

946 CMR 7.00: DEVENS REGIONAL ENTERPRISE ZONE FIRE AND POLICE RULES

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7.01: Scope and Purpose

946 CMR 7.00 establishes basic fire prevention and fire safety rules and regulations for Devens. They are designed to protect those who live and work within Devens. Some rules are similar in scope to those employed by cities and towns of the Commonwealth; others are designed to provide an additional measure of security.

7.02: Definitions - Fire and Police Alarms

In 946 CMR 7.00, unless a contrary intention clearly appears, the following words shall have the following meanings:

Agency shall mean the Massachusetts Development Finance Agency (the “Agency”) created by St. 1998, c. 289, §§ 23, 29 and 33.

Central Station Operating Company any company equipped to receive a fire or police alarm signal from each of its customers and which then transmits to the Devens Fire Department (DFD), the Devens Police or the Devens Dispatch Center the location of any such alarm the central station operating company receives.

Fire Alarm Malfunction the transmittal of a fire alarm to a central station operating company or directly to the Devens Fire Department 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 reason that causes a fire alarm to sound even though there is no actual fire or situation that reasonably could involve a fire.

Fire Alarm System any heat activated, smoke-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 Devens Fire Department by way of a master box.

Fire Chief the chief of the Devens Fire Department.

Fire or Police Alarm System Owner an individual or entity which owns the title to and/or has on his business or residential premises a fire or police alarm system equipped to send a fire or burglar alarm signal to a central station operating company or directly to the Devens Fire Department by way of master box.

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 Devens Fire Department by way of master box.

7.02: continued

Police the members of the Massachusetts State Police and such others as are appointed or employed by the Agency pursuant to St. 1993, c. 498.

Police Alarm an automatic device that transmits a signal to a central station operating company that notifies the police that an event requiring police intervention may be occurring at a specified building or address.

7.03: Duties of Fire Chief

The Fire Chief shall be the head of the Devens Fire Department in accordance with the provisions of M.G.L. c. 48, § 42A, shall act as fireward and forest warden, and shall enforce within Devens the laws governing fire safety and fire prevention.

7.04: Smoke Detectors in Certain Residential Structures

The Agency accepts, adopts and makes applicable within Devens the provisions of M.G.L. c. 148, §§ 26D through F, the state law governing the installation of smoke detectors in certain residential structures.

7.05: Automatic Suppressant or Sprinkler Systems Required in All Occupied Buildings

Every building intended for use or occupation by any person, before such use or occupation will be permitted, shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of National Fire Protection Association, Standards 13, 13d and 13r.

In such buildings or additions, or in certain areas of such buildings or additions, where the discharge of water would be an actual danger in the event of fire, the Fire Chief shall permit the installation of such other fire suppressant systems as are prescribed by 780 CMR: *The State Building Code* in lieu of automatic sprinklers. Automatic suppressant or sprinkler systems shall not be required in rooms or areas of a telephone central office equipment building when such rooms or areas are protected with automatic fire alarm systems, nor shall automatic suppressant or sprinkler systems be required in unattached residential garages or in former army structures currently exempted from such requirements by the Agency

The Devens Fire Chief shall enforce the provisions of 946 CMR 7.00.

7.06: Connection of Alarm Systems to the Devens Fire Department Via a Master Box

(1) Every Master Box Owner whose fire alarm system is connected to the Devens Fire Department by way of a Master Box shall pay such fees as are set forth in a fee schedule established by the Board of Directors of the Massachusetts Development Finance Agency and made available upon request of the Devens Fire Department.

(2) Before any fire alarm system is connected to the Devens Fire Department, the Master Box owner shall provide the Fire Chief with the following information:

- (a) The name, address, and home and work telephone numbers of the Master Box Owner and other persons or businesses protected.
- (b) The street address where the Master Box is located.
- (c) The names, addresses, and home and work telephone numbers of individuals and the hours of the day and the day of weeks who are authorized by the Master Box owner to respond to an alarm signal and who have access to the premises providing the Devens Fire Department access as required and specified in 946 CMR 7.11.
- (d) The insurance carrier (with a copy of the insurance policy) for the building.
- (e) Such other information as the Fire Chief may require.

If as of the date of adoption of 946 CMR 7.00 a fire alarm system has already been connected to the Devens Fire Department by way of a Master Box, the Master Box Owner shall comply with the requirements of 946 CMR 7.00 within 60 days after the Devens Fire Department has sent him notice by certified mail, return receipt requested, of the requirements of 946 CMR 7.00.

If a Master Box owner fails to comply with 946 CMR 7.06, the Fire Chief may assess a fine of \$50.00 for each day of non-compliance.

7.07: Connection of Central Station Operating Companies to Devens Fire Department

(1) Every Central Station Operating Company which makes a direct connection to the Devens Fire Department shall pay such fees as are set forth in a fee schedule established by the Board of Directors of the Massachusetts Development Finance Agency and made available upon request of the Devens Fire Department.

(2) Before any central station operating company is connected with the Devens Fire Department, it shall provide the Fire Chief with the following information:

- (a) The name, address, and home and work telephone numbers of the Master Box Owner and other persons or businesses protected.
- (b) The street address where the master box is located.
- (c) The names, addresses and home and work telephone numbers of at least two persons who can be contacted 24 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. Installation of a Key Box providing the Devens Fire Department access as required and specified in 946 CMR 7.11.
- (d) The insurance carrier (with a copy of the insurance policy) for the building.
- (e) Such other information as the Fire Chief may require.

