

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
DEC 11 2002

12

~~County~~
~~City~~ Marlborough
Town of
~~Village~~

MISCELLANEOUS
& STATE RECORDS

Local Law No. 6 of the year 19 2002

A local law Alarm Systems
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ Marlborough
Town of as follows:
~~Village~~

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

(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. 6 of 192002 of the ~~(County)~~(City)~~(Town)~~(Village) of Marlborough was duly passed by the Town Board on Nov 25 192002 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. (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. (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. (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.

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

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

(County local law concerning adoption of Charter.)

hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
the County of _____, State of New York, having been submitted to
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
said county considered as a unit voting at said general election, became operative.

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

further certify that I have compared the preceding local law with the original on file in this office and that
same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted
the manner indicated in paragraph 1, above.

Natalie Felicello

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

Date: 11 26 02

(Seal)

certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or
her authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Westchester

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]

Atty for the Town
Title

County _____
City _____ of Massena
Town _____
Village _____

Date: 12/3/02

OCTOBER 15, 2002

K) RESOLUTION #94 TO INTRODUCE LOCAL LAW #6 OF THE YEAR 2002
AMENDMENT TO THE CODE OF THE TOWN OF MARLBOROUGH CHAPTER 53
ALARM SYSTEMS

SUPERVISOR COUPART PROPOSES THE FOLLOWING

WHEREAS, THE EFFICIENT UTILIZATION OF POLICE SERVICES IS IN THE COMMON INTEREST OF OUR COMMUNITY; AND,

WHEREAS, THE CHIEF OF POLICE HAS RECOMMENDED CHANGES TO CHAPTER 53 - ALARM SYSTEMS - OF THE CODE OF THE TOWN OF MARLBOROUGH IN ORDER TO PROVIDE MORE EFFICIENT SERVICE TO THE COMMUNITY;

NOW THEREFORE BE IT RESOLVED THAT LOCAL LAW #6 OF THE YEAR 2002 AMENDMENTS TO THE CODE OF THE TOWN OF MARLBOROUGH CHAPTER 53 ALARM SYSTEMS IS INTRODUCED.

AND MOVES FOR ITS ADOPTION

COUNCILMAN AFFUSO	<i>YES.</i>
COUNCILWOMAN DIORIO	<i>YES-</i>
COUNCILMAN BELLUCCI	<i>YES..</i>
COUNCILMAN NECKLES	<i>YES--</i>
SUPERVISOR COUPART	<i>YES-</i>

TOWN OF MARLBOROUGH
LOCAL LAW #6 OF THE YEAR 2002

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
DEC 11 2002

ALARM SYSTEMS

MISCELLANEOUS
& STATE RECORDS

- | | |
|--|--------------------------------------|
| 53-1. Title. | 53-8. Cancellation Codes. |
| 53-2. Legislative Intent and Purpose. | 53-9. Change of Location. |
| 53-3. Definitions. | 53-10. Fines for False Alarms. |
| 53-4. Permit required; Exceptions. | 53-11. Penalties for Offense. |
| 53-5. Application for Permit. | 53-12. Construction with other Laws. |
| 53-6. Denial, Suspension or Revocation
of Permit. | 53-13. Severability Clause. |
| 53-7. Existing Systems. | 53-14. Effective Date. |

[HISTORY: Adopted by the Town Board of the Town of Marlborough 12-11-2000 by L.L. No. 3-2000. (This local law also superseded former Ch. 53, Alarm Devices, adopted 2-13-1978 by L. L. No. 2-1978, as amended). Amendments noted where applicable.]

53-1. Title.

This chapter shall be known and be cited as the "Alarm System Local Law of the Town of Marlborough, New York."

53-2. Legislative Intent and Purpose.

The Town of Marlborough Police Department has recorded many false burglar, hold up, fire and emergency alarms emanating from automated devices. These signals require that Police and other emergency services respond to false alarms, exposing them and the public to unnecessary hazards and risks, wasting taxpayer funds and depriving other citizens of needed emergency service. This chapter is intended to regulate alarm systems, thereby reducing the number of false alarms and saving taxpayer funds and protecting other citizens.

53-3. Definitions.

The following definitions pertain to this chapter:

ALARM SYSTEM - Any device which, when activated, transmits, directs or indirectly, a signal to Police Headquarters or to a private central alarm station or produces any audible, visual or telephone signal to which the Police Department, Fire Department or Ambulance/Medical service is expected to respond.

MARLBOROUGH CODE

ALARM SYSTEMS

FALSE ALARM - The activation of the alarm system necessitating response by the Town of Marlborough Police Department, any Fire Department or Ambulance/Medical service where an emergency does not exist because of mechanical failure, malfunction, improper installation, failure to maintain the system and/or premises, negligence or otherwise. "False Alarms" do not include alarms caused by violent weather conditions, public utility malfunctions or other outside interference beyond the control of the owner or his agents(ref; 53-10 sub.d).

KEYHOLDER- Owner, tenant and/or other party principally responsible for the alarm system.

