

**VILLAGE OF HASTINGS-ON-HUDSON
BOARD OF TRUSTEES
PUBLIC HEARING NO. 1
OCTOBER 21, 2014**

A Public Hearing was held by the Board of Trustees on Tuesday, October 21, 2014 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto.

CITIZENS: Nine (9).

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the October 17, 2014 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law No. 3 of 2014 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 86, Alarm Systems:

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Chapter 86 (Alarm Systems) of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows (new language in **bold**; deleted language ~~stricken~~):

Chapter 86
ALARM SYSTEMS

§ 86-1. Purpose.

The purpose of this chapter is to establish standards and controls of various types of intrusion, holdup, fire alarm and other emergency signals from alarm devices that require Police Department and Fire Department responses for investigation, action and safeguarding of property at the location of an event which is reported by a signal transmitted by telephone, leased wire, radio or in any other way relayed to the Police Department or Fire Department ~~by an alarm device requiring investigation or other action by any person acting in response to a signal actuated by an alarm device, including such devices already in use within the village.~~

§ 86-2. Definitions.

For the purpose of this chapter, the following definitions shall apply:

ALARM SYSTEM OR DEVICE

Any mechanism, equipment or device that is designed to operate, automatically or manually, to transmit an audible or visible signal, message or warning ~~from one place to another location~~ **to a third party monitoring business to which the Police Department or Fire Department is expected to respond.**

FALSE ALARM

Any signal actuated through an alarm system or device to which the Police Department or Fire Department responds which is not the result of a holdup, robbery or other crime, fire or other emergency.

FIRE DEPARTMENT

The Fire Department of the Village of Hastings-on-Hudson.

POLICE DEPARTMENT

The Police Department of the Village of Hastings-on-Hudson.

REGISTRATION

~~A registration on a form supplied by the Village Clerk of the Village of Hastings-on-Hudson and approved by either the Police Chief of the Police Department or the Fire Chief of the Fire Department of the Village of Hastings-on-Hudson.~~

VILLAGE

The Village of Hastings-on-Hudson.

~~§ 86-3. Registration required.~~

~~A. No person, firm, partnership or corporation shall operate or maintain an alarm system or device without first registering the same as required by this chapter.~~

~~B. New registration is required within 30 days of expiration or change of owner or lessee of a system.~~

~~§ 86-4. Registration form; required information.~~

~~Registration of an alarm system or device shall be filed with the Village Clerk and Police Department on forms supplied by the Village Clerk. Said registration shall include but not be limited to:~~

~~A. The name and address and telephone number of both the installer and service person of the system and the owner, lessee or user of the premises where the alarm system or device will be installed.~~

~~B. The name and address and telephone number of the person to be notified in the event of the alarm system or device actuation.~~

~~C. A description of any hazards or potentially dangerous features of the premises and surrounding property where the alarm system or device will be installed.~~

~~§ 86-5. Compliance date.~~

~~All presently existing alarm systems or devices must comply with the provisions of this chapter by February 1, 1991.~~

~~§ 86-63. False alarms prohibited.~~

It shall be a violation of this chapter to intentionally or negligently cause a false alarm to be made, and any person who intentionally or negligently causes such false alarm shall be subject to the penalty provision of this chapter.

~~§ 86-74. Charges for false alarm.~~

A. Any owner or lessee of property having an alarm system or device on his or its premises on the effective date of this chapter shall pay to the ~~Court~~ **Village Clerk**, upon ~~conviction~~ **notice**, a charge for each and every false alarm to which the Police Department or Fire Department responds in each year as follows:

(1) First and second false alarm each calendar year: no charge, **but with warning.**

- (2) ~~All additional false alarms over two in each year: not to exceed \$25, at the discretion of the court, for each and every false alarm.~~ **Third false alarm, a charge of \$125.00**
- (3) **Fourth false alarm, a charge of \$250.00; and**
- (4) **All additional false alarms, a charge of \$500.00 shall be made**

B. Failure to pay any such false alarm charges within 60 days **of the issuance of a notice, upon conviction**, shall subject such owner, lessee or user to the penalty provision of this chapter.

C. The Police Department shall cause to be kept an up to date and accurate log of all false alarms occurring in the Village, and shall report same on a regular basis to the Village Clerk.

§ 86-5. Appeals.

Any owner or lessee who is charged for a false alarm may contest such charge, by writing to the Village Manager, within 15 days of notice of the charge, and stating the basis for the appeal. The Village Manager shall hold a hearing on the appeal. The Village Manager's decision of the appeal shall be final.

~~§ 86-86. Automatic cutoff **shutoff** required; penalty; installation and maintenance of system.~~

~~A. Automatic cutoff systems-~~

~~(1) Requirement of **cutoff shutoff** system. No person shall install or maintain in any building, structure or establishment in the Village of Hastings-on-Hudson an external audible alarm of any type which does not also contain an automatic **cutoff shutoff** system or feature automatically ~~cutting shutting~~ off the source of power to the alarm after it has sounded for a period of no longer than 15 minutes.~~

~~(2) B. Penalties.~~

~~(a1) Any person who violates this section shall be deemed a disorderly person and shall be subject to a fine of up to \$250**500.00**. Each day on which an alarm remains in nonconformity with this section shall be deemed a separate violation.~~

~~(b2) The owner and the occupant **or lessee** of any building, structure and establishment shall each be responsible for the conformity with this section of any alarm located on or in premises owned or occupied by him.~~

~~(3) Effective date. This section shall be effective immediately, but persons responsible for the existing nonconforming external audible alarms shall have 90 days from the effective date of this chapter to bring such alarms into conformity.~~

~~B. **§86-7. Installation and maintenance.**~~

~~The installation and maintenance of the alarm system or device permitted by this chapter, including the connections to locations designated by the Police Chief or Fire Chief, shall be made at no cost to the village. The owner, lessee or user shall be responsible for the maintenance and service of their or its alarm device equipment and shall be responsible for all malfunctions of their or its equipment. If it is necessary to change the location within the area designated by the Police Chief or Fire Chief to another location designated by the Police Chief or Fire Chief, the~~

~~village shall not be responsible for any expenses incurred by the owner, lessee or user of the alarm system or device for reconnecting said alarm system or device.~~

§ 86-98. Penalties for offenses.

Any person, firm or corporation who does not pay any charge or fee established in this chapter or who violates any provision of this chapter shall be subject to a fine of an amount which shall not be in excess of ~~\$250~~ **500.00** for each offense. A separate offense shall be deemed committed upon each day during which a violation occurs or is committed; and such violation may constitute disorderly conduct, in which event such person shall be a disorderly person.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3. Severability: If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 4: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

Mayor Swiderski: We begin tonight with the public hearing number one for October 21, 2014. There is a text which has been published, which involves establishing a series of penalties for multiple false alarms from a given dwelling. Anyone who would like to speak to it?

John Gonder, 153 James Street: I am for it, 100 percent. I am sure the Board will approve it. Thank you.

Hearing no further comments, Mayor Swiderski asked for a motion to close the Public Hearing.

CLOSE OF PUBLIC HEARING

On MOTION of Trustee Apel, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 7:36 p.m.