

# Local Law Filing

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STATE OF NEW YORK  
DEPARTMENT OF STATE

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JUN 13 2006

County  
City  
**Town**  
Village of OF EAST FISHKILL MISCELLANEOUS  
& STATE RECORDS

Local Law No. 2 of the year 2006

A local law REGULATING FIRE AND BURGLAR ALARMS AND RAPID ENTRY  
(Insert Title)  
SYSTEMS IN THE TOWN OF EAST FISHKILL

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  
City  
**Town**  
Village of EAST FISHKILL as follows:

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

**LOCAL LAW 2 of 2006**

**A LOCAL LAW REGULATING FIRE AND BURGLAR ALARMS AND RAPID ENTRY  
SYSTEMS IN THE TOWN OF EAST FISHKILL**

**SECTION 1 – LEGISLATIVE INTENT:**

The Town Board of the Town of East Fishkill has determined that it is in the public interest to regulate the installation of monitored fire and burglar alarms within the Town of East Fishkill. The purpose of this is to help to eliminate the high incidence of false alarms and/or nuisance intrusions alarms that are a threat to the health, safety and welfare of the public service workers of the Town of East Fishkill.

Additionally, the Town recognizes the importance of providing the fire department with rapid entry into locked buildings. Any delay in gaining entry could result in substantial property damage, the potential for rapid fire extension and increased danger to the firefighters.

It is for these purposes that this Local Law is adopted.

**SECTION 2 – DEFINITIONS**

The following words and terms shall have the following meanings:

- A. **Adopted Code(s):** Fire Code of New York State, the National Fire Protection Association National Fire Alarm Code 72 (NFPA 72), 1999 edition and Title 19, Part 195 New York State Compilation of Codes, Rules and Regulations, pertaining to the Business of Installing, Servicing and Maintaining Security or Fire Alarm Systems as regulated by Article 6D New York State General Business.
- B. **Advisory Board** means Persons designated by a governing authority that should be representative of the community, Alarm Users, the alarm industry, and law enforcement. The Advisory Board should review and recommend False Alarm reduction efforts and report to the governing authority
- C. **Alarm** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.
- D. **Alarm Administrator** means the Town of East Fishkill Building Inspector or Deputy or any individual designated by the governing authority to administer, control and review False Alarm reduction efforts and administer the provisions of this Local Law
- E. **Alarm Dispatch Request** means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.
- F. **Alarm Initiating Device** means a device that is designed to respond either manually or automatically to smoke, fire, gas/fumes or activation of a fire suppression system.

- G. **Alarm Installation Company** means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site.
- H. **Alarm Calendar Year:** The period from January 1 until the next succeeding December 31, except for the first year during which an Alarm Permit is issued which year shall commence on the date of permit issuance and shall end on the next succeeding December 31.
- I. **Alarm Registration or Permits** means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.
- J. **Alarm Site** means a single fixed premises or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site.
- K. **Alarm System** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including Local Alarm Systems. Alarm System does not include an alarm installed in a vehicle or on someone's Person unless the vehicle or the personal alarm is permanently located at a site.
- L. **Alarm Technician** means any person who inspects, installs, repairs or performs maintenance on Alarm Systems. This person shall be qualified pursuant to Article 6D of the New York State general business law.
- M. **Alarm User** means any Person, who (which) has contracted for Monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an Alarm System, or who (which) owns or operates an Alarm System which is not monitored, maintained or repaired under contract.
- N. **Arming Station** means a device that allows control of an Alarm System.
- O. **Automatic Voice Dialer** means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.
- P. **Cancellation** means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the responding law enforcement agency that there is not an existing situation at the Alarm Site requiring law enforcement agency response after an Alarm Dispatch Request.

