

Local Law Filing

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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
DEC 31 2012

County City Town Village
(Select one:)

of Ulster

MISCELLANEOUS
& STATE RECORDS

Local Law No. 7 of the year 2012

A local law Providing for the Adoption of a New Chapter 54 of the Town Code [Fire Alarm & Burglar
(Insert Title)
Alarms]

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

County City Town Village
(Select one:)

of Ulster as follows:

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

CHAPTER 54. BURGLAR ALARMS AND FIRE ALARMS

§ 54-1. Title

This chapter shall be known as the "Burglar Alarm and Fire Alarm Local Law of the Town of Ulster."

§ 54-2. Administrative officials

The Town of Ulster Building Department shall administer this chapter.

ARTICLE I - BURGLAR ALARMS

54-3. Legislative Intent and Purpose

The Town of Ulster Police Department, the Town of Ulster Building Department, and volunteer fire companies throughout the Town of Ulster have recorded many false burglar, hold-up, or emergency alarms emanating from automated devices. These signals require that police and other emergency services respond to the false alarm, exposing them to unnecessary hazards and risks, wasting taxpayer funds and depriving other citizens of needed emergency service. This law is intended to regulate alarm systems, thereby reducing the number of false alarms and saving taxpayer funds and protecting other citizens.

§ 54-4. Definitions

The following definitions pertain to this article.

ALARM SYSTEM - Any device which when activated, calls for a police or fire response and (1) transmits a signal to police or fire headquarters, (2) transmits a signal to a person who relays information to police or the fire department or (3) produces an audible or visible signal to which the police or fire department are expected to respond. Excluded from this definition and the scope of this article are devices which are designated to alert or signal only persons within the premises in which the device is installed and devices which are activated by the release of water from a sprinkler system.

BUILDING INSPECTOR – The Building Inspector of the Town of Ulster, or his designee.

FIRE INSPECTOR – The Fire Inspector of the Town of Ulster, or his designee.

PERSON - A natural person, firm, partnership, association or corporation or representative or agent of said entities who is the owner or lessee of an alarm system.

POLICE CHIEF - The Chief of the Police Department of the Town of Ulster, or his designee.

POLICE DEPARTMENT OR POLICE - The Police Department of the Town of Ulster

TOWN - The Town of Ulster.

§ 54-5. Permit Required

No person in the Town of Ulster shall operate, maintain or install an alarm system without first obtaining a permit under this local law. Excluded from the provisions of this local law are any alarm systems installed in a motor vehicle or vessel or any device designed to alert the occupants of a building of an emergency condition therein 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.

§ 54-6. Application for Permit

A. An application for a permit under this law shall be filed with the Town of Ulster Building Department on forms supplied by the Town, together with an application fee of One Hundred (\$100.00) dollars made payable to the Town Clerk. Said application shall set forth the following:

- (1) Name, address and telephone number of both the installer of the system and the person or business 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 or street address and directions from 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 updated no less than yearly or when a key holder is changed.
- (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 a local fire department or cannot be reached within a reasonable time by telephone or otherwise, the Town Police Department or a local fire department may, without any liability for any charges as a result of disconnection, or any liability as a result of responding to alarms, do the following: contact a licensed installer to disconnect the system.

B. The Town of Ulster Building Department shall approve such application if it 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 an adequate service organization to repair, maintain or otherwise service alarm systems sold or leased by him.
 - (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 commercial fire alarm system shall be equipped with a standby power source sufficient to maintain the system in a state of readiness for at least twenty-four (24) hours in the event of a power failure, or comply with NFPA 72 standards, whichever is the longer time period.
- C. The Town of Ulster Building Department 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 purpose of this local law. The Town of Ulster Building Department shall coordinate with the Town of Ulster Police Department in reviewing burglar alarm applications on a regular basis.
- D. Permits shall not be transferable from one premise to another or from one applicant to another.

§ 54-7 Denial, Suspension, or Revocation of Permit

- A. The Town of Ulster Building Department may suspend or revoke an alarm permit where six (6) false or nuisance alarms have occurred within a one year period and/or where an applicant does not reasonably comply with any provision of this local law.
- B. 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 Ulster within thirty (30) days after such denial, suspension or revocation and may appear before such Town Board in 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.
- C. Any reactivation of a revoked or suspended alarm permit will be subject to an administrative fee due to the Town of Ulster in the amount of \$100.00.

§ 54-8. Existing Systems

All persons operating, maintaining or monitoring a presently existing alarm system must comply with all provisions of this local law within ninety (90) days after the effective date of this local law. Upon the expiration of this period, said persons shall be in violation of this local law and subject to disconnection and other penalties under this local law. If a person operating, maintaining or monitoring an alarm system on or before the effective date of this local law applies for a permit pursuant to Section 54-6 within ninety (90) days of the effective date then there shall be no application fee due. If a person operating or maintaining an alarm system on or before the effective date applies for a permit after ninety (90) days from the effective date, he or she shall be subject to the application fee.

