

FALSE ALARM BYLAW

Chapter 95

Section 1. Definitions

ALARM SYSTEM: Any device which when activated transmits a signal to the police department, or transmits a signal to a person or company, who relays information to the police department, or produces an audible or visible signal to which the police department is expected to respond.

ALARM USER: Any person who is the owner or person in charge of premises where an alarm system is maintained within the Town of Southborough.

FALSE ALARM: The activation of an alarm which results in the Police Department responding where it is determined after investigation by the police department that no criminal activity or attempted criminal activity has occurred. A false alarm does not include alarms caused by hurricanes, surges or failures in the transmission of electrical power or other conditions that are beyond the control of the user.

The Town: The Town of Southborough.

Section 2. Responsibility to register Alarm Systems

- A. Every alarm user shall register an alarm system by completing the required form which will include his/her name, person who is authorized to respond to an emergency signal transmitted by an alarm system and who can open or provide access to the premises where the alarm is located.
- B. All existing alarm systems shall be registered with the Town of Southborough before January 1, 2005. All alarms users will register annually by January 1st of each subsequent year. The Annual Registration fee will be determined by the Board of Selectmen.
- C. All alarm systems installed after the effective date of this by-law shall be registered with the Chief of Police within thirty (30) days of the date of installation.
- D. Penalty: Failure to comply with any Subsection of Section 2 shall be punishable by a fine of one hundred dollars (\$100) for each offense.

Section 3. Equipment Limitations

- A. **Automatic Dialer Devices Prohibited:** It shall be unlawful to install a mechanical protection device that is automatically keyed to and/or activates the telephone line(s) controlled by and/or listed to the Southborough Police Department. All such devices installed before the effective date of this bylaw shall be removed before July 1, 2005.

- B. Audible Device Time Limitation: All newly installed alarm systems which use an audible bell, horn, or siren shall be equipped with an automatic shutoff device, which shall deactivate the alarm within fifteen (15) minutes. All existing alarm users with an audible bell, horn, or siren must have such deactivation systems installed by January 1, 2005.
- C. Penalty: Failure to comply with any Subsection of Section 3 shall be punishable by a fine of one hundred dollars (\$100) for each offense.

Section 4. False Alarms

- A. Notice: An alarm user shall be notified by the Police Department in writing after the Police Department has recorded two (2) separate false alarms from an alarm user within a twelve month period. The Police Chief, or his or her designee, shall notify the alarm user, in writing, of such facts, including the dates and times of each alleged false alarm. After three (3) separate false alarms, the Police Chief or designee will again notify the alarm user, in writing, of such facts.
- B. Testing: All users must notify the Police Department in advance of any testing equipment. Failure to notify the Police Department in advance of testing shall constitute a false alarm and be subject to the assessment schedule contained herein.
- C. Penalties: An alarm user whose alarm system transmits or otherwise causes more than three (3) false alarms in a twelve month period shall be assessed a penalty of \$50.00 for the fourth (4th) false alarm in any twelve month period; and a \$100.00 penalty for each subsequent false alarm.
- D. An alarm user, or authorized key-holder is required to respond to all alarm calls, unless a verified cancellation is received before the arrival of the police. The Police will accept these verified cancellations from the owner, key-holder or monitoring company, before the arrival of the Police patrol unit(s). No fine will be charged for such cancellation.

Section 5. Monitoring Procedures

- (A) An Alarm Business performing Monitoring/Central Station services shall:
 - (1) not request dispatch for police response during the first week after installation of an Alarm System, but rather use that week to train the Alarm User on proper use of the Alarm System, unless extenuating circumstances necessitate immediate requests for response as determined by the Administrator.
 - (2) report alarm signals by using telephone numbers designated by the Alarm Coordinator;

- (3) attempt to Verify every alarm signal, except a duress or hold up alarm activation before requesting a police response to an alarm signal;
- (4) communicate Alarm Dispatch Requests to the Southborough Police in a manner and form determined by the Alarm Coordinator;
- (5) communicate Verified Cancellations of Alarm Dispatch Requests to the Police in a manner and form determined by the Alarm Coordinator;
- (6) ensure that all Alarm Users of Alarm Systems equipped with Duress/ Panic Alarm are given adequate training as to their proper use;
- (7) No alarm calls received shall be reported by monitoring/central stations via 9-1-1.

Section 6. Applicability

This bylaw shall be subject to the provisions of G.L.c.40 §21D for non-criminal enforcement. All fines shall be made paid to the Town Treasurer for deposit in the General Fund.

Section 7. 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 8. Severability

If any provision of this bylaw is found or determined by a court of competent jurisdiction to be unenforceable for any reason, then it is the intent that the remaining provisions Continue in full force and effect.