

Chapter 55

ALARM SYSTEMS

**Article I
Intrusion Alarms**

**Article II
Fire Alarms**

- §55-1. Findings; purpose.
- §55-2. Definitions.
- §55-3. Administrative rules.
- §55-4. Control and curtailment of signals emitted by alarm users.
- §55-5. Testing of equipment.
- §55-6. False alarms.
- §55-7. Violations and penalties.

- §55-8. Preamble.
- §55-9. Definitions.
- §55-10. Fines for system malfunctions.
- §55-11. Appeal procedure.
- §55-12. Adoption of regulations and legal action by Fire Chief.
- §55-13. Disconnection upon failure to pay fine; proceedings.
- §55-14. Severability.

HISTORY: Adopted by the Town Meeting of the Town of Hopkinton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Intrusion Alarms

[Adopted 9-27-1988 STM, Art. 20; amended 5-6-2002 ATM, Art. 51]

~ 55-1. Findings; purpose.

It has been determined by the Hopkinton Police Department that the number of false alarms received by the Department significantly increase departmental expenses, hinders its efficiency and lowers the morale of the Department. This situation endangers the general public, homeowners, businesses and Hopkinton police officers. It is intended that the following article will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Hopkinton.

~ 55-2. Definitions.

- A. Words used in the present tense include the future; words used in the plural number include the singular number, and words used in the singular number include the plural number. The word shall is always mandatory and not discretionary.
- B. For the purposes of this article, the following terms, phrases, words and their derivatives shall have the meaning given herein, when not inconsistent with the context:

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 are expected to respond. Fire alarm systems and alarm systems not directly related to the detection of an unauthorized intrusion into property or premises or an attempted robbery at property or premises are specifically excluded from this article.

ALARM USER or USER --Any person on whose premises an alarm system is maintained within the town, except for alarm systems on motor vehicles or proprietary systems. Excluded from this article are central station personnel and persons who use alarm systems to alert or signal persons within the premises in which the system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of "alarm system" as that term is used in this article and shall be subject to this article.

AUTOMATIC DIALING DEVICE -- Refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation that the alarm system is designed to detect.

CENTRAL STATION -- An office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.

COMMUNICATIONS CONSOLE and DIRECT CONNECT -- An alarm system which has the capability of transmitting system signals to, or receiving them at, the Hopkinton Police Department communications center.

FALSE ALARM -- Activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his employees or agents, or any signal or oral communication transmitted to the Police Department requesting, 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 any property or premises and no attempted robbery or burglary at any property or premises. Excluded from this definition are activation of alarm systems caused by power outages, motor vehicle accidents, act of God, telephone repairmen and similar situations.

INTERCONNECT -- To connect an alarm system to a voice-grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

POLICE CHIEF -- The Chief of Police of the Town of Hopkinton or designated representative.

POLICE or POLICE DEPARTMENT --The Town of Hopkinton Police Department or any authorized agent thereof.

PUBLIC NUISANCE --Anything which annoys, injures or endangers the comfort, repose, health or safety of any considerable number of persons or of any community or neighborhood.

TOWN -- The Town of Hopkinton.

~ 55-3. Administrative rules.

- A. Alarm systems may be connected to the communications console in the Police Department.
- B. If such systems are so connected, the alarm company shall furnish, at no cost to the town, a communications console and the necessary telephone lines which are compatible to the receipt of alarm signals from alarm systems whose lines are connected to the Police Department. The

alarm company shall set forth the annual fee each alarm user will be required to pay the alarm company for services rendered with respect to the communications console. Such services shall be set forth in the form of a written contract between the alarm company and each alarm user. The provisions of this Subsection B relate solely to the aforementioned communications console connections to the said console by alarm users and fees and charges related to the installation and maintenance of the console. Any alarm user may contract with any alarm company of his choice for the sale, installation, maintenance and/or servicing of the alarm system to be installed on his premises. System components installed in all future alarm systems or additions to existing systems shall consist of equipment designed for the use for which it was intended and shall be approved for such use by an independent testing laboratory.

- C. The alarm user or the alarm company contracting for servicing the alarm users alarm system shall be responsible for obtaining the leased telephone line between the user's premises and the alarm receiving equipment at the Police Department and for furnishing the appropriate interface equipment, if required, in order to provide an input signal which is comparable with the receiving equipment used to operate the communications console.
- D. The provisions of ~ 55-6 concerning false alarms shall apply to all alarm users or persons having direct connect systems, except municipal, county and state agencies and religious organizations.

~ 55-4. Control and curtailment of signals emitted by alarm users.

