

## **FIRE ALARM AND PROTECTIONS SYSTEM BYLAW**

### **Section 1: Purpose and Intent**

The proliferation of fire alarm systems monitored by the Boxborough Fire Department has imposed an increasing burden on said Department. In addition, the erroneous and mistaken use of fire alarm systems and those that are not installed, maintained or operated properly has resulted in increased service calls by the Boxborough Fire Department and is creating a hazard to the members of said Department and to the general public. The purpose of this chapter is to regulate the use of said alarm systems and to reduce the incidence of false alarms.

### **Section 2: Definition**

- (a) Alarm System: Any assembly of equipment, mechanical or electrical, arranged to transmit a signal to the Department of the occurrence of a fire emergency to which firefighters are expected to respond. For the purpose of this bylaw this would also include, but not be limited to, a fire protections system such as an automatic sprinkler or extinguishing system.
- (b) Approval: Approval by the Fire Chief or his designee.
- (c) Automatic Alarm Dialing Device: Any 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 a fire emergency.
- (d) Department: The Boxborough Fire Department.
- (e) False Alarm:
  - (1) Error or mistake. Any action by any alarm system permit-holder owning, leasing, operating or controlling an alarm system installed in any dwelling, building or place in the Town of Boxborough or any action by any agent or employee of, or anyone in privity with, said person, which results in the unintentional activation of said alarm system when no fire emergency exists.
  - (2) Malfunction. Any unintentional activation of any alarm system caused by a flaw in the design or installation of, or the improper maintenance of the system. This shall not include the activation caused by violent conditions of nature or other extraordinary circumstances, not reasonably subject to the control of the alarm system permit-holder.
  - (3) Intentional misuse. Any intentional activation of an alarm system when no fire emergency is in progress.
- (f) Fire Chief: Chief of the Boxborough Fire Department or such other officer as the Fire Chief may appoint as his designee.
- (g) Person: Any person, firm, corporation or other entity except the Town of Boxborough.
- (h) Town: Shall mean the Town of Boxborough.

### **Section 3: Administrative Rules**

The Fire Chief may from time to time promulgate such rules and regulations as may be necessary for the implementation and use of this bylaw and the installation of an alarm system and related components. These rules and regulations may be amended as the need arises by the Fire Chief.

### **Section 4: Fees and Penalties**

After due notice and a public hearing, the Board of Selectmen, upon recommendation from the Fire Chief,

may from time to time adopt and amend a fee schedule associated with this bylaw, a copy of which shall be filed in the office of the Town Clerk. Said schedule shall include registration and permit fees, annual fire alarm service fees, reconnection fees, penalties for false alarms and fines associated with violations of any provisions of this bylaw.

**Section 5: Registration and Permits**

No person shall place any alarm system in service, or cause any such system to be placed in service after installation in any dwelling, business or place within the Town of Boxborough until such time as said alarm system has been registered with the Department and a permit for said system issued. Any alarm system in service on the effective date hereof shall be registered with the Department within sixty (60) days of notification by the Department of the adoption of this bylaw.

Alarm system permits may be obtained by completion of a registration form provided by the Department and payment of an initial permit fee as specified in the *Schedule of Fees and Penalties*. Permits shall expire on January 1st of every odd numbered year unless renewed. Renewal permits will be issued after payment of a fee as specified in the *Schedule of Fees and Penalties*. It shall be the responsibility of each permit holder to notify the Department in writing within ten (10) days of any change in registration information.

In addition to any other information requested on the registration form the registrant shall submit the names, addresses and telephone numbers of at least two (2) persons who shall have access to said building and alarm system day and night and the knowledge and ability to make, and the responsibility for making said alarm secure in case of activation.

In addition, registration information shall include the name, address and telephone number of the person responsible for servicing the alarm system.

**Section 6: Annual Fire Alarm Service Fee**

An annual fee subject to the following provisions shall be paid by the owners of property utilizing the municipal fire alarm system of the Town of Boxborough, when such fire alarm system exists, by connection of a master fire alarm box to the municipal fire alarm system. This fee is intended to offset the projected annual cost to the Town of Boxborough for the operation and maintenance of the master fire alarm system.

- (a) Property owned by or under the jurisdiction of the Town of Boxborough, and School Department of the Town of Boxborough, shall be exempt from payment of the annual fee.
- (b) The fire alarm service fee shall be determined annually by the Boxborough Fire Department, subject to the approval of the Board of Selectmen, and shall be specified in the *Schedule of Fees and Penalties*.
- (c) The fee period will be from July 1st through June 30th for the specified fiscal year.
- (d) New master fire alarm boxes installed between July 1st and March 31st will be charged the full amount of the annual fee. New master fire alarm boxes installed between April 1st and June 30th will not be charged until the following fiscal year.
- (e) All bills for the Fire Alarm Service Fee shall be due and payable on July 1st of each fiscal year or thirty (30) days from the mailing date, whichever is the later date.
- (f) In the event that the bill is not paid within thirty (30) days of its due date, the service shall be disconnected, and notification of disconnection be mailed to the owner.
- (g) In the event that service is disconnected, the service may be reconnected upon payment of any outstanding bills and a reconnection fee, as specified in the *Schedule of Fees and Penalties*.

**Section 7: Regulations**

- (a) No alarm system shall be installed until the plans and specifications relating to said alarm system

have been approved by the Fire Chief. The Fire Chief shall have the right at all reasonable times to inspect any alarm system within his jurisdiction.

- (b) The location of all alarm system components shall be provided on a floor plan to be kept at the site of the alarm system in or adjacent to the alarm system panel.

**Section 8: Secured Key Access**

Any building other than a residential building of less than six (6) units which has an alarm system or other fire protection system shall provide a secure Key Box installed in a location accessible to the Department in case of an emergency. This Key Box shall contain keys to the structure served by the alarm system; keys to fire alarm control panels and other keys necessary to operate or service fire protection systems. In addition, if required by the Fire Chief, a lock-box sufficient in size, shall be obtained and shall contain a list and Material Safety Data Sheet for all hazardous substances present on the site in significant quantities. As used herein the phrases “hazardous substances” and “significant quantities” shall be defined in accordance with applicable Town, State of Massachusetts and Federal Regulations governing the storage of these substances.

The Key Box shall be a type approved by the Fire Chief and compatible with the Key Box system presently in use. The Key Box shall be located and installed as approved by the Chief.

No permit for an alarm system as required pursuant to Section 5 shall be issued until the permit applicant has first installed a Key Box as specified above.

Any building owner violating Section 8 of this bylaw after receiving due notice by the Department shall be subject to a fine as specified in the *Schedule of Fees and Penalties*.

**Section 9: Response**

- (a) Except as provided in this section, when any alarm system is activated, the Department shall respond to the alarm and notify the person or persons listed in the registration form as having responsibility for securing said alarm system. Said person shall immediately go the place where the alarm is sounding to meet the fire officers, secure the building and reset the alarm.

Should any person responsible for securing and resetting any alarm system, when notified of its activation, refuse to respond pursuant to this section or within a reasonable time period, the officers on the scene shall check the property thoroughly, silence the alarm and secure the location as much as possible. If in the opinion of the fire officer in charge, the cause for the alarm is readily apparent and the system can be readily reset by a reset switch provided for this purpose, the system will be reset.

- (b) If any dwelling, building or place is required by law to maintain a fire alarm system, as herein defined, and if said alarm system fails to function and cannot be returned to service within a reasonable time, and if in the opinion of the Fire Chief or Officer in Charge the absence of a properly functioning alarm system may pose a threat to life and property, the Fire Chief or Officer may require the special duty assignment of one or more firefighters to patrol the premises until the alarm system has been returned to service. The cost of any special duty assignment shall be the responsibility of the alarm system permit holder. Payment for such special duty services shall be made at such rates and in accordance with such terms as are established pursuant to the Personnel Classification Plan or other Contractual Agreement which is then in effect, provided, however, that notwithstanding the provisions of the immediately preceding sentence, payments shall be in an amount not less than that required to reimburse firefighters at one and one-half times their regular salary rate.

**Section 10: False Alarms - Errors, Mistakes or Malfunctions; Penalty**

- (a) No alarm system shall be activated by error, mistake or malfunction in any dwelling, building or place, when no fire emergency exists which results in the response of the Department.
- (b) The following fines and charges shall be imposed upon the alarm system permit holder for activation of an alarm system by error, mistake or malfunction, as the case may be, in violation of subsection (a) hereof:
  - (1) Up to four (4) such false fire alarms may occur in any calendar year without the imposition of a penalty.
  - (2) The fifth (5th) such false alarm and every such subsequent false fire alarm during any calendar year shall result in a fine per false alarm in an amount specified in the *Schedule of Fees and Penalties*.
- (c) After the third (3rd) false alarm, when time permits, a registered written warning shall be sent by the Department to the alarm system permit holder.
- (d) After the fourth (4th) such false alarm, a written order from the Department shall be issued to the alarm system permit holder requiring the alarm system to be inspected and the Department notified of corrective action taken.
- (e) Notwithstanding the provisions of sections (b), (c) and (d) above, if subsequent alarms are received due to a failure to properly reset an alarm system within a reasonable time period, a fine, as specified in the *Schedule of Fees and Penalties* shall immediately be imposed after the receipt of the such false alarm, provided that the owner, manager or person responsible for the property has been properly notified.

