

*City of Buffalo's
Avoidable Alarm ordinance*

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§ 263-12. Alarm devices or systems. [Amended 5-28-1992, effective 7-1-1992; 7-20-1993, effective 8-2-1993; 1-10-1995, effective 1-23-1995]

A. General definitions. The following terms and words, when used in this section, shall have the meanings and effects as follows:

ALARM DEVICE OR SYSTEM -- A device or an assembly of equipment which is designed to detect smoke, abnormal rise in temperature, fire, medical emergency or an entry into or exit from a building, structure or facility and by reason thereof emits an audible response intended to alert persons outside of the premises and/or transmit a signal or message to an emergency agency either directly or through a private answering point.

ALARM USER -- A person, firm, partnership, association, corporation, company or organization of any kind which owns, controls or occupies any building, structure or facility wherein an alarm system is maintained.

AUTOMATIC DIALER -- A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

AVOIDABLE ALARM -- Any activation of an alarm device or system through intentional or accidental activation, mechanical or electronic failure, malfunction, improper installation, improper maintenance or the negligence of the owner, user, custodian or lessee of an alarm system or his or her employees or agents which through notification to the Department of Fire or the Department of Police indicates that an emergency situation exists requiring an emergency response in the City of Buffalo when in fact an emergency situation does not exist.

B. Before any alarm device or system is offered for sale in the City of Buffalo, an approval permit shall be secured from the City of Buffalo by the manufacturer, agent or distributor. This permit of approval is required for all alarm systems and devices, including those required by this Code or other City ordinances or state laws or for any other building, structure or private dwelling.

C. All alarm systems required to be installed in buildings or structures within the City of Buffalo, whether by state law or local ordinances, shall comply with the following:

- (1) Approval by the Bureau of Fire Prevention or Police Department shall be required for the installation of all alarm systems required under this Code, state law or other local ordinances. Operation of an alarm system without such approval shall result in fines as outlined in Chapter 175, Fees.
- (2) At least two sets of plans for approval are required, showing the location of alarm boxes, gongs or signaling devices and detection devices along with the location of the trouble bell and control panel. One copy of the approved plans shall be maintained on file with

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the City of Buffalo. The other copy shall be returned to the applicant.

- (3) Fees for such licenses, permits and fines thereof shall be provided in Chapter 175, Fees.
- D. Effective September 1, 1993, it shall be unlawful to conduct an alarm-monitoring business in the City unless such business has registered with the City as hereinafter provided. "Alarm-monitoring business" shall mean any person, firm or corporation engaging in the business of offering the service of receiving emergency signals from alarm devices or systems installed in residential, commercial or other premises, monitoring said signals and relaying them to an emergency agency:
- (1) Each alarm-monitoring business shall apply for registration to the Commissioner of Permit and Inspection Services and supply therewith such information and documents as may be required by the Director, including without limitation documentary evidence that such business is duly licensed by the State of New York to conduct its business, and a certificate executed under the penalties of perjury by the chief operating official of such alarm-monitoring business certifying the accounting for the number of customers in the City to which such alarm-monitoring business provides service subject to registration required by Subsection F hereof. [Amended 12-9-2003, effective 12-19-2003]
 - (2) Each registration shall expire every two years on September 1 and shall be renewable biennially thereafter. [Amended 5-22-1995, effective 6-2-1995]
 - (3) The fee for such registration and any renewals thereof shall be as provided in Chapter 175, Fees. Upon the payment of such fee and upon compliance with the provisions of this chapter, a certificate of such registration shall be issued by the Commissioner of Permit and Inspection Services. [Amended 12-9-2003, effective 12-19-2003]
- E. Effective August 1, 1993, except for property owned or operated by a federal, state or local government or agency thereof and except for museums, any person, firm or corporation owning or operating an alarm system or device which is directly connected by any electrical or electronic means, other than by an automatic telephone dialer, with a City police or fire station or other emergency agency operated by the City shall biennially pay a fee as provided in Chapter 175, Fees. Nothing contained herein shall require the City to maintain or continue said direct connection, and the City may discontinue such connection at its sole discretion. [Amended 5-22-1995, effective 6-2-1995]
- F. On the date of installation and on each biennial anniversary thereafter of the installation of each alarm system or device installed on or after September 1, 1993, and on or after September 1, 1993, on the biennial anniversary of installation of each alarm system or device installed prior to September 1, 1993, each alarm-monitoring business shall, on behalf of the City, conduct the registration of each such individual alarm system or device located within the City, which such alarm-monitoring business monitors either directly or by a third-party. Such registration shall be accomplished by completing a form supplied by the Commissioner

