Resolution No. 362 October 20, 2015

Adopting Proposed Local Law No. 9 of 2015 (A Local Law Of The County Of Ulster, New York, Known As The "False Alarm Reduction Act")

Referred to: The Law Enforcement and Public Safety Committee (Chairman Briggs and Legislators Fabiano, Provenzano, Ronk and Wishnick), The Laws and Rules, Governmental Services Committee (Chairman Richard Parete and Legislators Donaldson, Greene, Roberts and Ronk), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney and Richard Parete)

Chairman John Parete and Legislator Kenneth Ronk offer the following:

WHEREAS, Resolution No. 255 dated August 18, 2015, set the date for the Public Hearing on Proposed Local Law No. 9 of 2015 (A Local Law Of The County Of Ulster, New York, Known As The "False Alarm Reduction Act"), to be held on Tuesday, September 15, 2015 at 7:05 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York; and

WHEREAS, said Public Hearing was held on Tuesday, September 15, 2015 at 7:05 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York; and

WHEREAS, said Public Hearing was advertised in the official newspapers of the County of Ulster, and posted on the signboard maintained by the Clerk of the Legislature situated in the Ulster County Office Building; and

WHEREAS, all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law; now, therefore, be it

RESOLVED, that herein, Proposed Local Law No. 9 of 2015 is hereby adopted by the Ulster County Legislature, and, pending the approval of the County Executive, will be assigned a local law number consecutive to the last local law adopted and approved in 2015,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 19 NOES: 3
(Noes: Legislators Bartels, Gerentine, and Roberts)
(Absent: Legislator Fabiano)

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Passed Committee: Law Enforcement and Public Safety as amended on October 5, 2015

Passed Committee: Laws and Rules, Governmental Services on October 19, 2015

Passed Committee: Ways and Means on October 20, 2015

FINANCIAL IMPACT:
$600.00 – APPROXIMATE ADVERTISING COSTS

STATE OF NEW YORK
ss:
COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 20th Day of October in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 22nd Day of October in the year Two Thousand and Fifteen.

Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
22nd Day of October, 2015.

Victoria A. Fabella, Clerk
Ulster County Legislature

Approved by the County Executive this
13th Day of November, 2015.

Michael P. Hein, County Executive

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BE IT ENACTED, by the County Legislature of the County of Ulster, New York as follows:

SECTION 1. TITLE.

This Local Law shall be known by and may be cited as the False Alarm Reduction Act.

SECTION 2. LEGISLATIVE FINDINGS.

The Ulster County Legislature hereby finds and declares that false alarms drain resources of the Ulster County Sheriff, police officers, and other first responders such as firefighters and emergency services workers. Each false alarm amounts to a waste of taxpayer money without any public safety benefit and otherwise imperils the rest of the public who may need actual assistance. The Ulster County Legislature hereby further finds it important and necessary to ensure that the alarms being called into the Ulster County Sheriff, police officers and other first responders such as firefighters and emergency services workers must have valid permits issued by the Ulster County Sheriff. For those reasons, and in furtherance of enhancing the public's health, safety, and general welfare, this law is enacted. Therefore, the alarm permit fees together with fines levied in accordance with this Local Law shall be used to offset the administrative and operational expenses caused by the large number of responses by the Ulster County Sheriff, police officers and other first responders.

SECTION 3. DEFINITIONS.

As used in this Chapter, the following terms shall have the following meanings:

"Alarm System" shall mean a device or series of devices, including but not limited to devices interconnected with a telephone and/or 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 the Law Enforcement and/or fire protection and/or medical emergency service and/or Emergency Services which perform services in Ulster County or a Municipality therein. "Alarm System" shall not include any personal alarm device nor any vehicle alarm device unless the vehicle is permanently located at a site where the device or devices constituting the Alarm System are intended to summon Emergency Services to.

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"County" shall mean the County of Ulster.

