

**CHAPTER 10
PUBLIC SAFETY**

CIVIL DEFENSE

SECTION 10.1 CIVIL DEFENSE- GENERALLY

The agency for civil defense established in accordance with the state civil defense plan and program shall be known as the Malden Emergency Management Agency.

The organization shall have a director who shall be appointed by the Mayor, and the Director shall have responsibility for the organization, administration and operation of such local organization for Emergency Management. The Malden Emergency Management Agency shall perform civil defense and emergency management functions within the City and, in addition shall conduct such functions outside of the City as may be required pursuant to the provisions of Section 7 of Chapter 639 of the Acts of 1950.

SECTION 10.2 DIRECTOR OF CIVIL DEFENSE

The Director of the Malden Emergency Management Agency shall be appointed annually in January by the Mayor.

SECTION 10.3 ASSOCIATE DIRECTOR OF CIVIL DEFENSE

An Associate Director for Emergency Management may be appointed annually in January by the Mayor, without confirmation by the City Council.

FIRE PREVENTION CODE

SECTION 10.4 AUXILIARY FIREFIGHTERS

The Fire Commissioner may appoint, train, and equip volunteer unpaid auxiliary firefighters.

SECTION 10.5 FIRE PREVENTION CODE

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Fire Prevention Code of the American Insurance Association, as amended from time to time, shall be applicable and in full force and effect in the City of Malden, except such portions as are hereinafter deleted, modified or amended.

SECTION 10.6 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION

- A.** The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Malden, which shall be operated under the supervision of the Chief of the Fire Department.
- B.** The Deputy Chief in charge of the Bureau of Fire Prevention shall be appointed by the Fire Commissioner and shall be known as the Fire Marshall.
- C.** The Chief of the Fire Department may detail such members of the Fire Department as Inspectors as shall from time to time be necessary.
- D.** A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor. It shall contain all proceedings under this code with such statistics as the Chief of the Fire Department may wish to include therein. The Chief of the Fire Department shall also recommend any amendments to the code which in his judgment shall be desirable.

SECTION 10.7 POWER TO PROMULGATE RULES AND REGULATIONS

The Fire Chief shall have the power to promulgate such rules and regulations relating to any of the provisions of the Fire Prevention Code as will further the spirit of the code, and to ensure the public health, safety and welfare.

SECTION 10.8 AMENDMENTS/MODIFICATION OF THE FIRE PREVENTION CODE

The Fire Chief shall have the power to modify or amend the applicability of any of the provisions of the Fire Prevention Code upon application in writing by the owner or tenant, or a duly authorized agent, provided that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Marshall thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

SECTION 10.9 APPEALS

Whenever the Chief of the Fire Department disapproves an application or refuses to grant a permit, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Board of Appeal within 30 days from the date of the

decision appealed.

SECTION 10.10 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

The Building Inspector, the Chief of the Fire Department and the Fire Marshall shall act as a committee to determine and specify, after giving effected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in said Code. The Fire Chief shall post such list in a conspicuous place in his office, file a copy thereof with the City Clerk, and distribute copies thereof to interested persons.

SECTION 10.11 FIRE WATCH DETAIL

After a fire has been extinguished in any structure or on any premises, the Chief of the Fire Department or his designee may, if deemed necessary because of the size or construction of the structure, the danger to exposed property, or the susceptibility of the contents to re-ignition, order a fire watch detail to stand by at the location until all danger of re-ignition or collapse has passed. The size of such detail shall be determined by the Chief and the expense shall be borne by the owner of the property.

Whenever a building or structure is being or has been demolished, whenever work is being performed on gas lines or gas mains, and whenever any blasting is to be done in the City, the Chief of the Fire Department, or a designee, may, if deemed necessary for the safety of the general public, order a fire watch and/or a fire watch with charged hose line. It shall be the function of the fire watch to observe that all safety precautions are taken and that all work is done in strict conformance with all applicable laws, rules and regulations of the Fire Department and City Ordinances, and that after completion of the job, the location is left in a safe condition. The expense for such a detail shall be borne by the owner, or individual, or contractor performing the work.

SECTION 10.12 Parking Restrictions - Fire Lanes and All Non-Public Ways to Which the Public Has Access

A. Intent of Section

It is the intent of this section to ensure the orderly flow of traffic on all ways to which the public has a right of access and to ensure that public safety vehicles at all times have access to all properties and facilities in the city. As used in this section, the phrase private way shall mean all non-public ways to which the public has a right of access, including but not limited to private ways and unaccepted streets.

B. Fire Lanes - Designation, Parking Prohibited

The Chief of the Malden Fire Department may designate fire lanes on private ways and private property for the purpose of ensuring that emergency vehicles are provided access to buildings. Fire lanes shall be posted and marked as such and shall extend twelve feet from the curbing at a sidewalk or, if no sidewalk exists, eighteen feet from the building.

No vehicles shall be parked within the limits of a fire lane designated by the Fire Chief under the provisions of this section.

