

# CHAPTER 90



## **Chapter 90, ALARM SYSTEMS**

[HISTORY: Adopted 5-16-1996 by the Annual Town Meeting, Art. 31. Amendments noted where applicable. Amended by the Merrimack Town Council 12-17-2009]

**§ 90-1. Definitions** As used in this chapter, the following terms shall have the meanings indicated:

**ALARM BUSINESS** -- The occupation by any natural person, cooperation, incorporated association, partnership or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, removing or installing any emergency alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any emergency alarm system in or on any building, structure or facility. This definition does not include a business which engages in the manufacture or sale of an emergency alarm system unless such business services, installs, monitors or responds to emergency alarm systems.

**ALARM INSTALLATION** -- The design, installation, repair, alternation or maintenance of emergency alarm systems.

**ALARM USER** -- Any person on whose premises an emergency alarm system is maintained within the Town of Merrimack, except for alarm systems on motor vehicles or proprietary alarm systems.

**ANSWERING SERVICE** -- A telephone answering service which provides the service of receiving signals from emergency alarm systems and thereafter immediately relays the message by live voice to the emergency alarm monitoring facility.

**APPLICANT** -- A person who files an application of a new or renewal permit as provided by this chapter.

**CENTRAL ALARM STATION** -- Any facility which is privately owned, or owns or leases emergency alarm systems and whose facility is staffed by employees who receive, record or validate alarm signals and relay the information of such signals to the Merrimack Police Department Communications Division by any means.

**DIAL ALARM** -- An alarm system which automatically selects a telephone line connected to a Central Alarm Station and reproduces a prerecorded voice message or coded signal indicating the existence of an emergency situation that the emergency alarm system is designed to detect.

**DIRECT ALARM** -- Any system which is directly connected to the alarm processing unit within the Central Alarm Station.

EMERGENCY ALARM SYSTEM -- An assembly of equipment and devices, or a single device, designed to transmit a signal indicating an actual or perceived emergency situation requiring urgent attention and to which emergency personnel are expected to respond. For purposes of this chapter, an "Emergency Alarm System" shall not include residential smoke, fire and carbon monoxide detectors. In this chapter, the term "emergency alarm system" shall include the terms, "dial alarm," "direct alarm," "local alarm" and "manual alarm," as those terms are hereinafter defined.

FALSE ALARM -- Any activation of an emergency alarm system to which the Town of Merrimack emergency services personnel respond and which is not the result of an actual or perceived emergency or situation requiring the assistance of emergency services personnel excluded from this definition are:

- A. Alarms occurring during electrical storms, hurricanes, tornados, blizzards and acts of God;
- B. The intermittent disruption or disruption of the telephone circuits beyond the control of the alarm company and/or alarm user;
- C. Electrical power disruption or failure beyond the control of the alarm company and/or alarm user;
- D. Alarms caused by a failure of the equipment at the Central Alarm Station; or
- E. Other extraordinary circumstances not reasonably subject to control by the permit holder.

LOCAL ALARM -- Any alarm system not connected to a central alarm station or answering service which, when activated, operates an audible and/or visual signaling device at the premises within which the emergency alarm system is installed. [Amended 4-8-1997 by ATM, Art. 36]

MANUAL ALARM -- Any emergency alarm system by 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, fire or medical response to an actual or perceived emergency situation.

PERMIT HOLDER -- Any person who shall be granted a permit as provided in this chapter and his or her agents or representatives.

PERSON -- Any natural person, corporation, unincorporated association, partnership or other legal entity.

PROPRIETARY ALARM SYSTEM -- Any and all alarm systems, sounding and/or recording alarms 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. If a "proprietary alarm system" includes a signal line connected directly to

a central station or answering service, it thereby becomes an emergency alarm system as defined by this chapter.

TOWN -- The Town of Merrimack, New Hampshire.

TWELVE (12) MONTH PERIOD – For purposes of determining the total number of false alarms, this is the period that spans 12 (twelve) “rolling” calendar months from the date of the first and successive alarms that the Police or the Fire Department is notified of and responds to.

**§ 90-2. Application for permit; information required; use.**

A. The Chief of Police (or his designee) shall accept and approve (or deny) applications for police related emergency alarm systems permits.

B. The Chief of the Fire Department (or his designee) shall accept and approve (or deny) applications for fire related emergency alarm systems permits.

C. The Chief of the Fire Department (or his designee) shall accept and approve (or deny) applications for medical emergency alarm system permits.