- Q. **Central Station Fire Alarm System:** A system or group of systems in which the operations or circuits and devices are transmitted automatically to, recorded in, maintained by and supervised from a listed central station.
- R. **Conversion** means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing and/or Monitoring of a *previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.*
- S. **Duress Alarm** means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires law enforcement response.
- T. **Enforcement Official** means the Town of East Fishkill Police Department, the Building Inspector, or his designated representative.
- U. **False Alarm** means an Alarm Dispatch Request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site.
- V. **False Fire Alarm** means the activation of any Fire Alarm System which results in a response by the fire department and which is caused by the negligence or intentional misuse of the Fire Alarm System by the Owner, its employees, agents or any other activation of a Fire Alarm System not caused by heat, smoke or fire, exclusive of a Nuisance Fire Alarm
- W. **Fee** means the assessment of a monetary charge payable to the Town of East Fishkill Building Department jurisdiction authorized pursuant to this Local Law, to defray the expenses of responding to a False Fire Alarm or Nuisance Fire Alarm.
- X. **Fire Alarm Activation Report** means a document issued by the Enforcement Official or fire department indicating that the activation was deemed to be the result of a fire alarm activation due to fire, a Nuisance Fire Alarm, or a False Fire Alarm.
- Y. **Fire Alarm Business** means any individual, partnership, corporation or other entity that is appropriately licensed by the State of New York and installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces or services any Fire Alarm System.
- Z. **Fire Alarm System** means a system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of a fire alarm device, supervisory signal-initiating device or gas detector and to initiate the appropriate response to those signals.
- AA. **Fire Watch** means an Enforcement Official approved person or persons assigned to the Premises for the purpose of protecting the occupants from fire or similar emergencies. A Fire Watch may involve at least some special action beyond normal staffing, such as assigning an additional security guard(s) to walk

the Premises, who has been specially trained in fire prevention and in the use of fire extinguishers, in notifying the fire department, in sounding the Fire Alarm System located on the Premises, and in understanding the particular fire safety situation.

- BB. **Holdup Alarm** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- CC. **Law Enforcement Authority** means the Commissioner, Superintendent, Sheriff, Chief of Police, director or other authorized representative of a law enforcement agency.
- DD. **License:** This person shall be qualified pursuant to Article 6D of the New York State general business law.
- EE. **Listed:** Equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction.
- FF. **Local Alarm System** means any Alarm System, which is not monitored, that annunciates an alarm only at the Alarm Site.
- GG. **Monitoring** means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement to the Alarm Site.
- HH. **Monitoring Company** means a Person in the business of providing Monitoring services.
- II. **Monitored System** means the process by which a Fire Alarm Business receives signals from a Fire Alarm System and notifies emergency forces.
- JJ. **Nuisance Fire Alarm** means the activation of any Fire Alarm System, which results in a response by the fire department, caused by mechanical failure, malfunction, improper installation, lack of proper maintenance or any other response for which the fire department personnel are unable to determine the apparent cause of the alarm activation.
- KK. **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering at an Arming Station a code that adds one to the last digit of the normal arm/disarm code (e.g. normal code = 1234, One Plus Duress Code = 1235)
- LL. **Owner** means any person who owns the Premises in which a Fire Alarm System is installed or the person or persons who lease, operate, occupy or manage the Premises.
- MM. **Person** means an individual, corporation, partnership, association, organization or similar entity.

- NN. **Premises** means any building, structure or combination of buildings and structures which serve as dwelling units such as single-family, multi-family or any other area within a building, structure or combination thereof which is used for any purpose, wherein a Fire Alarm System is installed.
- OO. **Qualified Fire Alarm Technician** means any person who inspects, installs, repairs or performs maintenance on Fire Alarm Systems. This person shall be qualified pursuant to Article 6D of the New York State general business law..
- PP. **Record of Completion** means the completion of a form equivalent to the record of completion form included in the National Fire Protection Association's National Fire Alarm Code (NFPA 72)
- QQ. **Registration** means the notification by an Owner to the Enforcement Official that a Fire Alarm System has been installed and is in use.
- RR. **Remote Supervising Station Fire Alarm Systems:** A facility that receives signals and at which personnel are in attendance at all times to respond to these signals.
- SS. **Report of Service/Repair** means appropriate documentation in a format acceptable to the Enforcement Official that verifies proper repairs or maintenance has been performed by both the Fire Alarm Business and the Owner.
- TT. **Residential** shall mean detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height.
- UU. **Responder** means an individual capable of reaching the Alarm Site within 30 minutes and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.
- VV. **Runner Service** means the service provided by a runner at the protected premises, including resetting and silencing of all equipment transmitting fire alarm or supervisory signals to an off-premises location.
- WW. **Serve** shall mean hand-delivery of written notification by a representative of the jurisdiction to the Owner or authorized representative who responded to the Premises. In the event the Owner or authorized representative fails to respond to the Premises within one (1) hour, Serve shall mean placing the form or other matter in the United States mail; postage prepaid, addressed to the Owner or authorized representative.
- XX. **Takeover** means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User
- YY. **Verify** means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an

unnecessary Alarm Dispatch Request.