C. Private Ways - Regulation of Parking

No vehicle shall park on a private way in violation of any of the following restrictions:

1. No unregistered or uninsured vehicles shall be parked on a private way;
2. No vehicle shall be parked within ten feet of a fire hydrant;
3. No vehicle shall block or obstruct a driveway;
4. No vehicle shall park within 20 feet of an intersection;
5. No vehicle shall park so as to impede snow removal or street cleaning.

D. Enforcement

Violations of this ordinance may be enforced by the Malden Police Department in the same manner and in accordance with the same schedule of fines for violations on public ways.

SECTION 10.13 CHARCOAL AND PROPANE BARBECUE GRILLES

A. Any barbecue grilles are to be placed outside buildings in an area clear of heavy grass and brush when in use. They must be at least 5 feet (5') away from any structure and away from any overhead hazards such as tree branches, awnings, clotheslines, etc.

B. Charcoal is to be ignited only by charcoal lighter fluid or electricity.

C. Barbecue grilles are not permitted on porches, rooftops or balconies when in use. Storage or use of liquid propane gas containers above the first floor of a building used for habitation is prohibited.

D. Any barbecue grille is not to be left unattended at any time while in use.

E. Upon completion of use of a charcoal grille, charcoal or charcoal briquettes are to be thoroughly extinguished.

F. A permit must be obtained from the Malden Fire Department for the use and storage of propane.

G. The use of a barbecue grille may be prohibited by the Chief of the

Malden Fire Department, in his discretion, for failure to comply with any provision of this section, for any conduct which constitutes a violation of the laws of the City of Malden, or in the event the use thereof will cause a dangerous or hazardous condition. Failure to comply with the provisions of this section shall be punishable by fines and penalties as set forth in Section 1.13.

SECTION 10.14 LODGING HOUSES - SPRINKLER SYSTEMS REQUIRED

Every lodging house or boarding house in the City of Malden and the Malden YMCA and Malden YWCA shall be protected throughout with an adequate system of automatic sprinklers in accordance with the applicable provisions of the state building code. No such sprinkler shall be required unless sufficient water and water pressure exists. In such buildings or in areas of such buildings where the discharge of water would be an actual danger in the event of a fire, the head of the fire department shall permit the installation of such other fire suppressant system as are prescribed in lieu of automatic sprinklers. The head of the Fire Department, or a designee, shall enforce the provisions of this Ordinance. Exemptions to charitable organizations may be granted on written request to the Fire Department. "Lodging House" or "Boarding House" for purposes of this ordinance shall mean a house where lodgings are let to three or more persons not within the second degree of kindred to the persons conducting it, but shall not include rest homes or group residences licensed or regulated by agencies of the Commonwealth.

Failure of the owner of a building to comply with an order of the Fire Department regarding this ordinance within one year after receipt of such an order shall be punishable by a fine of not more than \$200.00 for each day such offense is permitted to continue; shall be cause for cancellation, suspension, revocation or modification of any permit or license held, after hearing upon three days written notice, sent registered or certified mail, to the last most recent address of the licensee; or shall be cause for the City to petition the Superior Court of the trial court to enjoin such violation or to order compliance with any order or any terms or conditions imposed by the permit or licensing authority.

SECTION 10.15 PENALTIES

Violation of Sections 10.5 through 10.14 may also be enforced in the manner provided under Massachusetts General Laws Chapter 40, Section 21D and shall be punishable as follows:

- (a) first offense warning
- (b) second offense \$ 50.00 fine
- (c) third/subsequent offenses \$100.00 fine

Each twenty-four hour period during which a violation shall exist shall constitute a separate offense, and a separate and additional fine shall be imposed for each twenty-four hour period during which a

violation exists.

SECTION 10.16 FIRE ALARM REGULATION

A. PURPOSE

The Malden Fire Department shall regulate the installation and use of Fire Alarms for the following purposes:

1. to provide efficient Fire Department service to owners and tenants for private alarm systems in the City of Malden, and;
2. to establish policies, regulations, and minimum standards applicable to fire alarm systems, alarm installers, and alarm users.

B. DEFINITIONS

"Alarm business" means any business operated by an organization for a profit which engages in or causes the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing, or responding to a burglar, holdup or fire alarm system.

"Alarm installer" means any person employed by or associated with an alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, or servicing an alarm device.

"Alarm system" means an assembly of equipment and devices (or a single device such as a solid state unit that plugs into a 110 Volt current outlet) arranged to signal the presence of a hazard requiring urgent attention and to which Fire Department personnel are expected to respond.

"Central station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits, and where guards are maintained continuously to investigate signals.

"Chief of Police" means the Chief of the Malden Police Department or a designated representative.

"City Council" means the Malden City Council.

"False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of employees or agents or alarm business employees. Such term does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes or other conditions which are clearly beyond the control of the alarm system user.

"Fire Chief" means the Chief of the Malden Fire Department or a designated representative.

"Fire Department" means the Malden Fire Department.

"Licensing Authority" means the licensing authority function of the City Council.

"Owner" means a person who holds an interest of 15% or more in an alarm business.

"Police Department" means the Malden Police Department.

"Primary trunkline" means a telephone line leading directly into the

communication center of the fire station that is for the purpose of handling emergency calls on a person-to-person basis. The telephone line is identified as such by a specific number included among the emergency numbers listed in the telephone company directory issued by the telephone company.

"Principal corporate officer" means the president, vice-president, treasurer, secretary, and comptroller as well as any other person who performs functions for the corporation corresponding to those performed by the foregoing officers.

"Special trunkline" means a telephone line leading into the communication center of the fire station that is for the purpose of handling emergency signals or messages originating directly from automatic dialing devices.

"Subscriber" means a person or business who buys and/or leases, or otherwise obtains a burglar alarm system and thereafter:

- a. contacts with or hires an alarm business to service the alarm device installed within the subscriber's facility;
- b. pays the City an annual alarm connection license fee in order to connect the system directly to the Fire Alarm Headquarters.

"Wire Inspector" means the Malden Inspector of Wires.

C. ALARM BUSINESS INSTALLERS

1. APPLICATION FOR LICENSE

a. Any person engaging in a fire alarm business in the City of Malden, shall apply to the Fire Chief on a form furnished by the Fire Department, for a license to operate. Such application shall be signed by the individual proprietor of such business, or by a partner, or by the proper corporate official, as is appropriate for the form of business seeking the license.

b. The Fire Chief shall specify the information required on the license application.

c. Applicants already in the alarm business in the City of Malden may continue in business while their license applications are being processed. An applicant not previously in the alarm business in the City of Malden shall not commence doing business until a license is granted.

d. If applicant's business involves both burglar and fire alarm systems, and alarm business license covering both types of systems can be applied for at either the Police or Fire Departments.

2. LICENSE FEE

a. License applications shall be accompanied by a non-refundable fee payable to the City of Malden, to cover the costs to the City for processing the application and investigating the applicant.

b. The license fee shall be based on the following schedule:
No. of Agents Representing

Alarm business in Malden	License Fee
1-3	\$10.00
4-6	\$15.00
7-9	\$20.00
10 and over	\$25.00

3. ACTION ON ALARM BUSINESS LICENSE APPLICATIONS

a. The Fire Chief, after consultation with the Chief of Police, shall cause a report on the applicant to be prepared based on the information contained in the application together with such other relevant information as may be obtained pertaining to the applicant and his business.

b. The Fire Chief shall within thirty (30) days after the receipt of the application submit his report and recommendation to the Licensing Authority on whether to issue or deny a license to the applicant.

c. The Licensing Authority shall within ninety (90) days after the receipt of the application for an alarm business license either approve or deny the issuance of a license.

d. No alarm business license shall be issued if:

(1) Any employee engaged in the installation or maintenance of alarm systems within the City, owners, partners or in the case of a corporation, principal corporate officers of the applicant or those with authority and responsibility for the management and operation of the alarm business within the City, including those not residing within the State, have been convicted of a felony or a misdemeanor (excluding misdemeanor motor vehicle violations) which the Licensing Authority finds to reflect unfavorably upon the alarm business' fitness to sell, install or maintain alarm systems within the City of Malden.

(2) The application contains any false statements.

e. Applicants shall be required to file a surety bond or carry a liability insurance policy, in a form and sum satisfactory to the said Licensing Authority but in no event less than ten thousand dollars (\$10,000.00) for the purpose of protecting the City of Malden from any damage, loss, injury or liability as a result of the failure of the applicant to fulfill the obligations and conditions imposed under this ordinance.

4. CHANGES TO ALARM BUSINESS LICENSE

The licensee shall immediately notify the Fire Chief whenever any information on the alarm business license is subject to change.

5. REVOCATION OF ALARM BUSINESS LICENSE

a. In addition to any penalties imposed under Section 1.13 for the violation of this ordinance, the Licensing Authority upon written recommendation from the Fire Chief, may, pursuant to the provisions of this Section, revoke the license of an alarm business on any of the following grounds:

(1) Fraud or misrepresentation or false statement made in an application for a license.

(2) Fraud or misrepresentation or false statement made in the conduct of an alarm business.

(3) Conviction of any of the employees engaged in the installation or maintenance of alarm systems within the City, owners, partners or in the case of a corporation, principal corporate officers of the applicant or those with authority and responsibility for the management and

operation of the alarm business within the City, including those not residing within the state, of a felony or a misdemeanor (excluding misdemeanor motor vehicle violations) which the Licensing Authority finds to reflect unfavorably upon the alarm business' fitness to sell, install or maintain alarm systems within the City of Malden.

(4) Failure to correct any deficiencies in the operation of a subscriber's equipment within eight (8) hours after receipt of notice of same from the Fire Chief.

(5) Failure to notify the Fire Chief of any changes in alarm business license information.

(6) Failure to comply within a reasonable time with any order issued or policy and procedure established by the Licensing Authority pursuant to this ordinance.

b. No alarm business license shall be revoked until a hearing is held by the Licensing Authority.

6. SUSPENSION OF ALARM BUSINESS LICENSE

a. The Fire Chief or Licensing Authority may suspend an alarm business license without notice for any of the reasons cited above pending a hearing to be held by the Licensing Authority within ninety days (90) after suspension.

7. RENEWAL OF ALARM BUSINESS LICENSE

a. An alarm business license shall be subject to renewal every two (2) years from date of issuance.

b. The issuance procedures and fee for an initial alarm business license application shall apply to an alarm business license renewal.

8. IDENTIFICATION

Alarm agents representing a licensed alarm business shall carry proper identification whenever engaged in the business of installing or maintaining alarm systems in the City of Malden. Such identification shall be exhibited at the demand of any member of the Police Department or the Fire Department or the Wire Inspector or occupant of the premises where the alarm installer is either maintaining or installing an alarm system.

D. ALARM INSTALLATIONS

1. PERMITS

a. An application for Permit must be submitted to the Fire Department for each alarm system installed in all new construction in the City of Malden. The application, available from the Fire Department, adheres to the provisions of Chapter 148, General Laws of the Commonwealth of Massachusetts.

b. In accordance with provisions of Chapter 148, General Laws of the Commonwealth of Massachusetts, the Fire Chief shall grant an alarm installation permit if the purposed alarm system in the application, meets or exceeds the applicable National Fire Prevention Association standards.

2. INSPECTION

The Fire Chief, the Wire Inspector or their representatives, shall have the authority, at reasonable times and upon

reasonable notice, to enter any premises in the City of Malden, in which alarm systems subject to this ordinance are located, to inspect the installation and/or operation of such alarm systems on official City business.

E. DIRECT CONNECTION TO FIRE ALARM HEADQUARTERS

1. Upon the favorable recommendation of the Fire Chief, fire alarms from business premises and financial institutions may be connected to Fire Alarm Headquarters by means of a Gamewell/Buss Master Fire Alarms Box.
2. The installation of a Master Fire Alarm Box which is connected into the Malden Fire Alarm System shall meet all installation specifications as set forth by the Fire Chief and Superintendent of Fire Alarm.

F. RETRANSMISSION OF FIRE ALARM SIGNALS

Equipment used to retransmit fire alarm signals from a central station to the fire alarm station shall meet the specifications set forth by the Fire Chief and Superintendent.

G. ALARM INSTALLATIONS

1. CERTIFICATIONS

Each alarm system installed in the City of Malden after the effective date of this ordinance must be certified by the alarm company selling or leasing its system, on a form provided by the Fire Department. It must state that the alarm system meets the minimum standards established by the City of Malden.

2. INSPECTIONS

For the purpose of enforcing the provisions of this ordinance, the Fire Chief or the Wire Inspector or their representatives, shall have the authority, at reasonable times and upon reasonable notice, to enter any premises in the City of Malden, in which alarm systems subject to this ordinance are located, to inspect the installation and /or operation of such alarm systems on official City business.

H. AUTOMATIC DIALING DEVICES

1. INTERCONNECTING TO FIRE DEPARTMENT TRUNKLINES

- a. Automatic dialing devices designed to transmit signals directly to the fire alarm headquarters may be interconnected, at the discretion of the Fire Chief, to either a primary or special trunkline into the stations. Before such a device is interconnected, the person performing this operation shall first obtain instructions from the Fire Chief concerning the procedure to be followed. The Fire Chief shall designate the telephone number to be used for this purpose. Failure to follow these procedures shall be a violation of this ordinance.
- b. Automatic dialing devices interconnected to Fire Department trunklines shall be registered with the Fire Department within ninety (90) days after the effective date of this ordinance.

2. STANDARDS

Automatic dialing devices installed on any premises within the City of Malden which are interconnected to a trunkline transmitting signals into the Police or Fire Stations shall meet the minimum standards established by the Fire Chief.

I. DIRECT CONNECTIONS TO THE FIRE ALARM HEADQUARTERS

1. APPLICATION FOR ALARM CONNECTION LICENSE

- a.** For an alarm system to be connected directly to the Fire Alarm Headquarters (F.A.H.), the owner or lessee of the alarm system shall submit an application for an alarm connection license to the Fire Chief.
- b.** If the application is approved by the Fire Department, the Fire Chief shall cause an alarm connection license to be issued to the subscriber.
- c.** No alarm connection license shall be issued if:
 - (1)** The application contains any false statements;
 - (2)** Alarm system installed without Certification (Section 5.0);
 - (3)** Alarm system is not compatible with the fire alarm monitoring equipment located at F.A.H.
- d.** The alarm subscriber approved for a direct connection to the F.A.H. or the alarm business contracting for servicing the subscriber's alarm system, shall be responsible for obtaining the leased telephone line between the subscriber's premises and the F.A.H.
- e.** The Fire Chief shall determine the location within the F.A.H. where the telephone lines will terminate.
- f.** All alarm connections within the F.A.H. shall be made by the City or its authorized representative.

2. ALARM CONNECTION LICENSE FEE

- a.** The fire alarm subscriber shall be assessed an annual alarm connection license fee of seventy-five Dollars (\$75.00) payable to the City of Malden.
- b.** In addition to the annual alarm connection license fee provided in (a), there shall be an annual fee of two hundred (\$200.00) payable to the City of Malden, to those subscribers which are directly connected to F.A.H. by means of a Master Fire Alarm Box.
- c.** If an alarm connection license is issued after the beginning of the City's fiscal year, the license fee shall be prorated on the basis of the remaining months.
- d.** The alarm subscriber shall be sent an annual bill by the City for renewal of his alarm connection license annually in July.
- e.** Non payment of the annual alarm connection license renewal fee may result, at the discretion of the Fire Chief, in the disconnection of the alarm at the F.A.H.

J. FALSE ALARMS

- 1.** More than four false alarms in the calendar year from any alarm system constitute a violation of this ordinance subject to the provisions below.

2. After the Fire Department has recorded four "false alarms" within a calendar year from any alarm system, it shall notify the alarm user and the alarm business providing service or inspection to the alarm user in writing by first class mail of such fact and require that the alarm user submit a report to the Fire Chief within 7 days after receipt of such notice, describing efforts to discover and eliminate the cause or causes of the false alarms. If, however, the alarm user by reason of absence from the City or on any other reasonable basis requests an extension of time to file the report, the Fire Chief shall extend the 7-day period for a reasonable period. If the alarm user fails to submit such a report within 7 days or within any such extended period, the alarm user shall be in violation of this ordinance.

3. If the alarm user submits a report as required by paragraph 2. of this Section but the Fire Chief determines that the report is unsatisfactory or that the alarm user has failed to show by the report that reasonable steps are or will be taken to eliminate or reduce false alarms, the alarm user shall be in violation of this ordinance.

K. VIOLATIONS AND PENALTIES

The following shall be considered violation of the Fire Alarm Regulations:

1. Failure to obtain an alarm business license;
2. Conducting an alarm business in the City of Malden after revocation of license;
3. Installing an alarm system in new construction without obtaining a permit;
4. Failure to adhere to automatic dialing device, direct connect or retransmission specifications; such violation shall be punishable by a fine of up to the current maximum amount as defined by Chapter 40, Section 21D of the Massachusetts General Laws. Each day that such violation continues after the expiration of the period allowed for compliance under the provisions of this ordinance shall constitute a separate offense.
5. Any user of an alarm system which transmits false alarms shall be assessed a fine in accordance with the following schedule:

NO. OF FALSE ALARMS	FINE
0- 3	NO CHARGE
4-20	\$50.00
21 OR MORE	\$75.00

L. DISCLAIMER OF LIABILITY

The City, its agents, employees and designees, shall not be liable for any claimed failure of service or any damages that may result from the installation, operation or failure of an alarm system connected to the Fire Stations.

M. EXCEPTIONS

This ordinance shall not apply to:

1. the use of alarm systems by law enforcement personnel for law enforcement purposes;
2. alarm systems installed in motor vehicles, boats, or aircraft;

3. persons engaged solely in the manufacture, sale or repair of alarm systems or components from a fixed location who do not install, maintain, or service alarm system at a user's premises, or who do not plan the alarm system for a specific location;
4. any alarm system used, operated, or installed in any premises or place owned by the governments of the United States, the Commonwealth of Massachusetts, or the City of Malden, nor to any officer, agent or employee of these governments while acting or employed in an official capacity.

POLICE IN GENERAL

SECTION 10.17 AUXILIARY POLICE

The Police Commissioner may appoint, train, and equip volunteer, unpaid auxiliary policemen. Said Auxiliary Police Force may be activated at the discretion of the Police Commissioner.

Persons appointed to the Auxiliary Police Force in the City shall, when called to active duty by the Police Commissioner, exercise such powers and perform such duties as may be prescribed by the Commissioner. All members of the Auxiliary Police Force shall, when on active duty, display a badge or other authorized insignia.

SECTION 10.18 SPECIAL POLICE OFFICERS MAY BE APPOINTED

In addition to the Police Force provided for in Chapter 16 of the Acts of 1911, the Mayor may from time to time appoint additional Police Officers who shall be called Special Police Officers.

SECTION 10.19 OATH OF OFFICE

Before entering upon service, each member of the Police Department shall be sworn to the faithful discharge of duties.

SECTION 10.20 RESERVED

SECTION 10.21 DISPOSITION OF FINES, ETC.; DEDUCTION OF FINES FOR DISOBEDIENCE OF POLICE RULES

The Police Commissioner and all members of the police department shall account to the Treasurer for all fees received. The Police Commissioner, when applicable, shall collect and pay to the Treasurer, rendering a detailed account of the same, all fines and penalties for violations of the rules, regulations and ordinances of the City of Malden and its departments, and all fees received as witnesses as

aforesaid, or for service of criminal processes. A duplicate account of such payments shall be rendered to the Controller of Accounts.

SECTION 10.22 INSTITUTION OF LEGAL PROCEEDINGS ON ENFORCING CODE, ETC.

The Police Commissioner shall cause proceedings to be instituted for the prosecution of violations of all laws and all rules, regulations and ordinances of the City of Malden and all departments thereof. Each member of the department shall enforce the laws of the Commonwealth, and all rules, regulations and ordinances of the City and discharge such other duties as may be required.