"County Attorney" shall mean the Ulster County Attorney.

"Commissioner of Finance" shall mean the Ulster County Commissioner of Finance as defined in the Ulster County Charter.

"Dispatched" means a verbal, electronic, or written communication to Law Enforcement or Emergency Services made through the Ulster County Sheriff's Office, 911, or local law enforcement dispatch and caused through an Alarm System which actually causes a police officer, firefighter (paid or volunteer), ambulance corps volunteer or employee, rescue squad worker (paid or volunteer), or auxiliary member of any police or fire department or ambulance corps or rescue squad to physically leave the premises such person is at or change directions in their motor vehicle with the plan to respond (or actually responding) to what is determined to be a false alarm.

"Emergency" shall mean (i) a need for prompt medical services; and/or (ii) a need for prompt police services due to an impending or actually occurring trespass, break in, robbery; and/or (iii) a circumstance perceived by a human witness or believed by a person based on his or her actual observation or the observation of another human reporting such human's personal, for anything described in (i) or (ii).

"Emergency Services" shall mean a fire department, district, company, ambulance corps, or rescue squad.

"False Alarm" shall mean an automated action which emanates from an Alarm System in a structure and causes a call or signal to come into an Ulster County Sheriff's Office, 911, or local law enforcement dispatch where a person therein contacts Law Enforcement or Emergency Services and dispatches Law Enforcement or Emergency Services to such structure (whether the Law Enforcement personnel or Emergency Services personnel actually arrive at such structure or not) without any actual emergency existing at that structure.

"Law Enforcement" shall mean the Ulster County Sheriff and the Deputies who work under the Sheriff, and members or officers of any City, Town, or Village

police department, or the New York State Police. Law Enforcement shall also include the dispatchers, civilian or otherwise, who answer the phones at any structure or portion thereof used by Law Enforcement to dispatch police officers or Emergency Services to potential emergencies.

"Municipality" shall mean any City, Town, or Village wholly contained within the County of Ulster and Ulster County.

"Owner" shall mean the person, firm, partnership, association, or corporation which has legal title to the real property where the false alarm emanates from.

"Police phone number" shall mean emergency communications or any phone number designed to be answered by Law Enforcement or Emergency Services.

"Sheriff" shall mean the Ulster County Sheriff.

"Statement" shall mean a written invoice stating a fine. Such statement shall include a statement that the addressee or his or her attorney or a tenant of the addressee acting with the written (notarized) approval of the addressee may appeal the fine provided for in the invoice in the process authorized under law. Statements shall be served personally upon the addressee or may be served certified mail return receipt requested along with a copy sent first class mail at the address of the property owner.

"Structure" shall mean a physical improvement to real property which has an alarm in it placed there by or under the control of an owner or tenant of the structure.

SECTION 4. EXEMPTIONS.

The requirements of this Local Law shall not apply to any Ulster County municipality that has enacted local false alarm reduction legislation.

SECTION 5. FALSE ALARMS PROHIBITED.

False Alarms caused by an Alarm System are prohibited. It is the responsibility of the property owner to ensure that their Alarm System is properly licensed, in proper working order and does not cause a False Alarm.

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SECTION 6. PERMIT REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS

(A) A person commits a violation if he or she operates or causes an alarm system to operate that results in a call to the Ulster County Sheriff, police officers, and other first responders such as firefighters and emergency services without a valid permit issued by the Ulster County Sheriff. A separate permit shall be required for each alarm system.

(B) It shall be the responsibility of the alarm system installer at the time of installation or activation to submit an alarm permit application form together with the required fee(s) to the Ulster County Sheriff's Department on behalf of and at the expense of the user, unless the installer has confirmed that the user already holds a valid permit. It shall be the responsibility of the alarm company that monitors the alarm system to ensure, prior to commencing any such service contract, that there is a current alarm permit. Notwithstanding the provisions of this subdivision, the alarm system user shall be deemed the permit applicant and permit holder for purposes of this Local Law.