§54-9. 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.

ARTICLE II - FIRE ALARMS

§ 54-10. Definitions

Refer to National Fire Alarm Code (NFPA 72) Chapters 1-8.

§ 54-12. General Provisions

- A. All fire alarm system installations, modifications, maintenance and/or testing shall comply with the New York State Uniform Fire Prevention and Building Code, most current edition.
- B. All fire alarm systems shall be installed to the edition of the National Fire Alarm Code (NFPA 72) that is in effect.
- C. All commercial fire alarm system work shall be done by a licensed New York State fire alarm company.
- D. All companies shall submit, in writing, to the Town of Ulster Building Department, all proposals, including the scope of the work to be performed and all equipment to be used for review and approval before any work is started. Upon completion of said work the company shall demonstrate and test the system with a representative of the Town of Ulster Building Department present for final approval.
- E. All fire controls and peripheral devices shall be of applicable grade and quality in

accordance with UL/864 requirements. All initiating devices shall be zoned to a remote annunciator panel for viewing by the occupants and the applicable local fire company. The alarm panel, and an as-built construction document box, shall be easily accessible to the applicable local fire company.

- F. All fire suppression and/or sprinkler systems shall report to the new fire controls on separate points. All smoke, heat-detecting and pull stations shall report to central station on separate points. All sprinkler systems shall be monitored by the UL Central Station. All commercial fire alarm systems shall be UL listed, and shall be issued a certificate or other document issued by an organization which has listed the alarm service company that is maintaining the system. This document shall be filed with the Town of Ulster Building Department and shall be renewed annually.
- G. Upon final approval, the company shall prepare and submit a written record of completion as per the National Fire Alarm Code, along with all documents required by Section 907 of the New York State Building Code.
- H. Every system shall have a minimum of one interior and one exterior ADA approved horn/strobe alerting device and installed per NFPA 72.
- I. All fire alarm systems shall report to a central station that has been listed or approved by an organization through an initial qualifying evaluation and conducts systematic follow-up examinations. The central station must be located in New York State.
- J. All fire alarm companies shall supply proof of a twenty-four-hour emergency service department capable of responding to a trouble or alarm within one hour of the reported condition.
- K. All fire alarm companies shall maintain a current listing of the building owner, tenant and point of contact. This list shall include the names and phone numbers of key holders who are capable of responding on a seven-day, twenty-four-hour emergency notification. This list shall be updated at least annually and submitted in duplicate for the Town Clerk and the Town of Ulster Building Department.
- L. All fire alarm activations shall be treated as an actual alarm, which shall require the central station to immediately notify the applicable local fire company.
- M. All fire alarm systems shall be registered with Town Clerk and the Town of Ulster Building Department. All commercial building owners having fire alarm systems shall also install a Knox Box secure key entry system. The applicable local fire company shall have the only keys to this system. The owner shall be responsible for updating the correct keys for storage.
- N. Each fire alarm system shall have annual test and maintenance certificate by a New York

State licensed fire alarm company. Said certificate shall be filed annually with the Town of Ulster Building Department by the building owner.

§ 54-12. Registration of Fire Alarm Systems

- (A) A one-time Registration shall be required for Fire Alarm Systems and whenever a Record of Completion is prepared, in accordance with NFPA 72.
- (B) 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.
- (C) Registrations shall not be transferable from one Premises to another or from one Owner to another.
- (D) Every Fire Alarm Business shall notify the Enforcement Official 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 ordinance, a Registration form and a copy of the Fire Alarm System operation instructions in accordance with NFPA 72, and the manufacturer's instructions.
- (E) The Registration form shall include the following information:
 - (1) 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.
 - (2) The name, address and telephone number of a minimum of two (2) persons who can be notified by the Town of Ulster Building Department, 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.
 - (3) The name, address and telephone number of the Fire Alarm Business which has contracted to service the Fire Alarm System and proof of proper state licensing/registration with the Town of Ulster Building Department, if required. Proof of proper state licensing may be a valid state licensing number.
 - (4) The date the Registration is signed or the Fire Alarm System is placed in operation for any reason.
 - (5) Any other documentation that is required by NFPA 72 and Section 907 of the State Fire Code.

