

**ARTICLE 26 – 5/07/07 Annual Town Meeting
Public Safety – Chapter 9 Section 30**

TOWN OF LEICESTER, MASSACHUSETTS 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 Police and/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. Definitions

- (A) Chief of Police – The term “Chief of Police” means the Chief of Police of the Town of Leicester or his/her designated representative.
- (B) Fire Chief – The term “Fire Chief” means the Chief of the Fire Department of the Town of Leicester or his/her designated representative.
- (C) Police or Police Department – The term “Police or Police Department” means the Town of Leicester Police Department or any authorized agent thereof.
- (D) Fire Department – The term “Fire Department” means the Town of Leicester Fire Department or any authorized agent thereof.
- (E) Town – The term “Town” means the Town of Leicester.
- (F) Alarm Administrator – The term “Alarm Administrator” means the Chief of Police of the Town of Leicester or his/her designated representative.
- (G) Town Administrator – The term “Town Administrator” means the Town Administrator of Leicester or his/her designated representative.
- (H) Board of Selectmen – The term “Board of Selectmen” means the Selectmen of the Town of Leicester.
- (I) 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 3 (Registration Requirements) of this bylaw shall be deemed the alarm user.

- (J) 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 Leicester 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 Leicester Fire or Police 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 is activation of alarm systems caused solely by a criminal offense, a fire, or other emergency, power outages or extreme weather conditions.
- (K) Alarm System – The term “Alarm System” means: An assembly of equipment and devices or a single device which when activated calls for a response by police or fire personnel: (a) transmits a signal to the Leicester Police or Fire Departments; (b) transmits a signal to a person who relays information to the Leicester Police or Fire Departments; or (c) produces an audible or visible signal to which police or fire personnel are expected to respond.

Section 3. Registration Requirements

- (A) No alarm user shall operate, or cause to be operated, an alarm System without a valid registration issued in accordance with this by-law. A separate registration is required for each alarm site. There may be a one-time registration fee set by the licensing authority. The registration form format shall be determined by the Chief’s of the Police and Fire Departments and made available at Police and Fire Stations.

Failure to comply with this section (3A) shall result in a \$100.00 fine.

- (B) There is a \$50.00 inspection fee for commercial fire alarms.

Section 4. 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 twenty (20) minutes, when notified to deactivate a malfunctioning alarm system or to provide access to the alarm site.

- (C) Alarm Reset - 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 15 minutes after being activated.

Fire alarms must be reset manually by a responsible party.

- (D) The alarm business performing monitoring services shall attempt to verify every alarm signal, except for duress, hold-up alarm activation, or a fire alarm before requesting a police, fire or EMS response before requesting a police response to an alarm signal. In the case of a duress, hold-up or fire alarm the Leicester Police Department's Communications center shall be notified immediately (first call).

- (E) An alarm system does not include an alarm installed in a vehicle or an alarm designed to alert only the inhabitants of a premise that does not have a sound device which can be heard on the exterior of the alarm site.

- (F) Automatic Dialers to the Police or Fire Departments are prohibited. Any alarm system currently using an automatic must discontinue automatic dialer service by July 1, 2008.

Failure to comply with this section (4F) shall result in a \$100.00 fine.

- (G) The Police or Fire Departments shall not serve as alarm monitors.

- (H) All new commercial fire alarms systems shall include a key lock box system meeting Leicester Fire Department specifications.

- (I) All current commercial fire alarms systems shall install a key lock box system meeting Leicester Fire Department specifications by July 1, 2009.

Section 5. Determination of False Alarms

- (A) The Police Chief, Fire Chief or their designee shall determine if alarm activation is false. Their determination shall serve as the basis for the issuing of a false alarm violation.

Section 6. Fines

- (A) Effective July 1, 2007 an alarm user shall be subject to warnings and fines depending on the number and/or type of false alarms emitted from the alarm system within a twelve month period based on the following Schedule.

