

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

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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**  
MAY 27 2005

of Briarcliff Manor

Village

Local Law No. 4 of the year 2005

MISCELLANEOUS  
& STATE RECORDS

A local law to amend Chapter 69 of the Code of the  
(Insert Title)  
Village of Briarcliff Manor

Be it enacted by the Mayor and Board of Trustees of the  
(Name of Legislative Body)

of Briarcliff Manor as follows:

Village

§ 69-1. Purpose.

The purpose of this chapter is to establish standards and control of the various types of security, fire and other emergency signals from alarm devices that require police response or fire response, investigation and/or safeguarding of property. This chapter establishes procedures for regulation and Permitting of property owners and occupants who maintain such security systems or fire alarm systems at their premises. All emergency medical monitoring and medical alarm systems shall be exempt from this chapter.

§ 69-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

ALARM APPEALS BOARD -- The board having responsibility for hearing administrative appeals from determinations of the Chief of Police.

ALARM INSTALLATION -- Any security system or fire alarm system or aggregation of same installed on or within a single building or within more than one building or area located on a common site.

FALSE ALARM -- Any signal actuated by an alarm installation to which the Police or Fire Department respond, which is not the result of a crime, attempted crime, fire or emergency.

FIRE ALARM SYSTEM -- Any alarm installation designed to be activated by a smoke or fire emergency or individual at a specific location which produces an audible or visual signal designed to give notification of such emergency, and which may, when activated by an emergency requiring fire response, transmit by operator or a prerecorded message or other signal by telephone, radio or other means to a central alarm station.

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 one or more security systems which actuates a security system.

PERMITTING AUTHORITY -- The Village of Briarcliff Manor acting through the Village Treasurer or such other Village Official or Department as the Board of Trustees may designate by resolution.

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 potential victim or witness of such criminal act or emergency which produces an audible or visual signal designed to give notification of such event, and which may when actuated requiring police response, transmit by operator or prerecorded message or other signal by telephone, radio or other means to a central alarm station.

VILLAGE - Village of Briarcliff Manor.

§ 69-3. Permitting.

A. Operating, maintaining, installing, leasing or selling a security system or fire alarm system without a license. It shall be unlawful for any entity to operate, maintain, install, lease or sell a security system or fire alarm system as defined by the terms of this chapter, 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 Permitting Authority is hereby authorized to grant a revocable permit to any owner of 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, or desiring to have, on its premises one or more security systems or fire alarm systems shall apply to the Permitting Authority on a form to be supplied by the Permitting Authority for a permit to operate such a system or systems on its premises. No such system may be used or operated on the premises of the owner or lessee prior to the Permitting Authority having issued a permit to such owner or lessee, and no presently existing security system or fire alarm system shall be substantially modified after the effective date of this chapter prior to the Permitting Authority having issued a permit to such owner or lessee. A new permit shall be obtained each time a security system or fire alarm system is to be substantially modified or a new security system or fire alarm system is installed on its premises.

D. Permits shall be renewed on an annual basis. Each recipient of an alarm device registration permit shall, on forms to be provided by the Permitting Authority, update registration information on an annual basis, including material changes in submitted registration information, and any change in the identity of the person or persons owning, leasing or otherwise having control over the premises where an alarm device is used or installed.

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

F. Denial, suspension, or revocation of license or permit. A permit issued under this chapter may be suspended or revoked by the Permitting Authority after notice and hearing by the Permitting Authority for the violation of any of the provisions of this chapter or of any regulation or regulations promulgated by the Permitting Authority pursuant to this chapter, and any permit identification card issued hereunder shall be surrendered immediately to the Permitting 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 Permitting Authority may appeal such a denial, suspension or revocation in writing to the Alarm Appeals Board within 30 days after the date of the notice of denial, suspension or revocation and may appear before the Alarm Appeals Board at a time and place to be determined by the Alarm Appeals Board, in support of its contention that the permit should not have been denied, suspended or revoked.

§ 69-4. General provisions.

A. Intentional false alarm. It shall be a violation of this chapter 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 chapter, in addition to other penalties and sanctions as provided by law.

