

**Local Law Filing**

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Village of Wellsville

Local Law No. 3 of the year 1995

A local law regulating alarm systems in the Village of Wellsville

Be it enacted by the Board of Trustees of the

Village of Wellsville as follows:

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**SECTION 1. TITLE.**

This local law shall be known as the "Local Law Regulating Alarm Systems in the Village of Wellsville".

**SECTION 2. PURPOSE.**

It is the purpose of this local law to protect and promote the health, safety, and general welfare of the residents of the Village of Wellsville by reducing the number of avoidable alarms to emergency agencies. Avoidable alarms contribute to ineffective utilization of public safety, manpower, and equipment. In addition, avoidable alarms require emergency responses which may contribute to a high accident rate and delayed responses to genuine emergencies. This law seeks to ensure that police, fire communications, and ambulance facilities will be available to dispatch police, fire, and ambulance personnel for actual emergencies and to alleviate the nuisance of audible alarms in the Village. Another purpose of this local law is to provide the Village with the names of responsible people to contact in case of activation of an alarm.

**SECTION 3. DEFINITIONS.**

As used in this local law, the following terms shall have the meanings indicated:

**ALARM AUTHORIZATION** - The written authorization granted to any person, business, firm, corporation, or other entity to install, maintain, or cause to be installed or maintained in his/her place of residence or business any police, fire, or medical emergency alarm device, devices, or system of police, fire, or medical emergency alarm devices as an alarm system.

**ALARM SYSTEM** - A device or an assembly of equipment which emits an audible response, which is intended to alert persons outside a premises or individual living area or apartment to the existence of a hazard or emergency or which is intended to alert emergency agencies by automatically dialing an emergency agency or reporting such alarms to emergency agencies or which is directly connected to the Emergency Communications Center or other emergency agency.

**ALARM USER** - Any person who owns, leases, or uses an alarm system within the Village of Wellsville, except for a person whose alarm system is on a motor vehicle or is a proprietary system. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises (other than a proprietary system) in the Village of Wellsville, the person who uses such system is an "alarm user".

AUTOMATIC DIAL ALARM - Any police, fire, or emergency medical alarm device which is a telephone device or telephone attachment that automatically or electronically transmits a signal to preselected telephone lines connected to a central alarm station or police headquarters and reproduces a prerecorded message to report a criminal act or other emergency requiring police, fire, or medical emergency response.

AVOIDABLE ALARM - The activation of an alarm system through mechanical failure, malfunction, improper installation, false alarm, or the negligence of the owner, user, custodian, or lessee of an alarm system, or of his/her employees or agents or through any other cause which, through direct connection to an emergency agency or through notification of an emergency agency by a private answering point or automatic dialing device or through notification to an emergency agency by any second party or means indicates that an emergency situation exists requiring response within the Village when, in fact, an emergency situation does not exist. An "avoidable alarm" also includes the knowing or intentional activation of an alarm to an emergency agency when the activator knows that an emergency situation does not exist. An "avoidable alarm" does not include alarms activated by violent conditions of nature such as hurricanes, tornadoes, earthquakes, or any other similar cause beyond the control of the user of the alarm system. Activation of an alarm system under any circumstances which the activator reasonably believes that an emergency situation exists is not an "avoidable alarm". Notwithstanding any language to the contrary, the defective installation of an alarm system, the failure to repair or cause to be repaired an alarm system, or the use of defective equipment in connection with an alarm system shall not constitute an extraordinary circumstance beyond the reasonable control of the alarm user.

CENTRAL ALARM STATION - Any facility operated by a private firm that owns or leases a system of police, fire, or medical emergency alarm devices, which facility is manned by operators who receive, record, or validate alarm signals to the Police Department or Fire Department or appropriate emergency agency.

EMERGENCY AGENCY - Any Police Department, Fire Department, or other law enforcement agency or ambulance company (public or private) or other agency summoned to respond to an emergency situation and any public safety answering point service the Village.

ISSUING AUTHORITY - The Village of Wellsville.

ISSUING OFFICE - The Office of the Clerk of the Village of Wellsville.