**D. Permit required:**

The Chief of Police and the Chief of the Fire Department, or their designees, are hereby authorized to issue a permit to any owner of property located within the Town of Merrimack or the lessee thereof to maintain, install or modify an emergency alarm system upon application to them and subject to the following provisions:

(1) All permits for emergency alarm systems shall require the approval of the Chief of Police for police related alarms or the Chief of the Fire Department for fire or medical related alarms.

(2) The alarm user applying for the permit shall state on the application his name, address and telephone number or, if the alarm user is a corporation or legal entity, the name(s), address(es) and telephone number(s) of the person(s) responsible for upkeep, maintenance and operation of the emergency alarm system and any other information that the Chief of Police or the Chief of the Fire Department may deem necessary.

(3) The Chief of Police or the Chief of the Fire Department, upon application to them for a permit, shall, in their sound judgment, determine whether the application conforms to the requirements of this chapter and that the facts stated therein are true and accurate. The Chief of Police or the Chief of the Fire Department may cause such system to be inspected and/or tested to determine that the system is reasonably operational.

- (4) Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit.
- (5) Any alarm permit cannot be transferred or assigned to another person. A permit holder shall inform the Chief of Police or the Chief of the Fire Department of any change that alters any information listed on the permit application within five business days. No fee will be assessed for such changes.
- (6) All fees owed by an applicant must be paid before a permit may be issued or renewed.

**§ 90-3. Permit/contract fees and application; exemptions.**

A. Anyone applying for an emergency alarm system permit must complete the application form and return it to the Chief of Police for police related alarms or Chief of the Fire Department for fire and medical related alarms, with a one-time permit fee of \$10.00. A separate emergency alarm permit shall be required for each individual emergency alarm system in any single location, although only one permit fee will be required for a multiple emergency alarm system. [Amended 4-8-1997 by ATM, Art. 36]

B. All federal, state, county or local government agencies who operate emergency alarm systems shall be exempt from all permit fees but shall comply with all other requirements of this chapter.

C. All persons 65 years of age or older who are the principal occupant of the private residence listed on an application for an emergency alarm system or who are certified to be 100% medically disabled by a state or federal government agency shall be exempt from all permit fees but shall comply with all other requirements of this chapter.

**§ 90-4. Penalty for use without a permit; conformance.**

A. Maintaining an emergency alarm system without a permit.

- (1) It shall be unlawful for any person or alarm user to maintain or operate an emergency alarm system, as defined by this chapter, without first obtaining a permit as provided.
- (2) All emergency alarm systems presently operating shall conform to this chapter prior to continued operation thereof.

**B. Operating an emergency alarm system without a permit, penalty:**

Any person or alarm user who maintains or operates an emergency alarm system without a permit and causes a false alarm as defined herein shall be issued a warning and given 30 days to acquire a permit. Failure to acquire a permit after 30 days or six false alarms, whichever occurs first, will result in the alarm user being guilty of a violation and, upon conviction, shall be fined not less than \$100. [Amended 4-8-1997 by ATM, Art. 36]

**§ 90-5. Denial or revocation of permit; hearing; appeal; reapplication.**

A. Failure to comply with any of the provisions of this chapter may constitute grounds for the Chief of Police or the Chief of the Fire Department to deny the issuance of a permit. After the Police or Fire Department has been notified of and responded to six false alarms within a one year (twelve (12) month period) from any emergency alarm user, the emergency alarm system user will be notified, in writing, that continued false alarms will result in the assessment of a response fee (see Town ordinance 90-9, False alarms; service charges; time limit for payment, for response fee schedule) and could result in the revocation of the emergency alarm system permit. The Chief of Police or the Chief of the Fire Department may revoke the emergency alarm system permit of any emergency alarm system user who, having had six or more false alarms within a one-year (twelve (12) month) period, fails to take appropriate action to prevent continued false alarms from occurring.

B. Any person, business, corporation, unincorporated association, partnership or other legal entity whose emergency alarm system permit is denied or revoked may request a hearing before the Chief of Police for police related alarms or the Chief of the Fire Department for fire and medical related alarms by submitting a request for such hearing, in writing, within 30 calendar days of the date of denial or revocation stating therein the basis for such request. The written request for a hearing shall be mailed or hand delivered to either the Chief of Police or the Chief of the Fire Department.

C. At the hearing before the Chief of Police or the Chief of the Fire Department (or their designees), the holder of the emergency alarm system permit shall have the right to present evidence, cross-examine witnesses 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 procedures.