SECTION 10.23 MUTUAL AID TO OTHER CITIES

The Police Commissioner is hereby authorized to permit members of the Police Department to aid another city or town at the request of such city or town in the suppression of riots or other forms of violence therein. While in the performance of their duties in extending such aid, the members of such department shall have the same powers, duties, immunities and privileges as if performing the same within the City. Any city or town aided under and in accordance with this section shall compensate the City for aid rendered as aforesaid for the whole or any part of any damage to its property sustained in the course of rendering the same and shall reimburse it in whole or in part for any payments lawfully made to any member of the Police Department of the City or to a surviving spouse or other dependents on account of injuries or death suffered in the course of rendering aid as aforesaid.

SECTION 10.24 REGULATION OF BURGLAR ALARM SYSTEMS

A. PURPOSE

The Malden Police Department shall regulate the installation and use of burglar alarms for the following purposes:

1. to provide efficient Police Department service to owners and lessees of private alarm systems in the City of Malden;
2. to reduce police response to excessive false alarms which tend to diminish general police service, and;
3. to establish policies, regulations, and minimum standards applicable to burglar and hold-up alarm systems, alarm installers, and alarm users.

B. DEFINITIONS

"Alarm Systems" means the assembly of equipment and devices or a single device such as a solid line, arranged to signal the presence of a hazard requiring urgent attention and to which 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 the premises are specifically excluded from the provisions of this ordinance.

"Alarm User or User" means any person on whose premises an alarm system is maintained within the City except for alarm systems on motor vehicles or proprietary systems. Excluded from this definition and from the coverage of this ordinance are central station personnel and persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or hold up attempt. If such system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of "alarm system" as that term is used in this ordinance, and shall be subject to this ordinance.

"Automatic dialing device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

"Central station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.

"City" means the City of Malden.

"City Council" means the Malden City Council.

"Communications Console" means the instrumentation of an alarm console at the receiving terminal of the signal line which, through both visual and audible signals, indicates activation of an alarm system at a particular location, or which indicates line trouble.

"Direct Connect" means an alarm system which has the capability of transmitting system signals to and receiving them at the Malden Police Department Communications Center.

"False Alarm" means (1) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user ; (2) any signal or oral communication 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 or attempted unauthorized intrusion into a premises and no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes, and similar conditions.

"Interconnect" means to connect an alarm system to a voice-grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

"Licensing Authority" means the Licensing Authority function of the City Council.

"Owner" means a person who holds an interest of 15% or more in an alarm business.

"Police Chief" means the Chief of Police of the City of Malden or a designated representative.

"Police" or "Police Department" means the City of Malden Police Department, or any authorized agent thereof.

"Principal Corporate Officer" means the president, vice president, treasurer, secretary and comptroller as well as any other person who performs functions for the corporation corresponding to those performed by the foregoing officers.

"Public Nuisance" means anything which annoys, injures or endangers the comfort, repose, health or safety of any persons or of any community or neighborhood.

"Wire Inspector" means the Malden Inspector of Wires.

C. ALARM BUSINESS INSTALLERS

1. APPLICATION FOR LICENSE

a. Any person engaging in an alarm business in the City of Malden, shall apply to the Chief of Police on a form furnished by the Police Department, for a license to operate an alarm business. Such application shall be signed by the individual proprietor of such business, or by a partner, or by the proper corporate official, as is appropriate for the form of business seeking the license.

b. The Chief of Police shall specify the information required on the license application.

c. Applicants already in the alarm business in the City of Malden may continue in the alarm business while their license applications are being processed. An applicant not previously in the alarm business in the City of Malden shall not commence doing business until the license is granted.

d. If applicant's business involves both burglar and fire alarm systems, and alarm business license covering both types of systems can be applied for at either the Police or Fire Departments.

2. LICENSE FEE

a. License applications shall be accompanied by a non-refundable fee payable to the City of Malden, to cover the costs to the City for processing the application and investigating the applicant.

b. The license fee shall be based on the following schedule

No. of Agents Representing Alarm business in Malden	License Fee
1-3	\$10.00
4-6	\$15.00
7-9	\$20.00
10 and over	\$25.00

3. ACTION ON ALARM BUSINESS LICENSE APPLICATIONS

a. The Chief of Police, after consultation with the Fire Chief, shall cause a report on the applicant to be prepared based in the information contained in the application together with such other relevant information as may be obtained pertaining to the applicant and the business.

b. The Chief of Police shall within (30) days after the receipt of the application submit a report and

recommendation to the Licensing Authority on whether to issue or deny a license to the applicant.

c. The Licensing Authority shall within ninety (90) days after the receipt of the application for an alarm business license either approve or deny the issuance of a license.

d. No alarm business license shall be issued if:

(1) Any employee engaged in the installation or maintenance of alarm systems within the City, owners, partners or in the case of a corporation, principal corporate officers of the applicant or those with authority and responsibility for the management and operation of the alarm business within the City, including those not residing within the State, have been convicted of a felony or a misdemeanor (excluding misdemeanor motor vehicle violations) which the Licensing Authority finds to reflect unfavorably upon the alarm business' fitness to sell, install or maintain alarm systems within the City of Malden.

