

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~CITY~~ of Yates
~~TOWN~~
~~VILLAGE~~

Local Law No. 4 of the year 19 93

A local law ALARM SYSTEMS
(Insert Title)

Be it enacted by the Yates County Legislature of the
(Name of Legislative Body)

County
~~CITY~~ of Yates as follows:
~~TOWN~~
~~VILLAGE~~

1. TITLE

This Local Law shall be known as "Alarm Systems".

2. PURPOSE

It is the purpose of this chapter to protect and promote the health, safety and general welfare of the residents of the County of Yates by reducing the number of avoidable alarms to emergency agencies. Avoidable alarms contribute to ineffective utilization of public safety manpower and equipment. In addition, avoidable alarms require emergency responses which may contribute to a high accident rate and delayed responses to genuine emergencies. This chapter seeks to ensure that Sheriff, police, ambulance and fire communications facilities will be available to dispatch Sheriff, police, ambulance and fire personnel for actual emergencies and to alleviate the nuisance of audible alarms to the surrounding community. Another purpose of this chapter is to provide the County Sheriff with the names of responsible people to contact in the case of an alarm activation.

3. DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

ALARM BUSINESS - Any person who engages in the business of selling, altering, installing, leasing, maintaining, repairing, replacing, servicing or responding to an alarm system.

ALARM SYSTEM - A device or an assembly of equipment which emits an audible response which is intended to alert persons outside a premises to the existence of a hazard or emergency, or which is intended to alert emergency agencies by automatically dialing an emergency agency, or which is connected to a private answering point for the purpose of reporting such alarms to emergency agencies, or which is directly connected to the Public Safety Emergency Communications Center or other emergency agency.

ALARM USER - Any person who owns, leases or uses an alarm system within the County of Yates, except for a person whose alarm system is on a motor vehicle or is a proprietary system. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises (other than a proprietary system) in the County of Yates, the person using such system is an "alarm user".

AVOIDABLE ALARM - The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner, user, custodian or lessee of an alarm system or of his employees or agents or through any other cause which through direct connection to an emergency agency or which through notification of an emergency agency by a private answering point or automatic dialing device or which through notification to an emergency agency by any other second party or means indicates that an emergency situation exists requiring an emergency response within the County of Yates when, in fact, an emergency situation does not exist. An "avoidable alarm" also includes the knowing or intentional activation of an alarm to an emergency agency when the activator knows that an emergency situation does not exist. "Avoidable Alarm" does not include alarms activated by violent conditions of nature, such as hurricanes, tornadoes, earthquakes, electric storms or any other similar cause beyond the control of the user of an alarm system. Activation of an alarm system under any circumstances in which the activator reasonably believes that an emergency situation exists is not an "avoidable alarm".

EMERGENCY AGENCY - Any Sheriffs Department, Police Department, Fire Department or other law enforcement agency, ambulance service or other agency summoned to respond to an emergency situation; and the Public Safety Emergency Communications Center.

LOCAL ALARM SYSTEM - A signaling system which, when activated, causes an audible signaling device to be activated outside the premises within which the system is installed.

PRIVATE ANSWERING POINT - A business which offers the service of receiving emergency signals, monitoring said signals and relaying them to an emergency agency.

PROPRIETARY SYSTEM - An alarm, sounding and/or recording alarm and supervisory signals at a control center located within the premises protected by the alarm, which is not intended to alert persons outside of the premises on which the alarm system is located of a possible hazard and is not intended to alert an emergency agency, the control center being under the supervision of the proprietor of the protected premises. If a proprietary system includes a signal line connected directly or by means of an automatic dialing device to an emergency agency or to a private answering point or to a local alarm system, it thereby becomes an "alarm system" as defined in this chapter.

4. EXEMPTIONS.

The provisions of this chapter shall not apply to proprietary alarm systems. Permits shall be required for alarm systems located in buildings of federal, state or local governmental agencies or authorities or in public elementary or secondary schools, and said alarm systems shall meet the other requirements of this chapter, but said alarm systems shall be exempt from all fees established in this chapter.

5. ALARM USER PERMITS; FEES.

A. No person shall own, use, lease, operate or maintain an alarm system within the County of Yates unless such person shall have first obtained from the County a permit for such alarm.

