

LOCAL LAW NO. 7-03
CHAUTAUQUA COUNTY

A LOCAL LAW REGULATING AUTOMATIC ALARM SYSTEMS IN THE COUNTY OF
CHAUTAUQUA

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

Section 1. Purpose

The purpose of this Local Law is to promote the health, safety, and general welfare of the residents of the County of Chautauqua by reducing the number of avoidable false alarms. False alarms result in unnecessary use of manpower and ineffective utilization of police, ambulance, fire and rescue equipment. This Local Law seeks to ensure that police, ambulance, fire and rescue emergency personnel are available for dispatch to actual emergencies and to alleviate the nuisance of audible false alarms to the surrounding community.

Section 2. Definitions

A. An “alarm system” shall include a device or an assembly of equipment which emits an audible, visual, or other similar response which is intended to alert persons outside a premises to the existence of a hazard or emergency; or which is intended to alert emergency agencies by automatically dialing an emergency agency; or which is connected to a central station or answering service for the purpose of reporting such alarms to emergency agencies.

B. An “alarm user” shall include any person who owns, leases, or uses an alarm system within the County of Chautauqua, except for alarms systems located within the Cities of Dunkirk or Jamestown and the Village of Fredonia.

Section 3. Registration of Alarm Systems

Alarm users shall be required to annually register on a calendar year basis each alarm system that they own, lease, or use with the Chautauqua County Sheriff’s Office in accordance with registration procedures promulgated by the Chautauqua County Sheriff. There shall be a one-time registration fee of \$25.00 for the initial registration of each alarm system. An alarm registration shall not be transferable to another person or alarm site. Alarm users shall be required to notify the Chautauqua County Sheriff’s Office of any change in their registration information within thirty (30) days of such change.

Section 4. Alarm User Liability

Alarm users shall be liable for false alarms, including, without limitation, false alarms arising from improper use or operation of an alarm system, defective installation of an alarm system, the failure to repair an alarm system, or the use of defective equipment in connection with an alarm system, but shall not be liable for the activation of an alarm system under

circumstances where the activator reasonably believes that an emergency situation exists. Alarm users also shall not be liable for false alarms caused by violent conditions of nature beyond the control of the user of an alarm system.

Section 5. Deactivation of Alarms

A. All alarms systems which employ an audible signal or flashing light or beacon designed to signal person outside the premises must be deactivated and silenced automatically within fifteen (15) minutes.

B. Emergency officials are hereby authorized to disable an audible alarm signal that has not been silenced within fifteen (15) minutes and neither the County, its officers and employees, or police and fire officials, shall be liable for any damage which may result from disabling an audible alarm signal as herein provided.

Section 6. Civil Penalties

A. An alarm user shall be liable for the following civil penalties for prohibited false alarms during the calendar year:

First false alarm	Warning letter only
Second and third false alarms	\$ 25.00
Fourth false alarm	\$ 50.00
Fifth false alarm	\$ 100.00
Sixth or more false alarms	\$ 200.00

B. Any person who fails to register his or her alarm system or fails to update changes in his or her registration information as required in Section 3 hereof, or whose alarm system violates the standards set forth in Section 5 hereof, shall be liable for a civil penalty of \$50.00.

Section 7. Hearing Provisions

A. Whenever the County intends to impose a civil penalty for a violation of this Law, the Chautauqua County Sheriff's Office shall give at least twenty (20) days advance written notice to the alleged violator by first class mail. The notice shall state the basis for the civil penalty and advise the alleged violator of the right to request in writing a hearing within such twenty (20) day period. The request shall specify the reasons why a civil penalty should not be imposed.

B. Written notice of the time and place of the hearing shall be sent to the alleged violator by first class mail at least twenty (20) days prior to the date set for the hearing. A

hearing shall be scheduled within at least sixty (60) days of a request for such hearing. The hearing officer shall be designated by the Chautauqua County Executive.

C. At the hearing, the alleged violator shall have the right to confront and examine witnesses and present evidence on his own behalf. After the hearing, the hearing officer shall issue a written decision setting forth his or her findings and determinations.

D. In the event the alleged violator fails to request a hearing, the County shall have the right to impose the civil penalty prescribed for the violation.

Section 8. Liability

The County of Chautauqua shall not be liable for any defects in operation of emergency alarm systems, for any failure to respond appropriately or for any erroneous response upon receipt of any emergency alarm signal. Nor shall the County be liable for the failure or defect of any installation, operation, or maintenance of equipment, the transmission of alarm signals or messages, or the relaying of such signals or messages. In the event that the County finds it necessary to disconnect a defective alarm or device, the County shall incur no liability therefrom.

Section 9. Severability

If any section, subsection, sentence, clause, phrase, or work of this Local Law is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance.

Section 10. Effective Date

This Local Law shall be effective upon filing with the Secretary of State.

PRINT 4

ADOPTED: 7/23/03
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