

AMENDED COPY AS OF 7/20/2016

Intro. Res. No. 1493-2016
Introduced by Legislator Browning

Laid on Table 6/1/2016

**RESOLUTION NO. -2016, ADOPTING LOCAL LAW
NO. -2016, A LOCAL LAW TO IMPROVE ALARM SYSTEM
REGISTRATION REQUIREMENTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 1, 2016, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE ALARM SYSTEM REGISTRATION REQUIREMENTS**"; now, therefore be it

RESOLVED, that the said local law be enacted in form as follows:

LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO IMPROVE ALARM SYSTEM REGISTRATION
REQUIREMENTS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**; as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law No. 42-2015 established a requirement that homeowners and businesses in the Suffolk County Police District obtain a permit from the Police Department to operate their alarm systems.

This Legislature also finds that Local Law No. 42-2015, codified at Chapter 290, Article II of the SUFFOLK COUNTY CODE, sought to discourage and diminish the incidence of false alarms by establishing an escalating fee schedule for false alarms at homes and businesses.

This Legislature further finds that the permitting and false alarm fees set forth in Local Law No. 42-2015 are excessive and that the public safety goals underlying the legislation can be achieved with a reduced fee schedule.

Therefore, the purpose of this law is to reduce the permitting and false alarm fees set forth in the County's alarm registration law.

Section 2. Repeal and Replace.

Article II of Chapter 290 of the SUFFOLK COUNTY CODE is hereby repealed and replaced with a new Article II to read as follows:

ARTICLE II: PERMITS

§ 290-6. Definitions.

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

ALARM OWNER

Any person, corporation, company, partnership or joint venture who or which owns, leases, rents, or uses an alarm system or makes an alarm system available for use by his/her or its agents, employees, representatives, tenants or family. An alarm owner shall not include any governmental entity.

ALARM COMPANY

Any person, corporation, company, partnership or joint venture engaged in selling, leasing, installing, servicing or monitoring alarm systems that is licensed in accordance with New York State Law.

ALARM SYSTEM

Any device, system or instrument, whether known as a burglary, robbery or intrusion alarm, direct-dial telephone device, audible or silent or by any other name, which is designed or maintained or intended to detect an unauthorized entry into any building, structure, facility, or any designated portion thereof, or designed to signal the commission of an unlawful act or any other emergency, regardless of whether or not such device is connected to any telephone line that is dialed upon its activation. This definition shall not include any device installed by a telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.

COMMISSIONER

The Commissioner of the Suffolk County Police Department.

DEPARTMENT

The Suffolk County Police Department.

FALSE ALARM

An alarm signal to the Department activated by causes or events other than the commission or attempted commission of an unlawful act or emergency which the alarm system is designed to detect. This shall include, but not be limited to, mechanical failure, accidental tripping, misoperation, malfunction, misuse or neglect of the alarm system, but shall not include alarms caused by earthquakes, high winds, verifiable utility failures or external causes beyond the control of the alarm owner or alarms caused by smoke, fire or carbon monoxide.

NON-RESIDENTIAL BUILDING

Any improved property consisting of a building or structure that is not a residential building.

RESIDENTIAL BUILDING

Any improved property consisting of a building or structure designed and occupied exclusively for residential purposes by not more than two families.

POLICE DISTRICT

The geographical area under the jurisdiction of the Suffolk County Police Department, as defined in Article XIII of the Suffolk County Charter.

§ 290-7. Requirements for permit/transferability.

