject to appeal. However, the Police Chief or Fire Chief, Alarm Officer or other designee will 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 is authorized to waive service fees.**
- G. 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 9. Fines**

An Alarm User and/or an Alarm Company may be fined for violations of these rules and regulations. The levels of fines to be assessed by the Police Department or Fire Department are subject to Town Meeting endorsement.

- A. Property owners will be billed once a month for the previous month's malfunction activity. All fines assessed shall be paid to the Town of Danvers for deposit in the general fund.**
- B. 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.**

### **Section 10. Confidentiality**

In the interest of public safety, all employees or representatives of the Town of Danvers will hold confidential all information contained in alarm registrations and/or information that specifically identifies an Alarm System.

### **Section 11. Government Immunity**

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damages resulting from the failure to respond to a notification are hereby disclaimed, Governmental Immunity, as provided by law, is retained. By registering an alarm, the Alarm User and the Alarm Company 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, staffing levels and prior response history.

### **Section 12. Enforcement**

The Police Chief and Fire Chief may promulgate such regulations as may be necessary to implement this section. The Police Chief and Fire Chief are authorized to pursue such legal action as may be necessary to enforce this by-law.