(2) The application contains any false statements.

e. Applicants shall be required to file a surety bond or carry a liability insurance policy, in a form and sum satisfactory to the said Licensing Authority but in no event less than ten thousand dollars (\$10,000.00) for the purpose of protecting the City of Malden from any damage, loss, injury or liability as a result of the failure of the applicant to fulfill the obligations and conditions imposed under this ordinance.

4. CHANGES TO ALARM BUSINESS LICENSE

The licensee shall immediately notify the Chief of Police whenever any information on the alarm business license is subject to change.

5. REVOCATION OF ALARM BUSINESS LICENSE

a. In addition to any penalties imposed under Section 1.13 for the violation of this ordinance, the Licensing Authority upon written recommendation from the Chief of Police, may, pursuant to the provisions of this Section, revoke the license of an alarm business on any of the following grounds:

1. Fraud or misrepresentation or false statement made in an application for a license.

2. Fraud or misrepresentation or false statement made in the conduct of an alarm business.

3. Conviction of any of the employees engaged in the installation or maintenance of alarm systems within the City, owners, partners or in the case of a corporation, principal corporate officers of the applicant or those with authority and responsibility for the management and operation of the alarm business within the City, including those not residing within the state, of a felony or a misdemeanor (excluding misdemeanor motor vehicle violations) which the Licensing Authority finds

to reflect unfavorably upon the alarm business' fitness to sell, install or maintain alarm systems within the City of Malden.

4. Failure to respond in an order to correct any deficiencies in the operation of a subscriber's equipment within eight (8) hours after receipt of notice of same from the Chief of Police (Fire Chief).
5. Failure to notify the Chief of Police (Fire Chief) of any changes in alarm business license information.
6. Failure to comply within a reasonable time with any order issued or policy and procedure established by the Licensing Authority pursuant to this ordinance.

- b. No alarm business license shall be revoked until a hearing is held by the Licensing Authority.

6. SUSPENSION OF ALARM BUSINESS LICENSE

The Chief of Police or the Licensing Authority may suspend an alarm business license without notice for any of the reasons cited above pending a hearing to be held by the Licensing Authority within ninety days (90) after suspension.

7. RENEWAL OF ALARM BUSINESS LICENSE

- a. An alarm business license shall be subject to renewal every two (2) years from date of issuance.
- b. The issuance procedures and fee for an initial alarm business license application shall apply to an alarm business license renewal.

8. IDENTIFICATION

Alarm agents representing a licensed alarm business shall carry proper identification whenever engaged in the business of installing or maintaining alarm systems in the City of Malden.

Such identification shall be exhibited at the demand of any member of the Police Department or the Fire Department or the Wire Inspector or occupant of the premises where the alarm installer is either maintaining or installing an alarm system.

D. AUTOMATIC DIALING DEVICES, INTERCONNECTION TO POLICE DEPARTMENT

- a. Automatic dialing devices may be interconnected only to telephone numbers at the Police Department as are specially designated to receive such calls by the Police Department.
- b. Within six (6) months after effective date of this ordinance, all dialers shall be reprogrammed to interconnect as indicated above.

E. AUTOMATIC DIALING DEVICES, INTERMEDIARY SERVICES

Any person using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

1. A central station
2. An answering service; or
3. Any privately-owner or privately-operated facility or terminal.

F. DIRECT CONNECTIONS TO POLICE DEPARTMENT

1. Alarm systems may be connected to the communications console in the Police Department, after prior authorization by the Chief of Police.
2. In accordance with the normal practices in the City, the Chief of Police shall have the authority to request proposals and bids from alarm companies in order to furnish, at no cost to the City, a communications console and the necessary telephone lines which are compatible to the receipt of alarm signals from alarm systems whose lines are connected to the Police Department. Each of the said bids shall set forth the annual fee each alarm user will be required to pay the alarm company for services rendered with respect to the communications console, except that no fee shall be assessed to the municipality for any alarms or connections to the console from properties owned by the municipality. Such services shall be set forth in the form of a written contract between the alarm company and each alarm user. The provisions of this paragraph (b) relate solely to the aforementioned communications console. Any alarm user may contract with any alarm company for the sale, installation, maintenance, and/or servicing of the alarm system to be installed on the user's premises.
3. The alarm user, or the alarm business contracting for servicing the alarm user's alarm system, shall be responsible for obtaining the leased telephone line between the alarm user's premises and the alarm-receiving equipment at the Police Department and for furnishing the appropriate interface equipment if required in order to provide an input signal which is compatible with the receiving equipment used to operate the communications console.
4. The provisions of this chapter concerning false alarms shall apply to all alarm users or persons having direct connect systems except municipal, county and state agencies.

