

**RESOLUTION NO. 974 -2016, ADOPTING LOCAL LAW
NO. 33 -2016, A LOCAL LAW TO IMPROVE THE COUNTY
ALARM PERMITTING PROCESS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 7, 2016, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE THE COUNTY ALARM PERMITTING PROCESS**"; now, therefore be it

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

LOCAL LAW NO. 33 -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO IMPROVE THE COUNTY ALARM PERMITTING
PROCESS**

**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 reduce the incidence of false alarms by establishing a progressive fee schedule for false alarms at homes and businesses.

This Legislature further finds that the public safety goals underlying the legislation can be achieved with a reduced fee schedule.

Therefore, the purpose of this law is to replace and improve the County's alarm permit procedure and false alarm fees.

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Article II of Chapter 290 of the SUFFOLK COUNTY CODE is hereby repealed and replaced with a new Article II to read as follows: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 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 Suffolk County 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 nonresidential building, along with the nonrefundable permit fee.
- C. Upon receipt of a permit number from the Department, an alarm owner shall provide such permit number to an alarm company, if any.
- D. 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 nonresidential building owned, leased, rented, used or available for use of the permitted alarm owner.

§ 290-8. Registration fee.

- A. No permit, or any renewal thereof, shall be issued by the Department until payment is received from the alarm owner.
- B. All permits issued by the Department shall expire two years from the date of issuance and are required to be renewed on a biennial basis. The Department shall notify an alarm owner electronically or in writing 60 days in advance of a renewal; however, it shall be the duty of the alarm owner to submit a renewal application prior to the expiration date of any permit issued by the Department. Such renewal application shall contain such information as is required by the Department.
- C. The registration fee for an alarm system permit shall be \$50 for a residential building and \$100 for a nonresidential building.
- D. Failure of an alarm owner to pay a renewal fee prior to the date of expiration of a permit shall result in a late fee in the amount of \$10, in addition to the amount of the renewal fee. In the event an alarm owner fails to pay the renewal fee within 30 days of expiration, the permit shall be deemed expired and the alarm owner shall be required to obtain a new permit in accordance with this article. An alarm owner who has allowed his/her permit to expire and receives a notification of a false alarm without obtaining a new permit shall be subject to the false alarm fees set forth in **§ 290-9B** below.
- E. The biennial renewal fee shall be \$50 for a residential building and \$100 for a nonresidential building. The biennial renewal fee for residential buildings owned by registrants who are 70 years of age or over shall be \$25.

§ 290-9. False Alarm Fees.

- A. A permitted alarm owner shall be subject to warnings and fees for false alarm notifications issued by the Department for each occurrence of a false alarm occurring within any one year of 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 - \$100
- 4th false alarm - \$100
- 5th false alarm - \$100
- 6th false alarm - \$250
- 7th false alarm - \$300
- 8th false alarm - \$350
- 9th false alarm - \$400
- 10th and subsequent false alarms - \$500

Nonresidential Building

- 1st false alarm – written warning only
- 2nd false alarm – written warning only
- 3rd false alarm - \$100
- 4th false alarm - \$150
- 5th false alarm - \$200
- 6th false alarm - \$250
- 7th false alarm - \$300
- 8th false alarm - \$350
- 9th false alarm - \$400
- 10th and subsequent false alarms - \$500

- B. An alarm owner that has failed to procure a permit from the Department as required by § 290-8 above shall be subject to fees different from a permitted alarm owner for false alarm notifications issued by the Department occurring within 12 consecutive months 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
- 2nd false alarm - \$100
- 3rd false alarm - \$150
- 4th false alarm - \$200
- 5th false alarm - \$200
- 6th false alarm - \$300
- 7th false alarm - \$300
- 8th false alarm - \$400
- 9th false alarm - \$450
- 10th and subsequent false alarms - \$500

Nonresidential Building

- 1st false alarm - \$100
- 2nd false alarm - \$100
- 3rd false alarm - \$200
- 4th false alarm - \$200
- 5th false alarm - \$200
- 6th false alarm - \$300
- 7th false alarm - \$300
- 8th false alarm - \$400
- 9th false alarm - \$450
- 10th and subsequent false alarms - \$500

- C. More than one false alarm within 24 hours 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 30 calendar days of the date of the notice unless an alarm owner requests an appeal in accordance with § 290-10 below. Failure of an alarm owner to pay a false alarm fee when due shall result in a late fee in the amount of \$25 and \$50 for amounts due and owing past 60 days.

§ 290-10. Appeals.

Any person or entity that receives a notice of false alarm fees or any other fines or fees due under this article may appeal such fines or fees by filing a notice of appeal in such form as provided by the Department, with the Commissioner, within 30 days of receipt of the notice. The Commissioner shall make a determination on the appeal within 60 days 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.

§ 290-11. 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. The rules and regulations shall include a written protocol for police officers responding to false alarms, including a check list of the actions a police officer must complete before leaving the scene of a false alarm. 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.

§ 290-12. 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.

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.

Section 4. Transition to new fee schedule.

Permits issued to alarm owners prior to the effective date of this law shall expire two years from the date of their issuance.

Section 5. 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 6. 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 7. Effective Date.

This law shall take effect on January 1, 2017.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: November 22, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 14, 2016
After a public hearing duly held on December 5, 2016
Filed with the Secretary of State on December 28, 2016