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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
MAR 10 1999

Allyn R. Esposito
Secretary of State

~~XXXXX~~
~~XXXXX~~ of Kenmore, New York
~~XXXXX~~
Village

Local Law No. 2..... of the year 19 99.....

A local law ... "An Act to Reduce Avoidable Alarms".....
(Insert title)

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

~~XXXXX~~
~~XXXXX~~ of Kenmore, New York..... as follows:
~~XXXXX~~
Village

BE IT ENACTED by the Board of Trustees of the Village of Kenmore, New York as follows:

BE IT ENACTED by the Board of Trustees of the Village of Kenmore, New York as follows:

CHAPTER 10 - ALARMS

Sec. 10-1. Purpose.

The purpose of this chapter is to protect and promote the health, safety and general welfare of the residents of the Village of Kenmore by reducing the number of avoidable alarms for fire, robbery, intrusion or other emergencies which result in ineffective use of police, fire and medical emergency agencies requiring emergency responses, which are susceptible to high accident rates, interfere with genuine emergency response, and produce unnecessary alarm noise and concern to the surrounding community.

Sec. 10-2. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

ALARM SYSTEM - A device or assembly of equipment which is designed to identify an intrusion or detect smoke, abnormal rise in temperature, medical, fire emergency or an entry into or exit from a building, structure, or other facility resulting in an audible or other response intended to alert persons outside of the premises and/or transmit a signal or message to an emergency agency either directly or through a private answering point.

AUTOMATIC DIALER - A device that automatically dials and relays a prerecorded message to an emergency agency.

AVOIDABLE ALARM - the initiation of an alarm system through mechanical failure, malfunction, improper installation or the negligence or carelessness of the owner, user, custodian, operator or lessee of an alarm system or that person's employee(s), guest(s) or agent(s) requiring an emergency response from an emergency agency when in fact an emergency requiring such a response does not exist. Avoidable alarm also includes the intentional activation of an alarm system when the person activating it knows an emergency does not exist, as well as, all alarm system activations in which an investigation by the Police Chief, Fire Chief, or Building Inspector of the Village reveals no evidence

(If additional space is needed, please attach sheets of the same size as this and number each)

of the existence of an emergency. An avoidable alarm does not include the activation of an alarm system by violent conditions of nature, acts of God or similar causes beyond the control of the owner, user, custodian, operator or lessee of an alarm system or that person's employee(s), guest(s) or agent(s). An avoidable alarm does not include the activation of an alarm system under circumstances whereby the person activating the alarm system reasonably believes that an emergency situation exists.

BUSINESS, COMMERCIAL or INDUSTRIAL PROPERTY - any property, excluding residential properties.

EMERGENCY AGENCY - The Kenmore Police Department, the Kenmore Volunteer Fire Department, any fire, rescue company or any emergency dispatch center.

PERSON - Any individual, partnership, firm, corporation, business, or any unincorporated association.

RESIDENTIAL PROPERTY - any one or two family dwelling located in an RI or RII residential use district.

VILLAGE - The Village of Kenmore, New York.

VILLAGE BOARD - The Village Board of the Village of Kenmore, New York.

Sec. 10-3. Enforcement Officer.

It shall be the duty of the Building Inspector, Police Chief, or Fire Chief, or their representatives, to enforce the provisions of this chapter.

Sec. 10-4. Consent to inspection.

Owners, users, operators, lessees or custodians of an alarm system and owners, lessees and occupants of the premises in which an alarm system is installed, shall be deemed to have consented to inspection of the alarm system and premises in which said alarm system is installed at reasonable hours by the Police Chief, Fire Chief, or Building Inspector of the Village or their designated representative.

Sec. 10-5 Automatic shutoff system required; automatic dialer disconnection.

A. No person shall install or maintain an external audible alarm system which does not possess an operational automatic cutoff system which turns off the external audible alarm after a period not to exceed 10 minutes.

B. An automatic dialer connected directly to an emergency agency shall automatically disconnect and/or terminate its message after the message has been transmitted a maximum of two times. Notwithstanding the foregoing, the total transmission time of all messages shall not exceed five minutes.

Sec. 10-6. Connection of Enhanced 911 or 911 Emergency Telephone Service restricted.

A. No alarm system shall have an automatic dialer feature or other type of alarm alert which connects automatically to Enhanced 911 or the 911 Emergency Telephone System.

B. There shall be no automatic alarm system with direct communication of any type to an emergency agency without prior written authorization from the emergency agency where the alarm terminates or connects.

Sec. 10-7. Penalties for offenses: notice.

