
(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Clermont
Town
~~Village~~

Local Law No. 2 of the year 2014

A local law relative to Fire Alarms in the Town of Clermont.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Clermont
Town
~~Village~~

as follows:

SECTION 1. Title

This local law shall be known as a "Fire Alarm Local Law".

SECTION 2. Authority

The Town Board of the Town of Clermont enacts this Local Law under the authority granted by:

1. Article IX of the New York State Constitution, §2 (c) (6) and (10).
2. New York Statute of Local Government, §10.
3. New York Municipal *Home Rule Law*, §10.
4. New York Town Law §64 (23) (General Powers).

SECTION 3. Intent and Purpose

The Town of Clermont recognizes that private fire alarm systems provide security and promote safety for buildings, structures and persons within the town. However, the Town also acknowledges that emergency responses due to unregistered systems or repeated false alarms from fire alarm systems can cause unnecessary danger and detriment to fire departments, emergency responders, as well as the public in general. Pursuant to the forgoing, the Town of Clermont hereby adopts this local law in furtherance and protection of the health, welfare and safety of its residents.

SECTION 4. Enactment

The Town Board of the Town of Clermont hereby adopts the following Fire Alarm Local Law:

SECTION 1.0 GENERAL REQUIREMENTS

- 1.1 All buildings that contain fire alarm systems/smoke and heat detection devices shall be in accordance with the Fire Code of New York State.
- 1.2 All fire systems and components shall be labeled by a recognized national testing laboratory.
- 1.3 Systems reporting to an alarm monitoring system shall differentiate between fire and any other alarm. A system trouble alert shall not report as a fire alarm.
- 1.4 All detectors, except for single station smoke detectors, shall have an obvious means to determine when the device has activated and will stay locked in until manually reset.
- 1.5 All existing systems shall conform with this law and be registered with the Clermont Fire District and the Columbia County Sheriff.
- 1.6 Upgrades and/or modifications to existing systems shall cause the entire system to conform to this law.
- 1.7 The Owner shall be required to re-register whenever there is a change in the Fire Alarm Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System.
- 1.8 Registrations shall not be transferable from one Premises to another or from one Owner to another.
- 1.9 Every Fire Alarm Business shall notify the Clermont Fire District of the existence of a Fire Alarm System prior to the Fire Alarm System being put into operation. It shall be the responsibility of the installing Fire Alarm Business to provide the Owner with a copy of this ordinance, a Registration form and a copy of the Fire Alarm System operation instructions in accordance with NFPA 72, and the manufacturer's instructions.

SECTION 2.0 REQUIRED CONTACTS FOR MAINTENANCE

The Columbia County Emergency Management Office (911 Dispatcher) and the Clermont Fire District shall be supplied with a list of appropriate contacts for entrance at the time of or prior to the system being put into service. Contacts shall include but not be limited to: building owner or representative, alternate(s) in the event owner or representative is unavailable, and the alarm system maintenance contact. The representative or an alarm maintenance contact must be able to respond and arrive within a reasonable amount of time, said time not to exceed fifteen (15) minutes after receipt of a phone call regarding the system.

Homeowner has to notify the Fire District once a year of the names and phone numbers of the key holders to the premises in which the system is located.

SECTION 3.0 FALSE ALARMS AND OTHER PENALTIES

3.1 All false alarms shall be deemed a violation of this local law, subject to the penalties as set forth herein. Notices of violation shall be provided to the Code Enforcement Officer from the Clermont Fire District and/or Clermont Fire Company and any formal appearance tickets shall be issued by the Clermont Code Enforcement Officer.

3.2 A false alarm due to an unintentional activation or system malfunction in a one (1) year period shall result in the following fines:

First offense – warning
Second offense - \$100.00 fine
Third offense - \$250.00 fine
Fourth offense - \$500.00 fine

3.3 False alarms due to malicious/mischievous activation in a one year time period shall result in the following fines:

First offense – \$500.00 fine
Second offense - \$1,000.00 fine

3.4 False alarms attributed to faulty equipment or failure to maintain in accordance with this law may cause the owner to be assessed the expense incurred by the fire district responding to such alarm. An Order to Remedy may be issued by the Code Enforcement Officer.

3.5 False alarms and/or nuisance calls shall be defined as the activation of a fire alarm caused by defective or improperly maintained equipment for the purpose of summoning the fire department at a time when no fire or emergency is occurring.

3.6 False alarms attributed to faulty equipment or lack of maintenance shall be repaired within 30 days of the false alarm, otherwise the system, or faulty portion thereof, shall be removed from service until the fault is corrected. Documentation of the repair(s) shall be submitted to the Town of Clermont's Fire District and the Code Enforcement Officer.

3.7 Failure to maintain alarms as required herein shall result in a fine of up to \$100.00

3.8 In the event an alarm system installed after the date of this local law is not registered in accordance with this local law, the owner of the real property of which the alarm is located shall be subject to a fine of \$250.00.

3.9 All installation, connection, maintenance and monitoring fees shall be at the expense of the owner/occupant.

3.10 All information on applications pertaining to false alarms shall not be deemed confidential insofar as it is necessary to conduct any litigation under this chapter or to be provided to appropriate officials for fire protection purposes.

3.11 The Town of Clermont Building Department shall retain all records regarding false alarm reports, investigations and other data necessary for compliance with this chapter.

SECTION 4. OTHER JURISDICTIONS

Nothing contained in this local law shall relieve the alarm system owner of installer's obligation to obtain any permits, licenses, inspections or approvals as may be required by any other State, County or other applicable local authority, rule, regulation or law.

SECTION 5. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION 6. SEVERABILITY AND VALIDITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not impact the remainder of said local law which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2014 of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of Clermont was duly passed by the Clermont Town Board on _____, 2014, it in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, _____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____, 20____,

(Elective Chief Executive Officer*)

it in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____, 20____. Such local law was submitted

(Elective Chief Executive Officer*)

to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20____, it in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and (approved)(not approved)(repassed after
(Name of Legislative Body)

disapproval) by the _____ on _____, 20 _____. Such local law was subject to

(Elective Chief Executive Officer*)

permissive referendum and no valid petition requesting such referendum was filed as of _____, _____, it in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- _____ wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local _____ laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns _____ of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 it in the manner indicated in paragraph _____, above.

Mary Shannon, Town Clerk

(Seal)

Date: _____, 2014

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF COLUMBIA

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.

Signature : Andrew B. Howard

Town Attorney

Title

~~County~~

~~City~~

Town of Clermont

~~Village~~

Date: _____, 2014