

**LOCAL LAW FILING**

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**COUNTY OF DELAWARE**

**LOCAL LAW NO. 20 OF THE YEAR 2024**

**TITLE: A LOCAL LAW OF THE COUNTY OF DELAWARE, NEW YORK, KNOWN AS THE “FALSE ALARM REDUCTION ACT”**

**BE IT ENACTED**, by the Board of Supervisors of the County of Delaware, New York as follows:

**SECTION 1. TITLE.**

This Local Law shall be known by and may be cited as the False Alarm Reduction Act.

**SECTION 2. LEGISLATIVE FINDINGS.**

The Delaware County Board of Supervisors hereby finds and declares that false alarms drain resources of the Delaware County Sheriff, police officers, and other first responders such as firefighters and emergency services workers. Each false alarm amounts to a waste of taxpayer money without any public safety benefit and otherwise imperils the rest of the public who may need actual assistance. The Delaware County Board of Supervisors hereby further finds it important and necessary to ensure that the alarms being called into the Delaware County Sheriff, police officers and other first responders such as firefighters and emergency services workers must have proper notification issued to the Delaware County Emergency Services Office. For those reasons, and in furtherance of enhancing the public’s health, safety, and general welfare, this law is enacted. Therefore, the fines levied in accordance with this Local Law shall be used to offset the administrative and operational expenses caused by the large number of responses by the Delaware County Sheriff, police officers and other first responders.

**SECTION 3. DEFINITIONS.**

As used in this Chapter, the following terms shall have the following meanings:

“Alarm System” shall mean a device or series of devices, including but not limited to devices interconnected with a telephone and/or radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon the Law Enforcement and/or fire protection and/or medical emergency service and/or Emergency Services which perform services in Delaware County or a Municipality therein. "Alarm System" shall not include any personal alarm device nor any vehicle alarm device unless the vehicle is permanently located at a site where the device or devices constituting the Alarm System are intended to summon Emergency Services to.

“County” shall mean the County of Delaware.

“County Attorney” shall mean the Delaware County Attorney.

“Treasurer” shall mean the Delaware County Treasurer.

“Director” shall mean the Director of Delaware County Emergency Services

“Dispatched” means a verbal, electronic, or written communication to Law Enforcement or Emergency Services made through the Delaware County Sheriff’s Office, 911, or local law enforcement dispatch and caused through an Alarm System which actually causes a police officer, firefighter (paid or volunteer), ambulance volunteer or employee, rescue squad worker (paid or volunteer), or auxiliary member of any police or fire department or ambulance or rescue squad to physically leave the premises such person is at or change directions in their motor vehicle with the plan to respond (or actually responding) to what is determined to be a false alarm.

“Emergency” shall mean (i) a need for prompt medical services; and/or (ii) a need for prompt police services due to an impending or actually occurring trespass, break in, robbery; and/or (iii) a circumstance perceived by a human witness or believed by a person based on his or her actual observation or the observation of another human reporting such human’s personal, for anything described in (i) or (ii).

“Emergency Services” shall mean a fire department, district, company, ambulance, or rescue squad.

“False Alarm” shall mean an automated action which emanates from an Alarm System in a structure and causes a call or signal to come into an Delaware County Sheriff’s Office, 911, or local law enforcement dispatch where a person therein contacts Law Enforcement or Emergency Services and dispatches Law Enforcement or Emergency Services to such structure (whether the Law Enforcement personnel or Emergency Services personnel actually arrive at such structure or not) without any actual emergency existing at that structure.

“Law Enforcement” shall mean the Delaware County Sheriff and the Deputies who work under the Sheriff, and members or officers of any City, Town, or Village police department, or the New York State Police.

“Municipality” shall mean any City, Town, or Village wholly contained within the County of Delaware and Delaware County.

“Notice of Installation (NOI)” shall mean paperwork obtained from and remitted to the Delaware County Emergency Services Office as outlined in Section 6 of this Law

“Owner” shall mean the person, firm, partnership, association, or corporation which has legal title to the real property where the false alarm emanates from.

“Police phone number” shall mean emergency communications or any phone number designed to be answered by Law Enforcement or Emergency Services.

“Sheriff” shall mean the Delaware County Sheriff.

“Statement” shall mean a written invoice stating a fine. Such statement shall include a statement that the addressee or his or her attorney or a tenant of the addressee acting with the written (notarized) approval of the addressee may appeal the fine provided for in the invoice in the process authorized under law. Statements shall be served personally upon the addressee or may be served certified mail return receipt requested along with a copy sent first class mail at the address of the property owner.

“Structure” shall mean a physical improvement to real property which has an alarm in it placed there by or under the control of an owner or tenant of the structure.

#### **SECTION 4. EXEMPTIONS.**

The requirements of this Local Law shall not apply to any Delaware County municipality that has enacted local false alarm reduction legislation.

#### **SECTION 5. FALSE ALARMS PROHIBITED.**

False Alarms caused by an Alarm System are prohibited. It is the responsibility of the property owner to ensure that their Alarm System is properly installed, in proper working order and does not cause a False Alarm.

#### **SECTION 6. NOTIFICATION OF INSTALLATION (NOI) REQUIRED; APPLICATION; TRANSFERABILITY; FALSE STATEMENTS.**

(A) A person commits a violation if he or she operates or causes an alarm system to operate that results in a call to the Delaware County Sheriff, police officers, and other first responders such as firefighters and emergency services without a Notification of Installation (NOI) issued to the Delaware County Emergency Services. A separate NOI shall be required for each alarm system.

(B) It shall be the responsibility of the alarm system installer at the time of installation or activation to submit an NOI to the Delaware County Emergency Services Office on behalf of the user, unless the installer has confirmed that the user already has submitted an NOI. It shall be the responsibility of the alarm company that monitors the alarm system to ensure, prior to commencing any such service contract, that there is a current NOI. Notwithstanding the provisions of this subdivision, the alarm system user shall be deemed the NOI applicant and owner for purposes of this Local Law.

(C) Upon receipt of a completed NOI the Delaware County Emergency Services shall issue signed receipt to an applicant unless the applicant has,

- Failed to pay any penalty assessed pursuant to this Local Law; or
- Had an NOI revoked and the cause for such revocation has not been corrected at the time the NOI is received by the Delaware County Emergency Services.

(D) Every NOI for an alarm system shall include the following information:

- The name, mailing address, and telephone number(s) of the person who shall be responsible for the proper maintenance and operation of the alarm system and payment of fees and assessments pursuant to this title;
- For each alarm system located at the alarm site, the purpose of the alarm, to wit:

- burglary, robbery, personal hostage, panic, fire etc.;
  - Street address and nearest cross street of the building in which the alarm system is housed.
  - The name and phone number of (2) local key holders who may be available to respond at the time of an alarm. Local in this sense meaning within 20 minutes' drive time.
  - NOI forms can be obtained from the Emergency Services Office during regular business hours.
- (E) Any false statements made by the applicant in conjunction with obtaining an NOI shall be sufficient cause for the Emergency Services Office to refuse the NOI.
- (F) All alarm owners shall advise the Delaware County Emergency Services of any changes in the information contained within the NOI.
- (G) An NOI may not be transferred to another person without the filing of a new NOI.
- (H) An alarm owner shall advise the alarm company that monitors the alarm system of the Delaware County Sheriff Department's telephone number upon receiving the receipt of NOI from the Delaware County Emergency Services.
- (I) The Delaware County Emergency Services may revoke an NOI if it determines that:
- There is a false statement made in the NOI; or
  - The owner has violated any provision of this Local Law; or
  - The owner has failed to make timely payments of any penalties or fees pursuant to this Local Law; or
  - There are five (5) or more false alarms in a year and satisfactory documentation or repair of the alarm system has not been submitted.
- (J) A person whose NOI has been revoked may submit a new NOI if the person:
- Submits an updated NOI; and
  - Pays or otherwise disposes of all penalties issued
  - pursuant to this Local Law; and
  - Submits proof that the alarm system has been inspected and properly maintained.

## **SECTION 7. PENALTIES, PAYMENT, AND COLLECTION THEREOF.**

- (A) Penalties for False Alarms. When Law Enforcement or Emergency Services are dispatched to a false alarm, the owner of the real property Law Enforcement or Emergency Services was dispatched to, shall be liable for a civil penalty in the following amount in any calendar year:
- \$0 for the first and second false alarm;
  - \$50 for the third false alarm;
  - \$200 for the fourth and each and every subsequent false alarm(s);

Civil penalties shall be made payable to the Delaware County Treasurer and deposited by him or her into a segregated fund as established in this law for the benefit of the Delaware County

Emergency Services 911.

(B) Penalties for operating an alarm system without a valid NOI. When Law Enforcement or Emergency Services are dispatched to a false alarm and the alarm system is in operation without a valid NOI, the owner of the real property in which the alarm system is installed shall be liable for a civil penalty in the following amount in any calendar year:

- Upon the first false alarm, a warning shall be issued to the homeowner and such homeowner shall have 14 days to submit an NOI;
- \$100.00 for the second false alarm;
- \$200.00 for the third and each and every subsequent false alarm(s);

(C) Reporting of False Alarm. When Law Enforcement employed by the County of Delaware are dispatched to what he or she ascertains to be a False Alarm such Law Enforcement employed by the County of Delaware shall, within seventy-two hours of being dispatched, report the same to his or her immediate Supervisor in the Delaware County Sheriff's Office. Such Supervisor or his or her designee shall enter such False Alarm into a database to be maintained by the Delaware County Emergency Services Office of reported False Alarms. Such database shall contain the information required by the Emergency Services Office. Law Enforcement other than Law Enforcement employed by the County of Delaware or Emergency Service may also report the same to the Delaware County Emergency Services Office pursuant to any procedure established by the Director of Delaware County Emergency Services and agreed upon by the Chief of Police, or if there be none, Officer in Charge of such police department or Emergency Service of such District, City, Town, or Village. Such procedure shall be in writing and filed with the Director of Delaware County Emergency Services and shall call for any report to be made to the Director within seventy-two hours of the dispatch occurring. To the extent that an intermunicipal agreement is determined to be necessary to effectuate any purpose of this law, the Chairman of the Delaware County Board of Supervisors is hereby authorized to sign the same upon the approval by the County Attorney of such agreement or agreements or amendments thereto.

(D) Upon the occurrence of the first False Alarm, if the alarm system is operated without an NOI or a third False Alarm if the alarm system is operated with an NOI, in a calendar year the Director of Emergency Services shall cause a Statement to be mailed to the property owner instructing the property owner to return the fine in the designated amount, made payable to the Delaware County Treasurer. Such Statement from the Director shall require the fine to be paid within thirty days of the date of the Statement sent from the Director. Such Statement shall be mailed within thirty days by the Director.

(E) Appeal process. If the addressee of the Statement desires to appeal the fine and/or revocation of the NOI, the fine and/or revocation of the NOI shall be stayed pending the appeal. The Appeal shall be made in writing to the Director of Delaware County Emergency Services or an employee of the Delaware County Emergency Services office designated to hear such appeal or alternatively to an attorney appointed by the Director with the consent of the Delaware County Attorney to hear such an appeal. Appeals may be in writing or by personal appearance within thirty days of the date of the Statement sent from the Director. Upon filing an appeal, the individual hearing the appeal (designated herein as the "hearing officer"), shall send written instructions to

the property owner stating when the appeal shall be heard (either upon written submission or orally or both). The hearing officer shall render a decision on the appeal within thirty days and shall send such decision, which shall constitute a final determination pursuant to Article 78 of the Civil Practice Law and Rules, to the property owner where the structure was on which the False Alarm emanated from. Thereafter, if the decision is that the fine and/or revocation of permit is upheld by the hearing officer, such fine shall be payable within thirty days of the decision of the hearing officer and such revocation of NOI shall take effect immediately upon the decision of the hearing officer. An aggrieved party may institute a proceeding or action pursuant to the provisions of Article 78 of the Civil Practice Law and Rules to challenge such final determination by the hearing officer. If no appeal is taken, the mailing of the Statement by the Director or his or her representative shall constitute a final determination appealable pursuant to this law or otherwise pursuant to Article 78 of the Civil Practice Law and Rules.

(F) Levy on Tax Bill. The Treasurer or any Delaware County employee authorized by him or her is authorized to levy on the county tax bill of any property owner any unpaid fine authorized and finally determined under this Chapter.

(G) Civil Action. The County Attorney is authorized to commence a separate civil action to collect any fine authorized under this Chapter.

(H) Dedicated Fund. Fines received or taxes paid as a result of this Chapter shall be deposited by the Treasurer into a dedicated account and utilized by the Director of Emergency Services/911 subject to appropriation by the Delaware County Board of Supervisors pursuant to law.

#### **SECTION 8. GOVERNMENTAL IMMUNITY/NO SPECIAL DUTY CREATED.**

Responding to or failing to respond to an alarm does not create any special duty by Delaware County; nor does it create any special duty by any municipality within Delaware County. Any and all liability and consequential damage resulting from either (a) responding; or (b) the failure to respond to an alarm system signal is hereby disclaimed and governmental immunity is retained. Responses by Law Enforcement, fire department and/or medical emergency response may be based on factors such as availability of police, fire and/or medical emergency units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels. No duty to respond to an alarm is represented herein as being made or promised.

#### **SECTION 9. SEVERABILITY.**

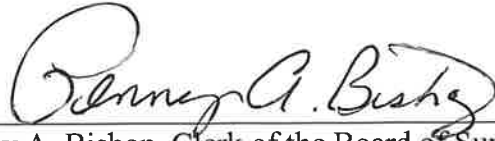
If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section of part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **SECTION 10. EFFECTIVE DATE.**

This Local Law shall take effect September 1, 2024.

I hereby certify that the local law annexed hereto, designated as Local Law No. 20 of 2024 of the County of Delaware was duly passed by the Board of Supervisors on July 24, 2024, and was approved. Such local law was not subject to permissive referendum in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.



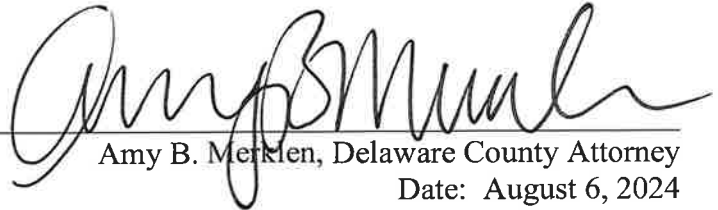
Penny A. Bishop, Clerk of the Board of Supervisors

Date: August 6, 2024

(Seal)

STATE OF NEW YORK  
COUNTY OF DELAWARE

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.



Amy B. Merkle, Delaware County Attorney

Date: August 6, 2024