LOCAL ALARM SYSTEM - A signaling system which, when activated, causes an audible signaling device to be activated outside the premises, individual living area or apartment, within which the system is installed.

NOTICE ADDRESS - The address which an alarm user designates on the application for a written authorization as the address to which notices are to be sent.

PERSON - Any person, firm, partnership, corporation, association, company, or organization of any kind.

PRIVATE ANSWERING POINT - A business which offers the service of receiving emergency signals, monitoring said signals, and relaying them to an emergency agency.

PROPRIETARY SYSTEM - An alarm, sounding and/or recording within the premises, individual living area or apartment, protected by the alarm, which is not intended to alert persons outside of the premises, or individual living area or apartment in which the alarm system is located of a possible hazard and not intended to alert an emergency agency; the control center being under the supervision of the proprietor of the protected premises. If an "proprietary system" includes a signal line connected directly or by means of an automatic device to an emergency agency or to a private answering point or to a local alarm system, it hereby becomes an "alarm system" as defined by this law.

SMOKE AND/OR HEAT DETECTOR - Any device which, when activated by fire, smoke, or other emergency, is designed to alert only the occupants of the building in which the smoke and/or heat detectors are installed of said emergency.

VILLAGE - The Village of Wellsville.

#### SECTION 4. EXEMPTIONS.

1. The provisions of this local law shall not apply to proprietary systems.
2. Written authorization shall be required for all alarm systems including those located in buildings of federal, state, local governmental agencies or authorities, or in public or private elementary schools, and said alarms shall be subject to the fines and penalties herein provided for avoidable alarms.

#### SECTION 5. WRITTEN AUTHORIZATION.

No person shall own, use, lease, operate, or maintain an alarm system, other than a proprietary systems, within the Village of Wellsville unless such person shall have first obtained the issuing office written authorization for such alarm, as herein provided.

SECTION 6. APPLICATION FOR WRITTEN AUTHORIZATION.

A. In order to obtain written authorization, any person who installs, upgrades, and/or operates an alarm system shall submit an application for such written authorization in the form designated by the Village, which application shall contain the following:

- (1) The name, home address, and telephone number of the person applying for the permit.
- (2) The address of the premises upon which the alarm system is or will be located.
- (3) The address to which notices required under this local law shall be sent.
- (4) The type of alarm system for which the written authorization is sought.
- (5) The name of the alarm business or businesses selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system, if applicable.
- (6) The name, address, and telephone number of a minimum of two (2) or more persons who can be reached at any time and who are authorized by the owner of the premises in which the system is installed to open the premises and will be present at the premises any time an emergency agency responds to an alarm system.
- (7) Plan for safely silencing a local alarm system as soon as possible, or a maximum audible time of five (5) minutes (except for fire systems).
- (8) Any other information relating to the alarm system or user as the Village may require.

The information required on the written authorization shall be treated as confidential and shall not be made available to members of the general public. The Village Board finds that the release of such information would constitute an unwarranted invasion of personal privacy and could endanger the life or safety of persons at the premises where an alarm system is located. The information on an authorization application shall be used only for public safety purposes.

Upon the issuing office receiving the property executed request for authorization application, the issuing office shall issue written authorization to the applicant. Written authorization shall be kept on the premises where the alarm system is located and shall be made available for inspection.

**SECTION 7. DURATION OF WRITTEN AUTHORIZATION.**

Any alarm written authorization shall expire on May 31 next following its date of issuance.

**SECTION 8. RENEWAL OF AUTHORIZATION.**

Subject to the provisions of this local law and upon approval of the appropriate requirements as stipulated hereof, and the excessive use fee, if any, a written authorization may be renewed by the alarm user.

**SECTION 9. NOTICE OF EXCESSIVE USE.**

The alarm user shall be notified in writing, by means of first class mail sent to the notice address listed on the authorization application, when an alarm user has had three (3) avoidable alarms during the year. The notice shall inform the alarm user that additional avoidable alarms will subject the alarm user to the excessive use fee as specified by this local law for each additional avoidable alarm. At the end of the authorization year, each alarm user shall be notified of the number of avoidable alarms incurred during the preceding year as well as the amount due for the previous year's excessive use fee. The notice shall be in writing and shall be sent by first class mail to the notice address listed on the application. All money shall be due within (30) thirty days from the date the notice was mailed.