G. CONTROL AND CURTAILMENT OF SIGNALS EMITTED BY ALARM SYSTEMS

1. Every business establishment within the City of Malden, whether alarmed or not, shall provide written notice to the Chief of Police listing the names, addresses, and telephone numbers of at least two persons who may be reached at any time, day or night, and who are authorized to respond to any emergency which has caused the police to be dispatched to said premises. Such notice shall be submitted during the first month of each year and shall be kept current at all times reflecting any changes in authorized personnel. Owner-residents shall be excluded from this paragraph.
2. All alarm systems installed after July 1, 1984 which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within thirty (30) minutes or less after activation of the alarm system.
3. Any alarm system emitting a continuous and uninterrupted signal for more than thirty (30) minutes between 7:00 P.M. and 6:00 A.M. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons

designated under paragraph (a) of this section, and which disturb the peace, comfort or repose of a community, a neighborhood, or inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of this section 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. In the event that the Police Chief is unable to contact the alarm user or members of the alarm user's family or those persons designated by the alarm user under paragraph (a) of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system and if the Police Chief is otherwise unable to abate the nuisance, a Police Officer or a firefighter or a qualified alarm technician may be directed to enter upon the property, outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

If entry upon property outside the home or building in which the alarm system is located is made in accordance with this section, the person so entering upon such property (1) shall not conduct, engage in or undertake any search, seizure, inspection or investigation while upon the property; (2) shall not cause any unnecessary damage to the alarm system or to any part of the home or building; and (3) shall leave the property immediately after the audible signal has ceased. After an entry upon property has been made in accordance with this section, the Police Chief shall have the property secured, if necessary. The reasonable cost of abating a nuisance in accordance with this section may be assessed to the alarm user, said assessment not to exceed \$50.00.

H. TESTING OF EQUIPMENT

No alarm system designated to transmit emergency messages directly to the Police Department shall be worked on, tested, or demonstrated without obtaining permission from the Police Chief. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Police Department. An unauthorized test constitutes a False Alarm.

I. FALSE ALARMS

1. When messages are received by the Police Department that evidence false alarms, the Police Chief shall take such action as may be appropriate under paragraphs (b), (c), (d), and (e) of this section, and when so required by the terms of the aforementioned paragraphs, order that use of an alarm system be discontinued.
2. After the Police Department has recorded three (3) separate false alarms within the calendar year from an alarm system, the Police Chief shall notify the alarm user, in person, by telephone, in writing or by mail of such fact and require said user to submit, within fifteen (15) days after receipt of such

notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, on the basis of absence from the City, or on any other reasonable basis, requests an extension of time for filing the report, the Police Chief may extend the fifteen (15) day period. If the said user fails to submit such a report within fifteen (15) days or within any such extended period, the Police Chief may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated with fifteen (15) days from the date of receipt of the Police Chief's order.

3. In the event that the Police Chief determines that a report submitted in accordance with paragraph (b) of this section is unsatisfactory, or that the alarm user has failed to show by the report that reasonable steps to eliminate or reduce false alarms have or will be taken, then the Police Chief may order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date or receipt of the Police Chief's order.

4. In the event that the Police Department records five (5) false alarms within the calendar year from an alarm system, the Police Chief may order that the user of the Alarm system discontinue use of the alarm system for not less than six (6) months from the date the alarm was disconnected.

5. Any user of an alarm system which transmits false alarms shall be assessed a fine in accordance with the following schedule:

NO. OF FALSE ALARMS	FINE
0-3	NO CHARGE
4-20	\$50.00
21 OR MORE	\$75.00

6. Any user of an alarm system which has, in accordance with this section been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Police Commissioner. An appeal shall be filed within ten (10) days of the date of the order of discontinuance. Thereafter, the Commissioner shall consider the merits of the appeal, and in connection therewith shall hear evidence. The Police Commissioner may affirm, vacate or modify the order of discontinuance.

J. VIOLATIONS AND PENALTIES

The following acts and omissions shall constitute violations of this ordinance punishable by fines of up to the current maximum amount as defined by Chap. 40, Section 21D of Mass. General Laws:

1. Failure to obey an order of the Police Chief or a designee, to discontinue use of an alarm system after exhaustion of the right of appeal;
2. Unauthorized interconnection of an automatic dialing device to any telephone numbers at the Police Department.
3. Failure to pay any fines assessed under this ordinance within sixty (60) days from the date of assessment;
4. Failure to comply with the requirements of Sections (a) and (c) of this ordinance.

Each day during which the aforesaid violations continue shall

constitute a separate offense.

Any fines not paid within one year of assessment shall become a lien on the property involved.

K. ADMINISTRATIVE RULES

The Police Chief may promulgate such rules as may be necessary for the implementation of this ordinance.

L. DISCLAIMER OF LIABILITY

The City, its agents, employees and designees, shall not be liable for any claimed failure of service or any damages that may result from the installation, operation or failure of an alarm system connected to the Fire Stations.

M. EXCEPTIONS

This ordinance shall not apply to:

1. the use of alarm systems by law enforcement personnel for law enforcement purposes;
2. alarm systems installed in motor vehicles, boats, or aircraft;
3. persons engaged solely in the manufacture, sale or repair of alarm systems or components from a fixed location who do not install, maintain, or service alarm system at a user's premises, or who do not plan the alarm system for a specific location;
4. any alarm system used, operated, or installed in any premises or place owned by the governments of the United States, the Commonwealth of Massachusetts, or the City of Malden, nor to any officer, agent or employee of these governments while acting or employed in an official capacity.