

Chapter 10

**FIRE PROTECTION AND PREVENTION\***

- Art. I. In General, §§ 10-1—10-27**  
**Art. II. Fire Department, §§ 10-28—10-40**  
**Art. III. Fire Protective Systems; Installation and Regulation, §§ 10-41—10-49**

**ARTICLE I.  
IN GENERAL**

**Sec. 10-1. Fire alarm and police signal boxes.**

The chief of the fire department shall have the care and management of the fire alarm telegraph and police signal system, including all wire, apparatus, machinery and other property connected therewith; shall keep the same at all times in good working order; and shall have access to all buildings and places necessary for these purposes. No unauthorized person shall, except in case of fire, open any of the signal boxes or interfere with the wires or poles or other supports of the wires. (Rev. Ords. 1973, § 6-1)

**Cross reference**—Police, Ch. 24

**State law reference**—Interfering with alarm apparatus, G.L. c. 266, §§ 11—13

**Sec. 10-2. Reward for false fire alarms.**

In accordance with section 10 of General Laws, chapter 276, as amended, the city council offers a reward of fifty dollars (\$50.00) for information leading to the arrest and conviction of a person making or circulating or causing to be made or circulated a false alarm of fire. (Rev. Ords. 1973, § 6-2)

**State law reference**—False alarms prohibited, G.L. c. 269, § 13

**Sec. 10-3. Driving over fire hose.**

No person without permission of a member of the fire department shall drive a vehicle upon or over any hose placed in a street for use at a fire. (Rev. Ords. 1973, § 6-3)

**Cross reference**—Motor vehicles, traffic and transportation, Ch. 19

**State law reference**—Driving over fire hose, G.L. c. 89, § 7A

**Sec. 10-4. Leaving trapdoors, etc., open at night; obstruction upon fire escapes.**

No occupant of any building or room in which there is a hatchway or trapdoor shall suffer the same to be left open at night nor shall any obstruction be allowed upon fire escapes attached to buildings. (Rev. Ords. 1973, § 6-4)

**Sec. 10-5. Setting fire to trees, brush, leaves, etc., prohibited.**

No person shall set fire to any tree, bush, grass, leaves, brushwood, rubbish or other substance in any place in the city. (Rev. Ords. 1973, § 6-5)

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\***Cross references**—Buildings, Ch. 5; health and human services, Ch. 12; permit fees for place of storing gasoline over 120 gallons, § 17-2; in event of fire, police or fire department to direct traffic, § 19-46

**State law references**—Fires, fire departments and fire districts generally, G.L. c. 48; fire prevention generally, G.L. c. 148

**Sec. 10-6. Rules concerning burning of combustible material.**

The chief of the fire department shall promulgate general rules and regulations for the proper burning of combustible material. (Rev. Ords. 1973, § 6-6)

**Sec. 10-7. Removal of explosive or inflammable liquids, etc.**

Whenever, in the opinion of the chief of the fire department, any camphene or other explosive or inflammable fluid or material should be removed, he shall forthwith notify and direct the owner, tenant or occupant of the premises upon which the same is situated forthwith to remove the same. In case such tenant, owner or occupant shall refuse or neglect to do so, the chief of the fire department shall forthwith report the matter to the mayor and city council. (Rev. Ords. 1973, § 6-7)

**Sec. 10-8. Basements of certain buildings to be kept free from combustibles and inflammables.**

The basement or cellar of every apartment house, tenement house, office building, store building or building used for school purposes, whether public or private, shall be kept free from combustible and inflammable material, fuel excepted, and all ashes and waste material shall, without undue accumulation, be stored in metal receptacles and removed at least twice in each month. (Rev. Ords. 1973, § 6-8)

**Sec. 10-9. Halls, stairways and exits of schools to be unobstructed, etc.**

The halls, stairways and exits of buildings used for school purposes, whether public or private, shall be kept free of obstructions. All outside doors shall at all times, when any part of a building is occupied for school purposes, be in such condition as to open from the inside without a key, and no fire or smoke door or partition shall be so equipped as to permit it to be hooked or held back. (Rev. Ords. 1973, § 6-9)

