

**RESOLUTION No. 8C of 2023**  
**To Enact Local Law #3 of 2023**  
**AMENDING CHAPTER 56 OF THE TOWN CODE ENTITLED “ALARMS”**

**\*Updated 7/10/23**

At a meeting of the Town Board of the Town of Stanford (“Town Board”), held at the Town of Stanford Town Hall on the 12<sup>th</sup> day of January, 2023, at 7:00 p.m., Deputy Supervisor Nathan Lavertue called the meeting to order. Councilwoman Margaret Fallon, seconded by Councilwoman Anne Arent, moved the following resolution, to enact the following local law, to be known as Local Law No. 1 of 2023, entitled “A Local Law Amending Chapter 56 of the Town of Stanford Town Code entitled ‘Alarms’”, as follows:

**WHEREAS**, the following Local Law was introduced as Proposed Local Law No. 3 of 2022, at a meeting of the Town Board held on November 10, 2022; and

**WHEREAS**, a properly noticed public hearing was held before the Town Board during the meeting on December 8, 2022, on this Local Law; and

**WHEREAS**, the Town Board has determined proposed action qualifies as a Type II action under the New York State Environmental Quality Review Act, as it involves routine or continuing agency administration and management and does not include new programs or major reordering of priorities that may affect the environment, and is therefore exempt from environmental review;

**NOW THEREFORE, BE IT ENACTED**, by the Town Board of the Town of Stanford as follows:

**Section 1. Declaration of intent.** The Town of Stanford Town Board has determined that several provisions of Chapter 56 of the Town Code entitled “Alarms” need to be updated. Therefore, the Town Board has determined it is in the best interest of the Town and its residents to amend Chapter 56 of the Town Code to bring it up to date.

**\*Section 1. UPDATED: Declaration of Intent:** *The Town of Stanford has determined that certain provisions of Chapter 56 of the Town Code entitled “Alarms” need to be amended technically. Therefore, the Town Board has determined it is in the best interest of the Town and its residents to make technical amendments to said Chapter 56, as provided in this Local Law.*

**Section 2.** Chapter 56 of the Town of Stanford Town Code entitled “Alarms” is hereby repealed in its entirety and replaced with the following language.

“Article I **Regulation of Externally Audible Alarms**

§ 56-1 **Legislative purpose.**

The Town of Stanford recognizes the need for externally audible alarms as a protection against and as a deterrent to the burglary of structures or fires or other emergencies for structures located in the Town of Stanford. The Town of Stanford declares, however, that the reasonable objectives of externally audible alarms are accomplished when the sound associated with their operation persists for not more than 20 minutes. The operation of externally audible alarms for more than 20 minutes does not serve any legitimate objective or purpose. The sound associated with the operation of an externally audible alarm becomes unreasonable after 20 minutes of operation and constitutes a public nuisance.

§ 56-2 **Definitions.**

For the purposes of this article, the following terms shall have the meanings respectively ascribed:

## **ALARM**

Shall include any burglar, theft, fire, heat or other emergency alarm which emits audible noise, whether internally or externally in a structure, business or dwelling, including, but not limited to, alarms with automatic dialers to central station monitoring facilities or emergency response agencies.

## **EXTERNALLY AUDIBLE ALARMS**

Any warning device designed to produce an audible sound when triggered by the unauthorized entry into or tampering with the structure to which it is affixed. An externally audible alarm may be located wholly within a structure, provided that it emits a sound which is audible outside of the structure.

## **OPERATION**

The continuous or intermittent emission of a sound from an alarm.

## **OWNER/LESSEE**

Any natural person, partnership, corporation, association or other legal entity.

## **SOUND**

The noise produced by a horn, siren, bell, buzzer, voice recording or any other device the principal purpose of which is to create a noise to attract attention or to give warning.

### **§ 56-3 Permit required; application.**

**A.** No person shall affix an alarm to or install an alarm on or within any structure within the Town of Stanford or cause the same to be done without first securing a permit from the Town of Stanford.

