

UPDATED VERSION AS OF 8/25/2016

Intro. Res. No. 1771-2016

Laid on Table 9/7/2016

Introduced by Legislators Trotta and Cilmi

**RESOLUTION NO. -2016, ADOPTING LOCAL LAW
NO. -2016, A LOCAL LAW TO TERMINATE ALARM SYSTEM
REGISTRATION FEE**

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

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

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

**A LOCAL LAW TO TERMINATE ALARM SYSTEM REGISTRATION
FEE**

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 sought to discourage and diminish the incidence of false alarms by establishing a permitting requirement for alarm systems in the Suffolk County Police District and imposing a fee schedule for false alarms occurring at homes and businesses in the Police District.

This Legislature agrees that imposing fees on alarm owners who experience repeated false alarms will help reduce false alarms. However, this Legislature does not believe that requiring all homeowners and businesses -- many of whom have operated their alarm systems without incident for many years -- to pay a \$50 or \$100 fee to register their system is unnecessary to achieve a reduction in false alarms.

This Legislature concludes that the annual registration fee for alarm systems imposed by Local Law No. 42-2015 should be eliminated immediately and the monies received to date by the County should be refunded to those who have already registered with the County.

Therefore, the purpose of this local law is to eliminate the registration requirement for alarm system owners in the Police District.

Section 2. Repeal and Replace.

Local Law No. 42-2015 is hereby repealed. Article II of Chapter 290 of the SUFFOLK COUNTY CODE is hereby repealed and replaced with a new Article II to read as follows:

**CHAPTER 290.
ALARMS**

Article II. False Alarm Fees.

§ 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, uses or makes available for use by his/her or its agents, employees, representatives or family. An alarm owner shall not include any governmental entity.

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. 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 is not included in this definition.

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.

Nonresidential 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.

Suffolk County 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. Fees.

An 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 calendar year, 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 – written warning only
- 5th false alarm - \$100
- 6th false alarm - \$125
- 7th false alarm - \$150
- 8th false alarm - \$175
- 9th and all subsequent false alarms - \$200

Non-Residential Building

- 1st false alarm - written warning only
- 2nd false alarm - written warning only
- 3rd false alarm – written warning only
- 4th false alarm – written warning only
- 5th false alarm - \$100
- 6th false alarm - \$125
- 7th false alarm - \$150
- 8th false alarm - \$175
- 9th and all subsequent false alarms - \$200

§ 290-8. 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.

§ 290-9. 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 for other matters incidental or appropriate 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.

Section 2. Refund Policy.

The County of Suffolk shall refund all fees collected by the Police Department as a result of issuing permits to alarm system owners prior to the repeal of Local Law No. 42-2015.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

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 immediately upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: