Article 17 Open Burning (change existing article to read)

Section 1. No person shall cause an open fire that violates any applicable Massachusetts General Law (MGL) or Code of Massachusetts Regulation (CMR).

Section 2. The head of the Fire department or his/her designee shall ensure compliance with this By-law through the issuance of notices either verbal or written to any person found in violation of this By-law. The Head of the Fire Department or his designee shall issue financial penalties for non-compliance as set forth in this By-law.

Section 3. Individuals found to be not in compliance with any applicable Massachusetts General Law or Code of Massachusetts Regulation pertaining to open burning shall be subject to the issuance of a "Notice of violation" or the issuance of a "written citation" identifying a fine of not more than fifty dollars ($50.00) for the first offense and that any additional violations would result in fine(s) of not more than $250.00 for each subsequent offense.

Section 4. These fines will be paid to the Town of Russell and the sum of the fines collected shall be utilized for the financial support of the Russell Fire Department's fire prevention and public education functions.

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Section 5. Any person aggrieved by the issuance of a "notice of violation" or a "written citation" shall make a request for a hearing in writing to the Russell Board of Selectmen. Within fourteen (14) days after the written request is received, a hearing will be scheduled with the aggrieved person(s). At the conclusion of the hearing, the Board of Selectmen shall issue a written decision within seven (7) days to all parties concerned.

ARTICLE 25 (New) "False Alarms"

Section 1. DEFINITIONS.

(a) "ALARM SYSTEM" means: an assembly of equipment and devices or a single device arranged to signal the presence of a condition requiring urgent attention and to which Police and/or Firefighters 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 premise or an attempted break at a premise are included.

(b) "FALSE ALARM" means:
1. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his employees or agents.

2. Any signal or oral communication transmitted to the Police and/or Fire Department requesting,

requiring or resulting in a response on the part of the Police and/or Fire Department when in fact there has been no fire or threat of fire.

3. For purposes of this definition, activation of alarm systems by acts of vandals, by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes, lightning and similar weather or atmospheric disturbance shall not be deemed a false alarm.

(c) "USER" means: the occupant of the premises containing the alarm system.

Section 2. CONTROL AND CURTAILMENT OF SIGNALS EMITTED BY ALARM SYSTEMS.

(a) Every user shall submit to the Police and/or Fire Department the name and telephone numbers of at least three (3) persons 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.

(b) All alarm systems installed after the effective date of this By-Law which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within fifteen (15) minutes after activation of the alarm system.

(c) Any alarm system presently installed prior to the effective date of this By-Law shall have retrofitted to the system within one hundred and eighty (180) days after the effective date of this By-Law such a silencing device as described in SECTION 2 (b).

(d) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between the hours of 11:00 p.m. and 7:00 a.m., which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or his agents as designated in SECTION 2 (a), and which disturbs the peace, comfort or repose of a community, 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 and/or Fire Department shall endeavor to contact the alarm user or his agent to silence the nuisance.

Section 3. PENALTIES

The user shall be assessed a false alarm service fee on the following schedule:

1st Time	WRITTEN WARNING
2nd Time	WRITTEN WARNING
3rd Time	$ 50.00
4th Time	$100.00
5th and Subsequent Times	$200.00

FOR THE OCCURRENCE AFTER THREE FALSE ALARMS THE FOLLOWING WILL RESULT:

(1) Where alarms are not necessary to meet life safety conditions, legal action shall be sought to

silence the system.

(2) Where alarms are necessary to meet life safety conditions and no watchman service can be provided by the user, firefighters shall be placed on fire watch at all times until such time as the alarm system is returned to service. The firefighters shall be compensated for their time at a rate of fifteen ($15.00) dollars per hour plus 10% for administrative fees. The number of firefighters or watchmen needed to provide fire watch shall be in sufficient numbers as the Fire Chief in charge deems necessary.

(3) The Fire Department shall file with the Town Accountant a statement of all service fees at least annually or as requested by the Town Accountant. All service fees shall be turned over to the Town Treasurer for which a receipt shall be issued.