PERSON - A natural person, firm, partnership, association, limited liability company (LLC), limited liability partnership (LLP), corporation or any other entity licensed to operate in the state of New York, or representative or agent of said entities who is the owner or lessee of an alarm system and/or the owner of the premises on which it is located.

DIALER ALARM - A telephone interfaced device that automatically connects to Police Headquarters and transmits any signal or impulse indicating that an alarm system has been activated or an emergency condition exists within the Town of Marlborough.

POLICE CHIEF - The Chief of the Police Department of the Town of Marlborough.

TOWN - The Town of Marlborough.

53-4. Permit required; Exceptions.

A. No person in the Town of Marlborough shall operate, maintain, monitor or install an alarm system without first obtaining a permit under this chapter.

B. Excluded from the provisions of this chapter are any alarm systems installed in a motor vehicle or any device designed to alert the occupants of a building of an emergency condition there in and which does not transmit, directly or indirectly, a signal to Police Headquarters or to a private central alarm station or produce any audible or visual or telephone signal to which the Police Department, Fire Department and/or Ambulance/Medical service is expected to respond.

C. Each permit shall be renewed annually, whenever a key holder is changed or if the alarm system is substantially changed to affect operation of the alarm system including but not limited to a change in alarm company. Any change in a system requiring a new application shall be considered a new permit.

D. The permit holder shall be responsible for operation of the alarm system and liable for renewal, penalties and all other aspects of the chapter.

53-5. Application of permit.

A. An application for a permit under this law shall be filed with the Chief of the Town of Marlborough Police Department **annually** on forms supplied by the town, together with a **non-refundable** application fee of \$20.00 made payable to the Town Clerk. Said application shall be set forth the following:

1. Name, address and telephone number of both the installers of the system and the person or entity on whose premises the system will be operated, maintained, monitored or installed.
2. The location of, and where on, the premises the alarm system is proposed to be installed or has already been installed, prior to the effective date of this law, including postal street address and directions from a main road.
3. The type of emergency the alarm system is designed to detect.
4. The name, address and telephone number of at least two (2) persons who can be notified and will be available to come to the premises on a twenty-four daily basis if and when the Town Police Department receives a signal, message or warning from said alarm system. This list shall be updated annually, whenever a key holder is changed or if the alarm system is substantially changed to affect operation of the alarm system. Further, on the application should be all of the information that the Chief of Police needs to approve the application as set forth under Subsection B(1), (2) and (3), as well as any other information or documentation requested by the Chief of Police.
5. The applicant shall agree that if the person to be notified either refuses to come to the premises upon request of the Town Police Department or cannot be reached within a reasonable time by telephone or otherwise, the Town Police Department may, without any liability for any changes, claims or causes of action as a result of disconnection, or any liability as a result of responding to an alarm or alarms, do either of the following: disconnect the system itself, if possible, or contact the installer to disconnect the system.

B. The Chief of the Police Department, or his designee, shall approve such application if he finds that:

1. The use of the alarm system to transmit a signal, message or warning to the Town Police Department will not interfere with the orderly transaction of Town business.
2. The installer of the system maintains a licensed service organization to repair, maintain or otherwise service alarm systems sold or leased by him. The service organization concerned must be licensed as per Article 6D, Section 69, of the New York State General Business Law.

3. The alarm system meets the following minimum requirements:
 - a. The alarm system shall be equipped with an automatic audible signal cut-off device so that the maximum time any alarm shall cause an externally audible signal to be emanated does not exceed **fifteen (15)** minutes per activation.
 - b. The alarm system shall be equipped with a standby power source sufficient to maintain the system in a state of readiness for at least six (6) hours in the event of a power failure.
 - c. If equipped, automatic dialer devices, upon a single stimulus, shall not exceed two (2) separate calls to the Police Department, and no such call shall exceed one (1) minute in duration. There must be at least a two (2) minute interval between calls, with the second call clearly identified as such.
 - d. The contents of any recorded message to be transmitted to the Police Department must be intelligible and in a format approved by the Chief of Police as appropriate for the type emergency being reported.
 - e. Automatic dialer devices shall be connected to the Police Department only via telephone number designated by the police for this purpose.
- C. The Police Chief, or the designee, may impose such other and further reasonable conditions on the granting of said permit as he may deem necessary or proper in carrying out the provisions, legislative intent and purposes of this chapter.

53-6. Denial, Suspension or Revocation of Permit.

Any applicant whose application for a permit has been denied, and any person whose permit has been suspended or revoked, may appeal such denial, suspension or revocation in writing to the Town Board of the Town of Marlborough within thirty (30) days after such denial, suspension or revocation and may appear before such Town Board at a time and place to be determined by the Town Board in support of his or its contention that the permit should not have been denied, suspended or revoked. The decision of the Town Board shall be final.

53-7. Existing Systems.

All persons operating, maintaining or monitoring an existing alarm system who are not in compliance with the provisions of this chapter shall be considered to be in violation and subject to penalties under this chapter.

53-8. Cancellation Codes.

A cancellation code will be available through the Police Department for every alarm user permit. The code will allow the alarm user the ability to abort any alarm activation. Alarm signals that are properly aborted by code prior to rapid response by emergency personnel will not be charged against the alarm user as a false alarm.

