

**Article IX**

**City Fees**

# Article IX: City Fees

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**Section 1.** (Deleted: April 1997 Annual Town Meeting)

**Section 2.** (Deleted)

## **Section 3. Fire Alarm Systems**

### **3.1 Definitions**

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

**Central station operating company:** A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Framingham Fire Department (FFD) the location of any such alarm the central station operating company receives.

**Fire Alarm System:** Any heat-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the FFD by way of a master box.

**Fire Alarm System Malfunction:** The transmittal of a fire alarm to a central station operating company or directly to the FFD by way of a master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reasons that causes a fire alarm to sound even though there is no actual fire or situation that reasonably could evolve into a fire.

**Fire Alarm System Owner:** An individual or entity who owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the FFD by way of a master box.

**Fire Chief:** The Chief of the Framingham Fire Department.

**Master Box Owner:** An individual or entity who has on his business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the FFD by way of a master box.

### **3.2 Connection of Fire Alarm Systems to the FFD by way of a Master Box.**

Every master box owner whose fire alarm system on the effective date of this Ordinance is connected to the FFD by way of a master box, shall pay the following fees:

Annual Fee	\$ 200.00
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Every master box owner whose fire alarm system is connected after the effective date of this Ordinance to the FFD by way of a master box shall pay the following fees:

Permit Fee	\$ 20.00
Connection Fee	\$ 100.00
Annual Fee	\$ 200.00

Before any fire alarm system is connected to the FFD, the master box owner shall provide the Fire Chief with the following information:

**3.2.1** The name, address, and home and work telephone numbers of the master box owner;

**3.2.2** The street address where the master box is located;

- 3.2.3 The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box;
- 3.2.4 The names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted twenty-four hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located; and
- 3.2.5 Such other information as the Fire Chief may require.

If at the passage of this Ordinance, a fire alarm system has already been connected to the FFD by way of a master box, the master box owner shall comply with the requirements of this section within sixty (60) days after the FFD has sent notice by first class mail for the requirements of this section.

If a master box owner fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50) for each day of non-compliance.

**3.3 Connection of Central Station Operating Companies to the FFD**

Every central station operating company who has a direct connection on the effective date of this Ordinance to the FFD shall pay the following fees:

Annual Fee	\$ 200.00
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Every central station operating company who makes a direct connection after the effective date of this Ordinance to the FFD shall pay the following fees:

Permit Fee	\$ 20.00
Connection Fee	\$ 100.00
Annual Fee	\$ 200.00

Before any central station operating company is connected with the FFD, it shall provide the Fire Chief with the following information:

- 3.3.1. The name, address and telephone numbers of the central station operating company;
- 3.3.2. The names, addresses, and home and work telephone numbers of at least two persons who can be contacted twenty-four hours a day, who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises from where the alarm signal is emitting to the central station operating company;
- 3.3.3. The name, address, home and work telephone numbers, and location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company; and
- 3.3.4. Such other information as the Fire Chief may require

If at the passage of this Ordinance a central station operating company already has a direct connection to the FFD, the central station operating company shall comply with the requirements of this section within sixty (60) days after the FFD has sent it notice by first class mail of the requirements of this section.

If a central station operating company fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50) for each day of non-compliance.

**3.4 Updating Information**

Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Chief. If the information provided changes, the master box owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any, required by this Ordinance. If a master box owner or a central station operating company fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50).

**3.5 Fire Alarm System Malfunctions-Fines**

If there is a fire alarm system malfunction, as defined herein, the Fire Chief may assess a fine against a fire alarm system owner for each malfunction per fiscal year according to the following schedule:

**3.5.1** Upon the recording of the third false alarm by the Fire Department, the Fire Chief 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 Department's policy with regards to charging for false alarms. (Send copy of the policy at this time.)

First through Third Malfunction.....	No Charge
Fourth through Sixth Malfunction.....	\$100.00
Seventh through Eleventh Malfunction.....	\$200.00
Each Malfunction after the Eleventh.....	\$300.00

**3.5.2** Private fire alarm systems connected to the Framingham Fire Department by other automatic means or through a central station system shall also be subject to the above conditions.

**3.5.3** Any false fire alarm which is the result of the failure of the property owner, occupant or their agents to notify the Framingham Fire Department of repair, maintenance or testing of the internal fire alarm system within the protected premises shall cause a penalty to be assessed in accordance with subsection 3.5.1.

