

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**Town of Colonie
Local Law No. 2 of the year 2022**

A local law amending Chapter 46 of the Code of the Town of Colonie, entitled “Alarm Systems.”

Be it enacted by the Town Board of the Town of Colonie of as follows:

SECTION 1: AMENDMENT

Chapter 46 of the Code of the Town of Colonie, entitled “Alarm Systems,” is repealed in its entirety and replaced with the following local law, which regulates alarm systems in the Town of Colonie.

§ 46-1. Purpose.

The purpose of this Local Law is to promote the health, safety, and general welfare of the residents of the Town of Colonie by reducing the number of avoidable Nuisance Alarms. Nuisance Alarms result in unnecessary and ineffective use of police, ambulance, fire and rescue emergency personnel and equipment.

§ 46-2. Definitions.

Alarm System: A device or an assembly of equipment which, when activated, is intended to transmit a signal directly or indirectly to request fire, police, ambulance, or rescue services to respond on an emergency basis. An “Alarm System” shall also include a device or an assembly of equipment that emits an audible or visual signal, or both, at or near the exterior of the protected premises which is intended to alert persons outside of a premises to the existence of a hazard or emergency; or that transmits a request for police, ambulance, fire or rescue services to a central station or answering service for the purpose of reporting such alarms to an emergency agency or transmitting a request for emergency services to an emergency agency. This definition does not include any alarm device installed in any motor vehicle, nor any single station detector of smoke, heat, fire or carbon monoxide.

Nuisance Alarm: The activation of an alarm system which results in a response by fire, police, or ambulance personnel to any place within the Town of Colonie (outside of the Village of Colonie and the Village of Menands) where no fire, police, ambulance, or rescue services are required, as determined by such personnel, including, but not limited to, activation of an alarm system arising from improper use or operation of the alarm system, defective installation of an

alarm system, the failure to repair or maintain an alarm system, or the use of defective equipment in connection with an alarm system. Nuisance alarms shall also include alarms in dwelling units and on premises that are triggered as a result of cooking smoke, steam, dust or vapor. A nuisance alarm shall not include:

- A. The activation of an alarm system which results from hurricane, gale, tornado or other violent weather condition, or any major disruption of public utility transmission;
- B. The activation of an alarm system where the activator reasonably believes that an emergency situation exists; or
- C. An activation of a medical alert system.

Medical Alert System: means an alarm system, which, when activated, is specifically intended to result in a response from an emergency medical services agency.

§ 46-3. Alarm Permits.

- A. A person or entity that occupies premises upon which an Alarm System is installed or operated shall obtain a permit for each Alarm System by submitting an application for an alarm permit to the Town Clerk within 45 days of the initial installation of the Alarm System or, for an existing Alarm System, within 45 days of the effective date of this local law. The permit shall be valid for a period of two years from the date of its issuance and a renewal application shall be required on a biannual basis thereafter. It shall be the responsibility of the permit holder to submit a renewal application prior to the expiration date of the existing permit.
- B. Commercial establishments with fire alarm systems shall be required to submit an inspection report to the compliance engine utilized by the Town. The inspection report must be completed by a third-party firm alarm company approved by the Town of Colonie. A list of approved alarm companies may be obtained from the Department of Fire Services.
- C. Alarm permit fees shall be established by the Town Board. All fees are nonrefundable. No fee shall be required for a permit application for which a medical alert system is the only alarm installed in the dwelling unit or premises.
- D. Upon written request addressed to the Town Clerk, the permit fee shall be waived for any person over the age of 62, who occupies premises upon which an Alarm System is installed or operated, provided that the intended alarm system shall be residential and not used in connection with any commercial or business purpose.
- E. An alarm permit shall not be transferable to another person or location. All permits shall be deemed terminated upon the sale or transfer of possession of the affected premises to a new owner or occupant.
- F. The permit holder shall notify the Town Clerk of any change to the information provided in their application for an Alarm Permit within thirty (30) days of such change.

G. The application for an alarm permit shall be made on the form prescribed by the Town Clerk and shall provide at least the following information:

- (1) The name, address and home and cell phone number of the intended permit holder;
- (2) The address of the premises upon which the Alarm System is located;
- (3) The address to which notices required under this Chapter will be sent, if different from the alarm location;
- (4) The name and home and cell phone number of three local persons who may be contacted, at any time of the day or night, who are authorized by the person who owns or leases the premises upon which an alarm system is installed or operated to enter the premises, ascertain the status thereof, and if the person determines such premises are safe and secure, deactivate or silence the alarm; and
- (5) Such other information as may be required by the Town of Colonie.

§ 46-4. Notice of Nuisance Alarms.

The permit holder of the premises which received an emergency response by reason of a Nuisance Alarm shall be notified, in writing, by certified mail of all alarms which Fire Services or Police deemed to be a nuisance. The notification shall inform the owner or lessee of the times and types of emergency responses provided to the address location.

§ 46.5. Administrative Review.

- A. Request for administrative review. To challenge the classification of an alarm as a Nuisance Alarm, the permit holder shall, within 30 days of service of the notice of the nuisance alarm, submit a written request for a hearing, setting forth the basis for the appeal, to Town of Colonie Fire Services. As used in this section, “service” shall mean the mailing by first-class mail or personal delivery of any notice referenced herein. The failure to submit a timely request for a hearing shall be deemed a waiver of the right to have the determination reviewed.
- B. Administrative review. The Alarm Review Board shall be comprised of the Deputy Police Chief, the Senior Fire Protection Specialist and a Town Attorney. The Board shall meet on a quarterly basis to hear matters as requested by permit holders. A permit holder notified of a nuisance alarm on their premises shall have the opportunity to present evidence to the contrary to the Board. The Alarm Review Board shall hold a hearing and make a written determination concerning the classification of the alarm. A copy of the determination shall be mailed to the permit holder. If the Board determines that an alarm was not a nuisance, the permit holder shall not be required to pay a fee. If the alarm is deemed to have been a nuisance, the permit holder shall have 30 days to pay the fee from the date of the determination. The Alarm Review Board’s determination shall be reviewable only pursuant to Article 78 of the Civil Practice Law and Rules.

