

Chapter 100

ALARM SYSTEMS

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXXIV of the 2005 Bylaws. Amendments noted where applicable.]

§ 100-1. Title and purpose.

- A. This bylaw shall be known as the "Alarm System Bylaw" and shall regulate alarms which cause a message to be transmitted to the Charlton Police or Fire Departments.
- B. The purpose of this bylaw 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 bylaw.

§ 100-2. Permit requirements.

- A. No alarm user shall operate, or cause to be operated, an alarm system or device without a valid permit issued in accordance with this bylaw. A separate permit is required for each alarm site. No alarm permit shall be required for any motor vehicle equipped with an alarm system or device.
- B. Each alarm user shall register his/her alarm system or device with the Chief of Police prior to use.
- C. Alarm system applications shall be available at the Charlton Police Department or via the Charlton Police Department's web site.
- D. There shall be no fees implemented or charged in the registering and/or in obtaining a permit for an alarm system.

§ 100-3. 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 thirty (30) minutes, when notified, to deactivate a malfunctioning alarm system or to provide access to the alarm site.
- C. 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 twenty (20) minutes after being activated.

- D. The alarm business performing monitoring services shall attempt to verify every alarm signal, except for a duress or hold-up alarm activation, or fire alarm before requesting a police or emergency response to an alarm signal.
- E. An alarm system does not include an alarm designed to alert only the inhabitants of a premises and which does not have a sound device which can be heard on the exterior of the alarm site.
- F. No alarm system or device designed to transmit emergency messages directly to the Police or Fire Department or that emits an audible signal that would require a response by either police or fire personnel shall be worked on, tested or demonstrated without obtaining permission from the Police Department Communications Section. Permission is not required to test or demonstrate an alarm system or devices that do not transmit emergency messages or signals directly to the Police or Fire Department.

§ 100-4. Fines.

- A. An alarm user may be subject to warnings and fines for false alarm dispatches emitted from an alarm system within a three-hundred-sixty-five-day period, based on the following schedule:

Number of False Alarm Dispatches

Action Taken

Fine

1

Warning

None

2

Warning

None

3

3rd offense

\$50

4

4th offense

\$75

5

5th and subsequent

\$100

- B. Any alarm user operating an alarm system without a permit as prescribed under § 100-2A of this bylaw shall be subject to an additional fine of twenty-five dollars (\$25) 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.
- D. All fines resulting from the enforcement of the provisions of this bylaw pertaining to alarms shall be collected in the form of a personal check, money order or registered check, made payable to the Town of Charlton and forwarded to the Charlton Police Department. All funds collected shall be added to the Town's general treasury in accordance with MGL c. 44, § 53.
- E. State, federal, county and municipal entities shall be exempt from the provisions of this bylaw.

- F. All fines shall be paid within twenty-one (21) days of receipt of a noncriminal violation notice.

§ 100-5. General provisions.

- A. Except as otherwise required by law, including the Commonwealth's Public Records Act,¹ the information furnished and secured pursuant to this bylaw shall be confidential in character and shall not be subject to public inspection.
- B. This bylaw shall be enforced by the alarm administrator as defined in Subsection C immediately below and the definition of "Town Administrator" in § 100-6 below. Penalties for violations may be enforced by a noncriminal disposition pursuant to MGL c. 40, § 21D, and Chapter 10, Penalties, Article I, of the Charlton General Bylaws. 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 twenty (20) days after receipt of a noncriminal violation notice. The Town Administrator or designee shall conduct a hearing and render a written decision within thirty (30) days following receipt of such request for review. The decision of the Town Administrator or designee shall be final. Nothing in the three (3) immediately preceding sentences shall affect the time limits, penalties, procedures or remedies applicable under the aforementioned noncriminal disposition statute and bylaw, the administrative appeal to the Town Administrator being intended to be a separate, additional process, provided that if the Town Administrator should decide in favor of the alarm user, the Town shall not proceed any further with the noncriminal disposition procedure and no fine shall be enforced hereunder.
- C. The Chief of Police or designee shall serve as the alarm administrator to: administer, control and review alarm applications, permits, 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 bylaw and enforce the provisions hereof.

§ 100-6. Definitions.

For the purpose of this bylaw, the following terms, phrases, words and their derivations shall have the following meanings. The word "shall" is always mandatory and not merely directory.

ALARM ADMINISTRATOR — The Chief of Police of the Town of Charlton or his/her designated representative.

ALARM SYSTEM — An assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police or fire personnel are expected to respond. In addition, any device which when activated calling for a response by police or fire personnel: (a) transmits a signal to the Charlton Police or Fire Departments; (b) transmits a signal to a person who relays information to the Charlton Police or Fire Departments; or (c) produces an audible or visible signal to which police or fire personnel are expected to respond. Excluded

¹. Editor's Note: See MGL c. 66, § 1 et seq.

from this definition and the scope of this bylaw are devices which are designed to alert or signal only persons within the premises in which the device is installed.

ALARM USER — 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 § 100-2B of this bylaw shall be deemed the alarm user. Excluded from this definition are:

- A. State, federal, county and municipal agencies;
- B. Persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. However, if such an alarm system employs an audible signal or flashing light outside the premises, the user of such an alarm system shall be within the definition of "alarm user" and shall be subject to this bylaw.

BOARD OF SELECTMEN — The Selectmen of the Town of Charlton.

CHIEF OF POLICE — The Chief of Police of the Town of Charlton or his/her designated representative.

FALSE ALARM — (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 Charlton 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 Charlton Fire 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 criminal offense, a fire, or other emergency, power outages or extreme weather conditions.

FIRE DEPARTMENT — The Town of Charlton Fire Department or any authorized agent thereof.

POLICE or POLICE DEPARTMENT — The Town of Charlton Police Department or any authorized agent thereof.

TOWN — The Town of Charlton.

TOWN ADMINISTRATOR — The Town Administrator of Charlton or his/her designated representative.

§ 100-7. Enforcement.

The Town, upon authorization by the Board of Selectmen, may institute civil proceedings to enforce the provisions of this bylaw. The provision of this bylaw may be enforced with the prior approval of the Board of Selectmen under Massachusetts General Laws and Chapter 10, Penalties, Article I, of the Charlton General Bylaws as provided in § 100-5B above.

§ 100-8. Severability.

The invalidity of any part or parts of this bylaw shall not affect the validity of the remaining parts.