



# CITY OF LYNN

*In City Council* February 17, 2009 Page 1 of 9

## IN THE YEAR TWO THOUSAND AND NINE, AN ORDINANCE REGULATING ALARMS - FALSE ALARMS WITHIN THE CITY OF LYNN

### SECTION . ENTITLED ALARM SYSTEMS.

**WHEREAS**, the purpose of this ordinance, finds that excessive false alarms unduly burden the Lynn Police Department's limited law enforcement resources. The purpose of this ordinance is to establish reasonable expectations of alarm users and to ensure that alarm users who abuse the valuable resources of the Lynn Police Department are held accountable for their use of alarm systems.

#### **Section 1 - Definitions**

**Emergency Alarm System:** The term "Emergency Alarm System" shall mean an assembly of equipment and devices, or a single device, arranged to signal a hazard or intrusion requiring urgent attention and to which police are expected to respond. In this ordinance, the term "Emergency Alarm System" shall include the terms, "Dial Alarm", "Direct Alarm", and "Local Alarm", as those terms are hereinafter defined.

Fire alarm systems, motor vehicle systems, and alarm systems which monitor temperature, humidity, and any other condition not directly related to the detection of an unauthorized intrusion into a premises, robbery or attempted robbery at a premises, are specifically excluded from the provisions of this Ordinance.

**Alarm Installation:** The term "Alarm installation" shall refer to the design installation, repair, alterations and maintenance of systems designed to cause alarm to be sounded in the event of a burglary or robbery.

**Person:** The term "Person" shall refer to any natural person, corporation, unincorporated association, or other legal entity.

**Alarm User:** The term "Alarm User" shall refer to any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises, within City of Lynn.

**Proprietary System:** The term "Proprietary System" shall mean all alarm systems sounding and/or recording alarm and supervisory signals at a control center located within the protected premises; the control center being under the supervision of the proprietor of the protected premises or his employees or agents.

**Police Alarm Monitoring Facility:** The term "Police Alarm Monitoring Facility" shall mean the facility located within the Lynn Police Department which is monitored by employees who receive, record and validate alarm signals.

**Answering Service:** The term "Answering Service" shall mean a telephone answering service which provides the service of receiving emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the Lynn Police Department.

**Dial Alarm:** The term "Dial Alarm" shall mean an alarm system which automatically selects a telephone line connected to the Lynn Police Department and reproduced a prerecorded voice message or coded signal indicating the existence of an emergency situation that the alarm system is designed to detect.

**Local Alarm:** The term "Local Alarm" shall mean any alarm system which may, or may not be connected to the police monitoring facility or to a central station or answering service, which when activated, causes an audible and/or visual signaling device at the premises within which the alarm system is installed.

**Manual Alarm:** The terms "Manual Alarm" shall mean any alarm in which the activation of the alarm is initiated by the direct action of the alarm user, his agents, or employees, and is installed to elicit a police response to a burglary, attempted burglary, robbery or attempted robbery.

**False Alarm:** The term "False Alarm" means (1) the activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or of his employees or agents: (2) 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 a premises and no attempted robbery at a premises. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

**City:** The term "City" shall mean the City of Lynn, Massachusetts.

**Police Department:** The term "Police" or "Police Department" shall mean the City of Lynn Police Department, or any authorized agent thereof.

**Police Chief:** The term "Police Chief" shall mean the Chief of Police of the City of Lynn or his/her designated representative.

**Inspectional Services Chief:** The term "Inspectional Services Chief" shall mean the Chief of the Inspectional Services Department of the City of Lynn or his/her designated representative.

**Public Safety Committee:** The term "Public Safety Committee" shall mean the Public Safety Committee as created under the City of Lynn Charter and functioning under the Lynn City Council.

**Public Nuisance:** The term "Public Nuisance" shall mean anything which annoys, injures, or endangers the comfort, repose, health or safety of any persons or of any community or neighborhood.

**Permit:** The term "Permit" shall mean written permission, duly granted to an applicant by the City upon payment of the required fee.

**Permit Year:** The term "Permit Year" means a 12-month period, beginning January 1, and ending December 31 of each year.

**Alarm Company:** The term "Alarm Company" shall mean any facility or company doing business within the City of Lynn where said business involves the installation, service or monitoring of a security alarm system, and is staffed by employees who receive, record, or validate alarm signal, and relay the information of such signals to the Lynn Police Department by any means.

**Enhanced Call Verification:** The term "Enhanced Call Verification" (hereafter "ECV") shall mean the ANSI/CSAA ECV Standard for the monitoring of alarm systems. Enhanced Verification is the attempt by an alarm company personnel to verify that no emergency appears to exist, at the monitored premises, by means of more thorough procedures such as multiple verification calls, live audio or video, cross zoning, other means or a combination of these procedures.

