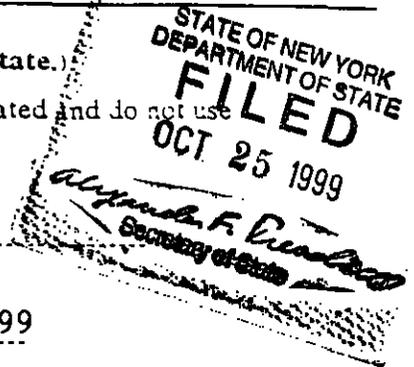


(Use this form to file a local law with the Secretary of State.)



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 Briarcliff Manor, New York
~~TOWN~~
Village

Local Law No. 7 of the year 1999

A local law ~~to repeal Local Law No. 3, 1987 & enact new regulations~~
for the installation, maintenance and use of alarm devices
and systems within the Village of Briarcliff Manor

Be it enacted by the Board of Trustees of the

~~County~~
~~CITY~~ of Briarcliff Manor, New York as follows:
~~TOWN~~
Village

Section 1. Local Law No. 3 of the year 1987 is hereby repealed in its entirety.

Section 2. A local law entitled "Security and Fire Alarm Systems" is hereby enacted to read as follows:

Section 1. Purpose

The purpose of this local law is to establish standards and control of the various types of intrusion, holdup, fire and other emergency signals from police alarm devices that require police response or fire response, investigation and safeguarding of property at the location of an event reported by a signal or message which is transmitted by telephone or radio or which is otherwise relayed to the police or fire department by an alarm device requiring investigation. This local law establishes procedures for regulation and licensing of property owners who maintain such Security Systems or Fire Alarm Systems at their premises in order to provide control of the proliferation, use and activation of same. All Emergency Medical Monitoring and Alarm Systems shall be exempt from this ordinance.

Section 2. Definitions. For the purpose of this local law, the following terms shall have the meanings indicated:

ALARM INSTALLATION - Any Security System or Fire Alarm System or aggregation of Security or Fire Alarm Systems installed on or within a single building or on or within more than (1) building or area adjacently located on a common site, at a specific location.

DIRECT ALARM SYSTEM - Any Security System or Fire Alarm System connected directly, by leased telephone wires, from a specified location to Police Headquarters.

FALSE ALARM - Any signal actuated by a Security System or Fire Alarm System to which the police or fire department respond, which is not the result of a holdup, robbery or other crime, fire or emergency.

FIRE ALARM SYSTEM - Any alarm device designed to be activated by a fire emergency, at a specific location or by a victim of a fire emergency at a specific location which produces an audible or visual signal designed to notify a person within audible or visible alarm range of the signal, and which may, when activated by a fire emergency requiring fire response transmits by operator or a pre-recorded message or other signal by telephone, radio or other means to a central alarm station or directly to the police.

FIRE RESPONSE - Any action taken by the Fire Department to investigate, respond to or dispatch emergency services to the location indicated by the Security System or Fire Alarm System.

INTRUSION - Any entry into an area or building equipped with (1) or more Security System or any person or object whose entry actuates a Security System.

LICENSING AUTHORITY - The Board of Trustees of the Village of Briarcliff Manor or its designee.

MALFUNCTION - The written certification of an alarm service company authorized to do business in the State of New York that a Security System or Fire Alarm System which activated a false alarm was due to a fault in the Security System or Fire Alarm System, but without any fault or negligence on the part of the homeowner.

POLICE RESPONSE - Any action taken by the Police Department to investigate, respond to or dispatch emergency services to the location indicated by the Security System or Fire Alarm Systems.

SECURITY SYSTEM - Any alarm device designed to be actuated by a criminal act or other emergency, at a specific location or by a victim of a holdup, robbery or other emergency or

criminal act at a specific location which produces an audible or visual signal designed to notify any person within audible or visible alarm range of the signal, and which may when actuated by a criminal act or other emergency requiring police response, transmits by operator or prerecorded message or other signal by telephone, radio or other means to a central alarm station or directly to the police.

VILLAGE - Village of Briarcliff Manor.

Section 3. LICENSING

A. Operating, maintaining, installing, leasing or selling a Security System or Fire Alarm System without a license. It shall be unlawful for any person, business, firm, corporation, or other commercial entity to operate, maintain, install, lease or sell a Security System or Fire Alarm System as defined by the terms of this local law, without first obtaining a license from the State of New York pursuant to General Business Law, Article 6-D, as amended from time to time.

B. The licensing authority is hereby authorized to grant a revocable permit to any owner or property located within the Village of Briarcliff Manor, or the lessee thereof, to operate, maintain, and modify a Security System or Fire Alarm System.