**3.5.4** For the purposes of this regulation, a false fire alarm shall be defined as follows:

- (a) The operation of a faulty smoke or heat detection device
- (b) Faulty control panel or associated equipment
- (c) A water pressure surge in automatic sprinkler system
- (d) Accidental operation of an automatic sprinkler system
- (e) An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant, causing accidental activation of the internal fire alarm system.

**3.5.5** Property owners will be billed once a month for the previous month's malfunction activity. All fines assessed shall be paid to the City Treasurer for deposit in the general fund.

**3.5.6** If the bill is not paid within 30 days, a second notice will be sent; if the bill is not paid after another 30 day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and the insurance company notified.

**3.6 Restrictions on Tape Dialers and Similar Automatic Telephone Devices**

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No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the FFD. If at the passage of this Ordinance a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm system owner shall have sixty (60) days from the passage of this Ordinance to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50).

### 3.7 Appeal Procedure

Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this Ordinance may, within ten (10) days of such action, file an appeal in writing, to the Mayor of the City of Framingham. After notice, the Mayor shall hold a hearing, after which he/she shall issue a decision in which he/she affirms, annuls or modifies the action taken by the Fire Chief giving his/her reasons thereof. The Mayor shall send his/her decision to the owner by first class mail within ten (10) days after the hearing. The decision of the Mayor shall be a final administrative decision. The owner shall have thirty (30) days from the date of the written decision to seek judicial review in the Middlesex County Superior Court.

### 3.8 Regulations and Enforcement

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

### Section 4. Automatic Amusement Device

The Mayor shall have the authority to set the annual fee for any automatic amusement device licensed under Massachusetts General Laws, Chapter 140, Section 177a, or any renewal thereof, at an amount not to exceed one hundred dollars (\$100) per device.

### Section 5. Board of Health License Fees

Motel and Recreational Camps	\$50	Sale of Milk	\$10
Pasteurization of Milk	\$40	Sale of Methyl Alcohol	\$ 5

### Section 6. Revocation of Licenses for Failure to Pay Taxes

The tax collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector, provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be relevant to or introduced in any other proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or

suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

The Mayor may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L., Ch. 268, s. 1 in the business or activity conducted in or on said property.

**Section 7. Intrusion Alarm Systems**

**7.1 Preamble**

It is determined that the number of false alarms received by the Framingham Police Department are not cost effective, hinder efficiency, and lower department morale. This situation endangers the general public, homeowners, businesses, and Framingham Police Officers. The adoption of this Ordinance will reduce the number of false alarms and promote the responsible use of alarm devices in the City of Framingham.

**7.2 Definitions**

For the purpose of this Ordinance, 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 used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**7.2.1** The term “alarm system” means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110 volt AC 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 authorized intrusion into a premise or an attempted robbery at a premise are specifically excluded from the provision of this Ordinance.

**7.2.2** The term “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. 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 holdup attempt. If such a 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.

**7.2.3** The term “automatic dialing device” refers to an alarm system which automatically sends to the Framingham Police Department or Framingham Communications Center a pre-recorded voice message or other signal indicating the existence of the emergency situation that the alarm system is design to detect.

**7.2.4** The term “central station” refers to a company equipped to receive an alarm signal from its customers and notify the Framingham Police Department of the signal.