**Sec. 10-10. Inspection and order to remedy conditions violating sections 10-8 and 10-9; record of examination.**

(a) The chief of the fire department shall frequently cause to be examined all buildings referred to in sections 10-8 and 10-9, together with all places of business where shavings or combustible materials are deposited or collected, and if in his opinion there is an undue accumulation of any combustible material therein, or if any of the provisions of this section or sections 10-8 and 10-9 are not complied with, he shall immediately notify the owners, occupants or tenants of such premises, in writing, to remove such material and to comply in all respects with the requirements of this section and sections 10-8 and 10-9.

(b) The chief of the fire department shall keep a detailed record of all examinations and shall make monthly reports of the results of the examinations made of all public buildings to the mayor, the commissioner of public buildings, the commissioner of inspectional services and also to the school committee of any such buildings used for school purposes. (Rev. Ords. 1973, § 6-10; Ord. No. 190, 12-20-76; Ord. No. S-301, 2-1-88)

**Sec. 10-11. Smoke detectors.**

(a) Definitions:

*Approved smoke detector*, shall be a smoke detector which may be activated by a battery power source or which may be activated by being permanently wired to a source of alternating current electric power by the Underwriter's Laboratory approved cord with a strain relief and plug retainer. Any such unit shall also be one approved by a recognized testing laboratory.

*Common hallway*, a common corridor or space separately enclosed which provides common access to the required exitways of the residential building or structure.

*Separate sleeping area*, shall mean the area or areas of the dwelling unit in which the bedrooms, or sleeping rooms, are located. Bedrooms, or sleeping rooms, separated by other use areas such as kitchens or living rooms, but not bathrooms, shall be considered as separate sleeping areas.

(b) Existing one and two unit dwellings

All buildings or structures occupied in whole or in part for residential purposes and containing a maximum of two dwelling units shall have smoke detectors installed as follows:

- (1) One approved smoke detector shall be installed on each level of habitation and in the basement, with a minimum of one approved smoke detector for each twelve hundred (1200) square feet of floor space at each level.
- (2) Location: An approved smoke detector shall be installed on the ceiling of each level near the base of a stairway but not within the stairwell. Sleeping areas not directly protected by above placement of smoke detectors shall have an approved smoke detector placed on the ceiling outside each such sleeping area.
- (3) Battery powered smoke detectors are acceptable for this type occupancy.

(c) Existing three or more unit dwellings:

All buildings or structures occupied in whole or in part for residential purposes containing three or more units shall have smoke detectors installed as follows:

- (1) Unit protection: An approved smoke detector (battery powered or permanent wired to a source of alternating current) shall be located within each dwelling unit, providing protection for each separate sleeping area. There shall be a minimum of one (1) smoke detector for each 1200 square feet of floor level.
- (2) Common area protection: An approved multiple station smoke detector shall be installed within each common hallway, with placement on the ceiling of said common hallway, so as to provide protection with no more than thirty (30) lineal feet of horizontal travel to any detector. A multiple station smoke detector shall be installed on the ceiling near the base of each stairway, including the basement.
- (3) All multiple station smoke detectors shall be interconnected and shall provide an audible device (either self-contained or separate audible horns) to sound an alarm in the event of activation of any multiple station smoke detector. A secondary source of standby power for all multiple station smoke detectors is recommended for three to five unit dwellings and is required for dwellings with six or more units.

(d) Existing miscellaneous units or rooms:

All hotels, motels, family hotels, lodging houses, staffed apartments, dormitories, boarding houses, apartment houses, and any other miscellaneous dwelling units, not otherwise regulated under subsections (b) and (c) above, shall have approved smoke detectors installed in accordance with the approval of the head of the Fire Department.

