



“ORDINANCE RELATIVE TO FALSE ALARMS”

BE IT ORDAINED by the Municipal Council of the City of Attleboro as follows:

That Section 15-3 Alarm Regulations of Chapter 15 —Police, of the Revised Ordinances of the City of Attleboro be hereby amended by deleting Section 15-3 in its' entirety and inserting the following:

Section 15-3 ALARM REGULATIONS

15-3.1 Purpose

The purpose of this Regulation is to encourage Alarm Users and Alarm Companies to properly use and maintain the operational effectiveness of Alarm Systems in the City of Attleboro in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms.

This Regulation governs Alarm Systems intended to summon Attleboro Police Department response, and requires licensing and registration, establishes fees, provides penalties for violations and establishes a system of administration.

15-3.2 Definitions

In this Regulation the following terms and phrases shall have the following meanings:

Alarm Administrator means a Person or Persons designated by the Police Chief to administer the provisions of this Regulation and control and review False Alarm reduction efforts.

Alarm Company means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site.

Alarm Dispatch Request means a notification to the Police Department that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

Alarm Registration means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.

Alarm Site means a single fixed premises or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site.

Alarm System means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including Local Alarm Systems. Alarm System does not include an alarm installed in a vehicle or on someone's Person unless the vehicle or the personal alarm is permanently located at a site.

Alarm User means any Person, who has contracted for Monitoring, repair, installation or maintenance service from an Alarm Company or Monitoring Company for an Alarm System, or who owns or operates an Alarm System that is not monitored, maintained or repaired under contract.

Arming Station means a device that allows control of an Alarm System.

Automatic Voice Dialer means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

Cancellation means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the Police Department that there is not an existing situation at the Alarm Site requiring police response after an Alarm Dispatch Request.

Conversion means the transaction or process by which one Alarm Company or Monitoring Company begins the servicing and/or Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.

Duress Alarm means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires police response.

False Alarm means the activation of an alarm system requesting, requiring or resulting in a response by the Police Department when in fact the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site. For the purposes of this definition, activation of alarm systems by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

Hearing Officer means the Chief of Police, or someone appointed by the Chief of Police, to act as an impartial arbitrator at hearings related to the enforcement of this Regulation.

Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

License means a license issued by the Alarm Administrator to an Alarm Company to sell, install, monitor, repair or replace Alarm Systems.

Local Alarm System means any Alarm System, which is not monitored, that annunciates, audible or otherwise, an alarm only at the Alarm Site.

Monitoring means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the Police Department for the purpose of summoning law enforcement to the Alarm Site.

Monitoring Company means a Person in the business of providing Monitoring services.

Panic Alarm means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring police response.

Person means an individual, corporation, partnership, association, organization or similar entity.

Police Department means the Attleboro Police Department.

Registration Period means a period of time not to exceed two years from the date of issuance, as determined by the Alarm Administrator.

Responder means an individual capable of reaching the Alarm Site within 25 minutes after notification and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System

SIA Control Panel Standard CP-01 means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

Takeover means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

Verify means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User by telephone and/or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting Police Department dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

Zones means division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

15-3.3 Registration Required, Application, Fee, Transferability, False Statements

No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site within the City of Attleboro without a valid Alarm Registration. A separate Alarm Registration is required for each Alarm Site.

The Alarm Administrator shall determine the requirements for the Alarm Registration applications.

An Alarm Registration form may be obtained at the Attleboro Police Department or on the Police Department website.

The initial Alarm Registration must be submitted to the Alarm Administrator within ten (10) business days after the Alarm System installation or Alarm System Takeover.

Upon receipt of a completed Alarm Registration application form, the Alarm Administrator shall register the applicant unless the applicant has:

Failed to pay a fine assessed under Section 9;

Failed necessary requirements for the Alarm Registration application.

Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue a registration.

An Alarm Registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Registration application within ten (10) business days of such change.

All fines owed by an applicant must be paid before an Alarm Registration may be issued or renewed.

15-3.3.1 Alarm Registration Duration and Renewal

An Alarm Registration shall be for a period not to exceed two years from the date of issuance, ending on December 31 of the second year. Registrations must be renewed by submitting an updated application to the Alarm Administrator.

A \$5 late fee shall be assessed if the registration renewal is more than thirty (30) days past the date of expiration.

15-3.4 Duties of Alarm User

An Alarm User shall:

Maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms

Have available a *Responder* who can be at the Alarm System's location within 25 minutes of notification by the Police Department, in order to:

Deactivate an Alarm System

Provide access to the Alarm Site; and/or

Provide current information on and notify the Alarm Administrator of any changes in information on the two required Responders

Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report

If the Alarm User does not have a *Responder* the Alarm Administrator may permit a *hardship waiver* of this requirement. Such waiver shall be for valid reasons. The Alarm User shall request, in writing, to the Alarm Administrator for such waiver.

An 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 fifteen (15) minutes after being activated.

An Alarm User shall have a Licensed Alarm Company inspect the Alarm System after six (6) False Alarms in one calendar year. The Alarm Administrator may waive a required inspection if it determines that a False Alarm(s) could not have been related to a defect or malfunction in the Alarm System.

After eight (8) False Alarms within a calendar year, the Alarm User must have a Licensed Alarm Company modify the Alarm System to be more false alarm resistant or provide additional user training, as appropriate.

An Alarm User shall not use Automatic Voice Dialers.

An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

False Alarms caused by the actions of on-scene employees of an Alarm Company shall not be credited against the Alarm User, but shall be the responsibility of the Alarm Company and fined under the General Fines and Penalties.

15-3.5 License or Licensing

All Alarm Companies and Monitoring Companies doing business within the boundaries of the City of Attleboro shall obtain a License from the City. Such License shall be deemed valid unless revoked or suspended by the Alarm Administrator.

License fees shall be as follows:

License Fee \$100

There shall be no Renewal Fee.

The Alarm Administrator shall determine the requirements of License applications.

It shall be a violation of this Regulation if a Monitoring Company:

Submits an Alarm Dispatch Request to any Alarm Site while unlicensed, or

Continues Alarm Dispatch Requests to any Alarm Sites after notification by the Alarm Administrator that the Company's license has been suspended or revoked.

15-3.5.1 Duties of Alarm Company and Monitoring Company

The Alarm Company shall provide written and oral instructions to each Alarm User in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off and to avoid False Alarms.

Alarm Companies shall, on new installations, use only alarm control panels that meet SIA Control Panel Standard CP-01.

An alarm company shall not use Automatic Voice Dialers.

After completion of the installation of an Alarm System, an Alarm Company employee shall review with the Alarm User the False Alarm Prevention Checklist provided by the alarm company and approved by the Alarm Administrator.

A Monitoring Company shall:

Report alarm signals by using telephone numbers designated by the Alarm Administrator

Verify every alarm signal, except Panic or Holdup Alarm activations, before requesting police response to an Alarm System signal; in the event of Panic or Holdup Alarm activation, the Monitoring Company will attempt to verify the alarm immediately after contacting the Police Department

Communicate Alarm Dispatch Requests to the Police Department.

Communicate Cancellations to the Police Department in a manner and form determined by the Alarm Administrator

Ensure that all Alarm Users of Alarm Systems equipped with a Duress, Holdup or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm

Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the Alarm Dispatch Request

Communicate type of alarm activation (silent or audible, interior or perimeter)

After an Alarm Dispatch Request, promptly advise the Police Department if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site, and

Notify the Alarm User or authorized representative within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made.

An Alarm Company and/or Monitoring Company that purchases Alarm System accounts from another Person shall notify the Alarm Administrator of such purchase and provide details as may be reasonably requested by the Alarm Administrator.

15-3.6 Duties and Authority of the Alarm Administrator

The Alarm Administrator shall:

Designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests, and

Establish a procedure to accept Cancellation of Alarm Dispatch Requests.

The Alarm Administrator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the information listed below:

Identification of the registration number for the Alarm Site

Identification of the Alarm Site

Date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator's name or number

Date and time of police officer arrival at the Alarm Site

Zone and Zone description, if available

Weather conditions

Name of Alarm User's representative at Alarm Site, if any

Identification of the responsible Alarm Company or Monitoring Company

Whether the officer was unable to locate the address of the Alarm Site, and

Cause of alarm signal, if known.

The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm by Monitoring Companies. The notice shall include the following information:

The date and time of police response to the False Alarm, and

A statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected and serviced in order to avoid False Alarms and resulting fines.

The Alarm Administrator may require a conference with an Alarm User and the Alarm Company and/or Monitoring Company responsible for the repair or monitoring of the Alarm System to review the circumstances of each False Alarm.

The Alarm Administrator may adjust the count of False Alarms based on:

Evidence that a False Alarm was caused by an Act of God

Evidence that a False Alarm was caused by action of the telephone company

Evidence that a False Alarm was caused by a power outage lasting longer than four (4) hours, and/or

Evidence that the Alarm Dispatch Request was not a False Alarm.

The Alarm Administrator will make a copy of this Regulation and/or an Regulation summary sheet available to the Alarm User upon registration or request.