- (F) When any of the information required in Section 54-13(E) has changed, it shall be reported to the Town of Ulster Building Department by the Owner within fifteen (15) days of the Owner becoming aware of such change;
- (G) The Owner shall complete and deliver the Fire Alarm System Registration in the required format to the Town of Ulster Building Department before the Fire Alarm System is activated or placed into service. The Fire Alarm Business, when authorized by the Owner, may assist the Owner in accomplishing this submission of the Fire Alarm Registration to the Town of Ulster Building Department.

§ 54-13. System Certification

All newly installed or re-certified commercial Fire Alarm Systems shall be approved by the Town of Ulster Building Department. The certification shall indicate that the Fire Alarm System is in compliance with NFPA 72.

§ 54-14. Inspection, Testing and Maintenance

- (A) The Owner shall ensure that all Fire Alarm Systems are inspected and tested at least once per year in accordance with NFPA 72 by a qualified inspector and shall file an inspection report with the Town of Ulster Building Department.
- (B) The Owner shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications and recommendations and NFPA 72.

§ 54-15 Denial, Suspension, or Revocation of Permit

- A. The Town of Ulster Building Department may suspend or revoke a Registration for a Fire Alarm System where an undue number of false alarms have occurred and/or where an applicant does not reasonably comply with any provision of this local law.
- B. Any applicant whose Registration has been denied, and any person whose Registration has been suspended or revoked, may appeal such denial, suspension or revocation in writing to the Town Board of the Town of Ulster within thirty (30) days after such denial, suspension or revocation and may appear before such Town Board in 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.
- C. Any reactivation of a revoked or suspended Registration will be subject to an administrative fee due to the Town of Ulster in the amount of \$100.00.

§ 54-16. Existing Systems

All persons operating, maintaining or monitoring a presently existing Fire Alarm System must comply with all provisions of this local law within ninety (90) days after the effective date of this local law. Upon the expiration of this period, said persons shall be in violation of this local law and subject to disconnection and other penalties under this local law. If a person operating, maintaining or monitoring a Fire Alarm System on or before the effective date of this local law applies for a permit pursuant to Section 54-13 within ninety (90) days of the effective date then there shall be no application fee due. If a person operating or maintaining an alarm system on or before the effective date applies for a permit after ninety (90) days from the effective date, he or she shall be subject to the application fee.

ARTICLE III - ENFORCEMENT

§ 54-17. Enforcement procedure

- A. This article shall apply to both burglar alarms and fire alarms. After responding to a burglar alarm or a fire alarm that is determined to be a false alarm or nuisance alarm, the applicable local fire company, the Town of Ulster Police Department, and/or Ulster County 911, shall file a report of the same with the Town of Ulster Building Department and/or applicable local fire company.
- B. False alarms and/or nuisance calls.
 - (1) A “false alarm” or “nuisance alarm” shall be defined as follows:
 - (a) The activation of a burglar and/or a robbery alarm for the purposes of summoning the police at a time when no burglary or robbery is being committed or attempted on the premises or no emergency exists; or
 - (b) The activation of a fire alarm caused by defective or improperly maintained equipment for the purpose of summoning the fire department at a time when no fire or emergency is occurring.
 - (2) The “Alarm Appeal Board” shall be defined as follows:
 - (a) There shall be in the Town of Ulster an Alarm Appeal Board which shall have the powers and duties granted to it under this article. The Alarm Appeal Board shall consist of the Town of Ulster Town Board.
 - (3) Each owner of an alarm system shall report any unresolved and/or unrepaired “Trouble” signals to the Town of Ulster Building Department within eight (8) hours.
 - (4) All alarm systems which employ an audible signal or flashing light beacon designed to signal persons outside the premises must be deactivated and silenced

automatically within fifteen (15) minutes.

C. Civil Penalties

- (1) An owner of an alarm system shall be liable for the following civil penalties for prohibited false alarms during the calendar year:

First and Second false alarm	Warning Letter Only
Third False Alarm	\$250.00
Fourth False Alarm	\$400.00
Fifth false alarm	\$600.00
Sixth or more false alarms	\$800.00

- (2) Any person who fails to register his or her alarm system or whose alarm system violates the standards set forth in this chapter hereof, shall be liable for a civil penalty of \$250.00.

D. Hearing Provisions

- (1) Whenever the Town of Ulster intends to impose a civil penalty for a violation of this Law, the Town of Ulster Building Department shall give at least twenty (20) days advance written notice to the alleged violator by first class mail. The notice shall state the basis for the civil penalty and advise the alleged violator of the right to request in writing a hearing by the Alarm Appeal Board within such twenty (20) day period. The request shall specify the reasons why a civil penalty should not be imposed.
- (2) Written notice of the time and place of the Alarm Appeal Board hearing shall be sent to the alleged violator by first class mail at least twenty (20) days prior to the date set for the hearing. An Alarm Appeal Board hearing shall be scheduled within at least sixty (60) days of a request for such hearing.
- (3) At the Alarm Appeal Board hearing, the alleged violator shall have the right to confront and examine witnesses and present evidence on his own behalf. After the hearing, the Alarm Appeal Board shall issue a written decision setting forth its findings and determinations.
- (4) The decision of the Alarm Appeal Board shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.
- (5) The Alarm Appeals Board, subsequent to any appeal having been finally determined, may bring an action to recover the civil penalty provided in this article.
- (6) In the event the alleged violator fails to request a hearing, the Town of Ulster shall

have the right to impose the civil penalty prescribed for the violation.

