

Village of Lancaster Local Law \_\_\_\_\_ of the year 2024

A Local Law to reduce the number of avoidable alarms of fire.

Whereas the Village Board of the Village of Lancaster desires to enact legislation to reduce the number of avoidable alarms of fire which undermine the effective utilization of firefighting personnel and resources, which require emergency responses exposing persons and property to unnecessary risks, which impede responses to genuine emergencies, and which produce unnecessary alarm noise; and;

Whereas the Village Board of the Village of Lancaster desires to enact such legislation as an article of Chapter 156, FIRE PREVENTION;

Be it enacted by the Village Board of the Village of Lancaster, New York as follows:

1) Lancaster Village Code §§156-1 through and including 156-13 of Chapter 156, FIRE PREVENTION shall be designated Article I Firesafety Practice.

2) Within the following sections of Chapter 156, FIRE PREVENTION the term “chapter” shall be amended to read “article”:

§156-1, §156-3.C.(1), §156-3.C.(2), §156-7, §156-9.D, §156-10, §156-11, §156-13

3) Section 156-12 of Chapter 156, FIRE PREVENTION shall be amended to read as follows:

§156-12. Penalties for offenses.

Any person committing an offense against any provision of this article or code adopted hereby shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, Penalties for Offenses, of the Village Code of Lancaster.

4) Article II, Avoidable Alarms, shall be added to Chapter 156, FIRE PREVENTION to read as follows:

#### Article II Avoidable Alarms

§156-14. Legislative intent.

It is the intent of this article to protect and promote the health, safety and general welfare of the residents of the Village of Lancaster by reducing the number of avoidable alarms of fire which undermine the effective utilization of firefighting personnel and resources, which require emergency responses exposing persons and property to unnecessary risks, which impede responses to genuine emergencies, and which produce unnecessary alarm noise.

§156-15. Definitions.

For the purpose of this article the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in regular usage.

#### ALARM SYSTEM

A device or an assembly of equipment which is designated to detect smoke, abnormal rise in temperature, or fire in a building, structure or facility and, by reason thereof, emit an audible response intended to alert persons outside of the premises and/or transmit a signal or message to a police department, fire department, fire district or fire company either directly or through a private reporting service.

#### AUTHORIZED VILLAGE AUTHORITY

A Chief of the Village of Lancaster Volunteer Fire Department or the Village of Lancaster Code Enforcement Officer.

#### AVOIDABLE ALARM

The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence or carelessness of the owner, user, custodian, operator or lessee of the alarm system or that person's employee(s), guests(s) or agent(s) resulting in an emergency response from the Village of Lancaster Volunteer Fire Department when in fact an emergency requiring such response does not exist, or;

The intentional activation of an alarm system resulting in an emergency response from the Village of Lancaster Volunteer Fire Department when the person activating it knows an emergency does not exist, or;

An alarm system activation resulting in an emergency response from the Village of Lancaster Volunteer Fire Department when an investigation by an authorized village authority reveals no evidence of the existence of an emergency,

Provided however;

An avoidable alarm is not deemed to include the activation of an alarm system by the violent conditions of nature or similar causes beyond the control of the owner, user, custodian, operator or lessee of the premises served or that person's employee(s), guests(s), or agent(s), and further provided;

An avoidable alarm is not deemed to include the activation of an alarm system under any circumstances in which the person activating the alarm system reasonably believes that an emergency situation exists.

## OWNER

The owner(s) of a parcel of real property as shown by the records of the Town of Lancaster assessor. As the term owner is used in this article the owner of a parcel of real property shall be deemed to be the owner of all structures, buildings, appurtenances and personal property situated upon said real property including all trailers, vehicles or other similar personal property.

## VILLAGE OF LANCASTER VOLUNTEER FIRE DEPARTMENT

All officers, firefighters, apparatus and units of the Village of Lancaster Volunteer Fire Department.

### §156-16. Exemptions.

Exempt from this article will be buildings owned or operated by the Village of Lancaster, the Town of Lancaster, and the Lancaster Central School District.

### §156-17. Fees for avoidable alarms.

A. An owner of real property to which the Village of Lancaster Volunteer Fire Department responds as a result of an avoidable alarm shall pay a fee for such response as follows:

- (1) First avoidable alarm response within a 12 month period: no charge.
- (2) Second through fifth avoidable alarm responses within 12 months of the first: \$50 for each.
- (3) Sixth and more avoidable alarm responses within 12 months of the first: \$100 for each.