A. General Provisions.

(1) It shall be a violation of this chapter to cause or permit an avoidable alarm. The owner, user, custodian, operator and/or lessee of the alarm system from which an avoidable alarm emanates shall be held accountable for all avoidable alarms emanating from that alarm system and shall be fully liable for all fines arising from said alarm system.

(2) The Police Chief, Fire Chief, or Building Inspector of the Village shall keep a record of all avoidable alarms relayed by all alarm systems installed within the Village.

B. Fines.

(1) An owner, user, custodian, operator or lessee of an alarm system from which an avoidable alarm emanates shall pay a fine for each avoidable alarm in each calendar year as follows:

(a) Residential Properties.

(i) First through third avoidable alarm responses: no charge; written notice of warning will be issued for each avoidable alarm.

(ii) Fourth through sixth avoidable alarm responses: fine of \$25.00 for each avoidable alarm.

(iii) Seventh and more avoidable alarm responses: fine of \$50.00 for each avoidable alarm.

(b) Business, Commercial and Industrial properties.

(i) First through third avoidable alarm responses: no charge; written notice of warning to be issued for each avoidable alarm.

(ii) Fourth through sixth avoidable alarm responses: fine of \$50.00 for each avoidable alarm.

(iii) Seventh or more avoidable alarm responses: fine of \$100.00 for each avoidable alarm.

(2) The Police Chief, Fire Chief, or Building Inspector of the Village shall cause written notice of any warning or fine imposed by this section to be mailed to the owner, user, custodian, operator or lessee of the alarm system by first class mail or shall personally serve any written notice under this section to the owner, user, custodian, operator or lessee of the alarm system.

(3) Fines shall be paid by the owner, user, custodian, operator or lessee of the alarm system to the Village Clerk at 2919 Delaware Avenue, Kenmore, New York 14217.

(4) All fines imposed by this section shall be paid no later than 30 days from the date of mailing of the written notice or the date of receipt if said notice is delivered by personal service. If the owner, user, occupant, custodian or lessee fails to pay within the time period so designated, the Police Chief, Fire Chief, or Building Inspector of the Village may seek to recover said fine in the Justice Court of the Village of Kenmore.

C. Notice of avoidable alarm. The written notice of any warning or fine issued pursuant to this chapter shall advise the owner, user, custodian, operator or lessee of the alarm system that any further avoidable alarms issued from that alarm system during the remaining calendar year shall be subject to the warnings and fines contained in this chapter. Said notice will include the time, date and place where the avoidable alarm occurred, and identify the emergency agency which responded. Written notice will direct the owner, user, custodian, occupant or lessee to take appropriate remedial action to eliminate further avoidable alarms emanating from that alarm system and will advise the owner, user, custodian, occupant or lessee of the right to appeal, as specified in Sec. 10-8 of this Chapter. Said notice shall be sent by first-class mail to the owner, user, custodian, occupant or lessee of the alarm system or shall be personally served upon the owner, user, custodian, occupant or lessee.

Sec. 10-8. Appeals.

A. In the event that the owner, user, custodian, occupant or lessee of an alarm system, upon receiving notice of a avoidable alarm, desires to challenge the determination made by the Police Chief, Fire Chief, or Building Inspector of the Village, the owner, user, custodian, occupant or lessee of the alarm system shall, in writing, notify the Village Clerk's Office within 30 days after receipt of any notice of avoidable alarm. The failure to give timely notice shall be deemed a waiver of the right to review the determination.

B. All appeals will be heard before the Village Board of Trustees of the Village of Kenmore where evidence may be presented and testimony heard as to why any such alarm should not be deemed an avoidable alarm. Upon review, the Board of Trustees of the Village of Kenmore will affirm or dismiss the determination of the Police Chief, Fire Chief, or Building Inspector that there was an avoidable alarm.

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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 19 99....
~~XXXXXX~~
~~XXXXXX~~ of the ~~XXXXXX~~ of Kenmore was duly passed by the Board of Trustees.....
~~XXXXXX~~ (Name of Legislative Body)
Village
on February 16..... 19 99.... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the
Village (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
and was deemed duly adopted on 19, 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 19.....
County
City
of the Town of was duly passed by the
Village (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive
thereon at the general election held on19, in accordance with the applicable
annual provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the
Village (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was subject to a 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 means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with 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 §36 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 of 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.

Paul T. Higgins Deputy Village Clerk
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: February 18, 1999

(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 Erie.....

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.

Matthew J. Johnson.....
Signature
... VILLAGE ATTORNEY
Title

Date: February 18, 1999

~~XXXXX~~
~~XXXXX~~ of Kenmore
~~XXXXX~~
Village