

**Town Of Milford
New Hampshire**

ALARM SYSTEM REGULATIONS

Established: August 1987
1st Amended: March 1990
Revision: July 2001

TOWN OF MILFORD
ALARM SYSTEM REGULATIONS

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Section 1. Short Title. These Regulations shall be known and may be cited as "Alarm System Regulations."

Section 2. Purpose. These Regulations are adopted pursuant to NH RSA 154.18 for the purpose of guarding against fires; protecting life and property from fire; providing efficient and cost-effective fire prevention services to the Town of Milford including, but not limited to maintenance and upgrade of hard wire transmission lines, monitoring systems and alarm systems; and carrying out the Ordinance Regulating Alarm Systems.

Section 3. Definitions. For the purpose of these Regulations, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the masculine gender include the feminine gender or non-gender. The word "shall" is always mandatory and not merely directory.

a. "Alarm System" is an assembly of equipment and devices, or a single device, arranged to signal the presence of an emergency situation requiring urgent attention by the Town, its employees, or agents. As used in these Regulations, the term "Alarm System" shall include the terms "Box Alarm", "Local Alarm", "Manual Alarm" and "Master Fire Alarm Box" as those terms are hereinafter defined.

b. "Alarm Installation" is the design, installation, repair, alteration and maintenance of systems causing an alarm to be sounded in an emergency situation as specified in the Ordinance Regulating Alarm Systems.

c. "Alarm User" is any person on whose premises an alarm system is maintained within the Town and is connected directly or indirectly to the Alarm Monitoring Facility, except for alarm systems on motor vehicles or proprietary alarm systems.

d. "Alarm Monitoring Facility" is a facility located at the Town of Milford Fire Department headquarters or Central Communications Center for the Town, which is monitored by the Fire Chief or his agents who receive, record, and validate alarm signals transmitted from alarm systems.

e. "Answering Service" is a telephone answering service, among its services the service of receiving emergency signals from alarm systems and, thereafter, relaying the message by voice or otherwise to the Alarm Monitoring Facility.

f. "Central Alarm Station" is any facility which is privately owned that owns or leases alarm systems, whose facility is staffed by employees who receive, record or validate alarm signals and relay information about such signals to the Alarm Monitoring Facility by any means.

g. "Dial Alarm" is an alarm system which automatically selects a telephone line connected to the Alarm Monitoring Facility and reproduced a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

h. "Direct Alarm" is any alarm system which transmits a signal over a telephone line to the Alarm Monitoring Facility.

i. "False Alarms" is any activation of any alarm system to which the Town, its employees or agents respond, which is not the result of an emergency situation. Such terminology does not include alarms caused by electrical storms, floods, hurricanes or other violent events of nature.

j. "Fire Alarm Call Box" is a private alarm system which automatically transmits an alarm over a municipal hard wire system to the Alarm Monitoring Facility, upon dialing the telephone in the box.

k. "Fire Alarm Street Box" is a municipal alarm system which automatically transmits an alarm over a municipal hard wire system to the Alarm Monitoring Facility, upon pulling the alarm in the box.

l. "Local Alarm" is any alarm system not connected to the Alarm Monitoring Facility or to a private central alarm station or answering service, that is designed to activate at the premises within which the alarm system is installed, an audible and/or visual signaling device.

m. "Manual Alarm" is any alarm system in which activation of the alarm is initiated by the direct action of the alarm user or such user's agents or employees, installed with a purpose to elicit a response and action from the Alarm Monitoring Facility.

n. "Master Fire Alarm Box" is a private alarm system located on a building or structure which, upon activation of the internal alarm system or sprinkler system located within the building or structure, will automatically transmit an alarm over a municipal hard wire system to the Alarm Monitoring Facility.

o. "Ordinance Regulating Alarm Systems" is the Town of Milford's Ordinance which regulates the installation of all alarm systems in the Town of Milford, which Ordinance was adopted by the Milford Town Meeting on August 5, 1987.

p. "Owner" is any person who, alone or jointly or severally with others, shall have legal title to any building, structure or premises on which an alarm system is located within the Town of Milford, with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the property in question.

q. "Person" is any corporation, including a municipality and any firm, partnership, association, organization and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of these Regulations prescribing a penalty or fine, as to partnership or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents or members thereof who are responsible for any violation of these Regulations.

r. "Proprietary Systems" are 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 such proprietor's employees or agents. If a proprietary alarm system includes a signal line connected directly or by means of a dialing device to the Alarm Monitoring Facility, it thereby is deemed to be an Alarm System as defined in these Regulations.

s. "Town" is the Town of Milford, New Hampshire.

t. "User" is any person who, alone or jointly or severally with others, shall have legal title to any building, structure or premises on which an alarm system is located within the Town of Milford, with or without accompanying actual possession thereof and shall include the duly authorized

agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the property in question.

Section 4. Permit Required. Each owner, person or user who desires to utilize the Alarm Monitoring Facility, with respect to any alarm system located in the Town, shall apply for a permit from the Milford Fire Chief or his agent. The applications shall be on a form prescribed by the Fire Chief and shall contain the following information:

a. A description of the premises on which such alarm system is to be located;

b. The name, address and telephone number of the person who is responsible for the upkeep, maintenance and operation of the alarm system;

c. A description of the system, including the name, address and telephone number of the legal entity responsible for the upkeep, maintenance and operation of the alarm system.

Section 5. Construction Standards. Installation of all fire alarm systems shall comply with the construction standards set forth under Exhibit A attached hereto which shall be incorporated as a part of these Regulations.

Section 6. Existing Alarm Systems. All owners or users of alarm systems operating at the date of adoption of these Regulations shall file an application in conformance with these Regulations and pay the application fee and annual user fee as set forth in these Regulations no later than January 1, 1990, or such owner or user shall be subject to the penalties as provided in these Regulations.

Section 7. Issuance of Permits/Fees.

a. The Fire Chief or his agent shall, upon application to him, determine whether the application conforms to the requirements of these Regulations and the Ordinance Regulating Alarm Systems, including a determination that the facts stated therein are true and accurate. Upon a determination of conformance, the Fire Chief or his agent shall issue to the applicant, who shall be the owner or the owner's duly authorized agent, a permit to install, maintain and operate the proposed alarm system.

b. Each applicant shall pay to the order of "The Town of Milford - Fire Department" a \$10.00 filing and review fee.

c. Each owner or user shall obtain an annual renewal permit and pay to the order of "The Town of Milford - Fire Department" a \$5.00 renewal and review fee.

d. Federal, State, County and Town agencies and users over age 65 who have an alarm system installed in their primary residence, as long as no business is conducted therein, shall be required to obtain an initial and an annual renewal permit, but such permits shall be issued without payment of the fees set forth above.

Section 8. User Fee Required. The owner of an alarm system connected to a master Fire Alarm Box or a Fire Alarm Street Box, which is directly wired to the Alarm Monitoring Facility, shall pay to the order of "The Town of Milford - Fire Department" an annual user fee of \$180.00. The fee shall be due and payable each year on the second day of each year. New systems installed during the year shall be charged a pro rata amount based on \$20.00 per month or part thereof until December 31st of the year of installation, unless such installation is disconnected by the owner, in which case the Town shall refund

a pro rata amount based on \$20.00 per month or part thereof from the time of disconnection until December 31st of the year of disconnection.

Section 9. Failure to Obtain Permits and Pay User Fees. Any owner or alarm user who fails to obtain an initial permit or renewal permit and to pay the application and user fees required by these Regulations may be disconnected from the Alarm Monitoring Facility at the discretion of the Fire Chief. Prior to such disconnection, the Fire Chief or his agent shall send a written notice by certified mail, return receipt requested, to the owner and to the alarm user, if different from the owner, stating that such disconnection shall take place within ten(10) days from the date of the notice, unless the permits are obtained and/or the application and user fees plus costs of the notice are paid. If such disconnection takes place, the owner or alarm user shall be responsible to the Town and shall pay to the order of "The Town of Milford - Fire Department" all costs related to any reconnection, once the permits are issued and/or the application and user fees are paid and reconnection is permitted by the Town's Fire Chief or his agent.

Section 10. False Alarms.

a. The Fire Chief or his agent, upon notification to him that the Alarm Monitoring Facility has received three(3) false alarms from an alarm user, may summarily and temporarily suspend the alarm user's permit pending notice and hearing.

b. If after due notice and hearing to the owner and alarm user, the Fire Chief or his agent determines, in his judgment, that the owner or alarm user will not undertake reasonable action to eliminate the cause for such false alarms or action, he may revoke such permit, as long as such revocation is permitted by applicable codes or, in the alternative, he may assess a penalty as set forth herein.

c. The owner or alarm user at such hearing shall have the right to present evidence, to cross examine witnesses and to be represented by counsel. Such hearing shall be conducted in an informal manner. The rules governing courts shall not apply and hearsay evidence shall be admissible.