- ZZ. **Zones** means division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

## **PART A – FIRE ALARMS**

### **SECTION 3: APPLICATION FOR INSTALLATION AND USER PERMITS. GENERAL PROVISIONS**

1. Commencing on September 1, after the date of adoption of this Local Law, it shall be a violation of this chapter for any owner or lessee of a fire alarm system to install, maintain or allow to be installed or maintained in his or her place of residence or business a fire alarm system without first obtaining a permit from the Building Inspector. No alarm permit shall be issued by the Building Inspector for the installation or operation unless the proposed system is to be installed and maintained in conformance with the New York State Uniform Fire Prevention and Building Code, applicable fire alarm codes and the requirements of this Local Law.
2. All applications for alarm permits shall be submitted to the Building inspector on an approved form. Said application shall include a description of the fire detection system and shall include all required documents and plans as required by New York State Uniform Fire Prevention and Building Code.
3. All fire and burglar alarms transmitted from the central alarm station must also notify the Town of East Fishkill Police Department.
4. It shall be a violation of this chapter for any person to engage in the business of installing, servicing, maintaining or repairing any device that is part of a fire detection system without having obtained a New York State Alarm Installers license.
5. A one-time Registration fee as set by the Town Board shall be required for each Fire Alarm System installed after the adoption of this Local Law.
6. The Owner shall be required to re-register whenever there is a change in the Fire Alarm Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System.
7. The Owner of a premises with a Fire Alarm System installed prior to the adoption of this Local Law shall be required to register the Fire Alarm System within 15 days of receiving notification from the Alarm Administrator.
8. Direct connections prohibited. It shall be a violation of this chapter for any alarm devices to be connected directly to the Police Department or Fire Department. Except as may be otherwise required by federal or state law, all alarm devices shall be connected to a central alarm station or other answering service for notification to the appropriate agency of repair service. No tape dialing devices shall be permitted.
9. Registrations shall not be transferable from one Premise to another or from one Owner to another.

10. Every Fire Alarm Business shall notify the Building Inspector of the existence of a Fire Alarm System prior to the Fire Alarm System being put into operation. It shall be the responsibility of the installing Fire Alarm Business to provide the Owner with notice of the existence of this Local Law, a Registration form and a copy of the Fire Alarm System operation instructions in accordance with Adopted Codes, and the manufacturer's instructions.
11. The Registration form shall include the following information:
  - a) The name(s), address of the Premises, mailing address (if different from the address of the Premises), business and home telephone number of the Owner, lessee, operator, manager or person in possession of the Premises wherein the Fire Alarm System is installed
  - b) The name, address and telephone number of a minimum of two (2) persons who can be notified by the Enforcement Official, in the event of the activation of the Fire Alarm System, who shall be capable of responding to the Premises within one (1) hour, and who are authorized to enter the Premises to ascertain the status thereof; Said requirement can be satisfied by having listed Alarm monitoring company maintain the records,
  - c) The name, address, telephone number and NYS license number of the Fire Alarm Business which has contracted to service the Fire Alarm System shall be included on all permits.
  - d) The date the Registration is signed or the Fire Alarm System is placed in operation.
  - e) Any other documentation that is required by Adopted Codes.
14. When any of the information required in Section 3(l)(1), 3(l)(2), or 3(l)(3) has changed, it shall be reported to the Building Inspector by the Owner within fifteen (15) days of the Owner becoming aware of such change.
15. The Owner shall complete and deliver the Fire Alarm System Registration in the required format to the Building Inspector before the Fire Alarm System is activated or placed into service. All individual fire alarm control panels shall be registered and individual user permits shall be issued. The Fire Alarm 'Contractor', when authorized by the Owner, may assist the Owner in accomplishing this submission of the Fire Alarm Registration to the Building Inspector.
16. All companies shall file a copy of their liability and New York State Workers' Compensation Insurance (Form C-105.2 or U26.3) with the Town of East Fishkill Building Inspector.