- A. No alarm owner shall operate an alarm system within the Police District without first obtaining a permit for such alarm system from the Department. All permits issued by the Department shall be issued a unique permit number.
- B. It shall be the duty of the alarm owner to obtain an application for a permit from the Department prior to operation. Such application shall be submitted in a form, manner, and containing such information as is required by the Department, including, but not limited to, whether the property is a residential building or a non-residential building, along with a one-time non-refundable permit fee.
- C. No permit shall be issued by the Department until payment is received from the alarm owner. The fee for an alarm system permit shall be fifty dollars (\$50) for a residential building and one hundred dollars (\$100) for a non-residential building.
- D. Upon receipt of a permit number from the Department, an alarm owner shall provide such permit number to an alarm company, if any.
- E. A permit for an alarm system issued to an alarm owner may not be transferred to another alarm user or transferred to any other residential building or non-residential building owned, leased, rented, used or available for use of the permitted alarm owner.
- F. Permits must be renewed annually. There shall be no fee for such renewals for residential buildings and a \$50 renewal fee for non-residential buildings.

§ 290-8. False Alarm Fees.

- A. A permitted alarm owner shall be subject to warnings and fees for false alarm notifications issued by the Department for false alarms occurring within any one year calculated from the anniversary date of the issuance of the permit, in accordance with the following graduated schedule:

Residential Building

- 1st false alarm - written warning only
- 2nd false alarm - written warning only
- 3rd false alarm – written warning only
- 4th false alarm - \$100
- 5th and all subsequent false alarms - \$150

Non-Residential Building

- 1st false alarm - written warning only
- 2nd false alarm - written warning only

3rd false alarm – written warning only
4th false alarm - \$100
5th false alarm - \$150
6th false alarm - \$200
7th and all subsequent false alarms - \$250

- B. An alarm owner who has failed to procure a permit from the Department as required by Section 290-7 shall be subject to fees for false alarm notifications issued by the Department for each false alarm occurring within any one year period, calculated from the date of the first instance of a false alarm occurrence, in accordance with the following graduated schedule:

Residential Building

1st false alarm - \$100; this fee will be waived if the alarm owner registers their alarm system within 30 days after receiving this false alarm notification
2nd false alarm - \$150
3rd false alarm and all subsequent false alarms - \$200

Non-Residential Building

1st false alarm - \$200
2nd false alarm - \$250
3rd false alarm and all subsequent false alarms - \$300

- C. Multiple false alarms occurring within a single twenty-four (24) hour period shall be counted as one occurrence.
- D. An alarm owner shall be given written notice by the Department of any fees chargeable by the Department for false alarms under this section. An alarm owner shall pay all demanded fees within thirty (30) calendar days of the date of the notice unless an alarm owner requests an appeal in accordance with section 290-9 below. Failure of an alarm owner to pay a false alarm fee when due shall result in a late fee in the amount of ten dollars (\$10) for residential buildings and twenty-five dollars (\$25) for non-residential buildings amounts due and owing past sixty (60) days.

§ 290-9. Appeals.

Any person or entity that receives a notice of false alarm fees or any other fees due under this Article may appeal such fees by filing a notice of appeal in such form as provided by the Department, with the Commissioner within thirty (30) days receipt of the notice. The Commissioner shall make a determination on the appeal within sixty days (60) of receipt. All final written determinations of the Commissioner shall be appealable in accordance with Article 78 of the New York Civil Practice Law and Rules.

§ 290-10. Rules and Regulations.

The Commissioner shall have the power to promulgate, amend and/or repeal rules and regulations not inconsistent with the provisions of this Article as may be necessary with respect to the form and content of applications alarm system permits, appeals processes, for the reception thereof, and other matters incidental or necessary to carry out the proper administration and enforcement of this Article. A copy of all rules and regulations promulgated and any amendments thereto shall be filed in the office of the Clerk of the County Legislature.

§ 290-11. Confidentiality of Records.

Any and all records prepared, created, and maintained by the Department in connection with this Article shall be kept confidential and exempt from disclosure in accordance with and under the provisions of the NEW YORK PUBLIC OFFICERS LAW.

Section 3. Applicability.

- A. The provisions of the new Article II of Chapter 290 of the SUFFOLK COUNTY CODE set forth in this law shall apply immediately as of the effective date of this law.
- B. Any person or entity that registered their alarm system prior to this law's effective date will not be required to pay a fee when they renew their registration.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect on January 1, 2017.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: