



City of New Bedford
IN COMMITTEE

October 14, 2021

The Honorable City Council
133 William Street
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Ordinances at a Meeting held on Wednesday, September 22, 2021, considered a WRITTEN MOTION, Councillors Coelho, Abreu, Lopes, Giesta, Dunn and Lima, requesting, that the Committee on Ordinances revisit the Ordinance, Chapter 17, Section 14, pertaining to false alarm calls placed throughout the City to the Police Department to update said Ordinance, to reduce the number of 911 calls that are placing a strain on Police Department resources. (To be Referred to the Committee on Ordinances.) (Ref'd 07/19/18) (09/17/18-tabled 30 days) (03/12/19-remain on the table)

On motion by Councillor Lopes and seconded by Councillor Carney, the Committee VOTED: To recommend to the City Council to take "No Further Action" on the WRITTEN MOTION, Councillors Coelho, Abreu, Lopes, Giesta, Dunn and Lima, requesting, that the Committee on Ordinances revisit the Ordinance, Chapter 17, Section 14, pertaining to false alarm calls placed throughout the City to the Police Department to update said Ordinance, to reduce the number of 911 calls that are placing a strain on Police Department resources. This motion passed on a voice vote of all ayes.

IN COMMITTEE ON ORDINANCES

Hugh Dunn
Councillor Hugh Dunn, Chairman

HD: dmb

Sec. 17-12. Gambling; exposure of devices.

No person, shall expose in or upon any street or public grounds, any table or device of any kind, by or upon which any game of hazard or chance can be played; nor shall any person play any such game at any such table or device in or upon any street or public place in the city.

(Code 1963, § 14-109)

Annotation—See *Commonwealth v. Wolbarst*, 319 Mass. 291 (1946); 65 N.E. 2d 552.

State law reference—Gambling, M.G.L.A. c. 271, § 1 et seq.

Sec. 17-13. Fictitious report of crime.

No person shall, by a verbal, written or printed communication, willfully, deliberately and knowingly make or cause to be made to a police officer or other lawful authority a false, or fictitious report of a crime, knowing that such report is false or fictitious as aforesaid.

(Code 1963, § 14-155)

Sec. 17-14. Telephonic and burglar alarm systems.

(a) "Telephonic alarm system" shall mean any mechanism, equipment or device which is designed to operate automatically through the use of public telephone facilities to transmit a signal, message, or warning to another location.

(b) No person shall operate or maintain a telephonic alarm system which automatically transmits a signal, message, or warning to any city police department or fire department telephone line.

(c) "Alarm device" shall mean any device which is intended to, when activated by a criminal act:

- (1) Transmit a signal to a police facility;
- (2) Transmit a signal to a person or company who relays an alarm to a police facility;
- (3) Produce an audible or visible signal to which the police are expected to respond.

(d) "Alarm user" shall mean any person or organization who is the owner or is in charge of the premises where an alarm device is maintained.

(e) "False alarm" shall mean the activation of an alarm device due to the negligence of the alarm user or his employee, or the improper installation, mechanical failure or malfunction of the alarm device which results in the police department responding to the alarm and where it is determined by the police department that the activation of the alarm system was not caused by criminal activity or attempted criminal activity.

(f) Each alarm user shall submit to the chief of police his name, address, telephone number, and the name, address, and telephone number of at least one other person who is authorized to and is able to respond to and deactivate an alarm device. At the time of said submission the alarm user shall pay to the chief of police a registration fee of three dollars (\$3.00).

(g) Each alarm user shall, prior to the testing of an alarm device which will include its activation, notify the police department of such testing. Failure to so notify the police department shall constitute a false alarm.

(h) Each alarm device which includes an audible bell, horn, or siren shall be equipped with an automatic shut-off system which shall deactivate the alarm device within twenty-five (25) minutes of its activation.

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(i) Violation of paragraphs (f), (g), or (h), hereof shall be punished by a fine of twenty-five dollars (\$25.00).

(j) Upon the police department having three (3) false alarms recorded from the same alarm user within the same calendar year, the police chief of his designee shall notify the alarm user, in writing, of the dates and times of each such false alarm and that a fourth false alarm within the same calendar year shall result in a charge of twenty-five dollars (\$25.00).

(k) Each alarm user shall be charged twenty-five dollars (\$25.00) for the fourth false alarm as defined in paragraph (j). Each subsequent false alarm within the same calendar year shall result in a charge of fifty dollars (\$50.00).

(l) This section shall not subject the City of New Bedford or any of its offices, agents, servants and employees to any greater obligation, duty, or liability to an alarm user or any other person than may currently exist.

(m) This section shall not apply to alarm devices owned or controlled by the City of New Bedford, nor to alarm devices installed in motor vehicles.

(n) Persons aggrieved of charges pursuant to paragraph (k) shall have the right to appeal the charges.

(1) The aggrieved party shall notify the city clerk in writing, that said charge is contested. The notification shall include an explanation as to why the charge is contested, and shall provide information necessary to determine the validity of the claim.

(2) Upon receipt of an appeal, the committee on internal affairs shall act upon same within forty-five (45) days and shall make a recommendation to the city council which may grant said appeal by a two-thirds ($\frac{2}{3}$) vote of its membership, under such terms and conditions as the city council shall determine to be in the best interest of the city, and the basis for such appeal is due solely to causes beyond the control of the alarm user who has exercised due diligence in the installation of a satisfactory alarm device.

(3) The decision of the city council shall be final and it shall inform the claimant, in writing, of the results.

(Code 1963, § 14-161; Ord. of 5-24-73; Ord. of 5-11-89, § 1; Ord. of 5-26-94, § 1)

State law reference—Interference with police alarm system, M.G.L.A. c. 268, § 32.

Sec. 17-15. Noise.

(a) *Unnecessary blowing of automobile horns.* The blowing of automobile horns between the hours of 11:00 p.m. and 7:00 a.m. except in cases of emergency is hereby prohibited.

(b) *Noises at commercial establishments.* All noises at commercial establishments located in principally residential neighborhoods that menace the health, interrupt or disturb sleep of residents between the hours of 10:00 p.m. and 7:00 a.m. are hereby prohibited; and, without limiting the



CITY OF NEW BEDFORD

CITY COUNCIL

July 19, 2018

WRITTEN MOTION

Requesting, that the Committee on Ordinances revisit the Ordinance, Chapter 17, Section 14, pertaining to false alarm calls placed throughout the City to the Police Department to update said Ordinance, to reduce the number of 911 calls that are placing a strain on Police Department resources. (To be Referred to the Committee on Ordinances.)

Debora Coelho, Councillor at Large

Ian Abreu, Councillor at Large

Joseph P. Lopes, Councillor Ward Six

Maria E. Giesta, Councillor Ward Two

Hugh C. Dunn, Councillor Ward Three

Scott J. Lima, Councillor Ward Five