#### **SECTION 4. SYSTEM CERTIFICATION**

1. All newly installed or re-certified commercial Fire Alarm Systems shall be approved by the Building Inspector. The certification shall indicate that the Fire Alarm System is in compliance with the New York State Uniform Fire Prevention and Building Code. The certification shall be signed by a Qualified Fire Alarm Technician.

#### **SECTION 5. INSPECTION, TESTING AND MAINTENANCE**

1. The Owner shall ensure that all Commercial Fire Alarm Systems are inspected and tested at least once per year in accordance with the New York State Fire Prevention and Building Code and the National Fire Alarm Code (NFPA 72). Evidence of said inspection shall be submitted to the Alarm Administrator.
2. The Owner shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications, the New York State Fire Prevention and Building Code, and the National Fire Alarm Code (NFPA 72).

#### **SECTION 6. FIRE ALARM ACTIVATION; RESPONSE**

1. The Owner shall be responsible for the activation of a Fire Alarm System.
2. A response to the activation of a Fire Alarm System shall result when any officer or member of the Fire Department is dispatched to the Premises where the Fire Alarm System has been activated.
  - a) At the time of response, the Fire Department or Enforcement Official shall notify any person identified in the Registration required pursuant to Section 3(l) (1-3) of the activation of the Fire Alarm System and shall require such person to respond to the Premises.
  - b) In the event the Fire Alarm System is a Monitored System, it is the responsibility of the company monitoring the Fire Alarm System to notify any person identified in the Registration at the request of the Fire Department or Enforcement Official.
  - c) In the event the residential Fire Alarm System is a Monitored System, it is the responsibility of the Fire Alarm Business to offer the Owner the option to verify the Fire Alarm signal before dispatch, allowed by National Fire Alarm Code.
  - d) In the event the Fire Alarm System is a Monitored System, it is the responsibility of the Fire Alarm Business to forward a notice of cancellation to the Town of East Fishkill Building Department when the service is cancelled.
  - e) The officer or member of the fire department who responded to said Premises shall serve the Owner or authorized representative with a Fire Alarm Activation Report.

## **SECTION 7. REQUIREMENTS RAPID ENTRY KEY SYSTEMS**

1. All commercial occupancies served by an internal automatic fire alarm or suppression system shall have a rapid-entry key lock box installed.
2. The key lock box shall be located at or near the recognized public entrance and, or located as directed by the Fire Department or Code Enforcement Official.
3. The key lock box shall contain the keys for accessing all parts of the building, and the keys shall be labeled so as to be easily identified in the field.

## **EMERGENCY RESPONSE REPOSITORY CONTAINER UNITS (LOCK BOX).**

1. General requirements: The owner or operator of any facility which is required to prepare or have available a Material Safety Data Sheet or an emergency and hazardous chemical inventory form under Subtitle B, Sections 311 and 312 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III), shall provide a repository container (lock box) at the facility site as set forth below. The information contained in the repository (lock box) shall include the following information for emergency response personnel:
  - a) A current list of the key facility personnel knowledgeable about safety procedures of the materials on site, complete with the telephone numbers for each such person in the event of an incident after the normal hours of the facility's operation.
  - b) A current emergency and hazardous chemical inventory form and a binder containing the Material Safety Data Sheets (MSDS) or, in the event that the volume of MSDS sheets is too great to keep practically in the repository container, the location of the on-site MSDS sheets and the MSDS sheets shall be readily available for use by emergency response personnel.
2. A facility site plan which shall include the following:
  - a) The location of storage and use of hazardous materials on site.
  - b) The location of on-site emergency fire-fighting and spill cleanup equipment.
  - c) A diagram of the complete sewer system and water system showing fire hydrant and water main locations and sizes.
  - d) Any building floor plan deemed necessary by the Building Inspector and Fire

Department official.