**7.2.5** The word “City” means the City of Framingham.

- 7.2.6** The term “false alarm” means (1) activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or of his employees or agents; (2) any signal or oral communication transmitted to the police department requesting, 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 premise and no attempted robbery or burglary at a premise. Excluded from this definition are activation of alarm systems caused by power outages, motor vehicle accidents, acts of God, telephone repairmen, and similar situations.
- 7.2.7** The term “police chief” means the Chief of Police of the City of Framingham or his/her designated representative.
- 7.2.8** The term “police” or “police department” means the City of Framingham Police Department, or any authorized agent thereof.
- 7.2.9** The term “public nuisance” means anything which annoys, injures, or endangers the comfort, repose, health or safety of any considerable number of persons or of any community or neighborhood.
- 7.3** Administrative Rules
- 7.3.1** No security alarm system shall be connected to the communications console in the police department.
- 7.3.2** No security alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm signal to the 911 emergency system or any telephone lines of the Framingham Police Department or Framingham Communications Center.
- 7.4** Control and Curtailment of Signals Emitted by Alarm Systems
- 7.4.1** Every alarm user shall submit to the police chief the names and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed.
- 7.4.2** All alarm systems shall be equipped with a device which will give a minimum ten second delay prior to alarm system activation in order to warn the alarm user of an open alarm conduit.
- 7.4.3** All alarm systems which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within twenty minutes after activation of the alarm system.
- 7.4.4** Any alarm system emitting a continuous and uninterrupted signal for more than one hour which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under 7.4.1 of this section, and which disturbs the peace, comfort, and repose of a community, a neighborhood, or a considerable number of 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 shall endeavor to contact the alarm user or members of the alarm user’s family or those persons designated by the alarm user under subsection 7.4.1 of this section in an effort to abate the nuisance. The police 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 is unable to contact the alarm user, or members of the alarm user’s family, or those persons designated by the alarm user under subsection 7.4.1 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 are otherwise unable to abate the nuisance, the police chief may direct a police officer or a firefighter or a qualified alarm technician 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 upon the property; (2) shall not cause any unnecessary damage to the alarm system or to any part of the home or buildings; 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 costs and expenses of abating a nuisance in accordance with this section may be assessed to the alarm user, said assessment not to exceed \$100.00.

Within ten (10) days after abatement of a nuisance in accordance with this section, the alarm user may request a hearing before the Mayor and may present evidence showing that the signal emitted by his alarm system was not a public nuisance at the time of the abatement; that unnecessary damage was caused to this property in the course of the abatement; that the costs of the abatement should not be assessed to him, or that the requirements of this section were not fulfilled. The Mayor shall hear all interested parties and may, in its discretion, reimburse the alarm user for the repairs to his property necessitated by the abatement, or excuse the alarm user from paying the costs of abatement.

**7.5 Testing of Equipment**

All security alarm users must notify the Police Department in advance of any testing of equipment. Failure to notify the Department in advance of a testing of equipment shall constitute a false alarm and be treated as such.

**7.6 False Alarms**

**7.6.1** Any alarm user whose alarm system transmits by any means, to the Framingham Police Department, more than two (2) false alarms in a calendar year, shall be assessed a fine in accordance with the following schedule:

- a. Third false alarm: \$50
- b. Fourth false alarm: \$100
- c. Fifth false alarm: \$200

For the sixth (6<sup>th</sup>) and any subsequent false alarm, the fine shall be two hundred (\$200.00) dollars per violation, each day after any such false alarm is to be considered a new violation.

**7.6.2** In the event that the police department records eight (8) false alarms within the calendar year from an alarm system, the police chief may order that the user discontinue use of the alarm system until effective measures are taken to eliminate the false alarms.

**7.6.3** Any user of an alarm system who 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 Mayor. Notice of an appeal shall be filed with the Mayor within ten (10) days of the date of the order of discontinuance. Thereafter, the Mayor shall consider the merits of the appeal and in connection therewith shall hear evidence presented by all interested persons. After hearing such evidence, the Mayor may affirm, vacate, or modify the order of discontinuance.

**7.7 Penalties**

The following acts and omissions shall constitute violations of this Ordinance punishable by fines of up to one hundred dollars (\$100).

- 7.7.1 Failure to obey an order of the police chief to discontinue use of an alarm system, after exhaustion of the right of appeal.
- 7.7.2 Failure to pay two or more consecutive fines assessed under this Ordinance within sixty (60) days from the date of assessment.
- 7.7.3 Failure to comply with the requirements of subsections 7.3.1, 7.3.2, 7.4.1, 7.4.3.
- 7.7.4 Each day during which the aforesaid violations continue shall constitute a separate offense.

**Section 8. Trash Collection Fees**

**8.1 Definitions**

For purposes of this section the term “trash collection fees” refers to a “pay per throw”, “recycling incentive” or any other fee or charge established for the regularly scheduled, curbside collection of household trash. Excluded are any trash collection fees in place on April 28, 2004 or any increases in such fees. Also excluded are any fees that may be established after April 28, 2004 for collection of materials that Massachusetts Department of Environmental Protection regulations restrict or prohibit from disposal in the solid waste stream.

**8.2 Tax Levy Computation**

In any fiscal year, the total tax levy plus all budgeted revenues from trash collection fees shall not exceed the amount the total tax levy would have equaled if a trash collection fee had not been implemented.

**8.3 Allocation of Tax Levy Reduction**

To the extent permitted by law, any reduction in the tax levy that results from this Ordinance shall be allocated entirely to the residential class of property taxpayers.