

Draft Proposed Local Law P - 2011

A LOCAL LAW to amend The Alarm System Code Chapter 88 with regard to definitions and differentiation in requirements for independent alarm devices and alarm systems.

BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:

SECTION 1.

The current language for Alarm Devices and Systems Chapter 88-2 Definitions, with regard to the specific definitions amended, or added, is amended as follows:

Current definition to be amended:

ALARM SYSTEM

Any assembly of equipment and devices arranged in a system, and/or connected to or communicating with a central dispatch station, or to an outside loudspeaker, light or other device to signal the presence of a condition requiring urgent attention by the Police or Fire Department. Any automatic alarm system which when activated signals the existence of a condition which requires a response by Police or Fire Department personnel shall be deemed to be covered by this chapter. For the purposes of this chapter, the term "alarm system" shall include, but not be limited to, the term "fire alarm system." Alarm system users are required to obtain an annual alarm permit from the Village.

New Definition to be added:

INDEPENDENT ALARM DEVICE

Any alarm device that is not connected to a system or to a central dispatch station, including but not limited to battery-operated or electrical-outlet powered individual or independent burglar, fire, smoke, carbon monoxide or other similar device intended to signal the presence of a condition requiring urgent attention by the Police or Fire Department. Independent alarm devices that have false alarms are subject to the false alarm provisions of this chapter. Independent Alarm Device users do not have to obtain a permit to operate independent fire or smoke alarm devices.

Current definition to be amended:

ALARM USER

Any person on whose premises an independent alarm device or alarm system is maintained within the Village of Mamaroneck, except for a proprietary system or an alarm system on motor vehicles.

Current definition to be amended:

FALSE ALARM

The activation of the signaling portion of an independent alarm device or an alarm system through mechanical failure, malfunction, loss of externally supplied electrical power for less than four hours, improper installation, improper usage or an error or negligence on the part of the owner or lessee of the premises wherein the system is installed, or through the error or negligence of employees, guests or agents of the owner or lessee of the premises. The term shall include all alarm signal activation incidents in which investigation by Police Department personnel reveals no evidence of the existence of an emergency condition. Those alarm signals which investigation reveals were triggered by physical damage to the protected premises as a result of a hurricane, tornado, earthquake or other violent natural phenomena, line trouble signals received via dedicated telephone lines or where a concerted effort is made to notify Police or Fire Department personnel prior to their arrival at an alarm location, that an alarm was sent in error, are excluded from the definition of "false alarms."

SECTION 2.

The current language (unlisted sections remain unchanged) for **Chapters 88-3, 88-4, 88-5, 88-6, 88-7, 88-8 and 88-10** are amended to read as follows:

§ 88-3. Registration requirements; penalties for unregistered systems.

- A. All alarm systems installed on or in structures within the Village of Mamaroneck shall be registered with the Village of Mamaroneck. Every alarm system user shall, before operating an alarm system, apply to the Police Department on a form to be furnished by the Police Department for a permit to operate an alarm system. The application shall be completed and signed by the individual who owns, leases or otherwise uses the alarm system.

§ 88-4. Application for permit.

- A. Applications for the renewal of alarm system permits are to be mailed annually by the Village of Mamaroneck.

A. Applications for the renewal of alarm system permits are to be mailed annually by the Village of Mamaroneck.

B. Alarm system permit fees.

(1) The initial fee for an alarm system permit shall be as set forth in Ch. A347.

[Amended 1-24-2011]

(2) In the event, however, that the initial application for an alarm system permit is filed when there are less than six months remaining in the then-current alarm system permit year, the initial fee for an alarm system permit shall be as set forth in Ch. A347.

[Amended 1-24-2011]

(3) An alarm system permit shall be valid for a period from its date of issuance until the end of the then-current alarm system permit year. An alarm system permit may be renewed, prior to its expiration, for an additional alarm system permit year, upon a payment of as set forth in Ch. A347.

[Amended 1-24-2011]

C. Each alarm system permit shall include, but not be limited to, the following information:

(1) The name or names of the person or persons residing in the protected premises or, if a business establishment, the name of that business establishment.

(2) The address of the protected premises, including apartment or other customary identifier for multiple occupancies at an address.

(3) The name and mailing address of the individual who applies for the permit.

(4) The home and business phone number of the permittee.

(5) The type of alarm system installed, including:

(a) The type of emergency the system is equipped to detect and report.

(b) The method or methods used to annunciate the alarm device or devices.

(6) The name, address and business phone number, including after-hours emergency number of the central station or monitoring service, if any.

- (7) Whether or not the system is equipped to automatically rearm itself and, if so, after what period of time.
 - (8) The cutoff time for audible signals.
 - (9) The name, address, telephone number and license number of the installing company or individual.
 - (10) The name, address, emergency telephone number and license number of the servicing company if different than the installing company.
 - (11) The name, address and emergency telephone number of the persons to be notified in the event of an alarm.
 - (12) The identification of the presence on the premises of any guard dogs or other household pets which could cause injury to human beings.
 - (13) The identification of the presence or possession of any firearm, shotgun or dangerous instruments.
- D. The alarm system user shall be responsible for notifying the Police Department, in writing, of any change in the above information at least 10 days prior to the effective date of such change.
- E. The issuance of an alarm system permit does not create any special relationship or obligation on the part of the Village of Mamaroneck concerning the adequacy, operation or maintenance of any alarm system installed or the operation of the central station. The Village of Mamaroneck and its agents and employees assume no liability for any failure of such alarm system or the central station for failure to respond to any such alarms or for any act of omission or commission as a result of any alarm system.
- F. By accepting an alarm system permit, the alarm user agrees to hold and save harmless the Village of Mamaroneck and its agents and employees from any liability with respect to any such alarm system or the operation thereof.
- G. Upon acceptance of an application and issuance of a permit and alarm decal, the Police and Fire Department shall be empowered to take whatever emergency action is reasonably necessary to investigate and terminate an activated alarm, including the entry upon private property and premises.

§ 88-5. Denial, revocation or suspension of permit.

In addition to any penalties which may be imposed for violation of certain provisions of this chapter, the Police Department may deny, suspend or revoke an alarm system permit, or renewal thereof, for any of the following:

- A. Fraud or willful and knowing misrepresentation or false statement made in the application for an alarm system permit or in the operation of the licensed system.
- B. Deliberate activation of a false alarm.
- C. Use of an alarm system to summon public safety personnel for a condition other than what the system was designed to detect and report as authorized in the permit.
- D. Failure to correct any deficiencies in equipment, procedures or operation within 30 days of receipt of notice of same from the Police or Fire Department or within such time as shall be determined as reasonable by the Police or Fire Department if said deficiencies cannot be corrected within 30 days.

§ 88-6. Installation and maintenance; penalties for offenses.

- A. No person shall install, lease, sell, repair, service, replace or remove a police or fire alarm system device or devices or provide answering service without a license issued by the State of New York. All installers and technicians must present an ID card reflecting such license.
- B. Persons owning or leasing an automatic alarm communication device may program the device to transmit its signal to:
 - (1) A central station;
 - (2) An answering service; or
 - (3) Any other consenting party.
- C. Automatic shutoff system requirements. No person shall install or maintain, in any building, structure or establishment in the Village of Mamaroneck, an external audible alarm of any type which does not also contain an automatic cutoff system or feature automatically cutting off the source of power to the alarm after it has sounded for a period of no longer than 15 minutes.
- D. The installation and maintenance of any alarm system permitted by this chapter shall be made at no cost to the Village of Mamaroneck. The owner, lessee or user shall be made responsible for the maintenance and service of his or her alarm system device equipment and shall be responsible for all malfunctions of this equipment. All alarm systems must be properly maintained at all times.
- E. No person, firm or corporation shall install or cause to be installed any alarm system device connected directly to either the Police Department or Fire Department without the permission of the Chief of Police.
- F. No alarm system device shall be connected by direct means, including direct dialing, to the E-911 telecommunication system of the Village of Mamaroneck without authorization by the Chief of Police.

- G. The alarm system user shall be responsible for notifying the licensing authority, in writing, of any change or cancellation in the central station used for the alarm system at least 10 days prior to the effective date of such change or cancellation.
- H. The alarm system user shall be responsible for immediately notifying the licensing authority, in writing, if the alarm system is disconnected.
- I. Penalties. Direct dialing or connection of an alarm system device to the E-911 telecommunication system shall be subject to the following fines:
 - (1) First offense: \$250.
 - (2) Second and all subsequent offenses: \$500.

§ 88-7. False alarms; penalties for offenses.