B. Notice of avoidable alarms and fees. Within 10 days of the occurrence of an avoidable alarm an authorized village authority shall notify the Village Clerk in writing of the date, time, location, responding units, the number of avoidable alarm responses occurring at the subject location within a 12 month period and any fees chargeable pursuant to §156-17.A.

C. Upon receiving notice pursuant to §156-17.B. of an avoidable alarm and any payable fee, the Village Clerk shall advise the owner in writing by means of first class mail of:

- (1) The date, time, location and responding units of the avoidable alarm, and the number of avoidable alarm responses occurring at the subject location within a 12 month period,
- (2) The provisions of this article and the schedule of fees imposed by this article,

(3) If a fee is payable, the amount thereof, that the fee, payable to the Village of Lancaster, is to be submitted by mail or personally during office hours to the Office of the Village Clerk within 30 days of the date of the notice to the owner, and that if a fee is not paid within 30 days of the date of notice to the owner the amount of the fee, together with a 50% surcharge shall become a lien upon the premises to be assessed with and as a part of the general Village tax,

4) That pursuant to §156-18, within 30 days of the date of notice to the owner, but, if a fee is payable, not before payment of the fee, the owner may appeal the determination of an avoidable alarm and/or the resulting fee.

#### D. Assessment of Fees.

Fees payable pursuant to §156-17.A shall be paid within 30 days after the date of the notice to the owner sent pursuant to §156-17.C. A fee not paid within that time together with a 50% surcharge shall be assessed upon the subject premises. The Village Clerk shall file a certificate of such fee and surcharge with the assessor for the village, who shall, in preparation of the next assessment roll of general village taxes, assess such amount upon such property. The fee and surcharge shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general Village tax.

#### §156-18. Appeals.

A. Within 30 days of the date of notice to the owner of the occurrence of an avoidable alarm sent pursuant to §156-17.C., but not before payment of any fee which may be payable, the owner may appeal the determination of an avoidable alarm by mailing or arranging to deliver to the Village Clerk during office hours a written notice of appeal. The notice of appeal shall identify the owner, property location, amount of any fee which might be associated with the determination of the avoidable alarm, and date of notice of the determination of an avoidable alarm received from the Village Clerk.

B. Upon receipt of a notice of appeal, the Village Clerk shall advise the Village Board of Trustees, the Chief of the Village of Lancaster Volunteer Fire Department and the Village of Lancaster Code Enforcement Officer of the appeal and whether any payable fee has been paid. Provided that any payable fee has been paid, the Village Board of Trustees shall then schedule a hearing with respect to the appeal, to be conducted not sooner than 14 days nor later than 60 days following the Village Clerk's receipt of the notice of appeal. The hearing may be conducted during a Village Board regular meeting or special meeting. The Village Clerk shall be notified of the date and time of the meeting during which the appeal will be heard and shall promptly provide written notice to the Chief of the Village of Lancaster Volunteer Fire Department, the Village of Lancaster Code Enforcement

Officer and the owner of the date and time of the meeting during which the appeal will be heard. For good cause the Village Board may grant an adjournment of the hearing. In such instance the Village Clerk shall arrange to have written notice of the adjournment provided to the Chief of the Village of Lancaster Volunteer Fire Department, the Village of Lancaster Code Enforcement Officer and the owner.

C. At the time of the hearing, first the owner either individually or by a designated representative and then one or more authorized village authorities may present relevant testimony and evidence to the Village Board as to the appropriateness of the determination of the subject avoidable alarm occurring upon the owner's premises and/or the resulting fee. The owner shall be provided the opportunity to have legal counsel present and participating on the owner's behalf. Where appropriate, upon or without an objection being stated, the Mayor may preclude certain testimony or evidence as not relevant. Village Board members, the Village attorney, the owner or the owner's designated representative, the owner's legal counsel, and authorized village authorities may question those who offer testimony. All deliberations of the Village Board in resolving the appeal shall be subject to the open meetings law. For good cause the Village Board may adjourn deliberations to a subsequent special or regular meeting not to occur more than 21 days in the future. Following deliberations, the Village Board shall resolve the appeal, i.e. whether the determination of the occurrence of an avoidable alarm and/or any associated fee was unfounded. The Village Board resolution shall be recorded in the Village Board minutes. The Village Clerk shall advise in writing the Chief of the Village of Lancaster Volunteer Fire Department, the Village of Lancaster Code Enforcement Officer and the owner of the resolution of the Village Board. If the appeal is resolved in favor of the owner the amount of any excessive fee paid by the owner shall be refunded to the owner. If the Village Board resolved that the determination of the occurrence of an avoidable alarm was unfounded, all record of the subject avoidable alarm shall be expunged and become null and void.

5) This local law shall become effective the 20th day following its enactment.