C. Application for permits. Application for permits shall be made as follows:
Any property owner or lessee of property in the Village of Briarcliff Manor having on his, her or its premises one or more Security Systems or Fire Alarm Systems shall apply to the licensing authority on a form to be supplied by the licensing authority for a permit to own or otherwise have such a Security System or Fire Alarm System on his, her or its premises. No such Security System or Fire Alarm System may be used or operated on the premises of the owner or lessee prior to the licensing authority having issued a permit to such owner or lessee, and no presently existing Security System or Fire Alarm System shall be modified after the effective date of this local law prior to the licensing authority having issued a permit to such owner or lessee. Such permit need not be obtained on an annual basis, but shall be obtained each time a Security System or Fire Alarm System is to be modified or a new Security System or Fire Alarm System is used on his, her or its premises.

D. Fees: There shall be a fee for a permit as set forth by resolution of the Village Board of Trustees in the Master Fee Schedule, which may be amended from time to time.

E. Denial, suspension, or revocation of license or permit. A permit issued under this local law may be suspended or revoked by the licensing authority after notice and hearing by the licensing authority for the violation of any of the provisions of this local law or of any regulation or regulations promulgated by the licensing authority pursuant to this local law, and any permit identification card issued hereunder shall be surrendered immediately to the licensing authority

upon such suspension or revocation. No part of a permit fee shall be refunded when a permit is suspended or revoked. Any applicant whose application for a permit has been denied or suspended or revoked by the licensing authority may appeal such a denial, suspension or revocation in writing to the Board of Trustees if the licensing authority revoking the permit is other than the Board of Trustees within thirty (30) days after the date of the notice of denial, suspension or revocation and may appear before the Village Board at a time and place to be determined by the Mayor, in support of his, her or its contention that the permit should not have been denied, suspended or revoked.

Section 4. GENERAL PROVISIONS

A. Intentional false alarm. It shall be a violation of this local law to intentionally cause a false alarm, and any person who does intentionally cause a false alarm shall be subject to the penalty provisions of this local law.

B. False alarms; charges

- (1) Any owner or lessee of property having a Security System or Fire Alarm System on his, her or its premises shall pay to the Village a charge for each and every false alarm to which the police or fire department respond in each fiscal year. There shall be a fee for each false alarm as set forth by resolution of the Village Board of Trustees in the Master Fee Schedule, which may be amended from time to time; provided, however, that there shall be no charge for the first two (2) malfunctions, provided that the malfunction is properly documented with a letter from the alarm service company, in accordance with the definition of "malfunction" in this local law; and there shall be no charge for the first false alarm.
- (2) Notice of each false alarm recorded against a Security System or Fire Alarm System shall be given to the owner or lessee of the property or permit holder. The charges shall be collected by the Police Department and shall be payable to the Village of Briarcliff Manor. Failure to pay such charges shall subject such owner, lessee, or permit holder to the penalty provision of this local law.
- (3) The Chief of Police shall notify the owner or lessee of property or permit holder by prompt notice of a false alarm charge imposed. A copy of such notice shall also be sent, in the same manner, to each other person identified as a record owner of the premises at which the false alarm has occurred. Within thirty (30) days after the mailing of such notice, the owner or lessee of the property or permit holder may contest the false alarm charge by filing with the Chief of Police information to show that a false alarm did not occur. If any defense to a false alarm charge is based on a claim that a Security System or Fire Alarm System activation was caused by a malfunction, (such defense only being available for the first two

proven malfunctions) such defense shall be supported by verification from the alarm service company in accordance with the definition of malfunction in this local law. The Chief of Police shall consider all information submitted, shall afford each person contesting a charge an opportunity for a personal meeting, if so requested and, after any such meeting has been held or waived, shall reaffirm, rescind or modify the false alarm charge, notifying the owner or lessee of the property or permit holder of his decision. Within twenty (20) days after the mailing of such notice, the owner or lessee of the property or the permit holder may file with the Village Board of Trustees an appeal, in writing, but such an appeal may not be taken if the false alarm charge is not first contested with the Chief of Police as herein provided in Section 4.

- (4) The owner or lessee of property or permit holder having a Security System or Fire Alarm System on his, her or its premises, which system or in any one (1) calendar year produces more than five (5) false alarms, malfunctions or combination thereof, shall be subject to revocation of his or her permit by the licensing authority upon notice and after opportunity for a hearing as provided in Section 6.

C. Installation and maintenance. The installation and maintenance of Security System or Fire Alarm System permitted by this local law, including the connection to Police Headquarters, shall be made at no cost to the Village. The owner or lessee shall be responsible for the maintenance and service of his, her or its Security System or Fire Alarm System and shall be responsible for all malfunctions of his, her or its equipment.

D. Change of location. If the location of Police Headquarters should be changed at any time, the Village shall not be responsible for any expense incurred by the owner or lessee or business licensee or alarm agent for moving Security Systems or Fire Alarm Systems or reconnecting such systems to the relocated Police Headquarters.