D. After the hearing, the Chief of Police or the Chief of the Fire Department (or their designees) shall, within five business days, either issue an order of denial or revocation of the emergency alarm system permit or withdraw the notice of denial or revocation and issue or reinstate the emergency alarm system permit.

E. Any alarm user aggrieved by the decision of the Chief of Police or the Chief of the Fire Department to deny or revoke an emergency alarm system permit may appeal the decision to deny or revoke said permit to the Town Manager. Said appeal shall be requested, in writing, within 10 business days of the decision to deny or revoke said permit, stating therein the basis for such appeal. The request for a hearing by the Town Manager shall be mailed or hand-delivered to the Town Manager's Office at the Merrimack town offices.

F. An emergency alarm system user whose permit has been denied or revoked is not precluded under this chapter from applying for a new permit. The Chief of Police or the Chief of the Fire Department, however, shall not be required to issue a new emergency alarm system permit unless they are satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of Police or the Chief of the Fire Department may also impose reasonable restrictions and conditions upon the alarm user before issuing a new permit. These restrictions and/or conditions shall appear on the permit, and violation of these conditions may be cause for the revocation of the permit.

#### **§ 90-6. Display of permit and record of inspections.**

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

B. Any emergency alarm system permit issued under this chapter shall be made available for inspection, suspension or revocation purposes upon demand of the Chief of Police or the Chief of the Fire Department (or their designees). Each alarm business or permit holder shall display to the Chief of Police or the Chief of the Fire Department (or their designees), when requested, their record of inspection or repair of an installed emergency alarm system.

#### **§ 90-7. (Reserved)**

#### **§ 90-8. Penalty for use after revocation.**

Any alarm user who, after having an emergency alarm system permit revoked and after exhausting his right to a hearing and appeal, fails to disconnect his emergency alarm system shall be guilty of a violation and upon conviction, shall be fined not less than \$100.

#### **§ 90-9. False alarms; service charges; time limit for payment. [Amended 4-8-1997 by ATM, Art. 36]**

Any owner or lessee of property having an emergency alarm system on his/her premises and any user of an emergency alarm system designated and installed with the intent of eliciting a response of police, fire or medical emergency service personnel shall pay to the Town of Merrimack a response fee based on the following schedule for each and every false alarm to



which the emergency service personnel respond in excess of six false alarms during a one-year (twelve (12) month) period:

<b>Number of Alarms</b>	<b>Response Fee</b>
7 to 10	\$50.00 each
11 and up	\$100.00 each

**§ 90-10. Appeal of service charges**

- A. Any alarm user, owner or lessee who possesses an emergency alarm system permit may appeal false alarm response charges, in writing, to the Chief of Police or the Chief of the Fire Department (or their designee) within 10 business days after receipt of the notice of such charge, stating therein the basis for such appeal.
- B. The Chief of Police or the Chief of the Fire Department (or their designee) may waive assessment of the service charge when, in their judgment, reasonable attempts are being taken to discover and eliminate the cause of the false alarms.

**§ 90-11. New installations, renovation and upgrades.**

Any owner or lessee of property installing, renovating and upgrading an emergency alarm system on his/her premises will not be assessed a service charge for false alarms for 30 calendar days from the date the emergency alarm system is put in service, provided that a permit application is received by the Chief of Police or the Chief of the Fire Department (or their designees).

**§ 90-12. Instruction on proper use; maintenance.**

- A. Each alarm business which installs or services an emergency alarm system shall clearly instruct the alarm user of the emergency alarm system in the proper use and operation of the alarm system, as frequently as necessary, especially in those factors which cause false alarms.
- B. Each permit holder shall maintain each emergency alarm system in good working order, providing the necessary service to prevent false alarms, to prevent malfunctions endangering persons or property and to prevent other malfunctions.

**§ 90-13. Liability of town limited**

The Town of Merrimack, its emergency services employees and their agents shall take every reasonable precaution to assure that emergency alarm system signals are given appropriate attention and are acted upon with dispatch. Nevertheless, the Town of Merrimack, its departments, employees and agents shall not be liable for any defects in the operation of an emergency alarm system, for any failure or neglect to respond appropriately upon receipt of an alarm from such source nor for the failure or neglect of any person in connection with the installation and operation of emergency alarm systems or their components, the transmission of alarm signals and prerecorded messages or the relaying of such signals and messages.

**§ 90-14. Confidentiality**

The information furnished and secured pursuant to this chapter shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this chapter.

Authenticated:

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Nancy M. Harrington, Town Council Chairman      Date

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Diane Trippett, Town Clerk / Tax Collector      Date