

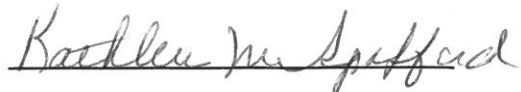
# BULLETIN

August 6, 2018

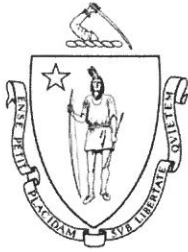
RE: Annual Town Meeting, May 1, 2018

Approved by the Attorney General's Office on  
August 3, 2018

From the Office of the Town Clerk

A handwritten signature in cursive script, reading "Kathleen M. Spofford".

Kathleen M. Spofford



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

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August 3, 2018

Kathleen M. Spofford, Town Clerk  
Town of Townsend  
272 Main Street  
Townsend, MA 01469

Re: Townsend Annual Town Meeting of May 1, 2018 -- Case # 8867  
Warrant Article # 21 (General)

Dear Ms. Spofford:

Article 21 - We approve Article 21 from the May 1, 2018 Townsend Annual Town Meeting.<sup>1</sup>

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Nicole B. Caprioli*

By: Nicole B. Caprioli  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 ext. 4418

cc: Town Counsel David Jenkins

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<sup>1</sup> We note that the warrant and vote at Town Meeting provides that the Section entitled "Restrictions on Tape Dialers and similar automatic telephone devices" is being deleted in its entirety. However, the vote at Town Meeting referenced the Section as § 6-2 (Definitions) rather than § 6-6 (Restrictions on Tape Dialers and similar automatic telephone devices." The Town should consult with Town Counsel to determine whether any amendment is needed at a future Town Meeting.

## Chapter 6. Automatic Fire Alarm Systems

[HISTORY:<sup>iii</sup> Adopted by the Annual Town Meeting of the Town of Townsend 5-4-2010 by Art. 20. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Noncriminal disposition of violations – See Ch. 1, Art. II.

[1]

*Editor's Note: Former Ch. 6, Automatic Sprinklers, adopted 4-29-1991 ATM by Art. 42, was repealed 5-4-2011 ATM by Art 19.*

### § 6-1. Title.

The Town of Townsend By-laws are hereby amended by adding the following By-law to be entitled "Automatic Fire Alarm Systems."

### § 6-2. Definitions.

When used in this by-law, unless a contrary intention clearly appears, the following words shall have the following meanings:

#### **ALARM SYSTEM MALFUNCTION**

The transmittal of an alarm signal to the TFED by way of a municipal radio fire alarm box, through a central operating system, or by other automatic means, which alarm signal is caused by improper installation of an alarm system, a mechanically defective alarm system, lack of maintenance or some other reason that causes a fire alarm to sound even though there is no actual fire or situation that could reasonably evolve into a fire.

#### **ALARM SYSTEM OWNER**

An individual or entity who owns a property interest in a building or structure in which an automatic fire alarm system is installed.

#### **AUTOMATIC FIRE ALARM SYSTEM OR PRIVATE MONITORING SERVICE**

An electronically activated, heat-activated, smoke-activated, flame-energy-activated, or other such automatic device capable of transmitting an alarm signal to the Townsend Fire-EMS Department (TFED) by way of municipal radio fire alarm box for the purpose of providing a fire alarm signal to the TFED.

#### **FIRE CHIEF**

The Fire Chief of the TFED.

#### **MUNICIPAL RADIO FIRE ALARM BOX (RADIO BOX)**

Control, equipment or device which enables an automatic alarm system to send a signal directly to the TFED.

[1]

*Editor's Note: The original subsection designations within this section were removed and the defined terms were alphabetized with the permission of the Town Clerk in order to maintain the organizational style of the Code.*

### § 6-3. Connection to municipal department system.

A.

Every alarm system owner whose alarm system is connected to the TFED by means of a radio box prior to the effective date of this by-law shall pay the following fees:

Annual fee: \$100, payable July 1 of every calendar year.

B.

