

Chapter 78

ALARM SYSTEMS

[HISTORY: Adopted by the Special Town Meeting of the Town of Lee 4-25-1996 by Art. 16. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 30.

§ 78-1. 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 intrusion, fire or medical alarm devices or serving 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 officers or Fire Department personnel are expected to respond does not exist. Such causes 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 agents.
- 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 officers are expected to respond does not exist. Such causes 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 agents.
- 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 officers or ambulance or emergency medical personnel are expected to respond does not exist. Such causes 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 agents.
- D. **Exceptions.** For purposes of the above definitions, activation of a private intrusion, fire or medical alarm system by acts of vandals or acts of nature, including but not limited to hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances, shall not be deemed a false private medical alarm.

PRIVATE ALARM SYSTEM — Any assembly of equipment or any device to signal the presence of a hazard to which the Town of Lee Police Department, Fire Department or Ambulance Squad is expected to respond.

TOWN — The Town of Lee.

USER — The occupant of the premises containing the private intrusion, fire or medical alarm system.

§ 78-2. Administrative Alarm Board.

- A. There shall be in the Town an Administrative Alarm Board for private intrusion, fire 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, the Ambulance Director and the Chief of Police, who shall serve as the Board Chairperson. Said Board shall function under the direction and control of the Board of Selectmen.
- C. The Chief of Police or his or her designee shall be responsible for the maintenance of the alarm user registration files, the collection of registration fees and the billing of fees for false private alarms.
- D. All registration records of private alarm users maintained by the Administrative Alarm Board shall be stored at the Town of Lee Communications Center and readily available as needed by the Police Department, Fire Department or Ambulance Squad.

§ 78-3. Private Alarm Appeal Board.

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

§ 78-4. Registration required.

Each private intrusion alarm, fire alarm or medical alarm user shall register his or her private alarm system, device or devices with the Administrative Board prior to use, provided that private alarm devices in use as of the effective date of this chapter shall be registered no later than 60 days from such date.

§ 78-5. Confidential information.

All information in the possession of the Administrative Board or the Police Department concerning specific private intrusion alarm users and specific intrusion 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 intrusion alarm user or users concerned.

§ 78-6. 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 use 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 an AC power failure.
- D. No private alarm system shall be wired directly to the Lee Communications Center, Police Department, Fire Department or Ambulance Squad.
- E. All alarm signals coming into the Lee Communications Center 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 Communication Center Dispatcher 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.

§ 78-7. 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 intrusion alarm device annually, on or before April 1 of each year, and shall submit to the Administrative Alarm Board in the Town of Lee, in writing, on or before that date a registration statement, on a form established by the Administrative Alarm Board, and an annual registration fee in the amount of \$25, which can be waived all or in part at the discretion of 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 within 30 days of the adoption of this chapter.
- C. Such registration form shall require permission from the user in favor of the Town of Lee Police Department to break into and enter the registered premises forcibly without liability and an indemnification from the user in favor of the Town and its officers with respect to any such forcible breaking and entering in order to respond to such an alarm.

§ 78-8. Notice of repeated false alarms; fee; failure to comply.

- A. Upon the occurrence of three false private intrusion, fire or medical alarms, or any combination thereof, attributable to one premises 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;
 - (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 of \$50 for each additional false private alarm occurring at the premises within the same calendar year. All fees assessed hereunder shall be paid to the Town Treasurer for deposit into the general fund.
- C. Failure to comply with § 78-7, set forth in this chapter, shall be punishable in accordance with § 78-13 of this chapter.

§ 78-9. 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 § 78-8 above by certified mail to the address which is on file with the Tax Assessor of the Town for the purposes of tax mailings. 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.
- 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 an information with the Administrative Board or an appeal with the Private Alarm Appeal Board, as the case may be.

§ 78-10. Appeal fees.

- A. There shall be a fee of \$15 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 appeal fee shall be refunded.
- B. The amount of the fee for taking an appeal may be raised or lowered from time to time at

the discretion of the Private Alarm Appeal Board.

§ 78-11. Fees paid into general fund.

Fees for false private alarms and registration and appeal fees will be collected by the Administrative Board and deposited into the general fund.

§ 78-12. Town assumes no responsibility for devices.

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

§ 78-13. Violations and penalties.

Any person who commits, or causes to be committed, any of the following acts shall be subject to a fine of up to \$100 for each such act:

- A. Intentional causing of a false private alarm.
- B. Failure to register a private alarm or 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.

§ 78-14. Enforcement.

- A. The Town, upon authorization by the Administrative Board, may institute civil proceedings to enforce the provisions of §§ 78-6, 78-7 and 78-8 of this chapter.
- B. Any police officer of the Town may utilize the noncriminal disposition procedure set forth in the Code of the Town of Lee,¹ or may file an application for a criminal complaint with the Trial Court of the Commonwealth District Court, to enforce the provisions of § 78-13 of this chapter.

§ 78-15. Exceptions.

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

§ 78-16. Severability.

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

1. Editor's Note: See Ch. 1, General Provisions, § 1-17.