- A. Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two persons in addition to the user who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed.
- B. All alarm systems shall be equipped with a test device which will give a minimum ten-second delay prior to alarm system activation in order to warn the alarm user of an open alarm circuit.
- C. Within six months from the effective date of this article, those alarm systems which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within 15 minutes after activation of the alarm system.
- D. Procedure if alarm user is unavailable.

(1) Any alarm system emitting a continuous and uninterrupted signal for more than one hour between the hours of 9:00 p.m. and 6:00 a.m. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under Subsection A of this section, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such nuisance, the Police Chief or designee shall endeavor to contact the alarm user or members of the alarm user's family, or those persons designated by the alarm user under Subsection A of this section, in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complaints and the time each complaint was made.

(2) In the event that the Police Chief or designee is unable to contact the alarm user, or those persons mentioned in Subsection A above, or if those aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system and if the Police Chief or designee is otherwise

unable to abate the nuisance, he may direct a police officer or a firefighter or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

(3) If entry upon the property outside the home or building in which the alarm system is located is made in accordance with this section, the person so entering upon such property shall not conduct, engage in or undertake any search, seizure, inspection or investigation while he is upon the property; shall not cause any unnecessary damage to the alarm system or to any part of the home or buildings; and shall leave the property immediately after the audible signal has ceased. After an entry upon property has been made in accordance with this section, the Police Chief shall have the property secured, if necessary. The reasonable costs and expenses of abating a nuisance in accordance with this section may be assessed to the alarm user, said assessment not to exceed \$50.

(4) Within 10 days after abatement of a nuisance in accordance with this section, the alarm user may request a hearing before the Board of Selectmen and may present evidence showing that the signal emitted by his alarm system was not a public nuisance at the time of the abatement, that the costs of the abatement should not be assessed to him or that the requirements of this section were not fulfilled. The Board shall hear all interested parties and may, in its discretion, excuse the alarm user from paying the costs of abatement.

~ 55-6. Testing of equipment

No alarm system designed to transmit emergency messages directly to the Police Department shall be worked on, tested or demonstrated without first notifying the police dispatcher prior to and upon completion of testing. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Police Department. Any unauthorized test constitutes a false alarm.

~ 55-6. False alarms. [Amended 5-6-2002 ATM, Art. 51]

- A. When emergency messages are received by the Police Department that evidence false alarms, the Police Chief or designee shall take such action as may be appropriate under Subsections B, C, D and E of this section and when so required by the terms of the aforementioned subsections, order that use of an alarm system be discontinued.
- B. After the Police Department has recorded three separate false alarms within any calendar year from an alarm system, the Police Chief shall notify the alarm user, in writing and by mail, of such fact and require the said user to submit, within 15 days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, due to absence from the Town or any other reasonable basis, requests an extension of the time for filing the report, the Police Chief may extend the fifteen-day period for a reasonable period. If the said user fails to submit such a report within 15 days or within any such extended period, the Police Chief may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within 15 days from the date of receipt of the Police Chief's order.
- C. In the event the Police Chief determines that a report submitted in accordance with Subsection B of this section is unsatisfactory or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Police Chief may order that use of the alarm system be discontinued. Any such discontinuance shall

be effectuated within 15 days from the date of receipt of the Police Chief's order.

- D. In the event the Police Department records five false alarms within any calendar year from an alarm system, the Police Chief may order that the user of the alarm system discontinue use of the alarm system for the remainder of the calendar year or for six months from the date the alarm was disconnected, whichever of such period is longer. In the event that the Police Department records eight false alarms within any calendar year from an alarm system, the Police Chief may order that the user of the alarm system discontinue use of the alarm system for one year from the date the alarm was disconnected.
- E. Any user of an alarm system which transmits false alarms shall be assessed a fine of \$50 for each false alarm in excess of three occurring within any calendar year. All fines assessed hereunder shall be paid to the Town Treasurer for deposit in the general fund. Upon failure of the user of an alarm system to pay two consecutive fines assessed hereunder within 60 days of assessment, the Police Chief may order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within 15 days from the date of receipt of the Police Chief's order.
- F. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Board of Selectmen. Notice of an appeal shall be filed with the Board of Selectmen within 10 days of the date of the order of discontinuance. Thereafter the Board shall consider the merits of the appeal and in connection therewith shall hear evidence presented by all interested persons. After hearing such evidence, the Board may affirm, vacate or modify the order of discontinuance.

~ 55-7. Violations and penalties.