An alarm system owner whose alarm system is connected after the effective date of this by-law to the TFED by way of a radio box shall pay the following fees:

Connection fee: \$100, payable at time of connection.

Annual fee: \$100, payable July 1 of every calendar year.

NOTE: New connections annual fee will be prorated the first year based on what month in the calendar year connection is made.

C.

The Town of Townsend shall not be subject to the fees and/or fines set forth in this by-law.

D.

Before any alarm system is connected to the TFED, the alarm system owner shall provide the Fire Chief or his/her designee with the following information:

(1)

The name, addresses, and home and work telephone numbers of the alarm system owner;

(2)

The street address where the alarm system and radio box is located and the name and address of the building owner;

(3)

The names, addresses, and telephone numbers of the persons or businesses to be protected by the alarm system connected to the radio box;

(4)

The names, addresses, home and work telephone numbers of at least two persons other than the alarm system owner who can be contacted 24 hours a day, who are authorized by the alarm system owner to respond to an alarm signal and to have access to the premises in which the system is located; and

(5)

Such other information as the Fire Chief or his/her designee may require.

If at the passage of this by-law an alarm system has already been connected to the TFED by way of a radio box, the alarm system owner shall comply with the requirements of this section within 60 days after the TFED has sent notice by first class mail of the requirements of this section.

If an alarm system owner fails to comply with this section, the Fire Chief or his/her designee may assess a fine of \$50 for each day of noncompliance.

Private alarm systems connected to the TFED by means other than the radio box or through a central operating system, such as a company equipped to receive an alarm signal for each of its customers which then transmits to the TFED the location of such alarm, shall not be subject to the provisions of this section, but shall be subject to all other sections of this by-law.

## § 6-4. Updating information.

Every alarm system owner shall be responsible for updating the information herein required to be provided to the Fire Chief. If the information provided should change, the alarm system owner shall provide the TFED with the updated information within 30 days of such change and shall pay the fee, if any, required by this by-law.

If the alarm system owner fails to comply with this section, the Fire Chief or his/her designee may assess a fine of \$50. Each day of noncompliance shall be considered a separate violation.

## § 6-5. Alarm system malfunctions; fines.

If there is an alarm system malfunction, as defined herein, the Fire Chief or his/her designee may assess a fine against the building owner for each malfunction per calendar year according to the following schedule.

A.

The first through the third malfunction: no charge. Upon the recording of the third malfunction by the TFED, the Fire Chief or his/her designee shall notify the owner of the building, in writing and by certified mail, of such fact, and at this time inform the owner of the TFED's policy with regard to charging for malfunctions.

The fourth malfunction: \$250.

The fifth and any subsequent malfunction: \$300.

B.

Any malfunction which is the result of the failure of the alarm system owner, building owner, occupant or their authorized agents to notify the TFED of the repair, maintenance or testing of the internal alarm system within the protected premises, shall cause a penalty to be assessed in accordance with Subsection A of this section.

§ 6-6. Appeal procedure.

Any alarm system owner or building owner who is aggrieved by an action taken by the Fire Chief under this by-law may, within 10 days from such action, file an appeal, in writing, to the Board of Selectmen of the Town of Townsend. After notice, the Board shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the Fire Chief giving its reasons therefor.

The Board shall send its decision to the owner by first class mail within 10 days after the hearing. The decision of the Board shall be a final administrative decision.

§ 6-7. Regulations and enforcement.

The Fire Chief may promulgate such regulations as may be necessary to implement this by-law. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this by-law.

§ 6-8. Deposit.

All annual and connection fees herein shall be payable to the TFED for deposit in the Fire Alarm Maintenance Account.

§ 6-9. Severability/liability.

The provisions of this by-law shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

The Town of Townsend shall be under no duty or obligation to maintain any specialized equipment or communication system for the monitoring of fire alarm systems. The installation and maintenance of automatic fire alarm systems permitted by this by-law shall be made at no cost to the Town of Townsend.

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

A True Copy. Attest

*Kathleen M. Spafford*

Town Clerk

Townsend, MA