

## Chapter 167, ALARM SYSTEMS

[HISTORY: Adopted by the City Council of the City of Binghamton 12-4-1989 by Ord. No. 156-89 (Ch. 12, Art. VIII, §§ 12-208 through 12-215, of the 1970 Code), effective 1-1-1990. Amendments noted where applicable.]

### § 167-1. Definitions. [Amended 6-17-1991 by Ord. No. 58-91; 7-6-1992 by Ord. No. 53-92]

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

ALARM SYSTEM -- A device or an assembly of equipment which emits an audible sound, which is intended to alert emergency agencies by automatically dialing an emergency agency, or which contacts an alarm company thereby causing the alarm company to contact an emergency agency or which is directly connected to any City department.

ALARM USER -- Any person who owns, leases or uses an alarm system within the City of Binghamton.

AVOIDABLE ALARM -- The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner, user, custodian or lessee of an alarm system, or of his employees or agents, or through any other cause which indicates that an emergency situation exists requiring response within the City when, in fact, an emergency situation does not exist. An avoidable alarm also includes the knowing or intentional activation of an alarm to an emergency agency when the activator knows that an emergency situation does not exist. "Avoidable alarm" does not include alarms activated by violent conditions of nature such as hurricanes, tornadoes, earthquakes or any other similar cause beyond the control of the user of the alarm system. Activation of an alarm system under any circumstances under which the activator reasonably believes that an emergency situation exists is not an avoidable alarm. Notwithstanding any language to the contrary, the defective installation of an alarm system, the failure to repair or cause to be repaired an alarm system or the use of defective equipment in connection with an alarm system shall not constitute an extraordinary circumstance beyond the reasonable control of the alarm user.

CITY -- The City of Binghamton.

EMERGENCY AGENCY -- Any police department, fire department or other law enforcement agency or ambulance company (public or private) or other agency summoned to respond to an emergency situation and any public safety answering point serving the City of Binghamton.

LICENSING AUTHORITY -- The City of Binghamton through its City Clerk.

NOTICE ADDRESS -- The address which an alarm user designates on the application for a license as the address to which notices are to be sent.

PERSON -- Any person, firm, partnership, corporation, association, company or organization of any kind.

### § 167-2. License required; authority to grant licenses; license applications. [Amended 7-6-1992 by Ord. No. 53-92]

- A. Required. It shall be unlawful for an alarm user to operate, own or maintain a fire or police alarm device or devices, or system of fire or police alarm devices, as defined by the terms of this chapter, without first obtaining a license as hereunder provided.
- B. Authority to grant licenses. The licensing authority is hereby authorized to grant a revocable license to any alarm user to own, lease, operate, maintain, install or modify a fire or police alarm device.
- C. Applications for licenses.
  - (1) Applications for licenses shall be made as follows: An alarm user in the City utilizing a fire or police alarm device, or system of fire or police alarm devices, shall apply to the licensing authority for a license to own or otherwise have such device on his or her or its premises. The application shall contain provisions relating to the device or system of devices installed or to be installed on the premises. Application for licenses for fire or police alarm devices existing in premises on the effective date of this chapter must be made to the licensing authority within 30 days of the effective date. No such device may be installed on the premises of the owner or lessee, and no presently existing fire or police alarm device

complying with the provisions of this chapter shall be modified after the effective date of this chapter prior to the licensing authority's having issued a license to such owner or lessee. Such license need not be obtained on an annual basis but shall be obtained each time a device or system is to be installed or modified.

- (2) Confidentiality. The information required on the license application shall be treated as confidential and shall not be made available to members of the general public. The City finds that the release of such information would constitute an unwarranted invasion of personal privacy and could endanger the life or safety of persons at the premises where an alarm system is located. The information on a license application shall be used by the City only for public safety purposes.

**§ 167-3. License fees. [Amended 7-6-1992 by Ord. No. 53-92]**

Annual license fees shall be as set from time to time (See Exhibit J) by the City Council.

**§ 167-4. Avoidable alarm charges. [Amended 6-17-1991 by Ord. No. 58-91; Amended 12-4-2006 by L.L. No. 2-2006]**

- A. Each alarm user and police alarm user shall pay to the City a charge for each and every avoidable alarm to which the City responds, in each calendar year, as follows:
  - (1) First two avoidable alarms each calendar year: No charge.
  - (2) Third avoidable alarm each calendar year: \$25.
  - (3) Each additional false alarm: \$50.
- B. The Commissioner of the Department of Public Works shall notify the fire alarm user of any avoidable alarm charges by mail. In the case of police alarms, the Chief of Police or his representative shall notify the alarm user of any avoidable alarm charges by mail. Within 30 days of such notice the alarm user may appeal to the Mayor by showing proof to demonstrate that the alarm was not an avoidable alarm. The Mayor shall have 10 business days to determine the appeal.
- C. Should the alarm user fail to pay any and all alarm charges within the 30 days of receipt of notice or receipt of appeal denial, whichever is later, the Commissioner of Public Works or the Police Chief, as the case may be, shall certify to the City Treasurer the amount of the penalties; and said penalties shall become a lien upon the property, shall be included in the next tax bill rendered to the owner unless paid before, and shall be collected in the same manner as other taxes against the property.
- D. Additionally, should the alarm user fail to pay any and all charges within 30 days of receipt of notice or receipt of appeal denial, whichever is later, the Commissioner of Public Works, or the Chief of Police as the case may be, shall notify the City Clerk to suspend the alarm user's license. Such license shall not be reinstated until all such charges are paid in full.
- E. All penalties collected for avoidable fire alarm charges in any fiscal year shall be added to the fire alarm repair account (A3020.4447) in the following fiscal year. All penalties collected for avoidable police alarm charges in any fiscal year shall be added to A1520.A (police fees-alarm revenues) in the following fiscal year.

**§ 167-5. Penalties for offenses. [Amended 6-17-1991 by Ord. No. 58-91; 7-6-1992 by Ord. No. 53-92]**

Any alarm user who fails to comply with all licensing provisions set forth herein shall be in violation of this chapter and subject to a penalty as set forth in Chapter 1, General Provisions, § 1-4, General penalty. However, if a license is obtained within five business days of the citation, such penalties shall be waived.

**§ 167-6. Applicability.**

The provisions and requirements of this chapter shall apply to all persons who are alarm users on the effective date of this chapter and to all persons who subsequently become alarm users.