3. Existing lock boxes may be left in their current location even if they deviate from the terms and conditions of this Local Law, at the discretion of the Building Inspector.

### **SECTION 8. NUISANCE FIRE ALARMS**

1. In the event the activation of a Fire Alarm System is deemed by the Fire Department to be a Nuisance Fire Alarm, the Owner shall be served with a Fire Alarm Activation Report by an officer or member of the fire department or building department, indicating that the activation was deemed to be the result of a Nuisance Fire Alarm.
2. This shall require the Owner to return a completed Report of Service/Repair within fifteen (15) days of receipt of the Fire Alarm Activation Report to verify, to the reasonable satisfaction of the Enforcement Official, that:
  - a) The Fire Alarm System has actually been examined by a Qualified Fire Alarm Technician.
  - b) A bona fide attempt has been made to identify and correct any defect of design, installation or operation of the Fire Alarm System which was identifiable as the cause of the Nuisance Fire Alarm.
3. Failure to return a Report of Service / Repair within said fifteen (15) day period, which is reasonably satisfactory to the Enforcement Official, shall result in assessment against the Owner a fee of fifty dollars for a residential system and a fee of two hundred and fifty dollars for a commercial system for each Nuisance Fire Alarm.

### **SECTION 9. REMEDIES AND PENALTIES**

1. The Enforcement Official has the authority to order a Fire Watch in accordance with New York State Fire Prevention Code when:
  - a) A fire alarm required by New York State Building Code is not functional.
  - b) There are repetitive Nuisance Fire Alarms and / or False Fire Alarms.
2. The Fire Watch shall remain in effect until corrective action is taken pursuant to the following conditions.
  - a) The written notice to disconnect or deactivate shall be mailed by certified mail, return receipt requested to the Owner and shall specify the date on which the Owner shall be required to disconnect or deactivate the Fire Alarm System. This date shall be at least fifteen (15) days after the notice is mailed to the Owner. The Owner may appeal the order of the Building Inspector pursuant to Section 10.
  - b) Each building affected because the signal from the Fire Alarm System has been disconnected or deactivated shall be required to establish a Fire Watch until the

Fire Alarm System has been returned to service. Duties of the Fire Watch may include notifying the fire department and building occupants of an emergency, preventing a fire from occurring, or extinguishing small fires.

- c) The Owner is responsible for paying all costs associated with establishing a Fire Watch.
  - d) The Enforcement Official has the authority to temporarily suspend the occupancy certificate of the Premises until all outstanding repairs are made to the Fire Alarm System or if the Fire Watch is not maintained to the satisfaction of the Enforcement Official.
  - e) The Enforcement Official shall have the authority to direct the Owner of the Premises to silence an activated Fire Alarm System, have corrective action taken and thereafter reset it.
  - f) Anyone convicted of falsifying reports as required under this Local Law is subject to maximum penalty as established by state or local law.
3. The Building Inspector may revoke the occupancy certificate for the premises and shall provide written notice to the Owner of the Premises, for any of the following reasons.
- a) Failure to meet all requirements or pay the Fees provided for in this Local Law within fifteen (15) days after the notice is mailed to the Owner;
  - b) Failure of the Owner to provide a written Report of Service/Repair required by this Local Law.
  - c) A fourth False Fire Alarm or Nuisance Fire Alarm at a Premises for which a Fee is charged pursuant to this Local Law as a result of the failure of the Owner to take corrective action to eliminate the cause of the False Fire Alarm or Nuisance Fire Alarm; or
  - d) The failure of a person notified pursuant to Section 3(I)(2) and Section 6(B)(1) of this Local Law to appear within one (1) hour after being notified to respond, if such failure to timely response occurs four or more times within a calendar year.

#### **SECTION 10. RECONNECTION OF FIRE ALARM SYSTEM**

1. A Fire Alarm System may be reactivated upon a finding by the Building Inspector that the owner of the premises has taken corrective action to remedy the cause of the False Fire Alarms or Nuisance Fire Alarms at the premises pursuant to the following conditions.
- a) In making a request for such a reactivation, the Owner shall have the burden of showing that corrective action has been taken.