B. Alarm user permit application.

(1) In order to obtain an alarm user permit, any person who operates an alarm system shall submit an application for such permit in the form designated by the County, which application shall contain the following information:

- a. The name and home address of the person applying for permit.
- b. The address of the premises upon which the alarm system is or will be located.
- c. The type of alarm system for which the permit is sought.
- d. The name of the alarm business or businesses selling, monitoring, inspecting, responding to and/or maintaining the alarm system, if applicable.
- e. The telephone number of the person applying for the permit.

- f. The name and telephone number of at least two (2) other persons who can be reached at any time, day or night, and who are authorized by the owner of the premises in which the system is installed to open the premises. This requirement may be waived by the County for residential owners if it will result in a hardship or for a good cause shown.
 - g. Any other information as the County may require.
- (2) The information required on the permit application shall be treated as confidential and shall not be made available to members of the general public. The Legislature finds that the release of such information would constitute an unwarranted invasion of personal privacy and could endanger the life or safety of persons at the premises where an alarm system is located. The information on a permit application shall be used by the County only for law enforcement purposes.
- (3) Every application for an alarm user permit shall be accompanied by a fee of five dollars (\$5.), except that no fee shall be required for applications submitted before, 1/1/94, or for applications submitted after that date if the application is submitted within thirty (30) days after purchase of an alarm system. No alarm user permit shall be granted unless the applicable fee is submitted with the application.
- (4) Upon receipt of a properly executed application, the County shall issue an alarm user permit to the applicant. Alarm user permits shall not be transferable and shall be maintained on the premises where the alarm system is located and made available for inspection by Deputy Sheriffs, Police Officers and Emergency Services providers.
- C. DURATION OF PERMIT.
- (1) An alarm user permit shall expire on December 31 next following its issuance.
- (2) An alarm user permit shall be revoked whenever eighteen (18) or more avoidable alarms are recorded for a system in any one (1) permit year. Notice of such revocation shall be sent by first-class mail, to the home address listed on the permit application at least ten (10) days before the revocation takes effect. The alarm user may reinstate a revoked permit by payment of all excessive use fees and by submission of proof that modifications have been made to the alarm system to reduce the number of avoidable

alarms. The alarm user may seek administrative review of the revocation in accordance with Subsection G hereof by notifying the Sheriff in writing, within ten (10) days after the date of the notice of revocation. The failure to give timely notice shall be deemed a waiver of the right to challenge the revocation. An alarm user permit shall not be revoked under this subsection if said alarm system is required by federal, state or local law. However, all other provisions of this section shall apply to such systems, and the user of such system shall remain responsible for the payment of all authorized fees.

D. RENEWAL OF PERMIT.

Subject to the provisions of this chapter and upon payment of the appropriate permit renewal fee, stipulated in Subsection E hereof, an alarm user permit may be renewed by the alarm user.

E. RENEWAL FEES BASED ON USE.

(1) The annual permit renewal fee shall be based upon the number of avoidable alarms recorded for each alarm user as follows:

- (a) For an alarm user with zero (0) avoidable alarms during the preceding year, a renewal fee of five dollars (\$5.) shall be charged.
- (b) For an alarm user with (1) to (3) avoidable alarms during the preceding year, a base permit renewal fee of ten dollars (\$10.) shall be charged.
- (c) For an alarm user with more than three (3) avoidable alarms during the preceding year, a base renewal fee of five dollars (\$5.), plus an additional excessive use fee of thirty dollars (\$30) for each subsequent avoidable alarm, shall be charged; except that such excessive use fees shall not be charged for systems with any combination of more than forty (40) stations, or heat, smoke, flame or fire gas detectors, or water flow sensing devices, not including sprinkler heads, until the alarm user has had more than fifteen (15) avoidable alarms during the preceding year; and such excessive use fees shall not be charged for residential child-care facilities with any combination of more than ten (10) pull stations, or heat, smoke, flame or fire gas detectors, or water flow sensing devices, not including sprinkler heads, until such a facility

has had more than thirty-five (35) avoidable alarms during the preceding year. At the time of renewal, an alarm user shall receive credit for any amounts paid during the permit year to reinstate a revoked permit.