**B.** Applications for permits shall be made by the owner or lessee or person employed in connection with the proposed work. Every person desiring to obtain said permit shall file with the Town of Stanford Building Inspector a written application upon a blank form prepared and furnished by the Town of Stanford. An application must be accompanied by a fee of \$50 before a permit is issued.

### **(1)** Such application shall contain the following information:

**(a)** The name, residence address and telephone number of the owner/lessee of the premises, and the Tax Grid number of the property on which the alarm is installed, along with the Dutchess County E-911 property address for the premises for which the alarm is installed.

**(b)** The name, address and telephone number of three (3) people other than the owner/lessee who are authorized to respond to an emergency and open the building where the alarm system is installed to reset the alarm.

**(c)** In the case of a business location, the owner/lessee shall provide the names of at least three (3) persons to contact in case of an emergency and who have access to the building to reset the alarm.

**(d)** A statement that the external audible alarm is capable of and shall automatically terminate its operation within 20 minutes of its being activated.

**(2)** The owner/lessee shall update said form as necessary so that the Town of Stanford has current information as requested by Subsection **B(1)(a)** through **(d)** of this section.

### **§ 56-4 Penalties for offenses.**

It shall be unlawful for the owner/lessee having possession or custody of any structure to which an externally audible *\*burglar* alarm is connected or affixed to permit to suffer or allow the operation of that externally audible alarm for a period in excess of 20 minutes. Such operation constitutes a public nuisance. In addition to any other penalty permitted or allowed under the

laws of the State of New York, any person convicted of a violation of this section shall pay a fine of \$50 for the first offense, \$100 for the second offense and \$200 for each offense thereafter.

## **Article II Regulation of Alarm Systems**

### **§ 56-5 Legislative purpose.**

The Town of Stanford recognizes the need and legitimate purpose of alarm systems to detect the burglary of structures or fires or other emergencies in buildings and structures in the Town of Stanford which may be connected directly to a central monitoring system, Dutchess County Emergency Response (E-911) or the Sheriff or State Police. The Town of Stanford finds, however, that there have been frequent false alarms to the Stanford Fire District, including the Stanford Fire Company or Rescue Squad, because of alarm malfunctions. This has resulted in the unnecessary response by the Stanford Fire Company or the Rescue Squad to alarms and needless waste of fire, rescue and law enforcement resources which are necessary to protect the public safety, health and welfare. This section is designed to remedy the problem of false alarms to the Stanford Fire District, including the Stanford Fire Company or Rescue Squad.

### **§ 56-6 Definitions.**

For purposes of this article, the following terms shall have the meanings respectively ascribed:

#### **ALARM SYSTEM**

Any mechanical or electrical device or system which is designed or used for the detection of any unauthorized entry into a building, structure or facility or used for mechanically or electronically alerting others to the commission of an unlawful act, burglar, theft, fire, heat or other emergency whether installed within or without the building. This system produces a signal, message or warning directly to Emergency Response (E-911), to some other location which is then reported, referred, telephoned, transmitted or in some other manner communicated to Dutchess County Emergency Response (E-911), by any method whatsoever, including but not limited to the owner of a business or his/her employee or representative, an alarm company or its representative, or an answering service or any other person reacting to or responding to said signal, message, warning or any audible alarm which requires immediate investigation and response by the Department. Said alarm system shall include but not be limited to telephonic or wireless alarm systems, which are defined to mean any mechanism, equipment or device which is designed to operate automatically through the use of public telephone, radio, satellite or wireless communication facilities to transmit a signal, message or warning to another location.

#### **FALSE ALARM**

The activation of the alarm system because of but not limited to mechanical failure, malfunction, improper installation or negligence by a person or when activation results in a response by the Stanford Fire District, including the Stanford Fire Company or Rescue Squad, where an emergency does not exist. False alarms do not include alarms caused by hurricanes, tornadoes or other violent weather conditions.

A natural person, firm, partnership, association or corporation or representative or agent of said entities who is the owner or lessee of an alarm system.

### **§ 56-7 Permit required; application.**

**A.** No person shall install an alarm system on or within any structure within the Town of Stanford or cause the same to be done without first securing a permit from the Town of Stanford.

**B.** Applications for permits shall be made by the owner or lessee or person employed in connection with the installation of the alarm system. Every person desiring to obtain said permit shall file with the Town of Stanford Building Inspector a written application upon a blank form

prepared and furnished by the Town of Stanford. An application must be accompanied by a fee of \$50 before a permit is issued.

**(1)** Such application shall contain the following information:

**(a)** The name, residence address and telephone number of the owner/lessee of the premises, and the Tax Grid number of the property on which the alarm is installed, along with the Dutchess County E-911 property address for the premises for which the alarm is installed.

**(b)** The name, address and telephone number of three (3) people other than the owner/lessee who are authorized to respond to an emergency and open the building where the alarm system is installed to disconnect or reset the alarm.

**(c)** In the case of a business location, the owner/lessee shall provide the names of at least three (3) persons to contact in case of an emergency and who have access to the building to reset the alarm.

**(d)** Name, address and telephone number of the installer of the system and company who will monitor the alarm system and report alarms to Dutchess County Emergency Response (E-911).

**(2)** The owner/lessee shall update said form as necessary so that the Town of Stanford has current information as requested by Subsection **B(1)(a)** through **(d)** of this section.

**(3)** Any electrical security gate on the driveway for said residence or business with an automatic fire alarm installed shall be automatically opened by the activation of the automatic fire alarm and/or activated by the sound of fire sirens on emergency vehicles and should be programed to stay open until manually closed by the homeowner or property caretaker.

**(4)** All persons operating or maintaining an existing alarm system must obtain a permit within 90 days after the effective date of this article.

#### **§ 56-8 Penalties for offenses.**

**A.** The failure of any person to comply with the provisions of this **\*article law** requiring the filing for and obtaining of a permit shall result in a fine in the amount of \$100.

**B.** Penalties for false alarms.

**(1)** Upon the second false alarm in any one calendar year, a person shall be subjected to a fine of \$250 for that false alarm, \$500 for the third false alarm and \$1,000 for each false alarm thereafter.

**(2)** Written notice by certified mail through the United States Postal Service shall be sent from the Building Inspector or Code Enforcement Officer to the person who is listed as the owner or lessee of the alarm system after the first false alarm in any one calendar year stating that fines in the amounts of \$250, \$500 and \$1,000 will be payable for subsequent false alarms. The failure of such written notice to be sent or received shall not act as a bar to the enforcement of this regulation.

**C.** Violators shall be prosecuted and penalties shall be collected in the manner prescribed by law or ordinance effective in the Town of Stanford, including the right of a fire official, Building Inspector or Zoning Enforcement Officer of the Town of Stanford to issue an appearance ticket for Town of Stanford Justice Court for a violation of this article. A violation of this article is punishable by a fine as set forth in Subsections **A** and **B** of this section.

**\*UPDATED: "D. If a penalty is imposed under this Article II, no penalty shall be imposed under Article I."**

**Section 3.** This Local Law number 1 of 2023 shall take effect immediately upon filing with the New York Department of State.

**\*UPDATED: This Local Law number number 3 of 2023 shall take effect immediately upon filing with the New York Department of State.**

The foregoing resolution was voted upon with all Board members voting as follows:

Wendy Burton, Supervisor Yes

Frank Pepe, Councilperson Yes

Anne Arent, Councilperson Yes

Margaret Fallon, Councilperson Yes

Nathan Lavertue, Councilperson Yes

Dated: Update August 10, 2023

Stanfordville, New York

Certified this 10<sup>th</sup> day of August, 2023

Ritamary Bell, Town Clerk