

ALARM SYSTEM REGULATIONS

BE IT ENACTED by the County Legislature of the County of Cattaraugus as follows:

SECTION 1. Legislative Intent.

1.1. It is the intent of this Local Law to regulate and control, and to establish standards for each of the various types of intrusion, holdup, fire alarm or other emergency alarms which furnish signals requiring police or fire department responses for the purposes of investigation, action or safeguarding of property at the location from which such alarm is generated.

1.2. The alarms intended to be covered by this Local Law are all those alarms which report by a signal transmitted by telephone, leased wire, radio or in any other way relayed to the Cattaraugus County Communications Center or by an alarm device requiring an investigation or other action by any person acting in response to a signal actuated by an alarm device, including audible signals.

1.3. It is the intent and purpose of this Local Law that it shall be applicable not only to devices installed subsequent to the passage of this Local Law, but also to such devices as are already in use within the County.

SECTION 2. Jurisdiction And Municipalities Affected.

2.1. This law shall be in effect for all of the County of Cattaraugus, with the exception of the City of Olean and the Town of Ellicottville.

2.2. Other cities, towns and villages within the County of Cattaraugus may request the legislature amend this local law allowing them to administer and enforce its provisions locally.

SECTION 3. Definitions.

3.1. Advisory Board means persons designated by Chairman of the Cattaraugus County Legislature to be representative of the community, alarm industry, and law enforcement. The Advisory Board should review and recommend False Alarm reduction efforts and report to the county legislature.

3.2. Alarm Administrator means a person or designated by the County of Cattaraugus to administer, control and review False Alarm reduction efforts.

3.3. 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 in an Alarm Site.

3.4. Alarm Dispatch Request means a notification to a law enforcement agency or fire department that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

3.5. Alarm Registration means the notification by an Alarm Company or an Alarm User to the Alarm Administrator that an Alarm System has been installed and is in use.

3.6. Alarm Review Board is a seven member committee appointed by the Chairman of the Cattaraugus County Legislature as follows: the Alarm Administrator, one (1) member of a law enforcement authority with jurisdiction within this local law, one (1) dispatcher or other person associated with the Cattaraugus County Communications Center, one (1) member of the fire service, one (1) representative of a local Alarm Company and two (2) members of the public at large, appointed to deal with conflicts/disputes that cannot be resolved at a lower level.

3.7. 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.

3.8. 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 Cattaraugus 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.

3.9. 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.

3.10. Alarm User Awareness Class means a class conducted by the County of Cattaraugus for the purpose of educating Alarm Users about the problems created by False Alarms and responsible use and operation of Alarm Systems.

3.11. Automatic Voice Dialer means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement agency or fire department.

3.12. Cancellation or Responding Agency Alarm Dispatch Cancellation is the process by which an Alarm Company providing monitoring verifies with the Alarm User or responsible party that a false dispatch has occurred and that there is not an existing situation at the Alarm Site requiring law enforcement agency or fire department response.

3.13. Conversion means the transaction or process by which one Alarm Company begins monitoring of a previously unmonitored Alarm System or an Alarm System previously monitored by another Alarm Company.

3.14. Duress Alarm means a silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement response.

3.15. 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.

3.16. Fire Department means the fire department which has responsibility for the territory in which the alarm site is located.

3.17. Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

3.18. Keypad means a device that allows control of an Alarm System by the manual entering of a coded sequence of numbers or letters.

3.19. License means a license issued to an Alarm Company to sell, install, monitor, repair, or replace Alarm Systems by an authority having jurisdiction.

3.20. Local Alarm System means any Alarm System that annunciates an alarm only by an internal or external audio device.

3.21. Monitoring means the process by which an Alarm Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the Cattaraugus County Communications Center for the purpose of summoning law enforcement or fire department response to the Alarm Site.

3.22. One Plus Duress Alarm means the manual activation of a silent alarm signal by entering at a Keypad a code that adds one to the last digit of the normal arm/disarm code (Normal code = 1234 One Plus Duress Code = 1235).

3.23. Panic means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

3.24. Person means an individual, corporation, partnership, association, organization or similar entity.

3.25. Takeover means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

3.26. Verify means an attempt, by the Alarm Company, or its representative, to contact the Alarm Site by telephonic or other electronic means; whether or not actual contact with a Person is made, before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

3.27. Zones are subdivisions into which an Alarm system is divided to indicate the general location from which an Alarm System signal is transmitted.

SECTION 4. Registration Required; Application; Fee; Transferability; False Statements.

4.1. 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 Cattaraugus County Alarm Administrator. A separate registration is required for each Alarm Site.

4.1.1. An additional Alarm Registration classification shall be required for Alarm Systems programmed with Duress Alarm or Holdup Alarm. Such additional alarm registrations shall be added to the original registration without cost.

4.2. The fee for a registration shall be \$25.00. Such registration information shall be reviewed on an annual basis by the Alarm Administrator or his designee to confirm the accuracy of the information. No refund of a registration or registration renewal fee will be made. The registration fee must be submitted to the Alarm Administrator within five (5) days after the alarm installation or alarm takeover. Non-profit

organizations and governmental agencies shall be required to register alarms, but shall be exempt from the registration fee.

4.3. Upon receipt of a completed application form and the Alarm Registration fee, the Alarm Administrator shall register the applicant unless the applicant has:

4.3.1. failed to pay a fee or fine assessed under Section 11 or,

4.3.2. had an alarm registration for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

4.4. Each Alarm Registration application must include the following information:

4.4.1. 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;

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

4.4.3. 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;

4.4.4. mailing address if different from the Alarm Site;

4.4.5. any dangerous or special conditions present at the Alarm Site;

4.4.6. 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;

4.4.7. type of business conducted at the Alarm Site;

4.4.8. signed certification from the Alarm User stating:

4.4.8.1. the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;

4.4.8.2. 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:

4.4.8.3. the phone number of the Alarm Company Monitoring the Alarm System if different from the installing Alarm Company;

4.4.8.4. 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

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

4.4.8.6. 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.

4.4.9. 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.

4.4.10. 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.

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

4.4.12. All fees owed by an applicant must be paid before a registration may be issued.

4.4.13. The Alarm Administrator shall cause an inspection of the Alarm Site within ten (10) days of the receipt of the registration for the purpose of verifying the location of the Alarm Site. If the inspection of said Alarm Site requires an entrance onto private property, the inspection shall only be made with the permission of and in the presence of the owner or occupant of said Alarm Site.

SECTION 5. Alarm Systems In Apartment Complexes.

5.1. A tenant of an apartment with an Alarm System shall obtain an Alarm Registration from the Alarm Administrator before operating or causing the operation of an Alarm System in the tenant's

residential unit. The owner of property manager of an apartment complex shall obtain a separate alarm registration for any Alarm System operated in offices or common areas of the apartment complex. The annual fee for these registrations or the renewal of these registrations shall be the same as the fee for a residential Alarm Site.

5.2. If an Alarm System installed by an individual tenant in an apartment complex unit is monitored, then the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the apartment to the Alarm Company.

5.3. For purposes of enforcing this section against an individual residential unit, the tenant is responsible for False Alarms emitted from the Alarm System in the tenant's residential unit.

5.4. Each apartment unit shall be considered an Alarm Site.

SECTION 6. Registration Duration And Renewal.

6.1. A registration shall be permanent unless revoked or cancelled, and shall be reviewed for accuracy annually.

SECTION 7. Duties Of The Alarm User.

7.1. An Alarm User shall:

7.1.1. maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarms, and

7.1.2. 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, and

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

7.2. 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.

7.3. 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.

7.4. 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.

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

SECTION 8. Duties Of Alarm Company.

8.1. 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.

8.2. 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.

8.3. 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.

8.4. 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.

8.5. An Alarm Company performing Monitoring services shall:

8.5.1. 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;

8.5.2. report alarm signals by using telephone numbers designated by the Alarm Administrator;

8.5.3. 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;

8.5.4. communicate Alarm Dispatch Requests to the Cattaraugus County Communications Center in a manner and form determined by the Alarm Administrator;

8.5.5. communicate cancellations to the Cattaraugus County Communications Center in a manner and form determined by the Alarm Administrator;

8.5.6. 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;

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

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

8.5.9. provide Alarm User registration number when requesting dispatch;

8.5.10. endeavor to contact the Alarm User when an Alarm Dispatch Request is made;

and

8.5.11. 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 Alarm Administrator may request copies of such records for individually named Alarm Users.