- A. It shall be unlawful to cause or to permit the activation of a false alarm signal. The alarm user shall be held accountable for all false alarms originating from the alarm user's independent alarm or alarm system and shall be fully liable for all charges and penalties arising therefrom.
- B. The Police or Fire Department shall be empowered to take whatever emergency action is reasonably necessary to assure that a premises is safe and to prevent an activated alarm signaling device from interfering with the Department's ability to receive additional emergency signals or from interfering unnecessarily with the tranquility of the surrounding community, including the entry upon private property and premises.
- C. The Chief of Police of the Village of Mamaroneck shall cause to be kept an up-to-date and accurate log of all false alarms occurring in the Village of Mamaroneck and shall transmit a report of such false alarms to the licensing authority on a monthly basis or, in the Chief of Police's discretion, on a more frequent basis. Any owner or lessee of property, with the exception of premises owned or operated by the state or federal government and public or private elementary and secondary schools, having a police, fire or medical emergency alarm device or devices or system of police, fire or medical emergency alarm devices on his premises shall pay to the licensing authority, upon demand, a charge for each and every false alarm occurring on his premises on any alarm permit year as set forth in Ch. A347.

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- D. Failure to pay any such false alarm charges shall be grounds for suspension or revocation of an alarm system permit until such fine or charge is paid.
- E. Any person, firm or corporation who or which does not pay any charge or fee established in this chapter or who or which violates any provision of this chapter shall be subject to a fine for each offense. The fine shall be as set from time to time by the Village of Mamaroneck Board of Trustees. A separate offense shall be deemed committed upon each day during which a violation occurs or is committed.

§ 88-8. Inspection of alarm devices and businesses.

- A. Failure to allow inspection of equipment by authorized Police or Fire Department personnel after a false alarm shall be grounds for termination of an alarm system permit or of authorization to permit an automatically initiated alarm system signal to be relayed to the facilities of the Police or Fire Department.
- B. All fire alarm systems must be inspected annually by an alarm business. An inspection log shall be kept on the control panel of the fire alarm system.
- C. All alarm systems for commercial establishments must be inspected annually by an alarm business. The alarm business shall certify the annual inspection to the Village of Mamaroneck, in writing.
- D. During any inspection, if any violations of the provisions of this chapter are revealed, a written report detailing such violations shall be promptly sent to the owner, lessee or other person responsible for the alarm system in violation of this chapter. Corrections shall be made within 30 days after receipt of the notice of violation and shall state that a failure to comply may result in the revocation of the alarm user's permit. The alarm system user shall be granted a reasonable extension of time to correct any violations upon showing good cause.

§ 88-9. Records.

Every alarm business conducting the business of owning, operating, installing, leasing or selling alarm systems within the Village of Mamaroneck shall maintain complete and accurate records of all installations of alarm systems in the Village of Mamaroneck and shall produce such records for inspection by the Village of Mamaroneck upon demand.

§ 88-10. Alarm Review Board.

- A. The Village of Mamaroneck Board of Trustees shall serve as Alarm Review Board having the powers and duties granted to it under this chapter.
- B. The Alarm Review Board is authorized to hear an appeal from any person aggrieved by a final decision made under this chapter regarding the denial, suspension or revocation of an alarm system permit or the determination that an alarm signal was a false alarm as defined herein.
- C. An appeal to the Alarm Review Board shall be taken by filing a certified letter describing the relevant facts and circumstances to the Alarm Review Board within 30 days of the final decision or determination being appealed.
- D. Upon receipt of a timely appeal taken, the Alarm Review Board shall notify the appellant and the licensing agency 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 the appellant shall be given by certified mail, return receipt requested, or other courier that provides for a signature or written proof of delivery. The Alarm

Review Board may adopt such rules and procedure for the prosecution of appeals and conduct of hearings as shall be proper and appropriate.

- E. If the appellant's defense to a false alarm charge is based on a claim that an alarm system activation was caused by a malfunction (such defense only being available for the first two proven malfunctions per year), such defense shall be supported by verification from the alarm business in accordance with the definition of malfunction in § 88-2 of this chapter.
- F. On the basis of all evidence and information properly submitted or introduced, the Alarm Review Board shall either affirm the challenged action 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. Decisions of the Alarm Review Board shall be final.
- G. Hearings of the Alarm Review Board shall be held at a time and place determined by the Alarm Review Board.

SECTION 3. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 4. This Local Law shall take effect immediately upon adoption and filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.