(C) Upon receipt of a completed permit application form the Ulster County Sheriff shall issue an alarm permit to an applicant unless the applicant has,
(1) Failed to pay any penalty assessed pursuant to this Local Law; or
(2) Had an alarm permit revoked and the cause for such revocation has not been corrected at the time the permit application is received by the Ulster County Sheriff.

(D) Every permit for an alarm system shall include the following information:
(1) The name, address and telephone number(s) of the person who shall be the permit holder responsible for the proper maintenance and operation of the alarm system and payment of fees and assessments pursuant to this title;
(2) For each alarm system located at the alarm site, the purpose of the alarm, to wit: burglary, robbery, personal hostage or panic;
(3) Street address and nearest cross street of the building in which the alarm system is housed.

(E) Any false statements made by applicant in conjunction with the obtaining of an alarm permit shall be sufficient cause for the Sheriff to refuse to issue a permit.

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(F) An alarm permit holder shall advise the Ulster County Sheriff of any changed in the information contained within the permit application.

(G) An alarm permit may not be transferred to another person without the filing of a new permit application.

(H) An alarm permit holder shall advise the alarm company that monitors the permit holder's alarm system of the Ulster County Sheriff Department's telephone number upon receiving the permit number from the Ulster County Sheriff.

(I) The Ulster County Sheriff may revoke an alarm permit if it determines that:
(1) There is a false statement made in the application for a permit; or
(2) The permit holder has violated any provision of this Local Law; or
(3) The permit holder has failed to make timely payments of any penalties or fees pursuant to this Local Law; or
(4) The permit fee, if paid by the applicant by check, is dishonored; or
(5) There are five (5) or more false alarms in a year and satisfactory documentation or repair of the alarm system has not been submitted.

(J) A person whose alarm permit has been revoked may be issued a new permit if the person:
(1) Submits an updated permit application and pays a permit fee of $50.00 dollars; and
(2) Pays or otherwise disposes of all penalties issued to the person pursuant to this Local Law; and
(3) Submits proof that the alarm system has been inspected and properly maintained.

SECTION 7. PENALTIES, PAYMENT, AND COLLECTION THEREOF.

(A) Penalties for False Alarms. When Law Enforcement or Emergency Services are Dispatched to a false alarm, the owner of the real property Law Enforcement or Emergency Services was dispatched to, shall be liable for a civil penalty in the following amount in any calendar year:

$0 for the first and second false alarm;
$50 for the third false alarm;
$200 for the fourth and each and every subsequent false alarm(s);

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Civil penalties shall be made payable to the Ulster County Commissioner of Finance and deposited by him or her into a segregated fund as established in this law for the benefit of the Office of the Sheriff of Ulster County.

(B) Penalties for operating an alarm system without a valid permit. When Law Enforcement or Emergency Services are Dispatched to a false alarm and the alarm system is in operation without a valid permit, the owner of the real property in which the alarm system is situated shall be liable for a civil penalty in the following amount in any calendar year:

Upon the first false alarm, a warning shall be issued to the homeowner and such homeowner shall have 14 days to obtain a permit;
$100.00 for the second false alarm;
$200.00 for the third and each and every subsequent false alarm(s);

(C) Reporting of False Alarm. When Law Enforcement employed by the County of Ulster are dispatched to what he or she ascertains to be a False Alarm such Law Enforcement employed by the County of Ulster shall, within seventy two hours of being dispatched, report the same to his or her immediate Supervisor in the Ulster County Sheriff's Office. Such Supervisor shall enter such False Alarm into a database to be maintained by the Ulster County Sheriff or his or her designee of reported False Alarms. Such database shall contain the information required by the Sheriff. Law Enforcement other than Law Enforcement employed by the County of Ulster or emergency service may also report the same to the Ulster County Sheriff's Office pursuant to any procedure established by the Sheriff of Ulster County and agreed upon by the Chief of Police, or if there be none, Officer in Charge of such police department of such City, Town, or Village. Such procedure shall be in writing and filed with the Sheriff of the County of Ulster and shall call for any report to be made to the Sheriff within seventy two hours of the dispatch occurring. To the extent that an intermunicipal agreement is determined to be necessary to effectuate any purpose of this law, the Chairman of the Ulster County Legislature is hereby authorized to sign the same upon the approval by the County Attorney and Counsel to the County Legislature of such agreement or agreements or amendments thereto.

