

“FALSE ALARM BY-LAW”
Adopted Annual Town Meeting May 16, 1988
Amended Special Town Meeting March 29, 2004 (Article 10)
Amended Annual Town Meeting May 16, 2005 (Article 40)
Amended Special Town Meeting March 13, 2006 (Article 9)

PREAMBLE: It is determined that the number of false alarms being responded to by the Somerset Police Department hinders the efficiency and effectiveness of the Department. This situation constitutes a danger to the general public, homeowners, businesses and the police. The adoption of the By-law will reduce the number of false alarms and promote responsible use of alarm devices in the Town of Somerset.

A. Terms & Definitions:

1. The term “Burglar Alarm System” means 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 or low voltage transformer, arranged to signal the presence of a hazard requiring urgent attention and to police are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this By-law. The provisions of Section E of this By-law shall apply to all users.
2. The term “User” of “System User” means any person who owns or leases an alarm system as provided in the article. The system user shall be responsible for all penalties which may be assessed under Section E of this article.
3. The term “False Alarm” means (a) the 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; (b) any signal or automatic dialing device transmitted to the 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, robbery or burglary, or attempted threat. 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.
4. The term “automatic dialing device” refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

B. Connection of Alarm System to the Police Department:

No alarm device or system shall be connected to or use any telephone line in the police department except those lines authorized by the Chief of Police.

C. Registration:

1. The Chief of Police is hereby authorized to require the registration of all burglar alarm systems.
2. Every person using a burglar alarm system shall be required to register his or her system with the Somerset Police Department before the system is put into operation. Registration forms will be available at the Police Department. Any system user who fails to register his or her alarm system shall be notified in writing of the registration requirements of this By-law. If after fourteen (14) days from such notice the user has still not registered the alarm system, the Chief of Police will send written notice to the user that failure to register the alarm within the next fourteen (14) days will be deemed a violation of the By-law and result in a fine not to exceed three hundred (\$300.00) dollars per week.

Each week, or portion of a week, during which such violation continues shall constitute a separate offense by the user. As an alternative to initiating criminal proceedings, a police officer may employ the provisions and procedures for non-criminal disposition of violations contained in Massachusetts General Law chapter 40, section 21D, and the Non-criminal Disposition By-law adopted at the December 16, 1991, Special Town Meeting, as amended. If such a disposition is employed, the penalty shall be three hundred (\$300.00) for each week, or portion thereof, that the violation continues.

3. Any person who owns or operates a burglar alarm device or system shall, as part of the registration procedure, submit to the Chief of Police the names, addresses and telephone numbers of at least two other persons who are authorized to respond, after notification by the Police Department, to an emergency signal transmitted by an alarm system who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Somerset Police Department of any changes in the list of authorized employees or other persons to respond to alarms.
4. Self-contained battery operated devices not utilizing an exterior sounder or not connected to elicit a police response need not be registered under this article.

D. Control and Curtailment of Signals Emitted by Alarm Devices

1. All alarm systems installed after the effective date of this By-law which use an audible siren, horn or bell shall be equipped with a device that will shut off such bell, horn, or siren within fifteen (15) minutes after activation of the alarm system. All existing alarm systems in the Town of Somerset must have a shut-off device installed within six (6) months of the passage of this By-law.
2. Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 PM and 6 AM or which continually sounds without legitimate cause during this time period, 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 Paragraph 3 of Section C, 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 of continuous or frequent signals, the Police Department shall endeavor to contact the alarm user, or members of the user's family, or those persons designated by the alarm user in Paragraph 3 of Section C, in an effort to abate the nuisance. The Police

Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

3. No alarm system which is designed to transmit emergency messages or signals of intrusion to the Police Department will be tested until the Police Dispatcher has been notified.
4. The user of an alarm system shall be subject to the provisions of Section E for all intentional false alarms caused by the user, his family, employees or agents.
5. The provisions of this By-law shall be subject to the provisions of Section E for all intentional false alarms caused by the user, his family, employees or agents.

E. Penalties

1. The user shall be assessed a false alarm service fee as follows: A fee of twenty-five (\$25.00) dollars for the fourth false alarm occurring within a calendar year; a fee of fifty (\$50.00) dollars for the fifth, sixth and seventh false alarms occurring within a calendar year; a fee of one hundred (\$100.00) dollars for each subsequent false alarm (in excess of seven false alarms) occurring within a calendar year. The Police Chief shall notify the alarm user either by certified mail or by service in hand by a police officer of such violation and said user shall submit payment within fifteen (15) days of said notice to the Town Treasurer for deposit to the General Fund. A fee of one hundred (\$100.00) dollars will be assessed for each intentional false alarm as described in Paragraph 4 of Section D.
2. Appeal of assessment charges must be made in writing to the Chief of Police within thirty (30) days of the assessment notice.
3. The Police Chief may waive any of the assessments stated in this section if circumstances warrant such waiver. Reasons for such waiver must be attached to the penalty notice and duly signed by the Chief of Police.
4. The user of a system which occasions six (6) or more false alarms within a calendar year or fails to pay the fine after said notice may be ordered to disconnect and otherwise discontinue the use of the same by the Board of Selectmen after a public hearing.

F. Conflict with other statutes

1. Any portion of the By-law which is found to be in contradiction of any State or Federal Law, statute or regulation shall be deemed to be superseded by such State or Federal Law, statute or regulation.

A True Copy, Attest:

Dolores Berge, Town Clerk