- (7) The Town of Ulster shall not impose a civil penalty more than two (2) years after the occurrence of the acts forming the basis of the violation.
- E. Civil penalties and/or injunctive relief may also be recovered in any action or proceeding brought by the Town Attorney, working with the Town of Ulster Building Department, in any court of competent jurisdiction.

§ 54-18. Fees

All installation, connection, maintenance and monitoring fees shall be at the expense of the owner/occupant.

§ 54-19. Records

- A. All information on applications pertaining to false alarms shall not be deemed confidential insofar as it is necessary to conduct any litigation under this chapter or to be provided to appropriate officials for fire protection purposes.
- B. The Town of Ulster Building Department shall retain all records regarding applications, false alarm reports, investigations and other data necessary for compliance with this chapter.

ARTICLE IV - BUILDING CONSTRUCTION

§ 54-20. Fire Alarm Systems in Building Construction

- A. All commercial buildings shall contain smoke and heat detection devices in accordance with the Fire Code of New York State. As per the Fire Code of New York State, sprinklers may only replace heat detectors, not smoke detectors.
- B. Prior to issuance of a building permit, each builder shall submit three sets of proposed plans to the Town of Ulster Building Department depicting the fire alarm system prepared by a New York State licensed design professional (engineer, architect, NICET III or higher, or fire protection engineer).

- C. All multiple-family dwellings shall have smoke detectors as follows:
- (1) Smoke detectors shall be intelligent, addressable, and be part of the primary system.
 - (2) One smoke detector for each common hallways and/or corridors, spacing to meet or exceed NFPA 72 and New York State Building Code.
 - (3) In storage areas exceeding 50 square feet, a minimum of one smoke detector and as many as may be necessary consistent with the manufacturer's specifications and recommended area of coverage.
 - (4) Smoke detectors shall be connected to a central station monitoring facility that is "listed" by Underwriters Laboratory (UL), or any other nationally recognized testing agency, and approved by the Town of Ulster Building Department.
 - (5) Heat detectors shall be installed in boiler rooms, based on spacing requirements of NFPA 72.
- D. All buildings used for commercial purposes with an occupancy of fifty (50) or more shall have smoke detectors connected to a UL listed central station monitoring facility as defined by NFPA 72 and approved by the Town of Ulster Building Department. An automatic fire alarm system is required. This system shall consist of, but not be limited to, pull stations, smoke or heat detectors, elevator recalls, notification devices (horn/strobe).
- E. Plans shall be submitted and a fire alarm system shall be installed for any existing building, structure or occupancy, except a one- or two-family residence, which does not contain a fire alarm system conforming to NFPA 72, and the Fire Code of New York State standards where the total floor area is increased by 50% or more or for which the cost of any alterations, additions or repairs made within a six-month period exceeds 50% of the cost of replacement of the building at the beginning of that six-month period or where the use is converted to an A occupancy, as defined by the Building Code of New York State and the Fire Code of New York State.
- F. No certificate of occupancy shall be issued for occupancy or the use of any building,

structure or portion thereof required to have a fire alarm system unless such system is installed, inspected, tested and approved in accordance with the Fire Code of New York State, NFPA the Ulster Town Code standards, and submitted and approved plans.

§ 54-21. Severability

In any section, subsection, sentence, clause, phrase, or work of this Local Law is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance.

§ 54-22. When effective

This Local Law shall take effect upon filing in the office of the New York State Secretary of State in accordance with Section 27 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 2012 of the ~~(County)(City)(Town)(Village)~~ of Ulster was duly passed by the December on 20 2012, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on 20 , in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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.

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) *(Name of Legislative Body)* (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.

* 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.)

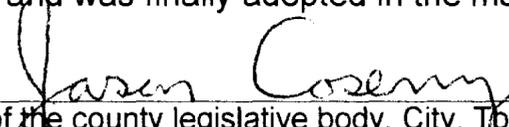
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1 above.



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

Date: 12-20-2012

(Seal)

(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 Ulster

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Town Attorney

Title

County
City of Ulster
Town _____
Village

Date: 12/20/2012