- b) The Enforcement Official shall have the right to inspect the Fire Alarm System and test it prior to approving a new order to reconnect or activate the Fire Alarm System.
- c) A reconnection fee of twenty five dollars shall be assessed to the Owner before any reconnection of a Fire Alarm System may be made.
- d) The Building Inspector shall not approve a new order to reconnect or reactivate if the Owner has failed to pay any Fee pursuant to this Local Law.

## **PART B – BURGLAR ALARMS**

### **SECTION 11. REGISTRATION REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS**

1. It shall be a violation of this chapter for any person to engage in the business of installing, servicing, maintaining, or repairing any device that is part of an alarm system without having obtained a New York State Alarm Installers license.
2. No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid Alarm Registration. A separate Alarm Registration is required for each Alarm Site.
3. The Owner of a premises with a Burglar Alarm System installed prior to the adoption of this Local Law shall be required to register the Burglar Alarm System within 15 days of receiving notification from the Alarm Administrator.
4. A one-time Registration fee set annually by the Town Board shall be required for each Alarm System.
5. Upon receipt of a completed Alarm Registration application form and the Alarm Registration fee, the Alarm Administrator shall register the applicant unless the applicant has:
  - a) failed to pay a fine assessed under this Local Law.
  - b) had an alarm registration for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.
6. Each Alarm Registration application must include the following information:
  - a) the name, complete address (including apt/suite number), and telephone numbers of the Person who will be the registration holder and be responsible for

the proper maintenance and operation of the Alarm System and payment of fees assessed under this article.

- b) the classification of the Alarm Site as either residential (includes apartment, condo, mobile home, etc.) or commercial.
  - c) for each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. burglary, Holdup, Duress, Panic Alarms or other) and for each classification whether such alarm is audible or silent.
  - d) mailing address, if different from the address of the Alarm Site.
  - e) any dangerous or hazardous conditions at the alarm site.
  - f) names and telephone numbers of at least two individuals who are able and have agreed to: (a) receive notification of an Alarm System activation at any time; (b) respond to the Alarm Site within 30 minutes at any time; and (c) upon request can grant access to the Alarm Site and deactivate the Alarm System if necessary; Central Station monitoring companies do qualify as meeting this requirement.
  - g) Type of business conducted at a commercial Alarm Site.
  - h) Signed certification from the Alarm User stating the following:
    - (a) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable
    - (b) the name, address, and telephone number of the Alarm Installation Company or companies performing the Alarm System installation, Conversion or Takeover and of the Alarm Installation Company responsible for providing repair service to the Alarm System
    - (c) the name, address, and telephone number of the Monitoring Company if different from the Alarm Installation Company
    - (d) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid False Alarms, have been left with the Applicant by the Alarm Installation Company
    - (e) that the Alarm Installation Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid False Alarms
7. Note that law enforcement response may be influenced by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

8. Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue a registration.
9. An Alarm Registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Registration application within five (5) business days of such change.
10. All fees owed by an applicant must be paid before an Alarm Registration may be issued or renewed.

## **PART C – GENERAL PROVISIONS ALL ALARM SYSTEMS**

### **SECTION 12. PERMIT YEAR**

**ALARM CALENDAR YEAR:** The period from January 1<sup>st</sup> until the next succeeding December 31<sup>st</sup>, except for the first year during which an Alarm Permit is issued which year shall commence on the date of permit issuance and shall end on the next succeeding December 31<sup>st</sup>.

### **SECTION 13. NUISANCE ALARMS**

1. In the event the activation of any Alarm System is deemed to be a Nuisance Alarm, the Owner shall be served with an Alarm Activation Report by a Police Officer or member of the Fire Department or Enforcement Official indicating that the activation was deemed to be the result of a Nuisance Alarm.
2. By being served an Alarm Activation Report, the Owner is then required to return a completed Report of Service / Repair within fifteen (15) days of receipt of the Alarm Activation Report to verify, to the reasonable satisfaction of the Enforcement Official that:
  - a) the Alarm System has actually been examined by a Qualified Alarm Technician and:
  - b) a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the Alarm System which was identifiable as the cause of the Nuisance Alarm.
3. Failure to return a Report of Service / Repair within said fifteen (15) day period, which is reasonably satisfactory to the Enforcement Official, shall result in assessment against the Owner a fee of fifty dollars for a residential system and a fee of two hundred and fifty dollars for a commercial system for each Nuisance Fire Alarm.