- A. The following acts and omissions shall constitute violations of this article punishable by fines of up to \$50:
 - (1) Failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal.
 - (2) Failure to pay two or more consecutive fines assessed under this article within 60 days from the date of assessment.
 - (3) Failure to comply with the requirements of ~ 55-4D of this article.
- B. Each day during which the aforesaid violations continue shall constitute a separate offense.
- C. The penalties hereinabove set forth may be modified by vote of the Board of Selectmen upon the recommendation in writing of the Chief of Police.

ARTICLE II
Fire Alarms
[Adopted 4-17-1991 ATM, Art. 51]

~ 55-8. Preamble.

Whereas it has been determined by the Hopkinton Fire Department that there has been an increase in the number of false alarms received by that Department; and whereas false alarms needlessly

endanger the safety of the public and of the fire fighters, are an unnecessary expense to the Town of Hopkinton and can be prevented through proper installation and maintenance; and, whereas, it is in the best interest of the community to reduce the impact of false alarms, this article is designed to accomplish the above goals.

~ 55-9. Definitions.

When used in this article, unless a contrary intention clearly appears, the following words shall have the following meanings:

ALARM MONITORING SERVICE -- A service that monitors fire alarms from a subscriber and then transmits the alarm to the Hopkinton Fire Department.

CENTRAL STATION -- An office to which remote alarm and supervisory signaling devices are connected and where operators supervise alarms and transmit them to the Hopkinton Fire Department.

FIRE ALARM MALFUNCTION --The transmittal of a fire alarm to a central station, alarm monitoring service or directly to the Hopkinton Fire Department, which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reason that causes a fire alarm to sound even though there is no actual fire or situation that reasonably could evolve into a fire.

FIRE ALARM SYSTEM -- Any heat-activated, smoke-activated, flame-energy activated or other such automatic device capable of transmitting a fire alarm signal to a central station, to an alarm monitoring service or to the Hopkinton Fire Department.

FIRE ALARM SYSTEM OWNER -- An individual or entity which owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station, to an alarm monitoring service or directly to the Hopkinton Fire Department.

FIRE CHIEF -- The Chief of the Hopkinton Fire Department or designated representative.

~ 55-10. Fines for system malfunctions. [Amended 5-5-2008 ATM, Art. 23]

If there is a fire alarm system malfunction, the Fire Chief may assess a fine against a fire alarm system owner for each malfunction occurring during any 12 month period according to the following schedule:

A. Amount of fine.

(1) First through third malfunction: no charge. Upon recording of the third false alarm by the Hopkinton Fire Department, the Fire Chief shall notify the owner of the building, in writing and by certified mail, of such fact, and at that time inform the owner of this article and of the Department's policy with regard to the charging for false alarms.

(2) Fourth through sixth malfunction: \$250.

B. Any false alarm which is the result of the failure of the property owner, occupant or their agents to notify the Hopkinton Fire Department of repair, maintenance or testing of an internal fire alarm system within the protected premises shall cause a penalty to be assessed in

accordance with Subsection A of this section.

C. For the purposes of this article, a false alarm shall be defined as follows:

- (1) The operation of a faulty smoke or heat detection device.
- (2) Faulty control panel or associated equipment.
- (3) A water pressure surge in an automatic sprinkler equipment.
- (4) Accidental operation of an automatic sprinkler system.
- (5) 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 an internal fire alarm system.

D. Property owners will be billed once a month for the malfunction activity occurring during the previous month. All fines assessed hereunder shall be paid to the Town Treasurer for deposit into the general fund.

~ 55-11. Appeal procedure.

Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this article may, within 10 days of such action, file an appeal, in writing, to the Board of Selectmen of the Town of Hopkinton (the Board). After public notice, the Board shall hold a hearing, after which it may suspend, affirm, annul or modify the action taken by the Fire Chief giving its written reasons therefor. The Board shall send its decision to the owner by first class mail within 10 days after the hearing. The decision of the Board shall be a final administrative decision. The owner shall have 30 days from the date of the written decision to seek judicial review in a court of appropriate jurisdiction.

~ 55-12. Adoption of regulations and legal action by Fire Chief.

The Fire Chief may promulgate such regulations as may be required or as may be necessary to implement this article. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this article.

~ 55-13. Disconnection upon failure to pay fine; proceedings.

Failure to pay a fine assessed under this article within 60 days may result in disconnection of the fire alarm system. In such event, notice may be sent to the owner's insurance company and other appropriate code officials. The Town of Hopkinton may then initiate collection proceedings available to it under law.

~ 55-14. Severability.

The provisions of this article shall be deemed to be severable, and if any of its provisions shall be held unenforceable by any law court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.