d. An owner or alarm user whose permit has been revoked, may reapply for a new permit as set forth in these Regulations. Upon reapplication, the owner or alarm user shall be required to demonstrate to the Fire Chief or his agent that the cause of prior revocation has been eliminated and/or corrected or is not likely to reoccur.

e. Any person aggrieved by any decision of the Fire Chief or his agent made under the provisions of these Regulations shall have the right of appeal to the Board of Selectmen. Such appeal shall be in writing and shall be filed with the Board of Selectmen within ten (10) days of the decision. Said appeal shall fully state grounds for same. The Board of Selectmen shall set a date for hearing of the appeal and shall notify the appellant of the date of same and shall hold said hearing promptly. The Board, after hearing has taken place, shall decide the matter within a reasonable time and notify the appellant thereof. The appellant shall have the right of appeal to the Superior Court for the County of Hillsborough in accordance with existing law.

f. Penalties for false alarms shall be as follows:

(1) The alarm user of any alarm system shall be assessed a service charge of One Hundred (\$100) Dollars for each false fire alarm transmitted by such system after three (3) false alarms in a calendar year, where such false alarms result in a response by the Fire Department.

(2) Failure to pay such user service fee in thirty (30) calendar days shall subject such owner or alarm user to suspension of their alarm user permit by the Fire Chief or his agent.

(b) The alarm user of any alarm system shall be assessed a service charge of Twenty-five (\$25.00) Dollars for each false burglary alarm transmitted by such system after three (3) false alarms in a calendar year, where such false alarms result in a response by the Police Department.

(c) Failure to pay such false alarm service charge in thirty (30) calendar days shall subject such alarm user to suspension of their alarm user permit by the Chief of Police or Fire Chief.

(d) An alarm user may appeal false alarm service charges in writing to the Board of Selectmen within ten (10) days after receipt of the notice of penalty.

(3) An owner or alarm user may appeal such user service fee in writing to the Board of Selectmen within ten (10) days after receipt of the notice of penalty in the manner as provided above.

Section 11. Penalties for Violations of These Regulations.

a. Any owner or alarm user who violates any provision of these Regulations or who, after having a permit revoked or after having a user service fee assessed and after exhausting rights to a hearing, fails to disconnect such alarm system or pay such user service fee, as provided; or who knowingly operates an alarm system without first obtaining a permit, shall be guilty of a violation and, upon conviction, shall be fined not less than One Hundred (\$100) Dollars. Each day that a violation continues shall be considered a separate violation.

b. Prior to assessing such penalty, the Fire Chief or his agent shall give written notice by certified mail, return receipt requested, stating a date certain when there must be compliance, and specifying that non compliance will result in a violation which, upon conviction, could subject the owner or alarm user to penalties as set forth herein.

c. Such penalty may be collected by the Town through judicial process, as set forth under NH RSA 676:17 or as set forth under applicable laws or statutes.

Section 12. Liability of Town Limited. The Town and its employees and agents shall take every reasonable precaution to ensure that the alarm signals received at the Alarm Monitoring Facility are given appropriate attention and are acted upon with dispatch. Nevertheless, the Town and its employees and agents shall not be liable for any defects in operation of alarm systems for any failure or neglect to respond appropriately upon receipt of an alarm from such defective source or for the failure or neglect of any person in connection with the improper installation and operation of alarm systems. In the event that an alarm system is disconnected from the Alarm Monitoring Facility, as provided in these Regulations, the Town and its employees and agents shall incur no liability by such action.

Section 13. Adoption and Amendments. These Regulations shall be adopted and may be amended from time to time, as necessary, in accordance with the following procedures:

- a. Prepare Regulations or amendments to Regulations;
- b. Fire Chief or Fire Ward signs Regulations or amendments;

c. The signed Regulations or amendments are recorded with the Town Clerk;

d. Copies of the signed Regulations or amendments are posted in two or more public places in Town; and

e. Thirty (30) days after the posting the Regulations or amendments take effect.

Section 14. Severability. If any section or portion of these Regulations is determined to be invalid by a Court with competent jurisdiction, the remainder of these Regulations shall remain in full force and effect.

Section 15. Effective Date. These Regulations and any amendments hereto shall take effect thirty (30) days after they are posted in the Town of Milford as provided in these Regulations.

Dated: June 27, 1989 _____
Fire Chief or Fire Ward

Title of person signing these Regulations: Fire Chief Designee

/ldd
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