



TOWN OF HAVERHILL *New Hampshire*

False Alarm & Frivolous Complaints Ordinance

The Town of Haverhill is adopting the following ordinance to mitigate the impact on Haverhill first responders and to mitigate the cost to taxpayers for excessive false alarms and frivolous complaints made by citizens.

Pursuant to the authority vested in the Haverhill Board of Selectmen the Board hereby issues the following regulations false alarms and frivolous complaints made within the Town of Haverhill:

FALSE ALARM NOTIFICATIONS

The person in control of an alarm system, shall be subject to warnings, fines, and suspension of response to alarm notifications (any alarm owned, operated, or leased by any federal, state, county or local government agency will not be subject to fines) depending on the number of false alarm notifications emitted from an alarm system within a 12-month period from January 1 through December 31 each calendar year.

1. For the first (1st) two (2) false alarm notifications, no action will be taken.
2. The activation of three (3) or more false alarms within a 12-month period from January 1 through December 31, will be handled according to the following schedule:
 - a. The third (3rd) false alarm will be billed a twenty-five-dollar (\$25.00) service charge.
 - b. The fourth (4th) false alarm will be billed a fifty-dollar (\$50.00) service charge.
 - c. The fifth (5th), and subsequent, false alarms will result in a one-hundred-dollar (\$100.00) service charge each.
3. Each service charge incurred shall be paid within thirty (30) days from the date of issuance. Failure to make payment within sixty (60) days from date of issuance of any service charge may result in the suspension of response to alarm notifications. Additionally, a fifth (5th) false alarm may result in the suspension of response to alarm notifications.
4. With the payment of every service charge the responsible party will be required to provide documentation to the Town of Haverhill showing the effort made to correct the cause of, and/or repairs made to malfunctioning alarm devices.
5. After the fifth (5th) false alarm, the following conditions apply:

- a. The person in control of an alarm system shall be required to have the alarm system inspected by a licensed and certified installer.
- b. Certificate of such inspection will be sent to the Town of Haverhill, and a copy of the inspection will be posted on the premises where the alarm system is maintained.
- c. The certificate will indicate the date of the inspection and the typed name and signature of the inspector.
- d. A letter from the inspector will accompany the certificate, explaining what corrective action was taken to assure against further false alarms, either by repairing the systems, checking for proper installation and/or training the user in the proper use of the system.
- e. Any entity who operates a newly installed system will not be subject to false alarm notifications action during the first thirty (30) days following the system installation, with proof of said alarm device installation is provided.
- f. The completed installation date shall be certified by a person who professionally installed the system, or the date of the purchase receipt for self-installed systems.

Legitimate alarm activations, such as caused by fire, smoke, actual criminal offense, or with evidence of a criminal attempt, shall not be counted, nor false alarm notifications accumulated.

FRIVOLOUS COMPLAINTS:

A complaint shall be considered frivolous, false, or unfounded when a police officer responds to a reported complaint but finds no evidence of criminal activity, attempted criminal activity, or an emergency at the location, residence, or business.

An individual shall be found to have given a Frivolous Complaint should they provide blatantly false, unsubstantiated, misleading, or intentionally inaccurate information concerning a violation of law by another.

The first three (3) responses to a Frivolous Complaint call shall result in a warning without penalty.

However, the fourth (4th) Frivolous Complaint and with each subsequent Frivolous Complaint by the same individual shall be billed at a rate of fifty dollars (\$50.00) per response.

The Town of Haverhill, through its Police Department, may pursue legal action for Frivolous Complaints in accordance with RSA 641:4 False Reports to Law Enforcement.

The Town of Haverhill may assess fees, including but not limited to fees for legal counsel, filing fees, or any other fees attributable to the Town's response to Frivolous Complaints.

NH STATE LAW:

NH RSA 641:4 False Reports to Law Enforcement.

A person is guilty of a misdemeanor if he:

- I. Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense; or
- II. Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, or the danger from an explosive or other dangerous substance, knowing that the offense or danger did not occur or exist or knowing that he has no information relating to the offense or danger.

Source. 1971, 518:1, eff. Nov. 1, 1973.

SUPERSEDING CLAUSE:

This Ordinance shall supersede and replace any prior local Ordinances, Rules, and/or Regulations related to False Alarms and/or Frivolous Complaints that was previously enacted by the Haverhill Select Board and/or at any annual Haverhill Town Meeting.