

Proposed Local Law No. 6 Of 2013

County Of Ulster

A Local Law Of The County Of Ulster, New York, Known As The “False Alarm Reduction Act”

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

A new Chapter, Chapter 118 is added to the Code of the County of Ulster to read as follows:

§118-1

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

§118-2

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. For those reasons, and in furtherance of enhancing the public’s health, safety, and general welfare, this Chapter is enacted.

§118-3

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.

“County” shall mean the County of Ulster.

“County Attorney” shall mean the Ulster County Attorney.

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

~~“Dispatched” means a paid or volunteer police officer, firefighter, ambulance corps worker, or rescue squad worker responds on behalf of Law Enforcement or Emergency Services as a result of a False Alarm.~~

“Dispatched” means a verbal, electronic, or written communication to Law Enforcement or Emergency Services made through the Ulster County Sheriff’s Office 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 human based on his or her actual observation or the observation of another human reporting such human’s personal observation or the personal observation of another human to such human, for anything described in (i) or (ii).

~~“Emergency Communications Center” shall mean: (i) the division of the Ulster County Emergency Communications / Emergency Management department which is responsible for answering emergency calls to 911 and dispatching Law Enforcement and/or Emergency Services; as well as (ii) the location where any other phone number for Law Enforcement or Emergency Services is answered where Emergency Services or Law Enforcement are thereafter dispatched.~~

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

~~“False Alarm” shall mean a verbal, electronic, or written communication to an Emergency Communications Center which emanates directly or indirectly from an Alarm System in a structure and causes, directly or indirectly, a call or signal~~

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~~(including but not limited to an electronic signal, telephonic signal, or human voice) to come into an Emergency Communications Center where a person therein contacts Law Enforcement or Emergency Services and causes Law Enforcement or Emergency Services to be dispatched 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 or evidence of an actual emergency having existed at such structure immediately preceding the start of communication to an Emergency Communications Center described herein.~~

“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 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.

~~“Responds” means a person Dispatched physically leaves the premises such person is at or change directions in their motor vehicle with the plan to go to such~~

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~~structure (or actually does go to such structure) to what is determined to be a False Alarm.~~

“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.

§118-4

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 in proper working order and does not cause ~~the initial communication which leads to~~ a False Alarm.

§118-5

PENALTIES, PAYMENT, AND COLLECTION THEREOF.

(A) Penalties for False Alarms. When **Law Enforcement of Emergency Services are Dispatched to a false alarm**, ~~a Law Enforcement official employed by Ulster County, including but not limited to the Ulster County Sheriff or a Deputy or Officer in the Ulster County Sheriff’s Office is dispatched or assists in the dispatch to a structure which is determined to be~~ to respond to a false alarm, the owner of the real property such Law Enforcement **or Emergency Services** official was dispatched to, ~~respond to~~ shall be liable for a civil penalty in the following amount in any **calendar year: 365-day period:**

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\$0 for the first **and second** false alarm;

~~\$35 for the second false alarm;~~

~~\$505~~ for the third false alarm;

~~\$200~~~~105~~ for the fourth **and subsequent** false alarms;

~~\$155 for the fifth false alarm;~~

~~\$255 for every subsequent false alarms.~~

Penalties shall be made payable to the Ulster County Commissioner of Finance and deposited by him or her for the benefit of Ulster County.

(B) Reporting of False Alarm. ~~A~~ Law Enforcement **employed by the County of Ulster** ~~official~~ described in subdivision (A) of this section is dispatched to what he or she ascertains to be a False Alarm 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 may also report the same to the Ulster County Sheriff's Office pursuant to any procedure established by the Sheriff of Ulster County. 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.**

(C) Upon the occurrence of a ~~second~~ **third** False Alarm 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.**

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(D) Appeal process.

(i) If the addressee of the Statement desires to appeal the fine, the fine 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 to an Attorney to hear such an appeal. **Appeals may be in writing or by personal appearance.**

(ii) Upon filing an appeal by the individual hearing the appeal (designated herein as the “hearing officer”), ~~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 is upheld **by the hearing officer**, such fine shall be payable within thirty days of the decision of the hearing officer.

(iii) 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.

(E) 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 ~~to be due and owing~~ under this Chapter.

(F) 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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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 ~~System~~ is represented herein as being made or promised.

§118-7

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.

§118-8

EFFECTIVE DATE.

This act shall take effect January 1, 2014.