

A LOCAL LAW TO AMEND LOCAL LAW NO. 6 OF 1983 "A LOCAL LAW REGULATING BURGLARY AND ROBBERY ALARM SYSTEMS BUSINESSES, AGENTS, AND SUBSCRIBERS IN ONONDAGA COUNTY", AS AMENDED BY LOCAL LAW NO. 2 OF 1991, LOCAL LAW NO. 5 OF 1992, LOCAL LAW NO. 18 OF 1992, LOCAL LAW NO. 5 OF 1995 AND LOCAL LAW NO. 6 OF 1995

BE IT ENACTED BY THE ONONDAGA COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, NEW YORK, AS FOLLOWS:

Section 1. The purpose of this Local Law is to further amend the 1983 Burglary and Robbery Alarm Law, as amended, to eliminate the annual permit fee and establish an alarm response fee.

Section 2. Section 2.00 G is hereby amended to read as follows:

G. Exempt Agencies includes all governmental entities and tax exempt agencies.

Section 3. Section 4.20 is hereby amended to add the following:

The granting of an Alarm System Permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to an alarm activation is hereby disclaimed and governmental immunity as provided by law is retained. The Subscriber acknowledges that law enforcement response may be based on such factors as:

- | | |
|---------------------------------|-------------------------|
| 1. Availability of police units | 4. Traffic conditions |
| 2. Priority of calls | 5. Emergency conditions |
| 3. Weather conditions | 6. Staffing levels |

Section 4. Section 5.00 D is hereby amended to read as follows:

D. Alarm/Security System Subscriber Permit Fee

The application for an alarm/security system permit shall be accompanied by a non-refundable fee of Thirty Dollars (\$30.00). A change of address of an existing system shall require a new permit and additional fee of Thirty Dollars (\$30.00). The permit fee shall be payable to the Licensing Authority. Exempt Agencies as defined in this Local Law shall not be subject to this fee.

Section 5. Section 6.20 and Section 6.20 A are hereby amended to read as follows :

Section 6.20 Procedure The following procedure shall be in effect for violations of this Local Law:

A. The Licensing Authority shall serve the Subscriber or his designee with a notice of revocation. Automatic law enforcement response to alarm/security system activation is revoked at this time. The notice will state the grounds for the revocation and the date, time and location of the revocation hearing. The hearing will be held no later than ten days after the notice has been served.

Section 6. Chapter VII is hereby retitled FALSE ALARM RESPONSE FEES and shall read as follows:

Section 7.00 Fee Schedule Any subscriber whose alarm/security system activates a false alarm, as defined in this Local Law, within any 365 day period, shall be subject to the following fee schedule:

- 1st False Alarm - No Fee
- 2nd False Alarm - Written Warning
- 3rd False Alarm - \$100.00 Fee
- 4th False Alarm - \$150.00 Fee
- 5th False Alarm - \$200.00 Fee
- 6th False Alarm - \$250.00 Fee
- Over 6 False Alarms - \$500.00 Fee

Section 7.10 Revocation Failure to pay any false alarm fee within 21 calendar days will result in termination of automatic law enforcement response to an alarm/security system activation.

Section 7.20 Appeal Any Subscriber may appeal the false alarm fee by filing a written objection within 10 calendar days of the issuance of the fee notice. The Licensing Authority shall respond in writing accepting or rejecting the appeal. Only verifiable emergency conditions will result in acceptance of an appeal.

Section 7.30 Enforcement An action may be commenced by the County Attorney in any Court of competent jurisdiction for the amount of any fee assessed herein.

Section 7. Chapter VIII is hereby entitled APPEAL and shall read as follows:

Section 8.00 Any person may appeal an action of the Licensing Authority thereunder by commencing a proceeding pursuant to Article 78 of the New York Civil Practice Law and Rules within 30 days of the determination of the Licensing Authority.

Section 8. The former Chapter VIII is hereby renumbered as Chapter IX.

Section 9. The former Chapter IX is hereby renumbered as Chapter X.

Section 10. This Local Law shall take effect pursuant to Sections 20 and 21 of the Municipal Home Rule Law and upon the requisite filings.

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DET/LKS
/ds

ADOPTED

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