53-9. Change of Location.

If the location of police headquarters should be changed at any time, the Town shall not be responsible for any expense incurred by the owner or lessee or business licensee or alarm agent for moving alarm systems or re-connecting such systems to the relocated police headquarters.

53-10. Penalties for False Alarms.

- A. Upon the second false alarm, in any one calendar year, the holder of the permit shall be sent written notice, by certified or registered mail, from the Police Chief of possible fines to be levied upon all subsequent false alarms.
- B. Upon the third false alarm in any one calendar year, the holder of the permit shall be assessed a fine of up to \$50 by the Town of Marlborough, and for each subsequent false alarm thereafter, the fee may be increased up to a fee of \$200 per violation, until reaching the tenth violation.
- C. Upon receiving a tenth false alarm, as well as for all subsequent violations in any one calendar year, the permit holder may be assessed a fine of up to \$2000 for each such violation.
- D. The Police Chief shall have the authority to not count a false alarm or alarms from the annual total for good cause shown by the person in writing. The permit holder will have the burden of proof for conditions beyond permit holders control such IE: violent weather conditions, public utility malfunctions or other such interferences. The Police Chief shall maintain records concerning the reasons any such alarm was disregarded.

53-11. Penalties for Offenses.

- A. In addition to the suspension or revocation of a license or permit, a violation of this local law may subject the violator to the following fines and penalties:
 - 1. Operating, maintaining, monitoring or installing an alarm system without a permit; a fine of up to \$100 may be imposed as well as an additional \$20 each day after receiving the initial violation until such time that a permit application has been approved.
 - 2. Operating, maintaining, monitoring or installing an alarm system after a permit has been suspended or revoked: a fine of \$250 per day may be imposed.
- B. Each day that a violation continues shall constitute a separate offense.

53-12. Construction with other Laws.

This local law is not intended to contradict or contravene any law, rule, regulation, restriction of proscription of the United States, State of New York, County of Ulster or Town of Marlborough, which may now or may hereafter pertain and accordingly, such legislation and regulations shall be deemed continued in full force and effect and unaffected by this local law.

53-13. Severability Clause.

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law.

53-14. Effective Date.

This local law shall become effective upon filing with the New York State Secretary of State's Office.

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
ENACTMENT OF A LOCAL LAW

PLEASE TAKE NOTICE, that at a meeting of the Town Board of the Town of Marlborough, Ulster County, New York held at the Town Building in the Town of Marlborough on the 15th day of October, 2002 a resolution was adopted to introduce Local Law #6 of 2002 to amend Chapter 53 Alarm Systems

PLEASE TAKE NOTICE, that a public hearing upon said proposed Local Law will be held at the Town Of Marlborough Town Hall, Rte. 9W, Milton New York on the 12th day of November at 7:00 pm and that An opportunity to be heard in regard thereto will then and there be given to those favoring enactment of Such proposed Local Law and also to those opposed thereto.

Natalie Felicello
Town Clerk

NOVEMBER 25, 2002

C) RESOLUTION #104 TO ADOPT LOCAL LAW #6 OF THE YEAR 2002
AMENDMENTS TO THE CODE OF THE TOWN OF MARLBOROUGH CHAPTER
53 ALARM SYSTEMS.

SUPERVISOR COUPART PROPOSES THE FOLLOWING

WHEREAS, THIS AMENDMENT TO CHAPTER 53 ALARM SYSTEMS IS INTENDED TO
REGULATE ALARM SYSTEMS, THEREBY REDUCING THE NUMBER OF FALSE
ALARMS AND SAVING TAXPAYERS FUNDS AND PROTECTING OTHER CITIZENS,
AND

WHEREAS, A PUBLIC HEARING WAS DULY HELD ON NOVEMBER 12, 2002 AT 7:00
PM AT THE TOWN HALL IN THE TOWN OF MARLBOROUGH AS STATED IN THE
OFFICIAL NEWSPAPER OF THE TOWN OF MARLBOROUGH TO HEAR ALL
INTERESTED PARTIES EITHER FOR OR AGAINST SAID LOCAL LAW.

NOW THEREFORE BE IT RESOLVED, THAT LOCAL LAW # 6 OF THE YEAR 2002
AMENDMENTS TO CHAPTER 53 ALARM SYSTEMS AS AMENDED IS ADOPTED.

BE IT FURTHER RESOLVED, THAT THE TOWN CLERK FILE COPIES CERTIFIED BY
THE TOWN ATTORNEY AND THE TOWN CLERK TO THE SECRETARY OF STSTE,
THE OFFICE OF THE STATE COMPTROLLER AND TO MAINTAIN COPIES TO BE
FILED WITH CODE PUBLISHERS FOR CODE UP DATE.

AND MOVES FOR ITS ADOPTION

	<i>YES</i>
COUNCILMAN AFFUSO	-----
	<i>YES</i>
COUNCILWOMAN DIORIO	-----
	<i>YES</i>
COUNCILMAN BELLUCCI	-----
	<i>YES</i>
COUNCILMAN NECKLES	-----
	<i>YES</i>
SUPERVISOR COUPART	-----