

Town of Brighton
Franklin County
New York

Local Law No. 1 of the year 2009

SECTION I. TITLE

A local law titled "Prevention of Avoidable Alarms in the Town of Brighton, Franklin County, New York."

SECTION II. PURPOSE

It is the purpose of this local law to promote the health, safety and general welfare of the residents of the Town of Brighton by reducing the number of avoidable alarms, thereby ensuring that fire and rescue emergency personnel will be available for actual emergencies. Avoidable alarms unnecessarily drain resources and require emergency responses which increase the risk of accidents and delay responses to real emergencies.

SECTION III. DEFINITIONS

For the purpose of this local law, the following words and phrases shall be defined as set forth below:

FIRE DEPARTMENT - those entities which provide fire protection to the Town of Brighton's fire protection district.

ALARM SYSTEM - any mechanical or electrical device that is designed or used for the detection of fire, smoke, heat or flame serving a building or buildings, and which device emits a sound or transmits a signal or message when actuated; or which is connected to a central station or answering service for the purpose of reporting such alarms to emergency agencies. Multiple fire alarm receptors covering more than one building on a property will be considered one alarm system.

AVOIDABLE ALARM - Any audible alarm and/or an electronically transmitted alarm to which the Fire Department responds when an emergency situation does not exist. An alarm caused by power outages or severe weather conditions when no emergency situation exists is not an avoidable alarm as defined herein. The transmitting of a message or signal due to an equipment malfunction or maintenance activity shall be deemed to be an avoidable alarm and not an emergency situation.

EMERGENCY - an urgent need for assistance or relief to protect against immediate and potentially catastrophic personal injury or property damages occurring at or in close proximity to the alarm premises.

ALARM - any form of notification, either audibly or electronically transmitted to the fire department representing an emergency situation.

ALARM USER - shall include any person, business or institution who owns, leases or employs an alarm system within the Town of Brighton.

RECEPTORS - Those components in an alarm system which detect smoke, heat, flame or fire, which are dispersed throughout a building or buildings.

SECTION IV. ALARM USER LIABILITY

Alarm users shall be liable for all avoidable alarms which result in the dispatch of the fire department.

SECTION V. CIVIL PENALTIES

An alarm user with an alarm system shall be liable for the following civil penalties for avoidable alarms in each calendar year:

First through Third avoidable alarm.....No charge/Warning letter only
Fourth through twenty-fifth avoidable alarm.....\$250 Fine for each incident
Twenty-sixth and subsequent avoidable alarm\$500 Fine for each incident

SECTION VI. ADMINISTRATION

The town Code Enforcement Officer (CEO) shall be responsible for administering this local law. The CEO shall collect and keep records of all reported avoidable alarm incidents for each calendar year, and prepare matters for civil court.

SECTION VII. AVOIDABLE ALARM INCIDENT REPORTING

Within fourteen (14) days of an avoidable alarm incident, the fire department shall send the CEO a written Avoidable Alarm Incident Report, either by fax, e-mail, or first class mail. Such report shall include:

- The Alarm users name and address, if known;
- The date, time and location where the fire department was directed to respond to the avoidable alarm;
- A description of the incident which the fire department believes constitutes an avoidable alarm; and
- The name and signature of the fire department official completing the incident report.

SECTION VIII. HEARING PROVISIONS

A. Within fourteen (14) day of receiving an Avoidable Alarm Incident Report, the CEO shall send a written notice of the violation and a copy of the Avoidable Alarm Incident Report to the subject alarm user by first class mail. Such written notice shall also reference the total number of violations by the alarm user for the year, and include either a warning letter or set forth a demand for the civil penalty owed for this particular violation. Such notice shall provide the alleged violator with the right to request a hearing or forward payment of the civil penalty within twenty (20) days of the date of the letter.

B. If a hearing is requested, or no fine paid within the requisite time period, then the CEO shall

commence a civil action in a court of competent jurisdiction seeking judgment against the alleged violator for all appropriate civil penalties, costs and expenses.

- C. The Town shall not seek judgment more than two years after the occurrence of the acts forming the basis of the violation.

SECTION IX. DISCLAIMER OF LIABILITY

The Town of Brighton and the fire department serving the Town of Brighton shall not be liable for any defects in the operation of emergency alarm systems nor for any failure to respond appropriately nor for any errors with respect to the installation, operation or maintenance of equipment, the transmission of alarm signals or messages or the relaying of such signals or messages.

SECTION X. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word 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 or the remaining provisions of this law.

SECTION XI. EFFECTIVE DATE

This local law shall be effective upon its filing with the New York State Secretary of State.

Filed: March 13, 2009