

(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~~
~~TOWN~~
~~Village~~

of Niagara

Local Law No. 2 of the year 19.. 99

A local law Amending Local Law #3-93 Regulating Use of Alarm Systems
(Insert Title)
..... to Reduce the Incidence of Avoidable Alarms

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

County
~~CITY~~
~~TOWN~~
~~Village~~

of Niagara as follows:

A LOCAL LAW AMENDING LOCAL LAW #3-93 REGULATING USE OF ALARM SYSTEMS TO REDUCE THE INCIDENCE OF AVOIDABLE ALARMS

Section 1. Title

This Local Law shall be known as the Niagara County Alarm Code.

Section 2. Purpose

The purpose of this Local Law is to protect and promote the health, safety, and general welfare of the residents of the County of Niagara by reducing the number of Avoidable Alarms of fire, intrusion, hold-up or other emergencies and to encourage alarm users and alarm businesses (sales, installation, customer service, and/or monitoring) to maintain the operational reliability and the proper use of alarm systems in limiting unnecessary police and fire emergency responses to false alarms.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Definitions

For the purpose of this Local Law the following words and phrases shall have the meanings respectfully ascribed to them by this section.

A. ALARM SYSTEM shall mean any assembly of equipment or device arranged to signal the presence of a hazard requiring urgent attention, and to which police, fire or emergency medical service agencies are expected to respond. An ALARM SYSTEM shall include Automatic Dialing Devices.

B. EMERGENCY AGENCY - The Sheriff's Department, Fire Company or any Police Agency, Ambulance Service or Emergency Dispatch Center.

C. AUTOMATIC DIALING DEVICE means a device which is connected to a telephone line and is programmed to access a predetermined emergency agency *telephone* number and transmit by voice message or coded signal to an Emergency Agency, an emergency message indicating a need for emergency response.

D. ALARM ADMINISTRATOR - a person designated by the Fire Coordinator, to control and review responses to avoidable alarms.

E. ALARM REVIEW PANEL consists of one representative of the Sheriff's Office, the Alarm Administrator and a designee of the Fire Coordinators Office.

F. AVOIDABLE ALARM NOTIFICATION (AAN) - an alarm notification from the Sheriff's Office or Fire Service, when a responding officer finds no evidence of a criminal offense, attempted criminal offense, fire or other emergency condition.

G. LOCAL ALARM - an alarm system that emits a signal at an alarm site that is audible from the exterior of the structure and is not interconnected with automatic notification of an Emergency Agency.

H. ALARM SITE - a single premise or location served by an alarm system.

Section 4. Existing Systems or Devices

The owners and lessees of premises having Alarm Systems shall comply with all provisions of this chapter on or before the 1st day September, 1999.

Section 5. Automatic Cut-Off Systems

No person shall install or maintain an external audible alarm device which does not contain an operational automatic cut-off system which turns off the external audible alarm after a period of not to exceed ten (10) minutes.

An Automatic Dialer connected directly to an Emergency Agency shall automatically disconnect and/or terminate its message after the message has been transmitted a maximum of two times. Notwithstanding the foregoing, however, the total transmission time of all messages shall not exceed five (5) minutes.

Section 6. Avoidable Alarms

The activation of an alarm system through mechanical failure, malfunction, improper maintenance, improper installation, or the negligence of the owner, user, custodian, or lessee of any Alarm Systems, or of his employees requiring an emergency response when in fact an emergency does not exist, constitutes an Avoidable Alarm. An Avoidable Alarm also includes intentional activation of an Alarm System when the activator knows an emergency situation does not exist.

Avoidable Alarms do not include alarms activated by violent conditions of nature or similar causes beyond the control of the user, owner, or operator of the Alarm System. The activation of an Alarm System under any circumstance in which the activator reasonably believes that an emergency situation exists shall not be deemed to be an Avoidable Alarm.

Section 7. Charge for Avoidable Alarms

An owner or lessee of real property to which an Emergency Agency responds as a result of an Avoidable Alarm, shall pay a fee for each response in a calendar year as follows:

A. Sheriff or Police Department Response.

1. 1st Avoidable Alarm response – no charge
2. 2nd & 3rd Avoidable Alarm response - \$25.00
3. 4th & over Avoidable Alarm response - \$50.00. For each subsequent Avoidable Alarm an additional cumulative \$25.00 fee shall be assessed.

B. Fire Service Response.

1. 1st Avoidable Alarm response – no charge
2. 2nd Avoidable Alarm response - \$50.00
3. 3rd and over Avoidable Alarm response - \$100 and for each subsequent Avoidable Alarm an additional cumulative \$25.00 fee shall be assessed.

Section 8. Notice of Excessive Use

The owner or lessee of the alarm site which received an emergency response by reason of an Avoidable Alarm shall be notified in writing by first class mail of all Avoidable Alarms in a calendar year. This letter shall inform the owner or lessee of the time and date of the emergency response provided to the alarm site and shall contain details of the Alarm Code.

Section 9. Administrative Review

The Fire Coordinator shall establish a alarm review panel, whereby an owner or lessee of an alarm site on which an alarm system has been installed and who has been notified of an Avoidable Alarm may present evidence as to why any such alarm should not be classified as an Avoidable Alarm. The alarm review panel shall review their findings with the Fire Coordinator. The Fire Coordinator shall make the final determination regarding the classification of the incident. Such determination shall be reviewable only pursuant to procedures under Article 78 of the Civil Practice Law and Rules. To challenge the classification of an alarm as being Avoidable, the alarm site owner or lessee thereof shall, in writing, notify the Fire Coordinator within twenty (20) days after receipt of the notice of the Avoidable Alarm. The failure to file timely notice shall be deemed a waiver of the right to review the determination.

Section 10. Payment of Charges

Avoidable Alarm charge shall be paid to the Niagara County Treasurer at the County Courthouse in Lockport, New York 14094

Section 11. Failure to Remit Fee

Failure of a real property owner or lessee of property on which an alarm system is installed to pay the Avoidable Alarm charge, within thirty (30) days from notice of the amount due, shall be served with a summons and shall be deemed a violation of this code.

Section 12. Enforcement

The Fire Coordinator shall enforce this Local Law.

Section 13. Penalties for Offenses

Any person, business, firm, corporation, partnership, association or other entity that does not pay the fee established in this code or who violates any other provisions of this code shall be subject to a civil penalty, not to exceed \$1000 for each offense. A separate offense shall be deemed committed upon each day during which the violation occurs, continues or is permitted.

Section 14. Severability

If any section, clause or provisions of this local law or the application thereof to any persons is adjudged invalid, the adjudication shall not effect other sections, clauses or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this Local Law are declared to be severable.

Section 15. Effective Date

This Local Law shall become effective the 1st day of September 1999.

(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. 2 of 19⁹⁹ of the ~~(County)(City)(Town)(Village)~~ of Niagara County Legislature on June 1 19⁹⁹, 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 approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(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 approved)(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.
(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 approved)(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.
(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 chairperson 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.)

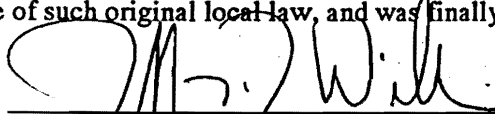
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 Niagara 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 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.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 6/16/99

(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 NIAGARA

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.



Signature

County Attorney

Title

County
~~City~~ of Niagara
~~Town~~
~~Village~~

Date: June 15, 1999