E. Removal of unlawful equipment. In addition to any other remedy provided by law, the Police Department, whenever it shall have knowledge of the use of a Security System or Fire Alarm System, cabinet or attachment, or telephone terminal which is not operated or maintained in accordance with the provisions of this local law or which is contrary to regulations promulgated pursuant to this local law, may order the removal of the same from Police Headquarters, and it shall be unlawful to disobey such order.

Section 5. Special Provisions.

A. Limitation. No Security System or Fire Alarm System shall be connected to or use any telephone line connected to Police Headquarters except those lines authorized by the licensing

authority and the Chief of Police. The owner, lessee or permit holder of any Security System or Fire Alarm System device which is connected, either directly or indirectly to the Police Headquarters by telephone line which has not been authorized for use for such purposes as aforesaid, shall be in violation of this local law shall be subject to the penalty provision of this local law. For special cause shown, the Chief of Police, subject to approval of the licensing authority, is hereby authorized to prescribe the location and the manner of installation of all cabinets, accessories, connections and equipment of an approved Direct Alarm System within police headquarters for the purpose of providing a Direct Alarm System where the visible and audible signals therefrom may be readily seen and heard by police personnel.

B. Automatic Telephone Devices. Except as herein provided, it shall be a violation of this local law for any automatic telephone-dialing device to be directly connected to the emergency telephone lines of the Police Department. Any such automatic telephone-dialing device may be connected to a Central Alarm Station, other answering service or to the Police Department on a specified telephone line only. Subject to approval from the licensing authority, the Chief of Police is hereby authorized to prescribe the location and the manner of installation of private and regular business telephone lines into police headquarters from a Central Alarm Station for the express purpose of providing direct telephone communications between a central alarm station and police headquarters for use in reporting holdup alarms.

C. Requirement for Automatic Cut-Off System. No person shall install, cause to be installed, maintain or cause to be maintained in a structure, building or establishment in the Village of Briarcliff Manor, an external audible Security System or Fire Alarm System which does not also contain an automatic cut-off system or feature automatically cutting off the source of power to the alarm device after it has sounded for a period of no longer than ten (10) minutes.

D. Exceptions. None of the provisions of this local law shall apply to a Security System or Fire Alarm System installed in a motor vehicle or trailer, nor to employees of a public utility company engaged in the business of providing communication, services or facilities.

Section 6. Appeals.

A. The Village Board of Trustees shall consider appeals from determinations of the Chief of Police as herein provided. Upon receipt of a timely appeal taken, the Board shall notify the appellant and the Chief of Police of the date and time when a hearing will be held on the appeal, unless the appellant shall waive his right to a hearing in which case the appeal shall be considered on the basis of submitted information. Such notice shall be given not less than fifteen (15) days in advance of the scheduled hearing. Notices to an appellant shall be given by certified mail, return receipt requested. The Board may adopt such rules and procedures for the prosecution of appeals and conduct of hearings as shall be proper and appropriate.

B. On the basis of all evidence and information properly submitted or introduced, the Board shall either affirm the action of the Chief of Police if it finds such action to have been properly taken or it shall rescind or modify such action if it finds that it was not properly taken or that the interests of justice so require. The Board shall hear and decide any appeal within thirty (30) days after the written notice of appeal is filed with the Village Clerk. Decisions of the Village Board of Trustees shall be final. Failure to decide an appeal within the said thirty (30) day period shall not result in a default approval.

C. Whenever it has been determined by the licensing authority that unlawful equipment must be removed from Police Headquarters, the owner shall have the right to appeal such determination and be heard before the Village Board of Trustees pursuant to the same procedure set forth in Section 6A. The Board shall hear and decide any appeal within thirty (30) days after the written notice of appeal is filed with the Village Clerk. Failure to decide an appeal within the said thirty (30) day period shall not result in a default approval.

Section 7. Penalties for Violations. Any person, business, firm, corporation or other entity who violates any provisions of this local law other than Section 4B, which provides specific penalties, shall be subject to a fine not in excess of Two Hundred Fifty Dollars (\$250.00) or imprisonment for fifteen (15) days, or both, for each offense. A separate offense shall be deemed committed for each occurrence during which a violation occurs or is committed.

Section 3. Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any part of this Local Law which can be given effect without such invalid part or parts.

Section 4. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.

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. 7 of 1999 of the (County)(City)(Town)(Village) of Briarcliff Manor, NY was duly passed by the Board of Trustees on 9/23 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 _____ 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.

Susan R. Gayney
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: September 28, 1999

(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 Westchester

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.

Warren Kelly, Esq. + Thibault
James H. ...
Signature
Village Attorney
Title

~~County~~
~~City~~ of Briarcliff Manor
~~Town~~
Village

Date: October 20, 1999