(D) Upon the occurrence of the first False Alarm, if the alarm system is operated without a valid permit or a third False Alarm if the alarm system is operated with a valid permit, in a calendar year the Sheriff shall cause a Statement

to be mailed to the property owner instructing the property owner to return the fine in the designated amount, made payable to the Ulster County Commissioner of Finance. Such Statement from the Sheriff shall require the fine to be paid within thirty days of the date of the Statement sent from the Sheriff. Such Statement shall be mailed within thirty days by the Sheriff.

(E) Appeal process. If the addressee of the Statement desires to appeal the fine and/or revocation of permit, the fine and/or revocation of permit shall be stayed pending the appeal. The Appeal shall be made in writing to the Sheriff of Ulster County or an employee of the Ulster County Sheriff's office designated to hear such appeal or alternatively to an attorney appointed by the Sheriff with the consent of the Ulster County Attorney to hear such an appeal. Appeals may be in writing or by personal appearance within thirty days of the date of the Statement sent from the Sheriff. Upon filing an appeal, the individual hearing the appeal (designated herein as the "hearing officer"), shall send written instructions to the property owner stating when the appeal shall be heard (either upon written submission or orally or both). The hearing officer shall render a decision on the appeal within thirty days and shall send such decision, which shall constitute a final determination pursuant to Article 78 of the Civil Practice Law and Rules, to the property owner where the structure was on which the False Alarm emanated from. Thereafter, if the decision is that the fine and/or revocation of permit is upheld by the hearing officer, such fine shall be payable within thirty days of the decision of the hearing officer and such revocation of permit shall take effect immediately upon the decision of the hearing officer. An aggrieved party may institute a proceeding or action pursuant to the provisions of Article 78 of the Civil Practice Law and Rules to challenge such final determination by the hearing officer. If no appeal is taken, the mailing of the Statement by the Sheriff or his or her representative shall constitute a final determination appealable pursuant to this law or otherwise pursuant to Article 78 of the Civil Practice Law and Rules.

(F) Levy on Tax Bill. The Commissioner of Finance or any Ulster County employee authorized by him or her is authorized to levy on the county tax bill of any property owner any unpaid fine authorized and finally determined under this Chapter.

(G) Civil Action. The County Attorney is authorized to commence a separate civil action to collect any fine authorized under this Chapter.

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(H) Dedicated Fund. Fines received or taxes paid as a result of this Chapter shall be deposited by the Commissioner of Finance into a dedicated account and utilized by the Sheriff of Ulster County or the Director of Emergency Communications/Emergency Management subject to appropriation by the Ulster County Legislature pursuant to law.

SECTION 8. GOVERNMENTAL IMMUNITY/NO SPECIAL DUTY CREATED.

Responding to or failing to respond to an alarm does not create any special duty by Ulster County; nor does it create any special duty by any municipality within Ulster County. Any and all liability and consequential damage resulting from either (a) responding; or (b) the failure to respond to an alarm system signal is hereby disclaimed and governmental immunity is retained. Responses by Law Enforcement, fire department and/or medical emergency response may be based on factors such as availability of police, fire and/or medical emergency units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels. No duty to respond to an alarm is represented herein as being made or promised.

SECTION 9. SEVERABILITY.

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section of part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 10. EFFECTIVE DATE.

The effective date of this Local Law shall be on January 1, 2016.