**SECTION 14. SERVICE FEES**

1. The provisions of this Section shall not apply to any newly installed Fire or Burglar Alarm System for a period of forty-five (45) days from the date of installation, but shall apply from and after the expiration of the initial forty-five (45) day period following installation.
2. Should any Fee assessed pursuant to this Local Law remain unpaid in excess of ninety (90) days from the date Fee is billed, a late Fee in the amount of One Hundred dollars shall be assessed and shall be payable by the Owner of the Premises in addition to the original Fee.
3. False Alarm
  - a) No fee shall be assessed for the first two (2) False Alarms at the same premises responded to by the fire or police department during each calendar year. Thereafter, the Owner shall pay the following Fees for False Alarms responded to by the fire or police department at the same premises during each calendar year, except when the Alarm Business is responsible for the False Alarm per Section 8(C)(2).
  - b) The Alarm Business shall be assessed a Fee of One Hundred dollars if an Enforcement Official determines that a False Alarm was directly caused by an onsite employee or representative of the Alarm Business. In this event, no False Alarm shall be counted against the Owner.
  - c) False Alarms activated by any components connected to the Alarm System shall be included in computing the total number of False Alarms for purposes of this subsection.
  - d) The activation of an Alarm System will not be considered a False Alarm if the alarm is activated due to malicious causes beyond the control of the Owner.
  - e) The following fees shall be assessed for False Alarms:

**Commercial Fire Alarm Systems**

<u>Number of False Alarms</u>	<u>Service</u>	<u>Fee</u>	<u>per</u>	<u>False</u>	<u>Alarm</u>
First or second	No				charge
Third	Fifty	dollars		(\$	50.00)
Fourth	One	hundred	dollars	(\$100.00)	
Fifth and above	Two hundred fifty	dollars		(\$250.00)	

**Commercial Burglar Alarm Systems**

<u>Number of False Alarms</u>	<u>Service</u>	<u>Fee</u>	<u>per</u>	<u>False</u>	<u>Alarm</u>
First or second	No				charge

Third	Fifty	dollars	(\$	50.00)
Fourth	Seventy-five	dollars		(\$75.00)
Fifth and above	One hundred	dollars		(\$100.00)

**Residential Fire Alarm Systems**

<u>Number of False Alarms</u>	<u>Service</u>	<u>Fee</u>	<u>per</u>	<u>False</u>	<u>Alarm</u>
First or second	No				charge
Third	Fifty	dollars		(\$	50.00)
Fourth	Seventy-five	dollars			(\$75.00)
Fifth and above	One hundred	dollars			(\$100.00)

**Residential Burglar Alarm Systems**

<u>Number of False Alarms</u>	<u>Service</u>	<u>Fee</u>	<u>per</u>	<u>False</u>	<u>Alarm</u>
First or second	No				charge
Third	Fifty	dollars		(\$	50.00)
Fourth	Seventy-five	dollars			(\$75.00)
Fifth and above	One hundred	dollars			(\$100.00)

**Nuisance Alarms**

- (1) The Enforcement Official may waive one nuisance alarm assessment if owner submits a Report of Service/Repair within ten days of the nuisance alarm.
- (2) In the event the Premises are equipped with a Fire Alarm System with over one hundred (100) Alarm Initiating Devices, the Enforcement Official may waive one Nuisance Fire Alarm per calendar year.

**SECTION 15. PENALTIES FOR OFFENSES**

1. Any person who shall fail to comply with any provision of this Local Law shall be deemed to be in violation thereof. A violation of this Local Law is deemed to be a violation which shall be punishable by a fine not exceeding \$250.00 and/or up to fifteen days in jail.
2. The Enforcement Official, however, shall have the right to collect any amounts due and owing under this Local Law by civil proceeding, in addition to any other provision and penalties contained herein.

