

# Local Law Filing

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

(Use this form to file a local law with the Secretary of State.)

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.

County  
~~City~~ of COLUMBIA as follows:  
~~Town~~  
~~Village~~

Local Law No. 7 of the year 2015

A local law regulating alarm systems in the County of Columbia  
\_\_\_\_\_  
*(Insert Title)*

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

County  
~~City~~ of COLUMBIA as follows:  
~~Town~~  
~~Village~~

## Section 1. PURPOSE

The purpose of this Local Law is to promote the health, safety, and general welfare of the residents of the County of Columbia by reducing the number of avoidable false alarms. False alarms result in unnecessary use of manpower and ineffective utilization of police, ambulance, fire and rescue equipment. This Local Law seeks to ensure that police, ambulance, fire and rescue emergency personnel are available for dispatch to actual emergencies and to alleviate the nuisance of audible false alarms to the surrounding community.

## Section 2. DEFINITIONS

(a) "Alarm System" means a device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement or fire suppression services within Columbia County, including Local Alarm System. Alarm System does not include an alarm installed on a vehicle or person, unless the vehicle or personal alarm is permanently located at a site.

(b) "Alarm User" means any Person, firm, partnership, corporation or other entity which uses or is in control of any Alarm System at its Alarm Site located within the County of Columbia, except for alarm systems located within the City of Hudson.

(c) "Alarm Company" means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an Alarm System at an Alarm Site.

(d) "Alarm Site" means a single fixed premises or location served by an Alarm Device System or systems. Each tenancy, if served by a separate Alarm System in a multitenant building or complex shall be considered a separate Alarm Site.

(e) "False Alarm" means an Alarm Dispatch Request to a law enforcement agency or fire department, when the responding agency finds no evidence of fire, smoke, dangerous condition, criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site.

### Section 3. REGISTRATION OF ALARM SYSTEMS

(a) No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid alarm registration issued by the Columbia County Sheriff or his designee. A separate registration is required for each Alarm Site.

(b) Alarm users shall be required to annually register on a calendar year basis, each alarm system they own, lease, or use with the Columbia County Sheriff's Office in accordance with registration procedures promulgated by the Columbia County Sheriff. There shall be an annual registration fee of \$25.00 for each alarm system. An alarm registration shall not be transferable to another person or alarm site. Alarm users shall be required to notify the Columbia County Sheriff's Office of any change in their registration information within thirty (30) days of such change.

(c) Exemptions. No alarm user shall be exempt from the requirement to annually register alarm systems. However, non-profit tax-exempt organizations, municipalities and entities such as public schools, places of religious worship and fire companies shall be exempt from the annual registration fee of \$25.00.

(d) Online Registration. Beginning on or about January 1, 2016, alarm users will have the option to complete the annual registration requirements online.

(e) Each Alarm Registration application must include the following information:

(i) The name, complete address (including apartment/suite #, etc.), description of premise and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation, of the Alarm System and payment of fees assessed under this article;

(ii) The classification of the Alarm Site as either residential (includes condo, mobile home, apartment, etc), or commercial;

(iii) For each Alarm System located at the Alarm Site, the classification of the Alarm System, i.e., burglary, Holdup, Duress, or other, for each purpose whether audible or silent;

(iv) Mailing address if different from the Alarm Site;

(v) Any dangerous or special conditions present at the Alarm Site;

(vi) Name and telephone numbers of at least two individuals who are able and have agreed to receive notification of an alarm activation at any time; respond to the Alarm Site within 30 minutes; and upon request can grant access to the Alarm Site and deactivate the Alarm System if such becomes necessary;

(vii) Type of business conducted at the Alarm Site;

(viii) Signed certification from the Alarm User stating:

(A) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;

(B) the name, address, and phone number of the Alarm Company performing the Alarm System installation, Conversion or Alarm System Takeover and responsible for providing repair service to the Alarm System:

(C) the phone number of the Alarm Company Monitoring the Alarm System if different from the installing Alarm Company;

(D) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid false alarms, have been left with the applicant; and

(E) that the Alarm Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid false alarms.