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of Permit and Inspection Services which shall require such information as shall be specified by the Commissioner of Police and Commissioner of Fire. Such registration form shall include a unique registration number for each system. Such registration number shall be identified when the alarm-monitoring business or its agents or employees requests assistance by the City Police or Fire Departments by calling 911 or other public safety emergency response system as a result of an alarm being set off. Upon completion of the registration form with respect to any alarm system or device, the alarm-monitoring business shall transmit the appropriate counterparts to the City agencies as shall be specified on the form, and one counterpart shall be delivered to the owner or operator of such alarm system or device and shall serve as evidence of registration. The fee for such registration shall be as set forth in Chapter 175, Fees, and shall be payable in advance by the alarm-monitoring business upon acquisition of the registration forms. Each such alarm-monitoring business is herewith authorized to collect from each owner or operator of each duly registered alarm system or device the amount equal to such registration fee for each such system or device registered; provided, however, that in no event shall any such owner or operator be charged, directly or indirectly, more than the actual amount of such fee. [Amended 4-16-1996, effective 4-29-1996; 12-9-2003, effective 12-19-2003; 7-20-2004, effective 8-2-2004]

- G. Each failure to register or to comply with the provisions of Subsection D hereof shall be a violation punishable by a fine of \$250 for the first offense and a fine of \$500 for the second offense and each offense thereafter. Each alarm dispatch request made by an unlicensed alarm monitoring company shall be defined as a separate offense. Each failure of an alarm-monitoring business to register, to conduct or to cooperate with such a registration or to otherwise comply with the requirements of Subsection F hereof shall be a violation punishable by a fine of \$50 for the first offense, \$100 for the second offense and \$200 for the third offense and each offense thereafter. Each alarm dispatch request for an unregistered alarm device or system shall be considered a separate offense. [Amended 4-16-1996, effective 4-29-1996; 7-20-2004, effective 8-2-2004]
- H. The provisions of § 165-17 requiring a permit for electrical work shall not apply to any fire or security alarm system installed prior to July 1, 1993, provided that such system has been otherwise installed and is operating in accordance with applicable law, and provided further that such system has been registered in accordance with the provisions of this chapter.
- I. Excessive avoidable alarms.
- (1) In order to protect and promote the health, safety and general welfare of the residents of the City of Buffalo by reducing the number of avoidable alarms of fire, intrusion, holdup or other emergencies which contribute to ineffective utilization of police and fire emergency agencies, require emergency responses which are susceptible to high accident rates, interfere with genuine emergencies (responses) and produce unnecessary alarm noise to the surrounding community and also to encourage owners of alarm systems or devices to maintain such systems or devices in good repair so as to prevent the danger

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associated with repeated avoidable alarm responses by the Department of Fire and the Department of Police, all owners of alarm devices or systems shall be subject to an excessive use fee as specified in Chapter 175, Fees, as a result of any avoidable alarm in excess of three per year, based upon the calendar year upon which an approval permit for such alarm device or system was issued, for which the Department of Fire or the Department of Police has responded. Any avoidable alarm in excess of three shall be classified as an excessive avoidable alarm for which an excessive use fee shall be charged to the owner of the alarm system or device or to the owner of property monitored by an alarm system or devices. An excessive avoidable alarm shall not include alarms activated by acts of God, such as hurricanes, tornadoes or earthquakes. An "owner of an alarm device or system" shall mean the person whose name is provided on the approval permit issued for such alarm device or system. [Amended 11-3-1999, effective 11-17-1999]

- (2) When an alarm device or system has activated three avoidable alarms during a calendar year, the Commissioner of Permit and Inspection Services shall notify the alarm owner and the owner of the property monitored by such alarm device or system, in writing, by means of first-class mail sent to the address listed on the permit application and to the address to which an emergency response was required, respectively. Such notice shall inform the alarm owner and the owner of the property monitored by an alarm device or system that additional avoidable alarms will be deemed excessive avoidable alarms subject to an excessive use fee as provided in this section. Such notice shall specify the fee schedule for successive excessive false alarms and shall state that excessive use fees will be billed to the address listed on the permit application and to the address at which an emergency response was required in the event of additional false alarms within the year. Such notice shall also state that in the event that the alarm owner or owner of the property monitored by an alarm device or system fails to pay any excessive use fee within 90 days after the initial billing, the excessive use fee shall be subject to collection by the Division of Collections or through private collection action should the City so desire. [Amended 3-5-1996, effective 3-18-1996; 12-9-2003, effective 12-19-2003; 7-20-2004, effective 8-2-2004]
- (3) The Department of Police and the Department of Fire shall regularly conduct an internal review of all avoidable alarm reports and the Commissioner of each such Department shall designate members of their respective Departments to collect such evidence and make recommendations and findings of facts concerning classification of avoidable alarms as excessive avoidable alarms. The Commissioner of Fire or the Commissioner of Police shall certify to the Commissioner of Permit and Inspection Services, the property addresses at which three avoidable alarms or at which any excessive avoidable alarms have occurred within 30 days of such occurrence. The Director of Administrative Adjudication shall establish procedures whereby an alarm owner or owner of property monitored by an alarm system or device may present evidence as to why any such avoidable alarm should not be classified as an avoidable alarm. In order to challenge the

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classification of an avoidable alarm as an excessive avoidable alarm, an alarm owner or an owner of property monitored by an alarm device or system must notify the Director of Administrative Adjudication, in writing, within 20 days after the date of notification to the alarm owner or the owner of property monitored by an alarm device or system of the excessive avoidable alarms incurred during the preceding period, except that the first three avoidable alarms may only be challenged within 20 days of notification to an alarm owner or an owner of property monitored by an alarm device or system of a fourth avoidable alarm deemed to be an excessive avoidable alarm during a permit year. The failure to give timely notice shall be deemed a waiver of the right to challenge the classification. The Director of Administrative Adjudication shall make final determinations concerning such classifications, which determinations shall be reviewable only pursuant to Article 78 of the Civil Practice Law and Rules. [Amended 4-16-1996, effective 4-29-1996; 12-9-2003, effective 12-19-2003]

- (4) Each avoidable alarm shall require a report by the responding fire or police officer specifying the location of the alarm, the property address, the time of the alarm, the time of the response, the name of the responding officer and a description of the facts upon which a determination of avoidable alarm may be made. No avoidable alarm shall be classified as an excessive alarm and no fee shall be imposed therefore unless such report is recorded in the regular course of business of the relevant Department.
 - (5) The fee for any excessive false alarm shall be billed to the alarm owner and/or owner of the property monitored by an alarm system or device by means of a first-class mail. Any such billing shall specify the date and time of each avoidable alarm occurrence leading to and including any deemed to be an excessive avoidable alarm. In the event of nonpayment within 90 days after the initial billing of such excessive alarm occurrence, the excessive use fee shall be subject to collection by the Division of Collections. [Amended 3-5-1996, effective 3-18-1996]
- J. Automatic dialer feature. No alarm system or device shall have an automatic dialer feature or other type of feature which connects automatically to an enhanced 911 emergency telephone system, and there shall be no automatic alarm system with direct communication of any type to an emergency agency, including the Department of Fire and the Department of Police, without prior written authorization from the emergency agency where the alarms terminate.
- K. At-risk buildings and/or facilities. There are special considerations that must be addressed in providing fire protection for certain facilities and buildings within the City. At risk buildings and/or facilities that do not have a direct, immediate, speedy means of egress during a fire or emergency situation present a danger to the public health and safety. These facilities, including hospitals, nursing care, elder care and handicapped buildings, high-rise buildings (more than seven floors), hotels, schools, theaters and other such areas of assembly where the public is at increased risk during a fire or emergency, shall be protected by an approved, direct, immediate connection to the City's fire alarm system, provided that connection can be

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accommodated by the Fire Department, as determined by the Superintendent of Fire Alarms or his designee.

L. Automatic cutoff system required.

- (1) No person shall install or maintain an external audible alarm device which does not contain an operational automatic cutoff system which turns off the external audible alarm after a period not to exceed 10 minutes.
- (2) An automatic dialer connected directly to an emergency agency shall automatically disconnect and/or terminate its message after the message has been transmitted a maximum of two times. The total transmission time of all messages cannot exceed two minutes.
- (3) Special permits. Any alarm user otherwise required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system is also required to comply with the provisions of this section.

M. User instruction.

- (1) Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on the premises affected by this section must furnish the user with instruction that provides information to enable the user to operate the alarm system at any time. The alarm business also must inform each alarm user of the requirement to obtain a permit and where it can be obtained.
- (2) Standard form instructions shall be submitted by every alarm business to the Commissioner of Permit and Inspection Services. If the Commissioner of Permit and Inspection Services reasonably finds such instructions to be incomplete, unclear or inadequate, the Commissioner of Permit and Inspection Services may require the alarm business to revise the instruction to comply with this section and then to distribute the revised instruction to its alarm users. [Amended 12-9-2003, effective 12-19-2003]

N. Confidentiality and statistics. All information submitted in compliance with this section shall be held in the strictest confidence and is deemed public record exempt.

O. Interpretation. This section shall be liberally constructed to effect the purpose of this section and to achieve uniform interpretation and application of this section.

P. Saving clause. If any subsection, phrase, clause, sentence or word in this section shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this chapter but shall be confined to the subsection, subdivision, clause, sentence or word so held invalid or unconstitutional.