## **SECTION 16. APPEALS**

1. An Owner or Fire Alarm Business may appeal the assessment of fees to the Town of East Fishkill Alarm Review Board. An appeal fee of five dollars shall accompany the appeal. Appeal fees will be returned to the Owner or Fire Alarm Business if the appeal is upheld. The Owner or Fire Alarm Business shall file a written appeal to the Alarm Review Board by setting forth the reasons for the appeal within twenty (20) days after notice is mailed. Pending the appeal, the assessment of the civil penalty is automatically stayed.
2. An Owner to whom a notice to disconnect or activate a Fire Alarm System was mailed, pursuant to Section 9(B), shall be entitled to appeal the order to the Town of East Fishkill Alarm Review Board. An appeal must be in writing, stating the reasons why the order to disconnect or deactivate should be withdrawn. The appeals shall be made within twenty (20) days after notice to disconnect is mailed to the Owner. The Alarm Review Board shall review the facts and circumstances and shall determine whether the Owner has shown good cause why the order should be withdrawn. If the Alarm Review Board affirms the order to disconnect or deactivate a Fire Alarm System, the Owner shall have fifteen (15) days after the written decision is mailed to the Owner to comply with the order. The appeal of an order to disconnect or deactivate shall suspend the effective date of the order until the appeal has been acted upon by the Alarm Review Board.
3. In the event the appeal is not upheld, the Owner or Fire Alarm Business shall also be responsible for any Fee assessed to reimburse the Alarm Review for any legal fees or costs incurred by the Building Inspector in enforcement of this Local Law.
4. The alarm review board shall be appointed by the Town Board and shall conduct a hearing upon ten (10) days notice to all parties with respect to any notice of appeal filed herein. At the hearing the Building Inspector will present such evidence as available to show that the alarm was either a nuisance alarm or a false alarm. The owner shall be afforded the opportunity to present evidence and call witnesses.
5. The Town Board, on an annual basis, shall designate an Alarm Review Board, which upon filing its oath with the Town Clerk shall hold and conduct hearings as required. The Board shall be comprised of a member of the Fire Advisory Board, a member of the Police Dept., a member of the Town Board, one representative of the community, and a representative of the alarm industry to be selected by the Mid-Hudson Alarm association.
6. The Alarm Review Board shall hold hearings at such time as it deems necessary or when requested by the Building Inspector, Such hearing shall be convened within 15 days of request and shall provide a minimum of least ten (10) days' prior written notice sent by certified or Registered mail, *return receipt requested*, to the applicant or permit holder

## **SECTION 17. CONFIDENTIALITY**

Any information supplied to the Building Department or Fire Department shall be held in confidence by all employees or representatives of the Enforcement Official and by any third-party administrator or employees of a third-party administrator with access to such information.

## **SECTION 18. GOVERNMENT IMMUNITY**

Registration of a Fire Alarm System is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. When registering a Fire Alarm System, the Owner acknowledges that fire department response may be based on factors such as: availability of fire department units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels. The Town of East Fishkill, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned Fire Alarm System, those duties or responsibilities being solely those of the Owner of the Premises.

## **SECTION 19. SEVERABILITY**

The provisions of this Local Law are severable. If a court determines a word, phrase, clause, sentence, paragraph, subsection, section, or other provision invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provision and the application of those provisions to other persons or circumstances are not affected by that decision.

## **SECTION 20. EFFECTIVE DATE.**

This Local Law shall take effect upon its filing with the Secretary of State of the State of New York.

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF EAST FISHKILL**

**Adopted on May 25, 2006  
At A Regular Meeting  
Held at Town Hall**

(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 ~~18~~ 2006 of the (County)(City)(Town)(Village) of ~~EAST FISHKILL~~ was duly passed by the ~~TOWN BOARD~~ on ~~MAY 25~~ 19 06 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.

DOROTHY MEKEEL

*Dorothy Mekeel*

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

(Seal)

Date: 6/12/06

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

STATE OF NEW YORK Dutchess  
COUNTY OF \_\_\_\_\_

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.

*Thomas F. Wood*  
Signature \_\_\_\_\_  
THOMAS F. WOOD, ESQ.

Title \_\_\_\_\_  
TOWN ATTORNEY

~~XXXXX~~  
~~XXX~~ of EAST FISHKILL  
Town \_\_\_\_\_  
~~XXXXXX~~

Date: 6/12/06