



VILLAGE OF MENANDS

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Nuisance Alarm Alarm Systems Chapter 48

§48-1 Purpose.

The purpose of this chapter is to promote the health, safety, and general welfare of the residents of the Village of Menands 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.

§48-2 Definitions.

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

§48-3 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.

§48-4 MEDICAL ALERT SYSTEM

An alarm system, which, when activated, is specifically intended to result in a response from an emergency medical services agency.

§48-5 NUISANCE ALARM

The activation of an alarm system which results in a response by fire, police, or ambulance personnel to any place within 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.

§48-6 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 Building Department 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 chapter. 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 Village. The inspection report must be completed by a third-party firm alarm company approved by the Village of Menands. A list of approved alarm companies may be obtained from the Building Department.
- C. Alarm permit fees shall be established by the Village 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 Building Department, 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 Building Department of any change to the information provided in their application for an alarm permit within 30 days of such change.
- G. The application for an alarm permit shall be made on the form prescribed by the Building Department 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
 - a. Upon notification, said person(s) shall be able to respond to the premises within thirty minutes. If extended response or failure to respond to premises occurs, a fee shall occur in accordance with the fee schedule adopted by the Village Board
 - 5. Such other information as may be required by the Village of Menands.

§48-7 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.

§48-8 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 the Village of Menands Building Department. 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 Police Chief Lieutenant, Fire Chief, Fire Inspector, and the Village 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.

§48-9 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:
 - 1. First three nuisance alarms in any calendar year: no fee.
 - 2. Every nuisance alarm over three in any calendar year shall incur a fee pursuant to the fee schedule adopted by the Village 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.
 - 1. 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.
 - 2. 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 §48-10 below.
- D. Payment of fee. Nuisance alarm fees shall be submitted to the Village of Menands 280 Broadway, Menands, NY 12204, and shall be made payable to the "Village of Menands."

§48-10 Penalties for offenses.

- 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 Building Department or who fails to provide notice of a change to the information provided in an application as required by §48-6 above or who violates §48-5 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 §48-10 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.

§48-11 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 chapter, install or cause to be installed an automatic timing device which shall deactivate and silence such alarm within 15 minutes.

§48-12 Liability.

The Village of Menands 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 Village of Menands 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.

§48-13 Enforcement.

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

§48-14 Additional rules and regulations.

The Building Department 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 Village Clerk and copies shall be made available without charge to all applicants for an alarm permit.

§48-14 Severability.

If any section, subsection, sentence or clause of this chapter, 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 chapter or the application thereof.

§48-15 When effective.

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