The Alarm Administrator may waive this fine for a non-registered system if the Alarm User submits an application for Alarm Registration within five (5) business days of notification of such violation.

The Alarm Administrator, or his designee, shall be authorized to issue written notice of violations. In accordance with the provisions of General Laws Chapter 40, §58, a lien, known as the municipal charges lien, may be imposed by the Alarm Administrator in real property owned by a person who fails to pay any such fine assessed herein. Such lien may be discharged by recording in the Registry of Deeds a certificate from the City Collector indicating that any such fine has been paid or legally abated. All costs of recording of discharging such lien shall be borne by the owner of the property.

15-3.7 Notifications

Monitoring Companies shall notify Alarm Users or their authorized representatives after each False Alarm.

The Alarm Administrator will notify the Alarm User and the Alarm Company or Monitoring Company in writing of the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Company or Monitoring Company.

15-3.8 Fines and Penalties

Violations of any provision of this Regulation, except those prescribed in Section 15-3.9, shall be subject to a fine of \$50 for the first offense, \$100 for a second or subsequent offense.

15-3.9 False Alarms

An Alarm User shall be subject to fines, depending on the number of False Alarms within a calendar year, based upon the following schedule:

<u>Number of False Alarms</u>	<u>Fine Amount</u>
1-5	No Fine
6	\$75
7	\$100
8	\$200
9 and each thereafter	\$300

If Cancellation occurs prior to the Police Department arriving at the scene, this is not a False Alarm for the purpose of fines, and no fines will be assessed.

Every Police Department response to a false Duress, Holdup or Panic Alarm at an Alarm Site is subject to an additional fine of \$50.

Any Person operating a non-registered Alarm System in violation of the provisions of Section 15-

3.3 be subject to an additional fine of \$50 for each False Alarm, in addition to any other fines.

15-3.9.1 Appeals

If the Alarm Administrator denies the issuance of an Alarm Registration, or suspends or revokes an Alarm License, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant Alarm Company or Monitoring Company.

The Alarm Company or Monitoring Company may appeal the decision of the Alarm Administrator to a Hearing Officer as follows:

The applicant Alarm Company or the Monitoring Company may file a written request for a review by paying an appeal fee of \$20 and setting forth the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the Alarm Administrator.

The Hearing Officer shall conduct a hearing within thirty (30) days of the receipt of the request and consider the evidence by any interested Person(s). The Hearing Officer shall make his/her decision on the basis of the preponderance of evidence presented at the hearing. The Hearing Officer must render a decision within twenty (20) days after the date of the hearing. The Hearing Officer shall affirm or reverse the decision of the Alarm Administrator.

Filing of a request for appeal shall stay the action by the Alarm Administrator revoking an Alarm Registration or requiring payment of a fine, until the Hearing Officer has completed his/her review. If a request for appeal is not made within the twenty (20) business day period, the action of the Alarm Administrator is final.

The Alarm Administrator, or his designee, shall be authorized to issue written notice of violations. In accordance with the provisions of General Laws Chapter 40 Section 58, a lien, known as the municipal charges lien, may be imposed by the Alarm Administrator in real property owned by a person who fails to pay any such fine assessed herein. Such lien may be discharged by recording in the Registry of Deeds a certificate from the City Collector indicating that any such fine has been paid or legally abated. All costs of recording of discharging such lien shall be borne by the owner of the property.

15-3.10 Reinstatement

An Alarm Company whose Alarm license has been suspended or revoked may, at the discretion of the Alarm Administrator or the Hearing Officer, have the Alarm license reinstated by the Alarm Administrator or the Hearing Officer if the Person:

Submits a new application and pays a \$25 reinstatement fee

Pays, or otherwise resolves, all outstanding citations and fines

15-3.11 Confidentiality

In the interest of public safety, all information contained in and gathered through the Alarm Registration applications and applications for appeals shall be held in confidence by all employees or representatives of the City, and by any third-party administrator or employees of a third-party administrator with access to such information.

15-3.12 Government Immunity

Alarm Registration shall not create any contract, duty or obligation upon the City of Attleboro, implied or express, to respond to an alarm. The City of Attleboro and its officers, agents and employees shall not be liable for any claim, loss, damage or consequence resulting from the failure to respond to an alarm. All incidents of immunity as provided by law are retained by the City of Attleboro and its officers, agents and employees. By applying for an Alarm Registration, the Alarm User acknowledges that Police Department response, or lack thereof, may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels.

15-3.13 Severability

The provisions of this Regulation are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

Regulations in conflict herewith are hereby repealed to the extent of such conflict.