§ 46-6. Fees for Nuisance Alarms.

- A. The permit holder for the premises to which an emergency agency responds as a result of a Nuisance Alarm arising from such premises shall pay a fee for each emergency agency response in each calendar year, as follows.
 - i. First 3 Nuisance Alarms in any calendar year: no fee.
 - ii. Every Nuisance Alarm over three in any calendar year shall incur a fee pursuant to the fee schedule adopted by the Town Board.

- B. Multiple Dwelling Unit Premises. An emergency response to a nuisance alarm for a multiple dwelling unit building or complex shall be calculated for each unit giving rise to the nuisance alarm as if that unit were its own premises, rather than aggregated across all dwelling units within the premises. The permit holder for the multiple dwelling unit premises is responsible for the fee as provided above.
 - i. For purposes of this section, a “dwelling unit” consists of one or more rooms with private bath and kitchen facilities used exclusively for residential occupancy.
 - ii. Common Areas. Any part of a multiple dwelling unit premises that is not a dwelling unit shall be treated as a “common area.” Emergency agency responses to Nuisance Alarms arising from any common area in such premises shall be aggregated.

- C. Failure to remit fee. Failure of the permit holder to pay the Nuisance Alarm fee within 30 days following service of the notice of the amount due, or if challenged, within 30 days following the date of the Alarm Review Board’s determination, is a violation of this chapter and is punishable as set forth in section 46-7 below.

- D. Payment of fee. Nuisance Alarm fees shall be submitted to the Town of Colonie Town Clerk at 534 New Loudon Road, Latham, NY 12110, and shall be made payable to the “Town of Colonie.”

§ 46-7. Penalties and fines.

- A. A person or entity who owns or leases the premises upon which an alarm system is installed or operated without a valid permit issued by the Town Clerk or who fails to provide notice of a change to the information provided in an application as required by section 46-3 above, or who violates section 46-6 above, shall be guilty of a violation punishable upon conviction in Colonie Justice Court by a fine in accordance with the Police and Fire Services fee schedules, or imprisonment not exceeding 15 days, or both. Each day such offense continues shall be a separate violation and subject to a separate fine, imprisonment or combination thereof.

- B. Any person who fails to pay the Nuisance Alarm penalty fee as established and set forth in section 46-4 above shall be subject to a fine, not to exceed \$500, in addition to the initial

penalty. Each day such offense shall continue shall be a separate violation and subject to a separate fine.

§ 46-8. Silencing of Alarms.

All alarm systems which employ an audible signal, flashing light beacon or similar audible or visual response, indicating a hazard or emergency and intended to summon law enforcement, must be silenced within 15 minutes. Every permit holder shall, at the time such alarm system is installed, or in the case of existing alarm systems, by the effective date of this local law, install or cause to be installed an automatic timing device which shall deactivate and silence such alarm within 15 minutes.

§ 46-9. Liability.

The Town of Colonie 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 Town of Colonie 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.

§ 46-10. Enforcement.

The Police Department and Fire Services shall enforce this chapter and are authorized to issue and serve citations and appearance tickets for nuisance alarms.

§46-11. Additional rules and regulations.

The Chief of Police may promulgate such rules, regulations and standards applicable to alarm systems and owners or lessees of premises on which an alarm system is installed or operated, which are necessary for the purpose of effective administration of this chapter. Such rules, regulations and standards shall be set forth, in writing, and filed with the Town Clerk and copies shall be made available without charge to all applicants for an alarm permit.

§46-12. Severability.

If any section, subsection, sentence or clause of this Local Law, or the application thereof, is for any reason held to be invalid by any court of competent jurisdiction, the invalidity thereof shall not affect the validity of the remaining sections, clauses or provisions of this Local Law or the application thereof.

§46-13. Effective Date.

This Local Law shall become effective upon its filing in the Office of the Secretary of State.

SEQR Determination:

The amendment of this local law as set forth herein, including the revision of definitions, alarm registration requirement, prohibition against nuisance alarms, and provisions exempting the Town of Colonie from liability, is hereby determined to be a Type 1 action which will not have a significant effect on the environment.

PROPOSED FEE SCHEDULE

Police Department response: (police department shall maintain and possess all police-related alarm response documentation until the quarterly Board meeting)

Number of Nuisance Alarms In Calendar Year	Fee
1-3	No fee
4	\$50
5	\$100
6 or more	\$200

Response by a fire company, fire district or multiple agencies: (fire services shall maintain and possess all fire-related alarm response information documentation until the quarterly Board meeting).

Number of Nuisance Alarms In Calendar Year	Fee
1-3	No fee
4	\$100
5	\$250
6 or more	\$500

ALARM PERMIT APPLICATION FEE

\$25/two years

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2022 of the **Town of Colonie** was duly passed by the Town Board on July 21, 2022 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer'.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (Town) _____ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not disapproved)(repassed (Name of Legislative Body) after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (_____) (Town) (_____ of _____) was duly passed by the _____ on _____ 20____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the _____ (Town) (_____ of _____) was duly passed by the (Name of Legislative Body) on _____ 20____ and was (approved)(not disapproved)(repassed after (disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20____ in accordance with the applicable provisions of law.

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

Clerk of the Town or officer designated by local legislative body
Date:

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Town of Colonie Town Attorney
Date: