

AMENDMENT IN THE NATURE OF A SUBSTITUTION TO CLERK ITEM NO.
595-10

Introduced at the Request of the County Executive by _____

LOCAL LAW NO. 19 - 2010

A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE
CODE IN RELATION TO FALSE TRANSMISSIONS FROM AUTOMATIC
ALARM SYSTEMS

Passed by the Nassau County Legislature on October 29, 2010
Voting: ayes: 11, naves: 8, abstained: 0
Became a law on November 3, 2010 with the approval of
the County Executive.

APPROVED AS TO FORM



Deputy County Attorney

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Title B of Chapter 8 of the Nassau County Administrative Code, as
last amended by Local Law 22-2007, is amended to read as follows:

TITLE B

TRANSMISSIONS FROM AUTOMATIC ALARM SYSTEM

8-40.0 Legislative intent. The Legislature finds it important to ensure that the alarms being
called into the Police Department have valid permits. In addition, while the
Legislature recognizes the importance of alarm systems, the Legislature finds that

there have been an excessive number of false alarms and the costs associated with false alarms should be borne by the people who have alarm systems. Therefore, the alarm permit fees will offset the administrative and operational expenses caused by the large number of responses by the Police Department. In addition, in order to reduce the number of false alarms the Legislature is hereby creating a graduated penalty schedule to be assessed against the permit holder whose alarm system is generating the false alarms, based on the number of false alarms generated to the Police Department by the permit holder's alarm system.

8-40.1 Definitions. As used in this Title, the term:

1. "Alarm System" shall mean any transmission from or to a privately operated central station or any alarm device which automatically dials the emergency telephone number of the police and uses a pre-taped or pre-recorded message to alert police that an emergency exists or that the services of that department are needed. "Alarm System" shall also mean any alarm device, which automatically emits an audible, visual or other similar response upon the occurrence of any hazard or emergency, and is intended to alert persons outside the building to the existence of said hazard or emergency.
2. An "alarm system installer" is the person or entity that installs the alarm for compensation or pursuant to contract.

If there is no such installer, "alarm system installer" shall mean the building owner or occupant who initiates the installation.
3. An "alarm system user" is the person or entity that contracts or pays for an

alarm monitoring service.

4. "Police emergency number" shall mean any telephone number designated by the Commissioner of Police as a telephone number through which members of the public may report an emergency or request police assistance.
5. "False Alarm Notification" shall mean an alarm notification to the police department, when there is no evidence of a criminal offense or attempted criminal offense. Excluded in this definition are:
 - (a) Alarms occurring during severe electrical storms, hurricanes, tornadoes, blizzards and acts of God; or
 - (b) An intermittent disruption of the telephone circuits beyond the control of the privately operated central station and/or alarm user; or,
 - (c) Electrical power disruption or failure.

8-40.2 Automatic dialing devices. No unauthorized person shall use, operate or install any device that, upon activation by automatic means, initiates the dialing, calling or other connection with Nassau County Police Department "911" emergency telephone number or any other Nassau County Police Department telephone number designated as a "police emergency number." Authorized automatic dialing devices shall transmit messages only to such numbers as shall be designated for that purpose by the Commissioner of Police.

8-40.3 Delay. Upon the activation of a burglary (break-in) alarm, there shall be a mandatory delay of at least 15 seconds before the transmission of a signal to

the Police Department to enable the user to abort the signal in the event that it was triggered inadvertently. This delay shall not be applicable to a robbery (holdup or medical emergency alarm. Any system installed on or after the effective date of this ordinance must comply with this section. Pre-existing installations must comply within six (6) months of the effective date of this ordinance.

8-40.4 Timing device. The user of every alarm system, emitting an audible, visual or other similar response shall, at the time such system is installed or within six (6) months of the effective date of this ordinance in the case of existing systems, install or cause to be installed an automatic timing device which shall deactivate such alarm within thirty (30) minutes or less.

8-40.5 Limitations of automatic dialing devices. No person shall use, operate or install any device that will, upon activation, automatically dial, call or connect with the telephone number designated by the Commissioner of Police for the purpose of receiving such alarm messages, more than twice for any one incident. Any system installed on or after the effective date of this ordinance must comply with this section. Pre-existing installations must comply within six (6) months of the effective date of this ordinance.

8-40.6 Permit required; application; fee; transferability; false statements

1. A person commits a violation if he or she operates or causes to be operated an alarm system that results in a call to the police department without a valid permit issued by the police department. A separate permit shall be required for each alarm system.

2. It shall be the responsibility of the alarm system installer at the time of installation or activation to submit an alarm permit application form along with the required fees to the Police Department on behalf of and at the expense of the user, unless the installer has confirmed that the user already holds a permit. 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 alarm permit. Notwithstanding the provisions of this subdivision, the alarm system user shall be deemed the permit applicant and permit holder for purposes of this title.
3. Upon receipt of a completed permit application form and a non-refundable permit fee of ~~[ninety dollars (\$90)]~~ one hundred dollars (\$100.00) for a residential premises or ~~[one hundred twenty dollars (\$120)]~~ one hundred fifty dollars (\$150.00) for commercial premises for a new permit and ~~[seventy-five dollars (\$75)]~~ one hundred dollars (\$100.00) for residential premises or ~~[ninety-five dollars (\$95.00)]~~ one hundred fifty dollars (\$150) for commercial premises for a permit renewal, the Police Department shall issue an alarm permit to an applicant unless the applicant has,
 - (a) Failed to pay any penalty assessed pursuant to subdivision two of section 8-40.10; or,
 - (b) Had an alarm permit for any site revoked and the cause of such revocation has not been corrected.

Upon request by the alarm installation and/or monitoring company the Nassau County Police Department shall provide them with the valid permit number.

4. Every permit for an alarm system shall include the following information:

(a) The name, address and telephone numbers of the person who shall be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees and assessments pursuant to this title;

(b) The classification of the alarm site as either commercial or residential;

1. In the case of commercial premises, the name, address and telephone number of an authorized representative and/or alternate who will be able to respond when called by the Police Department to deactivate the alarm system if necessary;

2. In the case of residential premises, the name, address and telephone number of a person who is not a resident of the private residence in question and who will be able to deactivate the alarm;

(c) For each alarm system located at the alarm site, the purpose of the alarm, to wit: burglary, robbery, personal hostage or panic;

(d) Street address and nearest cross street of the building which houses

the alarm system;

(e) Any other information, which the Police Department deems necessary for enforcement of this title.

5. Any false statements made by applicant in conjunction with the obtaining of an alarm permit shall be sufficient cause for refusal to issue a permit.
6. An alarm permit holder shall advise the Police Department of any changes in the information contained on the permit application.
7. An alarm permit may not be transferred to another person without the filing of a new permit application.
8. An alarm permit holder shall advise the alarm company that monitors the permit holder's alarm system of the Nassau County Police Department permit number upon receiving the permit number from the Police Department.
9. A privately operated central station advising the Police Department of an alarm notification shall contact the Police Department through a telephone number designated by the Commissioner or Police and shall provide a valid Nassau County Police Department permit number.

8-40.7 Permit duration and renewal. A permit shall expire [~~three (3)~~] two (2) years from the date of issuance and shall be renewed for an additional [~~three (3)~~] two (2) year period by the submission of updated permit applications and permit renewal fees as required by Subdivision 3 of Section 8-40.6. It shall be the responsibility of the permit holder to submit a renewal application prior to

the permit expiration date. Failure to timely renew will classify the permit holder's alarm system as non-permitted and shall subject the permit holder to the penalties provided in this title.

8-40.8 False alarm notifications

1. The holder of an alarm permit or the person in control of an alarm system shall be subject to warnings, penalties, and suspension or revocation of an alarm permit contingent upon the number of false alarm notifications transmitted from an alarm system within any one calendar year in accordance with the following graduated penalty schedule for each occurrence. More than one false alarm notification in any one day shall be counted as one (1) occurrence.

Category 1 Residential / Permit holder

1. Warning
2. Warning
3. Warning
4. Warning
5. [~~\$75~~] \$100
6. [~~\$75~~] \$100
7. [~~\$100~~] \$150
8. [~~\$100~~] \$150
9. [~~\$200~~] \$250
10. [~~\$200~~] \$250

Category 2 Residential / non-permit holder

1. [~~\$75~~] \$100
2. [~~\$75~~] \$125
3. [~~\$100~~] \$150
4. [~~\$100~~] \$150
5. [~~\$200~~] \$250
6. [~~\$200~~] \$300
7. [~~\$300~~] \$350
8. [~~\$300~~] \$400

Category 3 Commercial / permit holder

1. Warning
2. Warning
3. Warning
4. Warning
5. [\$100] \$150
6. [\$100] \$150
7. [\$200] \$250
8. [\$200] \$250
9. [\$450] \$500
10. [\$450] \$500

Category 4 Commercial / non-permit holder

1. [\$100] \$200
2. [\$100] \$200
3. [\$200] \$300
4. [\$200] \$300
5. [\$200] \$300
6. [\$450] \$500
7. [\$450] \$550
8. \$650
9. [\$650] \$750

2. Any person who operates a newly installed alarm system shall not be subject to false alarm notifications during the ninety (90) days immediately following the completion of the installation to a maximum of three (3) false alarm notifications provided that an alarm permit has been issued by the Police Department.
3. Alarm activations occurring as the result of any of the reasons set forth in subdivision 5 (a), (b), or (c) of Section 8-40.1 of this title shall not be counted for the purposes of subdivision one of this section.
4. All residential alarm notifications must include an attempted telephone notification with two calls back to the residence or secondary number by the

privately operated central station before the Police Department is notified.

5. The Police Department may revoke an alarm permit if it determines that:

- (a) There is a false statement made in the application for a permit; or
- (b) The permit holder has violated any provision of this title; or
- (c) The permit holder has failed to make timely payment of any penalty fee pursuant to Subdivision two of Section 8-40.10; or
- (d) A permit paid by an applicant by check is dishonored; or
- (e) The permit holder has failed to pay the Police Department the penalty as set forth in subdivision one of Section 8-40.8 within ten (10) business days of the Police Department's mailing of the notice of fine; or
- (f) There are ten or more false alarm activations in a year and satisfactory documentation of repair of the alarm system has not been submitted.

6. A person whose alarm permit has been revoked may be issued a new permit if the person:

- (a) Submits an updated permit application and pays a permit fee of [**ninety dollars (\$90.00)**] one hundred dollars (\$100) for residential premises or [**one hundred twenty dollars (\$120.00)**] one hundred fifty dollars (\$150) for non-residential premises; and
- (b) Pays or otherwise disposes of, all penalties issued to the person pursuant to this Title; and
- (c) Submits proof that the alarm system has been inspected and properly maintained.

9.40.9 Hearing upon permit denial or revocation. A person whose alarm permit

application has been denied in accordance with this title or a person whose alarm permit has been revoked in accordance with the provisions of Section 8-40.8 may request a hearing before a member of the Police Department designated by the Commissioner of Police for such purpose. A request for such hearing shall be made by a person whose alarm permit application has been denied or whose alarm permit has been revoked no more than ten (10) days after receiving notice of such denial or revocation. At the hearing, the person shall be heard in his or her defense in person or by counsel and may offer evidence on his or her behalf. The person conducting the hearing shall make a written report of his findings and a recommendation to the Commissioner of Police for decision. The Commissioner of Police shall review such findings and the recommendations and, after due deliberation, shall issue a final order accepting, modifying or rejecting such recommendation. For the purpose of this Title, the Commissioner of Police or his designee may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the hearing.

8-40.10 Penalties and fines.

1. A person who violates Section 8-40.2, 8-40.3, 8-40.4 or 8-40.5, or subdivision two of section 8-40.6 shall be subject to imprisonment for not more than fifteen (15) days or a fine not to exceed five hundred dollars (\$500.00), or both. Notwithstanding the provisions of subdivision 1 of Section 8-40.8, any person who willfully or intentionally activates an

alarm to summon the Police Department for the purpose of testing or verifying Police Department response shall be guilty of a violation, and upon conviction, shall be subject to imprisonment for not more than ten (10) days or a fine not to exceed one hundred dollars (\$100.00), or both, for each violation.

2. Any person operating an alarm system without a permit and who does not apply for an alarm permit within thirty (30) days after a false alarm notification or who is operating an alarm with a revoked permit shall be subject to a penalty fee in the amount of one hundred (\$100.00) dollars for each alarm notification, without benefit of the notifications provided for in subdivision 1 of Section 8-40.8. Any penalty assessed pursuant to this subdivision shall be payable to the police department.

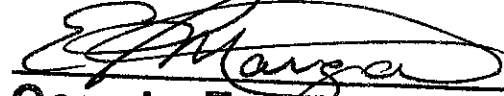
§ 2. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such 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.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County

Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This local law shall take effect immediately.

APPROVED



County Executive

DATE 11/3/2010