**SIA Control Panel Standard CP-01:** The term "CP-or means the American National Standard Institute (ANSI) 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 false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

**Soak Period:** Soak period shall mean the first 5 days immediately following the installation of a new alarm system.

## **SECTION 2 - ALARM PERMIT**

Beginning thirty (30) days after enactment of this ordinance, every "alarm user", excluding those with existing alarm systems and/or contract privately for the monitoring services of an Alarm Company, shall make application for a permit

which shall be required to maintain and/or operate an "Emergency Alarm System" within the City of Lynn. Upon updating existing systems, alarm users, other than those who employ an Alarm Company, are to comply with the provisions of this section.

The Inspectional Services Chief is hereby authorized to issue a permit to any owner of property located within the City of Lynn or the lesser thereof, to maintain, install, and modify an alarm system upon application to him, and subject to the following provisions:

A. The alarm user, that does not contract privately with an Alarm Company or is exempt from this ordinance, upon applying for the permit, shall provide to the Inspectional Services Chief the name, address, and current telephone number of at least two persons for one family residences and three persons for all other property who will be retrievable at all times for the purpose of responding to alarms by personally appearing at the building protected following an alarm of any kind. The alarm user's information will be provided by the Inspectional Services Chief to the Chief of the Lynn Police Department.

B. The Inspectional Services Chief, upon application to him/her for a permit, shall, in his/her sound judgment, determine whether the application conforms to the requirements of this ordinance, that the facts stated therein are true and accurate; and he/she may cause such system to be inspected, to determine whether such system is reasonably operational.

C. All information obtained pursuant to this ordinance shall be kept confidential and shall be for the use of the Inspectional Services Chief and the Chief of Police.

D. It shall be the responsibility of the permit holder to keep all information necessary for proper notification, with the Inspectional Services Chief, current and up to date.

E. A "Residential Permit" shall include all private dwellings, individual apartments, or condominium units, occupied primarily by the applicant, for which the applicant.

F. A "Commercial Permit" shall include all businesses, corporations, or unincorporated associations.

G. All federal, state, county, or local government agencies that operate alarm systems, shall be exempt from all permits, but shall comply with all other requirements of this ordinance, and with all requests of the Inspectional Services Chief and the Chief of Police.

H. All alarm users to whom a permit has been issued, shall keep the permit within the protected premises for which the permit was issued.

I. Any alarm permit issued under this ordinance shall be made available for inspection, suspension, or revocation purposes, upon the demand of any authorized Lynn Police Officer or designated employee of the Inspectional Services Department.

J. Failure to comply with any of the provisions of this ordinance may constitute grounds for the Inspectional Services Chief or the Chief of Police to deny the issuance of a permit, or suspend/ revoke an existing permit.

### **SECTION 3 - DUTIES OF THE ALARM USER**

A. Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.

B. All new systems and service replacements are required to install and maintain ANSI/SIA CP-01 approved control panels in new or existing alarm systems.

C. Must respond or cause a representative to respond to the alarm system's location and/or deactivate a malfunctioning alarm within thirty (30) minutes when notified by the Lynn Police Department or Inspectional Services directly or via the user's alarm monitoring service or hired alarm company.

### **SECTION 4 - DUTIES OF THE ALARM COMPANY**

A. Any alarm company engaged in the alarm business within the City of Lynn, shall comply with the following:

- 1) Obtain and maintain the required state license(s) of an alarm company
- 2) Be able to provide the name, address, and telephone number of the alarm user or a designee, who can be called in an emergency or to effect repairs 24 hours a day
- 3) Be able to provide the most current contact information for the alarm user
- 4) Notify the Inspectional Services Department and Lynn Police Department of an alarm systems soak period

B. Thirty (30) days after enactment of this Ordinance, alarm companies shall install only ANSI/SIA approved CP-01 alarm control panels on all new or service replacements. Existing systems are not required to retrofit to CP-01 approved panels unless the existing alarm panel is being replaced.

C. Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user

D. Provide written information of how to obtain service from the alarm company for the alarm system

E. An alarm company performing monitoring services shall:

1) Employ the ANSI/CSAA approved Enhanced Call Verification method when attempting to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.

2) Communicate any available information about the alarm.

3) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary

F. Provide a "Soak Period" on all new installations whereby there will be no dispatch requests made in the first 5 days following the completion of a new alarm installation, said Soak Period being intended as a familiarization period for new alarm users. In cases where special conditions or threat exists the Alarm Company can request a waiver from the Inspectional Services Chief.

**SECTION 5 - ENFORCEMENT OF PROVISIONS**

A. Excessive False Alarms: It is hereby found and determined that three (3) or more false alarms within a year is excessive, constitutes a public nuisance, and shall be unlawful. Costs for excessive false alarms within a permit year of twelve (12) months may be assessed against an alarm user as follows:\*

First and Second false alarms .....	Written Warning
Third false alarm .....	\$50.00
Fourth and Fifth false alarms .....	\$150.00
Sixth or more false alarms .....	\$300.00

\* (Exemptions see §5(G), §5(H))

B. Cancellation of Signal: If cancellation of an alarm occurs prior to law enforcement arriving at the scene, this is not a false alarm and no warning/fee will be assessed.

