

ALARMS

SECTION 1. GENERAL BY-LAW REGULATING ALARMS

1. This By-Law is to regulate the use of alarms in the Town, including fire alarms and burglar alarms, and to further regulate and control the false alarms that emanate therefrom.

"Alarm" - a signaling device of any description which is designed for the purpose of summoning the police and/or fire department of the Town, an including so-called "burglar alarms" and "fire alarms".

"False Alarm" - an alarm that is activated and causes the response of the police and/or fire department of any district where there is no valid cause or reason for the alarm to have been activated, an including an alarm that is activated through mechanical failure, malfunction, improper installation or negligence. An alarm shall not be considered a false alarm where it is activated by an act of God, including, but not limited to, power outages, hurricanes, earthquakes and other uncontrollable circumstances.

2. Whenever an alarm is activated by whatever means with the result that there is a response by the Police Department or one of the Fire Districts, a record of the alarm shall be made and kept by the Police Department. In the event the Police Department has not responded to the alarm, the Fire District that responded shall report the same to the Police Department for the purposes of the record.
3. Whenever three (3) or more false alarms are caused within a twelve (12) month period (within the fiscal year July 1 - June 30), the owner(s) or person(s) in control of said alarm shall be subject to paying a fine of \$75.00 for each and every occurrence starting with the 3rd false alarm, be it a business or residential activation. Starting with the fourth (4th) occurrence and including each and every occurrence up to the ninth (9th) occurrence the fine shall be \$100.00 be it a business or residential activation. Starting with the tenth (10th) and subsequent alarm occurrences for the remaining fiscal year the fine shall be \$150.00 for each occurrence thereafter. Any fines imposed and collected under this Section concerning false alarms where a Fire District of the Town has responded to a fire alarm or smoke detection activation determined to be false shall be turned over to the appropriate Fire District after that fine has been remitted to the Town.
4. Any alarm installed after 2-22-85 which is an audible type alarm shall be equipped with an automatic shut-off device which will shut off the audible component of the alarm within thirty (30) minutes of activation. Violation of this requirement shall subject both the owner and the person responsible for the installation of the alarm to a fine of \$25.00, and if the situation is not corrected within thirty (30) days after notification, a fine of \$25.00 for each day thereafter shall be imposed until corrective action is taken by either the owner or installer.

ALARMS (cont'd)

5. It shall be unlawful to report any alarm to the Police Department or to any of the Fire Districts by means of a recorded message. Violation of this requirement shall subject the person responsible to a fine of \$25.00 and each occurrence shall be a separate offense.

1-11-84	3-9-84	3-20-84
10-23-84	2-12-85	2-22-85
3-29-94	6-7-94	6-10-94
06-05-07	06-10-07	06-12-07

ALCOHOL

SECTION 1. CONSUMING ALCOHOLIC BEVERAGES

1. Consuming alcoholic beverages (as defined by Chapter 138 of the Massachusetts General Laws) or possessing alcoholic beverages in any container which has been opened, or has the seal broken, or the contents of which have been partially removed, while in or upon any public way, public parking lot, any school building or school grounds, library grounds, public park, public playground, conservation area, cemetery, municipal building and the grounds appurtenant thereto, or public boat launching or landing area is prohibited. All alcoholic beverages used in violation of this by-law shall be seized and safely held until final adjudication of the charge against the person arrested or summoned before the court.
2. Nothing herein shall be construed to prohibit the duly licensed use and consumption of alcoholic beverages as provided by law, or the use and consumption of said alcoholic beverages in or upon private properties or dwellings as may be permitted by law.

SECTION 1A. PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in M.G.L. Chapter 94C, Sec. 1 as amended) while in, on or upon any public place, including but not limited to: any public street; public sidewalk; public way; public footway; public passageway; public stairs; public bridge; public park; public playground; public beach; public recreation area; public boat landing; public building; public schoolhouse; public school grounds; cemetery; public parking lot; any area owned by or under the control of the Town of Dartmouth or any of its departments, agencies or authorities; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

Whoever is found in violation of this by-law shall, when requested by an official authorized to enforce this by-law, state his or her true name and address to said official. Whoever, upon such request, refuses or fails to state his or her true name and address or whoever provides a false name and address to said official shall be punished by a fine of three hundred dollars (\$300). An offender's refusal or failure to provide his or her true name and address shall be considered a separate violation of this by-law.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. Chapter 40 Sec. 21, or by non-criminal disposition pursuant to M.G.L. Chapter 40 Sec. 21 D by the Select Board, the Town Administrator, or their duly authorized agents, or any police officer.

The fine for violation of this by-law shall be three hundred dollars (\$300.00) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under M.G.L. Chapter 94C Sec. 32L.

6/22/09 12/2/09 12/8/09

SECTION 2. FINES AND ARREST

1. Any person convicted for violation of any provision of this By-Law shall be punished by a fine not to exceed three hundred dollars (\$300.00) for each offense.

10-22-75	1-26-76	2-17-76
5-25-82	9-7-82	9-21-82
5-15-01	8-15-01	8-21-01

SECTION 3. TRAINING PROGRAM

A. All applicants and licensees, seeking or holding a yearly or one-day All Alcohol, including Seasonal, Special or Beer and Wine License shall participate in a program designed to train employees in either package sales or pouring in methods of observation and detection to avoid selling to intoxicated persons and/or minors. Said program shall be based on the type of license issued, i.e. package sales or pouring.

B. All persons employed by a license holder who will sell or serve alcohol shall be required to participate in a program based on the type of license issued. Establishments will have three months to comply with this By-Law from the date of its adoption by the Town. After that time period, any new employees will have thirty days (or such greater period as the Board of Selectmen, from time to time, may establish) from the date of employment to complete a qualified training program.

C. The training program must be insurance certified and offered by certified trainers. Said program should include all aspects of training including education of Massachusetts State Laws pertaining to delivery and sale of alcohol, the chemistry of alcohol, alcohol absorption rate factors, behavioral clues in identifying problem drinkers and also application of intervention methods. A certified program is one or more programs approved by the Board of Selectmen as the Licensing Board.

D. All establishments must maintain in an accessible location, a roster of trained personnel. An updated roster shall be submitted with the annual application for license renewal. The roster shall include:

1. Employee name
2. Type of training
3. Date valid
4. Date of expiration
5. Date of hire

E. All personnel shall be required to be re-certified every three years.

F. Failure to comply with this By-law may result in revocation of license or denial of issuance of a license. Any licensee violating this By-law may also be subject to a fine not to exceed one hundred dollars.

10-29-96	02-13-97	02-25-97
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