(e) Enforcement:

The head of the Fire Department shall have the primary responsibility for the enforcement of this ordinance. If any owner or authorized agent of an owner who receives from the head of the Fire Department a written notice of failing

to install smoke detectors in compliance with this ordinance or a written notice of a smoke detector or detectors under his control being out of service fails to correct the conditions reported to him within ten (10) days, the owner shall thereafter be subject to a fine of fifty dollars (\$50) per unit per day. (Rev. Ords. 1973, § 6-36; Ord. No. 315, 1-3, 2-20-79; Ord. No. S-20, 11-7-83)

**Historical Note:** Ordinance S-20 took effect one year from its date of passage, or upon the sale or transfer of any applicable building or structure, whichever came sooner.

**Sec. 10-12. Private fireworks display; notice required.**

(a) For purposes of this section the following words shall have the meanings respectively ascribed to them by this section:

*Fireworks display.* A display of fireworks requiring a permit pursuant to General Laws Chapter 148, Section 39A, and/or corresponding state regulations, or any successor statute or regulations.

*Sponsor.* The organization (person, group or government agency) that arranges with a duly authorized fireworks supplier for its services in presenting a fireworks display or in providing fireworks for use in a display.

*State fireworks permit.* The permit required by General Laws Chapter 148 or any successor statute and/or state regulations.

(b) Notice. No less than two (2) weeks prior to the scheduled date of the fireworks display, the sponsor of such fireworks display shall give notice thereof, which notice shall include a statement that a fireworks display will be held and the date, time and location of said display. Said notice shall be given by publication in a newspaper of general circulation in the city and by mailing written notice, postage prepaid, to each of the following:

- (1) each member of the city council; and
- (2) the owner of each parcel of land any portion of which is located within twenty-five hundred feet (2500') of the fireworks launch mortars, notwithstanding that the land of any such owner is located in another city or town; and
- (3) the owner of each parcel of land which abuts the parcel(s) of land upon which the fireworks display is to be located ("abutting parcel") and the owner of each parcel which abuts each such abutting parcel, notwithstanding that the land of any such owner is located in another city or town. In the event that an abutting parcel(s) is in common ownership with the parcel of land on which the fireworks display is to be located, then for purposes of this requirement, such parcels shall be treated as if they constituted a single parcel ("single parcel") and the abutting parcels shall be determined by the boundaries of the single parcel.

Measurement of the distances from the fireworks launch mortars shall be determined by the chief of the fire department. The names of the owners shall be taken from the lists maintained by the applicable board of assessors.

(c) Issuance of state fireworks permit. The fireworks display sponsor shall submit to the chief of the fire department proof of compliance with the notice requirements described in (b) above. The chief shall not allow commencement of a private fireworks display until the notice requirements of this section have been satisfied, provided however, that the chief may approve a state fireworks permit for such fireworks display so long as said permit contains a condition requiring timely compliance with the notice requirements of this section.

(d) The provisions of this section shall not apply to a fireworks display carried out under the authority of the commissioner of parks, recreation and culture of the city. (Ord. No. W-23, 11-20-2000; Ord. No. B-53, 03-02-20)

**Secs. 10-13—10-27. Reserved.****ARTICLE II.  
FIRE DEPARTMENT****Sec. 10-28. Composition.**

There is hereby established a fire department under the charge of the fire chief. The fire department shall consist of the chief of the fire department, one assistant chief of operations, five deputy chiefs, and such permanent employees as may from time to time be deemed necessary by the mayor and city council, and such substitutes for permanent employees as may from time to time be employed on a temporary basis by the chief of the fire department. The chief of the department shall be a professional firefighter, with a minimum of three (3) years' experience in the rank of captain or higher in the Newton fire department or three (3) years' experience in an equivalent rank in a fire department of a city or town with a population of thirty thousand (30,000) or more. (Rev. Ords. 1973, § 6-22; Ord. No. 173, 11-15-76; Ord. NO. X-225, 7-10-06)

**Cross references**—Appointment of volunteer, unpaid auxiliary firefighters under civil defense provisions, § 8-7; police, Ch. 24; public works department, Ch. 25; civil defense, Ch. 8