**Section 11: Same-Intentional; Penalty**

- (a) No person shall knowingly or intentionally activate any alarm system when no fire emergency exists.
- (b) No person shall knowingly or intentionally test, repair, adjust, alter or perform maintenance on an alarm system, or cause the same to be tested, repaired, adjusted, altered or maintained if such action could result in a false alarm without first notifying the Department and receiving approval for same. The Department shall be notified immediately upon completion of any such test, repair, adjustment, alteration or maintenance. The Fire Chief may restrict or refuse to permit the testing, repair, adjustment, alteration or maintenance of an alarm system if such could result in a false alarm when such restriction or refusal is necessary due to manpower limitations.
- (c) Any person who violates subsections (a) or (b) of this section shall be fined an amount as specified in the *Schedule of Fees and Penalties*, and where applicable, may additionally be subject to prosecution under the Massachusetts General Laws for falsely reporting an incident. All fines assessed hereunder shall be paid to the Town Treasurer for deposit in the General Fund.

**Section 12: Enforcement**

The provisions of Non-Criminal Disposition, MGL Chapter 40 section 21D may be used to enforce this bylaw.

- (a) A written notice (ticket) will be issued by the Fire Chief to the offender. The notice shall include the following:
  - (1) direct the offender to appear before the clerk-magistrate of the local district court within twenty-one (21) days;
  - (2) as an alternative, pay a specified fine within twenty-one (21) days; or
  - (3) as an alternative, request a hearing on the violations.  
Hearings will be held either before a judge, a clerk or assistant clerk. The Town will present its case and a decision will be rendered by the court.
- (b) When an offender does not pay or appear within the specified twenty-one (21) days, it shall be the right of the Fire Chief to disconnect the alarm from the Town of Boxborough fire alarm system

- fifteen (15) days after notification by registered letter to the permit holder.
- (c) The Town may apply to the district court for a criminal complaint when an offender does not pay or appear within the specified twenty-one (21) days.

**Section 13: Exterior Audible Alarm-Duration**

Unless required by law or specifically prohibited by manufacturers listing, no alarm system which produces an exterior audible signal shall be installed unless its operation is automatically restricted to a maximum of thirty (30) minutes or the system is provided with an alarm silence switch in a locked cabinet of a type approved by the Fire Chief. Any exterior audible alarm system in use as of the effective date of this chapter must comply with this section within one hundred twenty (120) days of notification by the Department of adoption of this bylaw.

**Section 14: Automatic Alarm System Dialing Devices**

Automatic Alarm System Dialing Devices shall not be used to call the Town of Boxborough Fire Department emergency telephones.

**Section 15: Liability, Invalidity**

The Town shall be under no duty or obligation to maintain a dispatch panel, communication console, receiving module or other specialized equipment for the monitoring of alarm systems. The installation and maintenance of alarm systems permitted by this chapter shall be made at no cost to the Town.

No liability whatsoever is assumed by the Town of Boxborough for the failure of such alarm systems or monitoring facilities or for failure to respond to alarms, or for any other act or omission in connections with such alarm systems. Each alarm system permit holder shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the permit holder's alarm system.

The invalidity of any provision or provisions contained in this chapter shall not affect the validity of the remaining provisions hereof.

Adopted:	May 11, 1989
Approved by Attorney General:	August 19, 1989
Amended:	May 9, 2006
Approved by Attorney General:	July 13, 2006

## **FIRE LANES**

- A. The Fire Chief may designate Fire Lanes within the limits of any private way, parking area or driveway for the access of emergency apparatus to multiple family dwellings, stores, motels, schools, and places of public assembly.
- B. The owner of record of any area designated as a Fire Lane shall provide and install signs that shall read "FIRE LANE - TOW ZONE", painted yellow lines denoting area of restriction on pavement with the words "FIRE LANE - TOW ZONE". The size, materials and location of such signs or painted zones shall be approved by the Fire Chief.
- C. It shall be unlawful to obstruct or block any area designated as a "FIRE LANE" with a vehicle or any other means.
- D. Any vehicle parked or left unattended within a designated FIRE LANE may be removed or towed under the direction of a Police Officer or Fire Officer at the owner's expense.
- E. Any person violating section "B." shall, for each offense, be punished by a fine of fifty (\$50.00) dollars. Each day that such violation continues shall be a separate offense.
- F. Any person violating section "C." or Section "D." shall for each offense be punished by a fine of fifteen (\$15.00) dollars.

Adopted: May 13, 1991  
Approved by Attorney General: August 23, 1991