(f) In the instance of a self-installed alarm, such certification shall declare that the Alarm User is aware of the function and operation of the equipment and is able to adjust and/or repair the equipment as necessary; and

(g) That emergency response may be based on factors such as: availability of police and fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(h) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

(i) An alarm registration cannot be transferred to another person or Alarm Site. An Alarm User shall inform the Columbia County Sheriff or his designee of any change that alters any information listed on the registration application within five (5) business days.

(j) All fees owed by an applicant must be paid before a registration may be issued.

#### Section 4. ALARM USER DUTIES AND LIABILITY

(a) Alarm users shall be liable for false alarms, including, without limitation, false alarms arising from improper use or operation of an alarm system, defective installation of an alarm system, the failure to repair an alarm system, or the use of defective equipment in connection with an alarm system, but shall not be liable for the activation of an alarm system under circumstances where the activator reasonably believes that an emergency situation exists. Alarm users also shall not be liable for false alarms caused by storms or power outages caused by same or which are beyond the control of the user of an alarm system.

(b) Each Alarm User shall:

(i) maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarms;

(ii) make every reasonable effort to respond or cause a representative to respond to the Alarm System's location within 30 minutes when notified by the responding agency to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide alternative security for the premises;

(iii) not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.

(c) An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than fifteen (15) minutes after being activated.

(d) An Alarm User shall have a properly Licensed Alarm Company inspect the Alarm System after two (2) False Alarms in a one (1) year period from the date of registration issuance or renewal. The Alarm Administrator may waive an inspection requirement if it determines that a false alarm(s) could not have been related to a defect or malfunction in the Alarm System. After four (4) False Alarms within a one (1) year period from the date of registration issuance or renewal the Alarm User must have a properly Licensed Alarm Company modify the Alarm System to be more false alarm resistant or provide additional user training as appropriate.

(e) The use of Automatic Voice Dialers is strongly discouraged. However, Alarm Users who choose said Automatic Voice Dialers shall configure them so that they give the complete required information for a response. They shall also be programmed to inform key holders to respond to the scene. Automatic dialers shall be configured so that they automatically discontinue the calling cycle after fifteen (15) minutes, if not reset.

(f) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

#### Section 5. DUTIES OF ALARM COMPANIES

(a) Upon enactment of this local law, Alarm Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Alarm Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress prior to enactment of this local law. However, upon enactment of this local law, when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to section 7.3 of this local law, an Alarm Company must remove the One Plus Duress alarm capability from such Alarm System.

(b) Upon enactment of this local law, Alarm Companies shall not install a device activating a hold-up alarm which is a single action non-recessed button. An Alarm Company must remove all single action non-recessed buttons when a Takeover or Conversion occurs.

(c) Upon enactment of this local law, Alarm Companies shall use control panels tested for conformance to the Security Industry Association (SIA) Control Panel Standard - Features for False Alarm Reduction.

(d) After completion of the installation, an Alarm Company employee shall review with the Alarm User methods to prevent false alarm activations in accordance with accepted industry standards.

(e) An Alarm Company performing Monitoring services shall:

(i) offer a training period in which no request for dispatch by Law Enforcement will occur during the first 7 days after installation of an Alarm System, but rather will use that week to train the Alarm User on proper use of the Alarm System. Circumstances necessitating immediate requests for response shall be permitted at the discretion of the Alarm Company and shall be documented as such;

(ii) report alarm signals by using telephone numbers designated by the Columbia County Sheriff.

(iii) attempt to verify every alarm signal, except a Duress, Holdup, and Fire Alarm Activation before requesting a law enforcement response to an Alarm System signal;

(iv) communicate Alarm Dispatch Requests to the Columbia County Sheriff/911 in a manner and form determined by the Sheriff;

(v) communicate cancellations to the Columbia County Sheriff in a manner and form determined by the Sheriff;

(vi) ensure that all Alarm Users of Alarm Systems equipped with a Duress or Holdup Alarm are given adequate training as to the proper use of the Duress or Holdup Alarm;

(vii) communicate any available information (north, south, front, back, floor, etc.) about the location of the alarm;

(viii) communicate type of alarm activation (silent or audible, interior or perimeter);

(vix) provide Alarm User registration number when requesting dispatch;

(x) endeavor to contact the Alarm User when an Alarm Dispatch Request is made; and

(xi) upon enactment of this local law, Alarm Companies that perform monitoring services must maintain for a period of at least one (1) year, records relating to Alarm Dispatch Request. Records must include the name, address and phone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to verify. The Columbia County Sheriff or his designee may request copies of such records for individually named Alarm Users.

