

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
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HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

August 2, 2023

Laurie Dutcher
Liberty Town Clerk
120 North Main Street
Liberty NY 12754

RE: Town of Liberty, Local Law 1 2023, filed on July 26 2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

Local Law Filing

(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 Town Village
(Select one.)

of _____ Liberty _____

Local Law No. _____ 1 _____ of the year 20²³

A local law adding Chapter 45 entitled "Alarms" to the Code of the Town of Liberty, Sullivan County,
(Insert Title)
New York.

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

County City Town Village
(Select one.)

of _____ Liberty _____ as follows: _____

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION I
Addition of Chapter 45 of the Code of the Town of Liberty

A new Chapter 45, entitled “Alarms,” is hereby added to the Code of the Town of Liberty, to read as follows:

“CHAPTER 45
ALARMS

Article I
False Alarms

§ 45-1. Title.

The purpose of this article is to promote the health, safety and general welfare of the residents of the Town of Liberty by reducing the number of avoidable false alarms. False alarms result in unnecessary use of manpower and ineffective utilization of police, ambulance, fire and rescue equipment. This article seeks to ensure that police, ambulance, fire and rescue emergency personnel are available for dispatch to actual emergencies and to alleviate the nuisance of avoidable false alarms to the surrounding community.

§ 45-2. Definitions.

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

ALARM SYSTEM – Includes a device or an assembly of equipment which emits an audible, visual or other similar response which is intended to alert persons outside a premises to the existence of a hazard or emergency; or which is connected to a central station or answering service for the purpose of reporting such alarms to emergency agencies.

ALARM USER – Includes any person who owns, leases or uses an alarm system within the Town of Liberty.

FALSE ALARM – Includes the activation of any alarm system that is not occasioned by a local or regional power outage, weather conditions, natural disaster, criminal act, fire or other emergency.

KEY-HOLDER SYSTEM – A system under which an alarm user permits access to emergency services personnel to any premises with an alarm system through the installation of a Knox-Box or similar product that stores keys or access cards.

§ 45-3. Registration of alarm systems.

Alarm users shall be required to annually register on a calendar year basis each alarm system they own, lease or use with the Town of Liberty Building Department. An initial registration fee and an annual renewal fee, if any, shall be fixed and amended from time to time by resolution of the Town Board. An alarm registration fee shall not be transferable to another

person or alarm site. Alarm users shall be required to notify the Town of Liberty Building Department of any change in their registration information within 30 days of such change.

§ 45-4. Key-holder systems.

All alarm users who have installed an operating alarm system shall also install a Knox-Box or provide another key-holder system approved by the Town of Liberty Building Department.

§ 45-5. Alarm user liability.

Alarm users shall be liable for false alarms, including, without limitation, false alarms arising from improper use or operation of an alarm system, defective installation of an alarm system, the failure to repair an alarm system, or the use of defective equipment in connection with an alarm system, but shall not be liable for the activation of an alarm system under circumstances where the activator reasonably believes that an emergency situation exists.

§ 45-6. Deactivation of alarms.

- A. All alarm systems which employ an audible signal or flashing light beacon designed to signal persons outside the premises must be deactivated and silenced automatically within 15 minutes.
- B. Emergency officials are hereby authorized to disable an audible alarm signal that has not been silenced within 15 minutes and neither the Town, its officers and employees, nor constables or peace officers and fire officials, shall be liable for any damage which may result from disabling an audible alarm signal as herein provided.

§ 45-7. Penalties for offenses.

- A. Persons who violate this article shall be guilty of a violation and subject to punishment by a fine for the occurrence of one or more false alarms in any twelve-month period, as determined by the date of the occurrence, as follows:

(1) Fine schedule:

False Alarm	Fine
First false alarm	\$0.00
Second and third false alarms	\$250.00
Fourth false alarm	\$500.00
Fifth or more false alarms	\$1,000.00

- (2) The amount of fine set forth above may be amended from time to time by resolution of the Town Board. Each separate violation shall constitute a separate additional offense.

- B. Any person who fails to register his or her alarm system or fails to update changes in

his or her registration information as requires in §45-3 above, or whose alarm system violates the standards set forth in subdivision A of §45-6 above, shall be subject to punishment by a fine of not less than \$50.00.

- C. All violations of this article shall be adjudicated and all fines hereunder shall be collected by the Town of Liberty Justice Court.

§ 45-8. Limitation of liability.

The Town of Liberty and all police, ambulance, fire and rescue emergency agencies and personnel 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 Town of Liberty and all police, ambulance, fire and rescue emergency agencies and personnel be liable for failure or defect of any installation, operation or maintenance of equipment, the transmission of alarm signals or messages, or the relaying of such signals and messages. In the event that the Town of Liberty or any police, ambulance, fire and rescue emergency agencies and personnel find it necessary to disconnect a defective alarm or device, neither the Town of Liberty nor any such police, ambulance, fire and rescue emergency agencies and personnel shall incur any liability therefrom. In addition, if emergency personnel acting on behalf of the Town or any police, ambulance, fire and rescue emergency agencies must gain access to any premises at which an alarm system is installed as the result of having been summoned by such alarm system, the Town, its officers and employees and any police, ambulance, fire and rescue emergency agencies and personnel responding thereto shall not be liable for any damaged caused by a forced entry into such premises.

§ 45-9. Exceptions.

- A. None of the provisions of this article shall apply to any device for which the primary function is as a smoke detector, heat detector or CO detector, unless such device is connected to a central station or answering service for the purpose of reporting such alarms to emergency agencies.
- B. None of the provisions of this article shall apply to any alarm system installed in any building, structure, trailer or motor vehicle owned, leased or operated by the Town of Liberty.

§ 45-10. Severability.

If any section, subsection, sentence, clause, phrase or word of this article is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.”

SECTION II
Effect of Invalidity

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudged finally by a Court of competent jurisdiction to be invalid, such judgment shall

not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby stated to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

SECTION III
Effective Date

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

(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. 1 of 2023 of the ~~(County)(City)~~(Town)(Village) of Liberty was duly passed by the Town Board on 5/15 2023, 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 _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 disapproval) by the _____ on _____ 20____.

Such local law was submitted 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____, 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 was (approved)(not approved) _____ (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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 _____ 20____, 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 in the manner indicated in paragraph 1 above.

Aurri Dutcher

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 5/16/23

(Seal)