If upon adoption of 946 CMR 7.00 a central station operating company already has a direct connection to the Devens Fire Department the central station operating company shall comply with the requirements of 946 CMR 7.00 within 60 days after the Devens Fire Department has sent it notice by certified mail, return receipt requested, of the requirements of 946 CMR 7.00.

If a central station operating company fails to comply with 946 CMR 7.00, the Fire Chief may assess a fine of \$50.00 for each day of non-compliance.

7.08: 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 Fire 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 946 CMR 7.00. If a Master Box Owner or a Central Station Operating Company Fails to comply with 946 CMR 7.08, the Fire Chief may assess a fine of \$50.00 for each day of non-compliance.

7.09: Fire Alarm System Malfunction - Fines

(1) If there is a fire or police alarm system malfunction, the Fire Chief may assess a fine against such alarm system owner for each malfunction occurring during the fiscal year as is set forth in a fine schedule established by the Board of Directors of the Massachusetts Development Finance Agency and made available upon request of the Devens Fire Department.

(2) Private fire or police alarm systems connected to the Devens Fire Department the Police or the Devens Dispatch Center by other automatic means or through central station system shall also be subject to the fines listed in 946 CMR 7.09(1).

(3) Any false fire alarm which is the result of the failure of the property owner, occupant, or their agents to notify the Devens Fire Department or the Police that an internal fire or police system within a protected premises is being repaired, maintained or tested shall cause a penalty to be assessed in accordance with 946 CMR 7.09(1).

(4) For the purposes of 946 CMR 7.00, a false fire or police alarm shall be deemed to have occurred when there is no fire or police response needed even though it was caused by any of the following events:

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

7.09: continued

- (5) Property owners will be billed once a month for the malfunction activity occurring during the previous month.
- (6) If any bill is not paid within 30 days of issuance, written notice will be sent; if the bill is not paid after a second 30 day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and his insurance company notified.

7.10: Restrictions on Tape Dialers and Similar Automatic Telephone Devices

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 Devens Fire Department, the Police or the Devens Dispatch Center. If, upon adoption of 946 CMR 7.00, a fire or police alarm system is equipped with such a tape dialer, or similar automatic telephone device, the alarm system owner will have 60 days from adoption of 946 CMR 7.00 to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with 946 CMR 7.00, the Fire Chief may assess a fee of \$50.00 for each day of non-compliance.

7.11: Secured Key Access

The Knox Security Box system shall be the one used by Devens Fire Department.

Any building, other than a residential building of less than six units, which has an alarm system or other fire protection system shall be provided with a secure Key Box installed in a location accessible to the Devens Fire Department in case of emergency. This Key Box control panels and other keys necessary to operate or service fire protection systems. In addition, if required by the Fire Chief, a Lock-box sufficient in size shall be obtained and shall contain a list and Material Safety Data Sheets for hazardous substances present on the site in "significant quantities". As used herein, the phrases "hazardous substances" and "significant quantities" shall be defined by applicable town, commonwealth of Massachusetts and Federal regulations governing the storage of these substances.

7.11: continued

The Key Box and/or Lock-box shall be of a type approved by the Fire Chief and compatible with the Key Box system presently in use. The Key Box and/or Lock-box shall be located and installed as approved by the Fire Chief.

No permit for a fire alarm system will be issued until the permit applicant has placed an order for a Key Box/Lock-box as specified in 946 CMR 7.11.

Any building owner violating of 946 CMR 7.00 after receiving due notice by the Devens Fire Department shall be subject to a fee of \$50.00 for each day of non-compliance.

Every building owner whose fire alarm system is already connected by master box to the Devens Fire Department on June 21, 2002 shall have 90 days to order a Key Box/Lock-box to comply with 946 CMR 7.00. Failure to comply shall be subject to the \$50.00 fine for each day of non-compliance.

7.12: Appeal Procedure

Any fire or police alarm system owner who is aggrieved by an action taken by the Fire Chief under 946 CMR 7.00 may within ten days of such action, file an appeal, in writing, to the Devens Chief Operating Officer. After notice to the aggrieved party, the Devens Chief Operating Officer shall hold a hearing, after which he shall issue a decision in which he may suspend, affirm, annul, or modify the action taken by the Fire Chief giving his written reasons therefor. The Devens Chief Operating Officer shall send his decision to the owner by First Class Mail within a reasonable period after the hearing. The decision of the Devens Chief Operating Officer shall be the final administrative decision of the Agency.

7.13: Regulations and Enforcement

The Fire Chief may promulgate such regulations as may be necessary to implement 946 CMR 7.00.

The Fire Chief is authorized to pursue such legal action as may be necessary to enforce 946 CMR 7.00.

7.14: Requirement for Hard Wire Smoke Detectors in Residential Buildings for Sale, Conveyance or Transfer

Notwithstanding the provisions of M.G.L. c. 148, §§ 26E and 26F, all buildings or structures occupied in whole or in part for residential purposes, and not regulated by M.G.L. c. 148, § 26A, 26B or 26C after their initial sale for occupancy shall upon resale, conveyance or transfer of such buildings or structures be equipped by the seller with hard-wired smoke detectors,

7.15: Deposit of Fees and Fines

All fees and fines collected shall be paid to the Devens Fire Department, which will forward all amounts collected to the Devens Finance Department for deposit in the Fees and Fines Account.

7.16: Severability

The provisions of 946 CMR 7.00 shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

REGULATORY AUTHORITY

946 CMR 7.00: M.G.L. c. 23G.

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