**Sec. 10-29. Organization into companies; assignments; appointment of officers.**

The fire department shall be organized into as many engine companies, hose or combination companies and truck companies, and such other companies as from time to time are deemed necessary by the mayor and city council. Prior to a permanent reduction in the number of any of these companies, the mayor shall hold a public hearing. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in Newton once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing. Notice shall also be posted in a conspicuous place in city hall for a period of not less than fourteen (14) days before the day of said hearing. The fire chief shall assign the members of the department for duty to the different companies and shall appoint from the permanent employees, with the approval of the mayor, such officers with such rank as he may deem wise from time to time. (Rev. Ords. 1973, § 6-23; Ord. No. 194, 1-17-77; Ord. No. 307, 12-18-78)

**Sec. 10-30. Command at fires.**

The officer in command of the company which first arrives at a fire shall be the officer in command until a senior officer in rank, the assistant chief of operations or the chief of the fire department arrives. (Rev. Ords. 1973, § 6-24)

**Sec. 10-31. Assistant chief of operations to act in place of chief during his absence.**

In the absence of the chief of the fire department, or in case of his inability to act, his duties and powers as provided in this chapter shall be vested in the assistant chief of operations of the fire department. (Rev. Ords. 1973, § 6-25)

**Sec. 10-32. Duties of chief generally.**

The chief of the fire department shall be responsible for the discipline, good order and proper conduct of the officers and firefighters constituting the department and for such purpose he may, subject to the approval of the mayor, make and issue regulations therefor. He may suspend or discharge any officer or member in accordance with chapter 31 of the General Laws in reference to civil service and the rules and regulations of the civil service commission and shall forthwith report such action to the mayor. He shall have the superintendence and the control of the several fire stations, the apparatus, the furniture therein and all other property appertaining to the department. He

shall, subject to the approval of the mayor, prescribe the uniform to be worn by all officers and other members of the fire department. (Rev. Ords. 1973, § 6-26)

**Sec. 10-33. Duty of chief to keep company rolls.**

The chief of the fire department shall make and keep rolls showing in each company the name, rank, age, occupation, residence, date of admission and discharge, transfer or promotion of each member. (Rev. Ords. 1973, § 6-27)

**Sec. 10-34. Records and annual report of chief.**

The chief of the fire department shall make and keep accurate records of all property of the department, of accidents and losses occasioned by fire with causes thereof, and of buildings or other property destroyed or injured with names of the owners and occupants and amount of insurance. In his annual report he shall make a detailed statement of the facts contained in such records, and of the condition of the department since the last report. (Rev. Ords. 1973, § 6-28)

**Sec. 10-35. Place of residence of members.**

Members of the fire department shall reside within ten (10) miles of the limits of the City of Newton. (Rev. Ords. 1973, § 6-29)

**State law reference**—Similar provisions, G.L. c. 48, § 58E

**Sec. 10-36. Workweek for firefighters.**

In acceptance of and in conformity with section 58D of chapter 48 of the General Laws of Massachusetts, as amended, the average weekly hours of duty of the permanent members of the uniformed firefighting force in any year, other than hours during which such members may be summoned and kept on duty because of conflagrations, shall not exceed forty-two (42) in number. (Rev. Ords. 1973, § 6-30)

**Sec. 10-37. Pay in lieu of holidays.**

If any permanent member of the fire-fighting force or fire alarm division of the city is required to be on duty at any time on January the first, July the fourth or Christmas Day, or the day following when any of said days occurs on Sunday, or the third Monday in February, the third Monday in April, the last Monday in May, the first Monday in September, the second or fourth Monday in October or Thanksgiving Day, he shall be given an additional day off, or, if such additional day off cannot be given because of personnel shortage or other cause, he shall be entitled to an additional day's pay; provided, that in the case of any such member whose regular day off or vacation day or a day on which he is absent from duty because of injuries received in the performance of his duties falls on any of the aforementioned holidays, an additional day off shall be allowed, or payments in lieu of one day shall be allowed. Such day's pay shall be one-fifth of his regular weekly salary. (Rev. Ords. 1973, § 6-31)

**State law reference**—Similar provisions, G.L. c. 48, § 57A

**Sec. 10-38. Companies and apparatus leaving city.**

No company or apparatus of the fire department shall leave the city in case of a fire in another city or town, except by order of the chief of the fire department; and no part of the apparatus shall be taken from the city, except to a fire, without permission of the mayor. (Rev. Ords. 1973, § 6-33)

**State law reference**—Authority to aid other municipalities, G.L. c. 48, § 59A

**Sec. 10-39. Badges.**

Every member of the fire department shall wear at every fire such a badge as the chief shall prescribe; and no person without such badge shall, except by permission of the officer in command, enter within the lines formed at the fire by such officer. (Rev. Ords. 1973, § 6-34)

**Sec. 10-40. Misconduct in buildings used by department.**

No gambling shall be allowed in any building occupied by the fire department, nor shall spirituous liquors be kept or used therein. (Rev. Ords. 1973, § 6-35)

**ARTICLE III.  
FIRE PROTECTIVE SYSTEMS; INSTALLATION AND REGULATION**

**Sec. 10-41. Definitions.**

The following terms shall be defined as follows for the purposes of this article.

*Annunciator:* A visual display unit mounted on the inside or outside of a building or structure which provides information as to the location of the source of a fire protective system activation within the building or structure.

*Central station operating system:* A fire alarm system equipped to signal an alarm to an underwriter's laboratory ("UL") approved independent alarm company which, in turn, transmits the location of the alarm to the Newton Fire Department.

*False alarm:* An act or omission which causes a fire alarm signal to sound when there is no actual fire or other emergency and which results in a response from the fire department. A false alarm shall include an alarm resulting from a fire alarm system malfunction as further defined herein.

*Fire alarm system:* Any manual or heat-activated, smoke-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal directly to the fire department, to a UL approved central station operating company or capable of sounding a local alarm. A fire alarm system shall not include a residential smoke detector as defined in section 10-11.

*Fire alarm system malfunction:* The transmittal of a fire alarm signal, whether directly to the fire department, to a "UL" approved central station operating company, or the sounding of a local alarm, when there is no actual fire or other emergency and which results in a response from the fire department. A fire alarm system malfunction shall include an alarm signal which is caused as a result of a mechanical defect in the operation of the fire alarm system or as a result of the failure of the owner or its agents, including, but not limited to, a person hired by the owner to maintain the fire protective system, to notify the fire department of repair, maintenance, testing or other work being performed on the alarm system.

*Fire chief:* The fire chief of the City of Newton or any designated representative of the chief.

*Fire department:* The fire department of the City of Newton.

*Fire protective system:* A fire alarm system and/or fire suppression system designed to protect a building from destruction by fire, used herein to refer to both types of systems and to requirements that apply to both fire alarm and fire suppression systems.

*Fire suppression system:* Water sprinkler, chemical foam dispenser or other similar device or system designed to suppress fire or prevent the spread of fire throughout a building or structure.

*Key box:* A box approved by the fire chief containing keys necessary for gaining emergency access by the fire department to or within a secured building or structure.

*Master box:* A fire alarm signal box approved by the fire chief which is connected to the fire department by means of a municipal wire system dedicated to transmitting alarm signals directly to the fire department.

*Municipal alarm system:* A system of wires connecting fire alarm signal boxes throughout the city to the fire station.

*National Fire Prevention Association Standards (NFPA Standards):* Fire prevention standards prepared by the National Fire Prevention Association, now located at Batterymarch Park, Quincy, Massachusetts, designated herein as NFPA Standards.

*Owner:* Every person who alone or severally with others (a) has legal title to real estate, or a structure or premises on which a fire protective system is installed or on which such a system is required to be installed as determined by the fire department; and/or, (b) has care, charge, or control of any such premises in any capacity including, but not limited to a tenant, lessee, occupant, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession of any such premises; or (d) agent, trustee or other person appointed by the courts for any such premises; or (e) any officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of this ordinance.

*Person:* Any natural person, corporation, including for profit, non-profit, educational non-profit, or any other form of corporation, partnership, and any other entity of whatsoever name and description. (Ord. No. T-248, 11-2-92)

#### **Sec. 10-42. Fire protective and alarm systems in general.**

Every owner as defined in this article shall be responsible for providing fire protective systems in and on its premises as required by the fire chief in accordance with G.L. c. 148, the state building code, fire prevention code and applicable NFPA standards. Each such fire protective system shall be installed and maintained in accordance with rules and regulations promulgated by the fire chief pursuant to said c. 148, which rules and regulations may be revised from time to time. A copy of said rules and regulations governing fire protective systems shall be available from the fire prevention bureau. (Ord. No. T-248, 11-2-92)

#### **Sec. 10-43. Installation, removal, permit required.**

(a) Permit: Each owner shall obtain a permit from the fire chief prior to beginning the installation of a fire protective system. Each such application for said permit shall include the following information:

- (1) Blueprints prepared in accordance with fire department regulations which shall indicate the location of said fire protective system and which must be stamped "approved" by the fire chief;
- (2) Receipts indicating that all applicable permit fees have been paid;
- (3) All other information required pursuant to fire department regulations.

(b) System design: Each fire protective system shall be designed in accordance with the rules and regulations of the fire department. Pursuant to said rules and regulations, the fire chief may require that a fire protective system contain certain features, including but not limited to the following:

- (1) a key box which shall be required when access to or within a building or structure is restricted due to secured openings or by design or where immediate access is necessary for lifesaving or firefighting purposes. The key box shall contain keys necessary, as determined by the fire chief, for gaining emergency access by the



fire department to the building or structure or area within a building or structure;

(2) annunciators as defined herein which shall meet the requirements contained in fire department regulations.

(c) Installation: Upon obtaining an installation permit pursuant to paragraph (a) of this section, the owner shall proceed to install said fire protective system and shall complete such installation in accordance with the approved plan and the schedule for installation specified therein, which schedule shall include a completion date. Any changes, alterations or deviations from the approved plan, including but not limited to a change to a later completion date, must be approved in writing by the fire chief prior to making such change, alteration or deviation. Written approval by the fire chief of a change to a later completion date shall constitute an extension until the date stated in such approval. Failure of an owner to undertake or to complete installation of a fire protective system by the date specified in the plan or extension as defined in this section shall constitute a violation of this ordinance.

(d) Final approval and inspection: The owner shall obtain the final approval of the fire chief of each fire protective system. Final approval by the fire chief shall be subject to the satisfactory performance, as determined by the fire chief, of each of the following tasks by the owner:

- (1) Certification of compliance: Prior to or no later than the date of the final inspection, the owner shall submit a side letter prepared by a licensed installer certifying that said fire protective system complies with fire department regulations, G.L. c. 148, the state building and fire prevention codes and applicable NFPA standards.
- (2) Notification and initial system test: Upon completion of the installation of the fire protective system, the owner shall notify the fire chief of same in writing. Said notification shall be on forms approved by the fire chief which forms shall contain such information as deemed necessary by the fire chief in accordance with fire department regulations, including, but not limited to, a statement by the owner certifying that a complete test of said system has been performed and that said system is one hundred percent (100%) operational based on the results of said test.
- (3) Maintenance contract: Prior to or no later than the date of the final inspection, the owner shall provide a copy of a current, fully executed maintenance contract between the owner and a person authorized by the fire chief to perform fire protective system maintenance and testing, or other plan of maintenance deemed satisfactory by the fire chief which shall provide for the required maintenance and testing of each fire protective system in accordance with fire department regulations.
- (4) Final inspection: Upon receipt of the notification from the owner as provided in paragraph one of this section, the fire chief shall schedule a final inspection of said system. The final inspection shall include a test of the fire protective system to be conducted by the owner or person designated by the owner and said test shall be conducted in accordance with fire department regulations. The fire chief may require such additional tests as deemed necessary in order to assure proper operation of the system as a condition of final approval of each such system. The owner shall be responsible for all costs associated with conducting said testing, including but not limited to inspection fees.

(e) Operation:

- (1) Upon final approval of a fire protective system, the owner shall be required to maintain said system in one hundred percent (100%) operating condition at all times. The owner or the person hired by the owner to maintain said system shall notify the fire department and obtain all necessary permits prior to disconnecting the fire protective system for any reason, provided, however, that no permit shall be necessary for performing routine tests or for making emergency or minor routine repairs as further specified in accordance with fire department regulations.

- (2) The provisions of the foregoing paragraph (1) shall not apply to temporary emergency disconnection of sprinkler systems as provided for in Chapter 148, section 27A of the general laws, provided, however, that any such emergency disconnection shall be subject to the notification as required by said statute.

(f) Removal: No fire protective system shall be removed unless or until the owner has obtained a permit for the installation of a replacement system or made alternative arrangements for fire protection which have been approved in writing by the fire chief. (Ord. No. T-248, 11-2-92)

#### **Sec. 10-44. Maintenance and testing.**

(a) Maintenance and testing: Every owner shall provide for the performance of regular maintenance and testing of fire protective systems located in or on its premises in accordance with fire department regulations. All such maintenance and testing shall be performed by persons authorized to perform fire protective system maintenance and testing by the fire chief in accordance with fire department regulations. The owner or the person hired by the owner to perform said maintenance and testing shall notify the fire department of any changes in the operation of the system or of any changes in the information required pursuant to fire department regulations.

(b) Notification: No person shall perform maintenance, testing or repair work on, disconnect, make any alteration to or otherwise tamper with a fire protective system without first providing notice to the fire department (Fire Alarm Division) except as otherwise provided in Section 10-43 (e) (2). (Ord. No. T-248, 11-2-92)

#### **Sec. 10-45. False alarms, malfunctions.**

No person or owner shall cause, suffer, permit, allow or otherwise fail to prohibit the activation of a false alarm. Each such false alarm shall constitute a separate offense, provided, however, that any such person or owner who can show that a false alarm was caused solely by the malicious action of a person not lawfully on the premises, shall not be in violation of this provision for purposes of such false alarm. (Ord. No. T-248, 11-2-92)

#### **Sec. 10-46. Connection to municipal alarm.**

(a) Connection, when required: The fire chief shall determine, in accordance with state law, which premises shall be directly connected to the municipal fire alarm system. Connection to the municipal fire alarm system shall be by means of a master box or central station operating system, as determined by the fire chief. Owners of such premises shall comply with the rules and regulations of the fire chief for completing said connections, and shall be required to pay the connection and annual maintenance fees set out in section 17-10. All such connections shall be completed as of the completion date for the installation of the fire protective system as specified in the approved plan pursuant to section 10-43(c), provided, however, that the fire chief may grant a written extension for completing said connections.

(b) Unauthorized connection: No person or owner shall make a connection to the municipal fire alarm system without first obtaining the permission of the fire chief and complying with the rules and regulations for making said connection.

(c) Unauthorized disconnection: No person or owner shall disconnect or otherwise prevent the transmission of a fire alarm signal via the municipal alarm system or a central station operating system. (Ord. No. T-248, 11-2-92)

#### **Sec. 10-47. Violation of state fire safety code.**

In order to protect and enhance the public safety by reducing the risk of fire hazard, the provisions of the Code of Massachusetts Regulations 527 C.M.R. 1.00 *et seq* are hereby incorporated in and made a part of this ordinance and

any violation of any provision thereof shall constitute a violation of this section. (Ord. No. T-248, 11-2-92)

**Sec. 10-48. Penalty for violations.**

A person or owner who violates any provision of this article shall be subject to a fine of not less than fifty (\$50.00) nor more than three hundred (\$300.00) dollars. (Ord. No. T-248, 11-2-92)

**Sec. 10-49. Severability.**

The provisions of this ordinance are severable. If any provision of this article or its application to any person or circumstance is held invalid, such invalidity shall not affect the remaining provisions or applications of this ordinance. (Ord. No. T-248, 11-2-92)