- (2) No renewal shall be granted unless the appropriate renewal fee is submitted with the renewal application.
- (3) If a permit lapses, no permit, whether renewal or otherwise, shall be granted to an alarm user for the same premises within three (3) years after the permit expires, unless all outstanding renewal fees are paid.

F. NOTICE OF EXCESSIVE USE FEES.

The County shall notify an alarm user, in writing, by means of first-class mail sent to the home address listed on the permit application. When an alarm user has reached the number of avoidable alarms during a permit year which leads to excessive use fees for additional avoidable alarms. Such notice shall inform the alarm user that additional avoidable will subject the alarm user to such excessive use fees. At the end of a permit year, the county shall notify each alarm user, in writing, by means of first-class mail sent to the home address listed on the permit application, of the number of avoidable alarms incurred during the preceding year and the amount to be charged. Excessive use fees shall be paid only at the end of a permit year, after renewal notifications have been mailed, unless a permit has been revoked.

G. ADMINISTRATIVE REVIEW.

The Sheriff and the Fire Coordinator shall establish procedures whereby an alarm user with more than three (3) avoidable alarms during a permit year may present evidence as to why any such alarm should not be classified as an avoidable alarm. The Sheriff and the Fire Coordinator shall collect such evidence and make a recommendation and findings of fact concerning such classification. The Sheriff and the Fire Coordinator shall make the final determination concerning the classification, which determination shall be reviewable only pursuant to Article 78 of the Civil Practice Law and Rules. In order to challenge the classification of an alarm as an avoidable alarm, an alarm user must so notify the Sheriff in writing, within ten (10) days after the date of the notification to the alarm user of the avoidable alarms incurred during the preceding period, except that the first three (3) avoidable alarms may only be challenged within ten (10) days of an alarm user being notified on a fourth avoidable alarm during a permit year. The failure to give timely notice shall be deemed a waiver of the right to challenge the classification.

6. PENALTY FOR OPERATION OF SYSTEM WITHOUT PERMIT; VIOLATIONS TICKETS.

Violators of Section 5A of this Local Law #_____ shall be liable for a civil penalty of one hundred dollars (\$100). Upon finding an alarm user operating an alarm system without a valid permit, an alarm user shall be issued an Appearance violation ticket. Such ticket shall be dismissed if the alarm user obtains a permit within twenty-five days after issuance of the ticket and submits proof that a permit has been obtained to the Local Justice prior to or at a scheduled hearing on the ticket. Payment of the penalty established herein shall not satisfy the requirement to obtain a permit or to pay the applicable permit fees.

7. ALARM BUSINESSES REGULATIONS.

A. Every alarm business doing business in the County of Yates shall provide all alarm system purchasers or lessees with written instructions that provide adequate information to enable the alarm user to operate the alarm properly. A current copy of all such written instructions shall be furnished to the County Sheriff upon its request.

B. Every alarm business doing business in the County of Yates shall provide all alarm system purchasers or lessees with an application for an alarm user permit in the form designated by the County.

8. YATES COUNTY PUBLIC SAFETY EMERGENCY COMMUNICATION CENTER.

Alarm systems which are interconnected or otherwise transmit signals directly to the YATES COUNTY PUBLIC SAFETY EMERGENCY COMMUNICATIONS CENTER shall be subject to the laws, rules, regulations and penalties adopted by the County of Yates relating to such systems.

9. LOCAL ALARMS; PENALTY.

A. All local alarm systems shall become deactivated and silenced automatically after a period of time not to exceed fifteen (15) minutes.

B. Police and/or fire officials may disable an audible alarm signal that has not been silenced prior to the expiration of the fifteen-minute period and shall not be liable for any damage that may result.

C. Any person who violates this section shall be subject to a civil penalty of fifty dollars (\$50) by a Local Justice Court.

10. JURISDICTION.

The Local Criminal Court, within the Town or Village of the residence/Building shall hear and determine charges involving violations of this chapter.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 1993 of the (County)(City)(Town)(Village) of Yates was duly passed by the Yates County Legislature on March 12 1993, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Martha K. Lattin
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: March 12, 1993

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF YATES

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

David J. Foster
Signature

County Attorney
Title

County
~~CITY~~ of Yates
~~TOWN~~
~~VILLAGE~~

Date: March 12, 1993