**False Burglar Alarms Fines
(Commercial & Residential)**

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 Offense	\$100.00
6	6 th & subsequent offense	\$200.00
	Failure to Register an Alarm	\$100.00
	Prohibited Use of an Auto Dialer	\$100.00

**False Fire Alarm Fines
(Residential)
3 Residential Units or Less**

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 Offense	\$100.00
	Failure to Register an Alarm	\$100.00
	Prohibited Use of an Auto Dialer	\$100.00

**False Fire Alarm Fines
(Commercial)
4 or more Residential Units, Group Housing, Commercial and Industrial Establishments**

Number of False Alarm Dispatches	Action Taken	Fine
1	Warning	None
2	2 nd Offense	\$100.00
3	3 rd Offense	\$200.00
4	4 th Subsequent Offense	\$300.00
	Failure to Register an Alarm	\$100.00
	Prohibited Use of an Auto Dialer	\$100.00

- (B) Non Registered Alarms - Any persons operating an alarm system without a registration issued in accordance with this by-law shall be subject to an additional fine of \$100.00 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 dispatch. The Police Chief, Fire Chief or their designee shall be responsible for making this determination.
- (D) All fines and fees resulting from the enforcement of the provisions of this by-law shall be collected in the form of a personal check, money order or registered check, made payable to the Town of Leicester and should be forwarded to the Police Department, 90 South Main Street, Leicester, MA 01524.
- (E) State and municipal entities shall be exempt from the provisions of this by-law.
- (F) All fines shall be paid within 21 days of receipt of a non-criminal violation notice.

Section 7. General Provisions

- (A) Except as otherwise required by law, the information furnished and secured pursuant to this by-law shall be confidential in character and shall not be subject to public inspection.
- (B) 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 ten (10) days after receipt of a non-criminal violation notice. The Town Administrator or designee shall conduct a hearing and render a written decision within 30 days. The decision of the administrator or designee shall be final.
- (C) The Chief of Police, Fire Chief or his designee shall serve as the alarm administrator to: administer, control and review alarm applications, registrations 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.

Section 8. Applicability

This by-law shall be subject to the provisions of M.G.L. Chapter 40 section 21D for non-criminal enforcement.

Section 9. Limitation of Liability

Notwithstanding the provisions of this By-law, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm system or of alarm monitoring facilities. No Liability whatsoever is assumed for the failure of such alarm devices for monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents, and employees from liability in connection with the alarm user's alarm device.

Section 10. Separability

If any clause, sentence, paragraph, or part of this local bylaw or the application thereof to any person or circumstance shall for any reason be adjudged by a Court to be invalid, such judgment shall not affect, impair or invalidate the remainder and the application thereof to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the intent of the Town of Leicester that this enactment would have been adopted had such invalid provision not been included therein.

**LEICESTER POLICE & FIRE
ALARM REGISTRATION FORM**

REGISTRATION: _____
NAME, PERSON OR FIRM PHONE

ALARMED PREMISE: _____
ADDRESS

ALARM MONITORING CO: _____
NAME PHONE

TYPE OF PREMISE:	CONDITION REPORTED BY ALARM
<input type="checkbox"/> Commercial	<input type="checkbox"/> Burglary
<input type="checkbox"/> Residential	<input type="checkbox"/> Hold up
	<input type="checkbox"/> Fire

TYPE OF ALARM SYSTEM:	SOUNDS OUTSIDE PREMISE:
<input type="checkbox"/> Monitored Off-site	<input type="checkbox"/> Yes
<input type="checkbox"/> Audible	<input type="checkbox"/> No
<input type="checkbox"/> Both	

CONTACT PERSON IN CASE OF AN ALARM:
(Also include your own Cell Phone #, Work #, and Pager #)

1. _____
NAME PHONE
2. _____
NAME PHONE
3. _____
NAME PHONE

**PLEASE FORWARD THE COMPLETED ALARM REGISTRATION FORM ALONG
WITH YOUR \$25.00 ALARM REGISTRATION FEE (CHECK OR MONEY ORDER
MADE PAYABLE TO THE TOWN OF LEICESTER)
AND SEND TO THE LEICESTER POLICE DEPARTMENT
90 SO. MAIN ST., LEICESTER, MA. 01524.**