SECTION 9. Alarm Company License.

9.1. The Alarm Administrator can appeal to an appropriate governmental body regulating the Alarm Company to suspend or revoke the Alarm Company's License when the Alarm Company fails to comply with the duties listed in Section 8. In the event the Alarm Administrator cannot obtain required information about the Alarm Company from the governmental body regulating the Alarm Company, the Alarm Administrator can require the Alarm Company to supply the required information in a registration with the Alarm Administrator.

9.2. The Alarm Company must have a valid license as an Alarm Installer issued by the New York State Department of State, Division of Licensing Services.

SECTION 10. Duties Of The Alarm Administrator.

10.1. The Alarm Administrator shall:

10.1.1. designate a manner, form and telephone numbers for the communication of alarm Dispatch requests;

10.1.2. establish a procedure to accept Cancellation of Alarm Dispatch Requests;

10.2. The Alarm Administrator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the following information. This information may be relayed by the responding officer at the time of clearance to law enforcement dispatchers, who will then record such information on the call record.

10.2.1. identification of the registration number for the Alarm Site;

10.2.2. identification of the Alarm Site;

10.2.3. date and time Alarm Dispatch Request was received;

10.2.4. date and time of law enforcement officer arrival at the Alarm Site;

10.2.5. zone if available;

10.2.6. name of Alarm User's representative on premises, if any;

10.2.7. identification of the responsible Alarm Company;

10.2.8. whether unable to locate the address, and/or;

10.2.9. cause of alarm if known.

10.3. The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm. Options include, but are not limited to, the officer leaving a door hanger or notice at the Alarm Site. The notice shall include the following information:

10.3.1. the date and time of law enforcement response to the False Alarm;

10.3.2. the identification number of the responding law enforcement officer, and;

10.3.3. a statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting fees.

10.4. If there is reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses False Alarms, the Alarm Administrator may require a conference with an Alarm User and the Alarm Company responsible for the repair of the Alarm System to review the circumstances of each False Alarm.

10.5. The Alarm Administrator shall oversee the creation and implementation of a Alarm User Awareness Class. The Alarm Administrator may request the assistance of Alarm Companies and a law enforcement agency in developing and implementing the class. The class shall inform Alarm Users of the problems created by False Alarms and teach Alarm Users how to operate their Alarm Systems without generating False Alarms.

SECTION 11. Fees.

11.1. An Alarm User shall be subject to fees, warnings and suspension or revocation of registration depending on the number of False Alarms emitted from an Alarm System within a calendar year based upon the following schedule:

<u># of False Alarms</u>	<u>Fee</u>
1-2	0
3-4	\$25 each
5 or more	\$50 each

11.2. In addition, any person operating a non-registered Alarm System (whether suspended, revoked or never acquired) will be subject to a citation and assessment of a \$50 fee for each False Alarm.

11.3. An Alarm User shall have the option of attending an Alarm User Awareness Class in lieu of paying one prescribed fee per calendar year. Such classes will be scheduled at the discretion of the Alarm Administrator based on need.

11.4. If Cancellation occurs prior to a law enforcement agency or fire department arriving at the scene, then this is not a False Alarm for the purpose of fees and no fees will be assessed.

11.5. Failure to pay any such false alarm fee, within ten (10) days of the receipt of notice of fee, shall result in the doubling of such fee, and shall subject the applicant for such Alarm Registration to revocation of the registration.

11.6. It shall be a violation of this local law to intentionally make a false alarm to be made. Any person, firm, partnership or corporation who shall be found guilty of intentionally causing a false alarm shall be found to be a "disorderly person" and shall be subject to a fee not exceeding \$250.00 for each such offense.

11.7. The Alarm Company shall be responsible for any fees incurred if the officer or fire department personnel responding to the False Alarm determines that an on site employee of the Alarm Company directly caused the False Alarm. This incident will not be counted against the Alarm User.

11.8. If the Alarm Company has a written policy against verification, it shall be considered a violation of this local law. Such violation shall be reported by the Alarm Administrator to the appropriate alarm company licensing authority.

11.9. If the Alarm Administer determines that an Alarm Company employee made a false statement concerning the inspection of an alarm site or the performance of an Alarm System, then it shall be considered a violation of this local law. Such violation shall be reported by the Alarm Administrator to the appropriate alarm company licensing authority.

SECTION 12. Notification.

12.1. The Alarm Administrator shall notify the Alarm User in writing after the first, second and third False Alarms. The notification shall include: the amount of the fee for each False Alarm, notice that the Alarm User can attend Alarm User Awareness Class to waive a fee, the fact that the alarm registration shall be-suspended after the fourth False Alarm and a description of the appeals procedure available to the Alarm User.

12.2. The Alarm Administrator will notify the Alarm User and the Alarm Company in writing after the fourth False Alarm that alarm that the alarm registration has been suspended. This notice of

suspension will also include the amount of the fee for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Company.

SECTION 13. Appeals.

13.1. An Alarm User may appeal the assessment of a fee to the Alarm Administrator. An appeal fee of \$10 will accompany the appeal by the user. Appeal fees will be returned to Alarm User if the appeal is upheld. The filing of an appeal with the Alarm Administrator stays the assessment of the fee until the Alarm Administrator makes a final decision.

13.1.1. The Alarm User shall file a written appeal to the Alarm Administrator by setting forth the reasons for the appeal within ten (10) days after receipt of the fee notice.

13.2. If the Alarm Administrator denies the issuance an Alarm Registration, then the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the applicant or Alarm User and the Alarm Company.

13.3. A second level of appeal is available to the Alarm Review Board in cases where the Alarm User is not satisfied with the decision reached at a lower level.

13.3.1. The applicant or Alarm User or the Alarm Company on behalf of the Alarm User may appeal the decision of the Alarm Administrator to the Alarm Review Board by filing a written request for a review setting forth the reasons for the appeal within twenty (20) days after receipt of the notice from the Alarm Administrator.

13.3.2. The Alarm Review Board shall conduct a formal hearing and consider relevant evidence by any interested person(s). The Board shall make its decision on the basis of the preponderance of evidence presented at the hearing. The Board shall render a decision within thirty (30) days after the appeal hearing is held. The Board shall may affirm, reverse or modify the assessment of the fee. The decision of the Board is final as to administrative remedies of the County of Cattaraugus.

13.3.3. Filing of a request for appeal shall stay the action by the Alarm Administrator suspending a registration or requiring payment of a fee, until the Alarm Review Board has completed the review. If a request for appeal is not made within the twenty-day (20) period, then the action of the Alarm Administrator is final.

SECTION 14. Enforcement and Penalties.

14.1. The registration permit for any alarm are subject to revocation as follows:

14.1.1. After four (4) fineable false alarms in a one year period

14.1.2. for failure to pay the registration fee

14.1.3. for failure to pay fees or fines imposed by reason of false alarms, accidental or intentional

14.1.4. for failure to install, maintain and operate such alarm system in accordance with the terms and conditions of any registration issued pursuant to this local law.

14.2. The Alarm administrator, after inspection, may give written notice to the registration holder of failure to comply with the terms of such registration, and may provide a grace period to bring such Alarm System into compliance and shall provide an opportunity for the Alarm User to be heard by the Alarm Administrator.

14.3. The revocation of an Alarm Registrations is open to appeal in the same manners as the imposition of fees.

SECTION 15. Government Immunity.

15.1. Registration of an Alarm System is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity is retained. By registering an Alarm System, the Alarm User acknowledges that police response may be based on factors such as: availability of police units, priority of calls, weather conditions, traffic conditions or emergency conditions staffing levels.

SECTION 16. Compliance Date.

16.1. All presently existing and installed alarm systems must be brought into compliance with the provisions of this Local Law on or before January 1, 2003.

SECTION 17. Severability.

17.1. If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not effect, impair or invalidate the remainder thereof, but shall be

confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 18. Effective Date.

18.1. This local law shall take effect immediately.

**ACT NO. 255-2002, LOCAL LAW NUMBER 20 – 2002, COUNTY OF CATTARAUGUS, NEW YORK
Adopted, as amended, May 22, 2002 by voice vote.**