B. False alarms; charges.

(1) Any owner or lessee of property having a security system or fire alarm system on 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 calendar 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.

(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

Village Treasurer 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 chapter.

(3) The Village Treasurer 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 entity 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 or that there are extenuating circumstances that should be considered in the mitigation of any charge imposed. 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 or her 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 Alarm Appeals Board 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 § 69-4.

(4) Any failure of the responsible alarm user to pay a false alarm charge imposed under and in accordance with this section who does not appeal said charge in accordance with 69-4(B)(3) above, or after a decision on said Appeal imposing a charge does not pay said charge within thirty (30) days thereafter is no longer subject to administrative appeal to or review or decision by the Alarm Appeals Board, and said failure to pay the charge imposed shall constitute a violation of this chapter and shall subject a violator to the penalties described in § 69-7, without affecting the obligation of such person to pay the false alarm charge imposed.

(5) The owner or lessee of property or permit holder having an alarm installation as defined herein on its premises, which system in any one calendar year produces more than five false alarms shall be subject to revocation of its permit by the Permitting Authority upon notice and after opportunity for a hearing as provided in § 69-6.

C. Installation and maintenance. The owner or lessee shall be responsible for the installation, maintenance and service of its security system or fire alarm system and shall be responsible for all malfunctions of its equipment.

§ 69-5. Special provisions.

A. Requirement for automatic cutoff system. No entity shall install, cause to be installed, maintain or cause to be maintained in a location within the Village of Briarcliff Manor, an external audible security system or fire alarm system which does not also contain an automatic cutoff 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 10 minutes.

B. Exceptions. None of the provisions of this chapter 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.

C. Confidential information. Information obtained by the Permitting Authority under this chapter relating to particular alarm users and alarm devices shall not be divulged without the written consent of the alarm user concerned, except as necessary or appropriate to the enforcement or administration of this chapter or to assist the Police Department or Fire Department in responding to an alarm or as otherwise required by other Federal or State law.

D. No alarm user permit shall be issued unless the following requirements are met:

(1) The premises shall display a building or house number or name sufficiently sized or illuminated by street or other lighting so as to be clearly visible from the street frontage.

(2) All alarm devices shall be equipped with a standby power source sufficient to maintain the device in an armed state for at least eight (8) hours in the event of a power failure.

§ 69-6. Alarm Appeals Board.

A. The Fire Chief, the Village Manager and the Village Clerk shall comprise and serve as an Alarm Appeals Board having the powers and duties granted to it under this chapter.

B.. The Alarm Appeals Board shall consider appeals from determinations of the Chief of Police as herein provided. Upon receipt of a timely appeal taken, the Alarm Appeals 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 15 days in advance of the scheduled hearing. Notices to an appellant shall be given by certified mail, return receipt requested. The Alarm Appeals Board may adopt such rules and procedures for the prosecution of appeals and conduct of hearings as shall be proper and appropriate.

C. On the basis of all evidence and information properly submitted or introduced, the Alarm Appeals 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 Alarm Appeals 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 Alarm Appeals Board shall be final. Failure to decide an appeal within the said thirty (30) day period shall not result in a default approval.

D. Whenever it has been determined by the Permitting Authority that unlawful equipment must be removed from any location, the owner shall have the right to appeal such determination and be heard before the Alarm Appeals Board pursuant to the same procedure set forth in § 69-6B. The Alarm Appeals 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.

§ 69-7. Penalties for offenses.

Any entity which violates any provisions of this chapter shall be subject to a fine not in excess of \$250 or imprisonment for 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.

§ 69-8. 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 valid part or parts.

§ 69-9. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2005 of the Board of Trustees (Village) of Briarcliff Manor was duly passed by the Board of Trustees on April 28, 2005, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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 \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the 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 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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.

*Stephanie Antonia*  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: 5-9-2005

(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.

*Wormser, Kiely, Galef & Jacobs LLP*  
*B. Kiely*  
\_\_\_\_\_  
Signature

Village Attorney-Wormser, Kiely, Galef & Jacobs  
Title

of Briarcliff Manor

Date: 5/23/05