

THE COUNCIL OF THE CITY OF WATERVLIET

LOCAL LAW NO. 1-I FOR THE YEAR 2017

**A LOCAL LAW TO AMEND THE CODE OF THE CITY OF WATERVLIET
BY ADDING A NEW CHAPTER TO BE KNOWN AS
“CHAPTER 100. “ALARMS, FALSE”**

WHEREAS, it is the purpose of this local law to amend the Code of the City of Watervliet by adding a new chapter to be known as “Chapter 100. Alarms, False”; and

WHEREAS, the Council of the City of Watervliet held a public hearing on March 16, 2017. Copies of the minutes of the public hearing are available for inspection at the office of the City Clerk of the City of Watervliet

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Watervliet as follows:

Section 1. The Code of the City of Watervliet is hereby amended by adding a new chapter to be known as “Chapter 100. Alarms, False” and shall read as follows:

CHAPTER 100. ALARMS, FALSE

§100-1. Legislative Intent

The City of Watervliet recognizes that private alarm systems provide security and promote safety for buildings, structures and persons within the City. However, the City also acknowledges that emergency responses due to false alarms from alarm systems can cause unnecessary danger and detriment to the police department and fire department as well as the public in general. It is the intent of this chapter to reduce in number false alarms, to encourage the proper use of alarm systems, and to promote the health, safety and general welfare of the people of the City of Watervliet.

§100-2. Definitions.

As used herein, the following words shall have the meanings below set forth:

THE CITY

The City of Watervliet.

POLICE DEPARTMENT

The City of Watervliet Police Department.

FIRE DEPARTMENT

The City of Watervliet Fire Department and its Ambulance Service.

ALARM SYSTEM

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 that an emergency exists or that the services of the police department and/or fire department are needed.

FALSE ALARM

An automated action which emanates from an Alarm System in a structure and causes a call or signal to the police department and/or fire department or a police department and/or fire department dispatch where a person therein contacts the police department and/or fire department to such structure (whether the police department and/or fire department actually arrive at such structure or not) without any actual emergency existing at that structure. The intentional transmission of a false alarm shall be punishable under the Penal Law of the State of New York.

EMERGENCY

A need for prompt police services, a need for prompt fire department services, and/or a need for prompt medical services.

OWNER

Any person, firm, partnership, association, corporation or other entity which has legal title to the real property where the false alarm emanates from.

ALARM USER

Any person, firm, partnership, association, corporation or other entity which uses or is in control of any Alarm System at its structure.

STRUCTURE

A physical improvement to real property which has an Alarm System in it placed there by or under the control of the Alarm User.

§100-3. False Alarms Prohibited

- A. False Alarms caused by an Alarm System are prohibited and shall be deemed a violation of this chapter.

- B. The Chief of Police of the City of Watervliet shall cause to be kept an up to date and accurate log of all false alarms occurring in the City of Watervliet.

§100-4. Civil Penalties; Payment; Collection

- A. Any Alarm User shall be liable for and pay a civil penalty to the City of Watervliet for each and every false alarm occurring at its structure during any calendar year as follows:
 - (1) \$100.00 for the first false alarm
 - (2) \$200.00 for the second false alarm
 - (3) \$300.00 for the third and each and every subsequent false alarm(s)
- B. Civil Penalties shall be made payable to the Director of Finance. If any civil penalty assessed is not paid within 30 days after a notice or invoice is mailed, a late fee in the amount of \$25 for each 30 day period the civil penalty remains outstanding shall be imposed.
- C. All unpaid civil penalties and late fees shall be a charge against the land on which the structure is located and shall be assessed, levied and collected by the City of Watervliet like other taxes and assessments, provided, however, that the owner and all other persons having an interest in the property are provided with notice and an opportunity to be heard before the assessment of any lien against the land.
- D. The City of Watervliet is authorized, after due demand having been made, to commence an action at law in any court of competent jurisdiction to collect any and all unpaid civil penalties and late fees assessed pursuant to this chapter.

§100-5. Liability

The City of Watervliet shall not be liable for any defects in operation of alarm systems nor for the failure to respond to any false alarm. Responding to or failing to respond to any alarm, whether false or not, does not create any special duty by the City of Watervliet. Any and all liability and consequential damage resulting from either (a) responding; (b) the failure to respond to any alarm system is hereby disclaimed and governmental immunity is retained. Responses by the City of Watervliet Police Department and the City of Watervliet Fire Department 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 2. Severability

If any section of this local law or the application thereof to any person, circumstance or property shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any other person, circumstance or property, and to this end, the provisions of each section of this local law are declared severable.

Section 3. Supersession and Repeal of other laws

All ordinances, local laws and parts thereof in conflict with the provisions of this local law are hereby repealed to the extent necessary to give this local law full force and effect.

Section 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Approved as to form this 16th day of March, 2017.

Yorden C. Huban, Esq.
Corporation Counsel

Attested by the Clerk of the Council this 16th day of March, 2017.

Clerk

I hereby approve the foregoing Local Law of the Council of the City of Watervliet.

Date

Michael P. Manning
Mayor