## Section 6. DEACTIVATION OF ALARMS

(a) 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.

(b) Emergency officials are hereby authorized to disable an audible alarm signal that has not been silenced within fifteen (15) minutes and neither the County, its officers and employees, or police and fire officials, shall be liable for any damage which may result from disabling an audible alarm signal as herein provided.

Section 7. CIVIL PENALTIES

(a) An alarm user shall be liable for the following civil penalties for each prohibited false alarms during the calendar year:

First, Second, Third false alarms	Warning Letter
Fourth false alarm	up to \$50.00
Fifth false alarm	up to \$100.00
Sixth or more false alarms	up to \$250.00

(b) Any person who fails to register his or her alarm system or fails to update changes in his or her registration information as required in section 3 hereof, or whose alarm system violates the standards set forth in section 6 hereof, shall be liable for a civil penalty of \$50.00.

Section 8. HEARING PROVISIONS

(a) Whenever the County intends to impose a civil penalty for a violation of this Law, the Columbia County Sheriff's Office 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 admit to the violation or request a hearing within twenty (20) days of the date of the notice of violation. The admission or request for a hearing must be in writing and may specify the reasons why a civil penalty should not be imposed.

(b) Written notice of the time and place of the 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. A hearing shall be scheduled within at least sixty (60) days of a request for such hearing. The hearing officer shall be designated by the Chairman of the Board of Supervisors.

(c) At the hearing, the alleged violator shall have the right to confront and examine witnesses and present evidence on his own behalf. After the hearing, the hearing officer shall issue a written decision setting forth his or her findings and determinations. Strict rules of evidence are not applicable, hearsay is admissible and the hearing officer shall decide what weight, if any he gives to the evidence offered at the hearing. A violation must be shown by a preponderance of the evidence.

(d) In the event the alleged violator admits to the violation or fails to request a hearing, the County shall have the right to impose the civil penalty prescribed for the violation.

(e) The County shall not impose a civil penalty more than two (2) years after the occurrence of the acts forming the basis of the violation, except when such delay is occasioned by or at the consent of the alleged violator.

Section 9. LIABILITY

The County of Columbia shall not be liable for any defects in operation of emergency alarm systems, for any failure to respond appropriately or for any erroneous response upon receipt of any emergency alarm signal. Nor shall the County be liable for the failure or defect of any 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 County finds it necessary to disconnect a defective alarm or device, the County shall incur no liability therefrom.

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Section 10. 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.

Section 11. EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing with the Secretary of State in accordance with § 20 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 2015 of the (County) of Columbia was duly passed by the Board of Supervisors on the 18<sup>th</sup> day of November 2015, in accordance with the applicable provisions of law.

**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  
*(Name of Legislative Body)*  
disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_,  
*(Elective Chief Executive Officer\*)*  
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)(repassed after  
*(Name of Legislative Body)*  
disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was submitted  
*(Elective Chief Executive Officer\*)*  
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 15 of the (County)(City)(Town)(Village) of COLUMBIA was duly passed by the COLUMBIA COUNTY BOARD OF SUPERVISORS on \_\_\_\_\_, and was (approved)(not approved)(repassed after  
*(Name of Legislative Body)*  
disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was subject to  
*(Elective Chief Executive Officer\*)*  
permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 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 countywide 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 Columbia County Board of Supervisors, City, Town or Village Clerk  
or officer designated by local legislative body

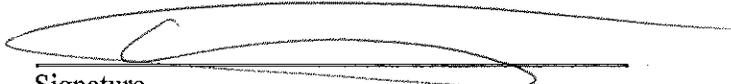
Date: 11/18/15

(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 \_\_\_\_\_

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  
COUNTY ATTORNEY

\_\_\_\_\_  
Title

County \_\_\_\_\_  
City of COLUMBIA

Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: 11/18/15