**SECTION 10. EXCESSIVE USE FEE.**

Over three (3) avoidable fire alarms . . .	\$ 100.00 fee per alarm.
Four (4) - nine (9) avoidable alarms of other types . . . . .	\$ 100.00 fee per alarm.
Ten (10) or more avoidable alarms of other types . . . . .	\$ 250.00 fee per alarm and alarm permit subject to revocation

**SECTION 11. REVOCATION OF WRITTEN AUTHORIZATION.**

Written authorization shall be revoked whenever ten (10) or more avoidable alarms are recorded for a system in any one (1) authorization year. Notice of such revocation shall be sent via first class, certified, return receipt requested mail to the notice address listed on the authorization application at least fifteen (15) days before the revocation takes effect. The alarm user may reinstate authorization by the payment of the excessive use fee for each avoidable alarm in excess of three (3) (the excessive use

fee shall be as specified in Section 11 of this local law) and by submission of proof that modifications have been made to the alarm system or other steps have been effected so as to reduce the number of avoidable alarms. An alarm authorization shall not be revoked under this section if an alarm system is required by federal, state, or local law. However, all other provisions of this local law shall apply to such systems and the user thereof shall remain responsible for the payment of all authorized fees.

## SECTION 12. ENFORCEMENT.

Any emergency agency as herein defined desiring to initiate enforcement of this law against an alarm user who has generated avoidable alarms shall comply with the following requirements:

- A. The emergency agency shall send to the issuing office an alarm incident report containing the information required in Section 14 within seven (7) days of the alarm call.
- B. A copy of the avoidable alarm incident report shall be mailed by the emergency agency, via first class, certified, return receipt requested mail, to the alarm user to the notice address listed on the authorization application.
- C. An alarm user receiving a notice of an avoidable alarm may challenge such classification by notifying the emergency agent in writing, specifying in detail the reasons why the alleged avoidable alarm should not be so classified. The challenging notice must be received by the emergency agency within twenty (20) days after notification to the alarm user. A meeting may be requested by the alarm user with the notice. The failure to give timely notice shall be deemed a waiver of the right to challenge the classification. The meeting shall be before the Village Board.
- D. Within thirty (30) days after receipt of a notice from an alarm user challenging the classification of an alarm as an avoidable alarm, the emergency agency shall make a final determination, which shall be reviewable by the Village Board.
- E. Within ten (10) days after a final determination has been made by the emergency agency and/or Village Board, a copy thereof shall be filed with the issuing office and a copy mailed or otherwise given to the alarm user.

**SECTION 13. AVOIDABLE ALARM INCIDENT REPORT.**

Whenever an emergency agency files an avoidable alarm report, such report shall contain the following information:

- A. The alarm user's name and address.
- B. The date and location of the avoidable alarm.
- C. The reasons why the alarm was determined to be and avoidable alarm.
- D. Any other pertinent information.

**SECTION 14. AUTHORITY OF THE VILLAGE BOARD.**

The Village Board of the Village of Wellsville may develop procedures for the purpose of implementing or providing clarification for Section 13 and Section 14 of this local law.

**SECTION 15. CONNECTIONS TO EMERGENCY COMMUNICATIONS CENTER.**

Alarm systems which are interconnected or otherwise transmit signals directly to an Emergency Communications Center shall be subject to the laws, rules, regulations, and penalties adopted by the Municipality relating to such systems.

**SECTION 16. LOCAL ALARMS.**

1. All local alarm systems shall become deactivated and silenced after a period of five (5) minutes unless the local alarm system can be safely silenced sooner (except for fire systems).
2. Police and/or fire officials may disable an audible alarm signal that has not been silenced to the expiration of the five (5) minute period and shall not be liable for any damage that may result.