**C. Multiple Activations:** Multiple activations of an alarm within a twenty-four (24) hour period may be considered as one false alarm for the purposes of charged fees.

**D. Payment of Fees/Fines:** Fees and fines shall be paid within thirty (30) days from the date of the violation notice.

**E. Discontinuance of Law Enforcement Response:** The failure of an alarm user to make payment of any civil fees assessed under this ordinance within ninety (90) days from the date of the notice may result in discontinuance of the Lynn Police Department's response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received.

Upon recording multiple activations, two (2) or more false alarms, within a twenty-four (24) hour period, the Lynn Police Department may elect not to respond to any further alarm signals within a forty-eight (48) hour period, or until the alarm is repaired.

Upon determination by the Inspectional Services Chief and/or Lynn Police Chief that an alarm user is a habitual violator of this ordinance, the Lynn Police Department is permitted to refuse responding to any further alarm signals until the alarm user complies with the ordinance.

In the event that the Inspectional Services Chief and/or Lynn Police Department records six (6) false alarms within a permit year from a particular alarm system, the Inspectional Services Chief may order that said alarm system be suspended for a period of not less than six (6) months from the date the alarm system is found to record the sixth (6) false alarm. Any such order of suspension shall be preceded by a written notice of intent to the alarm user and Chief of Police by the Inspectional Services Chief. Any such suspension shall be effectuated within ten (10) days from the date of mailing of the Inspectional Services Chiefs order.

Upon receipt of a notice of intent to suspend or refuse the dispatch of police officers to an alarm user, pursuant to this ordinance, the alarm user may, within five (5) days of such receipt, submit a written request for a hearing before the Inspectional Services Chief or his/her designee setting forth the reasons why the permit should not be revoked or suspended.

At the hearing before the Inspectional Services Chief or his/her designee, the alarm user shall have the right to present evidence and to be represented by counsel. Such a hearing shall be informal and shall not be subject to the rules of evidence or formal courtroom criminal or civil procedure. After the hearing, the Inspectional Services Chief, or his/her designee, may either issue an order of revocation, withdraw the notice of revocation or suspend the alarm user until such time that he/she is satisfied that the cause (or causes) of the false alarms has (or have) been eliminated. Alarm user may present such evidence to the Inspectional Services Chief, or his/her designee, as certified documentation that

the alarm system has been inspected by a licensed alarm professional, that the alarm user has contracted with an Alarm Company, and/or that the alarm system was brought into accordance with the provisions of this ordinance.

Any alarm user who has, in accordance with this section, been found in violation of said ordinance and as a result had its alarm system response privileges revoked/suspended by the Inspectional Services Chief, may appeal the order of revocation/suspension to the Public Safety Committee. An appeal shall be filed within five (5) day & of the date of the order of revocation/suspension. Thereafter, the Committee shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all parties concerned. After bearing such evidence the Committee may affirm, vacate, or modify the order of revocation/suspension.

F. Soak Period: The Inspectional Services Chief and Lynn Police Department shall be made aware of any and all newly installed and/or repaired alarm signals for the purposes of identifying an alarm system's soak period. The soak period will consist of a five (5) day period in which a new/repaired system commonly experiences technical glitches that trigger false alarms. During this period, false alarms are not considered violations of this ordinance, so long as the alarm user and/or alarm company provide proper notice to said City departments.

G. All federal, state, county, or local government agencies that operate alarm systems, shall be exempt from all fees and fines, but shall comply with all other requirements of this ordinance, and with all requests of the Inspectional Services Chief and the Chief of Police.

H. All persons seventy (70) years of age or older and who are the principal occupant of a private residence, shall incur no fine(s) greater than fifty dollars (\$50) per false alarm and shall comply with all other requirements of this ordinance.

I. Municipal Ordinance Violation: A violation of any of the provisions of this ordinance shall be a municipal ordinance violation.

## **SECTION 6 - EVALUATION OF ORDINANCE**

The Inspectional Services Chief shall establish a written procedure for the administration and enforcement of the provisions of this ordinance.

In January of each year the Inspectional Services Chief shall submit a report to the Mayor and City Councilors regarding the effectiveness of this ordinance and any recommendations thereon. The police department of the City of Lynn shall take every reasonable precaution to assure that the alarm signals and alarm

messages received by the police department are given appropriate attention and are acted upon with dispatch. Nevertheless, the police department shall not be liable for any defects in the operation of alarm devices, for any failure or neglect to respond appropriately upon receipt of an alarm from such source, nor for the failure or neglect on any person in connection with the installation and operation of alarm systems or their components, the transmission of alarm signals and prerecorded messages, or the relaying of such signals and messages. In the event that the police department finds it necessary to disregard an alarm device after exhausting all other provisions of this ordinance, the police department shall incur no liability by such action.

#### **SECTION 7 - COMPLIANCE WITH STATE STATUTES**

This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 and Chapter 44 of Mass. General Laws.

*This ordinance shall take effect thirty-one (31) days after its final adoption as advertised*