**SECTION 17. PENALTIES FOR OFFENSE.**

In addition to any other fees or penalties provided for in this local law, a violation of Section 5 of this law shall be deemed an offense and shall be punishable by a mandatory fine of not less than One Hundred dollars (\$100.00), nor more than Two Hundred Fifty Dollars (\$250.00); provided, however, that no person shall be charged with such offense until fifteen (15) working days after notice to said person that he/she is required to obtain written authorization and further provided that no charge shall be

filed against a person so notified if he/she obtains written authorization during said fifteen (15) day period. A person found guilty of violating Section 5 shall not be excused from obtaining the required written authorization.

3. Any alarm supplier and/or installer and/or repairer and/or central dispatch statio which manufactures, constructs, installs, repairs, or otherwise monitors alarm systems or devices for use in the Village of Wellsville without a valid written authorization issued by the Village shall be guilty of a violation and shall be subject to a fine of not more than Two Hundred Dollars (\$200.00).

**SECTION 18. DUTIES OF ISSUING OFFICE.**

It shall be the duty of the issuing office to maintain a record of alarm permits issued and to make a monthly report of the same to the Village of Wellsville and notify the necessary department.

**SECTION 19. APPLICABILITY.**

The provisions and requirements of this local law shall apply to all persons who are alarm users on the effective date of this law and to all persons who subsequently become alarm users.

**SECTION 20. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or word of this local law is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this law.

**SECTION 21. RESTRICTION ON LIABILITY OF POLICE DEPARTMENT, FIRE DEPARTMENT, AND VILLAGE.**

The Wellsville Police Department, the Wellsville Fire Department, and the Village of Wellsville shall take every reasonable precaution to assure that emergency alarm signals received by the Village are given appropriate and immediate attention. Nevertheless, the Village shall not be liable for any effects in operation of emergency alarm systems, for any failure to respond appropriately, or any errant response, upon receipt of any emergency alarm signal, nor for the failure or defect of any system in respect to the installation, operation, or maintenance of equipment, the transmission of alarm signals or messages or the relaying of such signals or messages. In the event that the Village finds it necessary to disconnect a defective automatic or signalling device, the Village shall incur no liability herefrom.

SECTION 22. WHEN EFFECTIVE.

This local law shall be effective immediately upon its filing with the Secretary of State.

**APPLICATION FOR WRITTEN AUTHORIZATION  
FOR ALARM SYSTEM  
(Per Local Law 3 of 1995)**

**Person Applying for Permit:**

1. Name: \_\_\_\_\_
2. Address: \_\_\_\_\_  
\_\_\_\_\_
3. Phone #: \_\_\_\_\_

**Relative to the Premises for which alarm system is to be installed**

1. Address: \_\_\_\_\_
2. Address to which notices should be sent regarding this local law: \_\_\_\_\_  
\_\_\_\_\_
3. Type of alarm system: \_\_\_\_\_  
\_\_\_\_\_
4. Name of alarm business or businesses selling, installing, monitoring, inspecting,  
responding to and/or maintaining the alarm system: \_\_\_\_\_  
\_\_\_\_\_
5. Name/Address/Phone Number of a minimum of two or more persons who can be reached  
at any time and who are authorized by the owner of the premises in which the system is  
installed to open the premises and will be present at the premises any time an emergency  
agency responds to an alarm system.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Submit a plan for safely silencing a local alarm system as soon as possible, or a maximum  
audible time of five minutes (except of fire systems).
7. Other information you feel necessary for our records: \_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_ -

**Village of Wellsville  
Avoidable Alarm Incident Report  
Local Law No. 3 of 1995**

**Alarm users name and address:** \_\_\_\_\_

\_\_\_\_\_

**Date and location of the avoidable alarm:** \_\_\_\_\_

\_\_\_\_\_

**The reason why the alarm was determined to be an avoidable  
alarm:** \_\_\_\_\_

\_\_\_\_\_

**Any other pertinent information:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Agency making referral:** \_\_\_\_\_

**Name of officer making referral:** \_\_\_\_\_

The emergency agency shall send to the issuing office (Clerk's Office) an alarm incident report within seven (7) days of the avoidable alarm call. A copy of the avoidable alarm incident report shall be mailed by the emergency agency, via first class, certified, return receipt requested mail, to the alarm user to the notice address listed on the authorization application.