

## **Village of Hilton Notice of Public Hearing**

Please take notice that the Village of Hilton Board of Trustees will hold a public hearing on Tuesday, June 4, 2024 at 6:00 p.m. in the Hilton Community Center, 59 Henry Street to consider Local Law #2, 2024 for adoption.

To add Chapter 97 to the Village Code.

### **Fire Alarm Systems**

#### **§ 97-1 Purpose.**

It is the purpose of this chapter to promote the health, safety, and general welfare of the residents of the Village of Hilton by reducing the number of avoidable fire alarms to emergency agencies. This chapter will allow emergency response agencies to contact responsible people to notify them of an alarm activation.

#### **§ 97-2 Definitions.**

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

#### **ALARM AGENT**

Any person who is employed by a Fire Alarm Business, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure or facility any Fire Alarm System.

#### **ALARM BUSINESS**

Any business maintained by any individual, partnership, corporation or other entity for the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing of any Fire Alarm System or for causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility.

#### **APPLICANT**

A person, firm, corporation, or other entity who or which files an application for a new or renewal permit as provided in this chapter.

#### **AUDIBLE ALARM**

A component of a Fire Alarm System such as a bell, horn, loudspeaker, designed for the detection of fire which generates an audible sound on the premises when it is actuated.

#### **AVOIDABLE ALARM**

The activation of an Fire Alarm System, including activation through direct connection to an emergency agency or through notification of an emergency agency by a private answering point or through an automatic dialing device, or through notification to an emergency agency by any other second party or means which results from a mechanical failure, malfunction, improper installation or

the negligence of the owner, user, custodian or lessee of a Fire Alarm System, and/or his or her employees or agents, which indicates that an emergency situation exists requiring an emergency response within the Village of Hilton, when, in fact, an emergency situation does not exist. An Avoidable Alarm also includes the knowing or intentional activation of a Fire Alarm System to an emergency agency when the activator knows that an emergency situation does not exist. "An Avoidable Alarm" does not include a Fire Alarm System that is activated by violent conditions of nature, such as hurricanes, tornadoes, earthquakes, or by any other similar cause beyond the control of the user of a Fire Alarm System. Activation of a Fire Alarm System under any circumstances where the activator reasonably believes that an emergency situation exists is not an Avoidable Alarm.

**DAY**

A Calendar day.

**FIRE ALARM SYSTEM**

Any network of mechanical or electrical device which is designed or used for the detection of fire, and which emits an Audible Alarm or transmits a signal or message when activated. Components of a Fire Alarm System include but are not limited to transmission thru direct dial telephone devices, Audible Alarms, and proprietor alarms.

**NOTICE**

Written notification, to be given by personal service upon the addressee or given via United States Mail, postage prepaid, addressed to the person to be notified at the person's last known address. Service of such Notice shall be effective upon the completion of personal service or upon the placing of the same in the custody of United States Postal Service.

**PERMITTEE**

Any Alarm Agent or Alarm Business who or which shall be granted a permit as provided herein, and his, her or its agents and representatives.

**PERSON**

A natural person, firm, partnership, association, corporation, or other entity.

**QUALIFIED SERVICE PERSONNEL**

Individuals who perform those procedures, adjustments, replacement of components, system programming, and maintenance as described in the manufacturer's service instructions that can affect any aspect of the performance of the system. A competent and capable person or company that has met the requirements and training for a given field acceptable to the authority having jurisdiction.

**SUBSCRIBER**

Any person who owns, leases, contracts for or otherwise obtains a Fire Alarm System. A Person or entity may be both a Subscriber and an Alarm Business.

**VILLAGE**

The Village of Hilton

**§ 97-3 Alarm system standards and regulations.**

**A.** The following are minimum standards and regulations for the installation, construction and maintenance of all fire alarm systems installed within the Village:

- (1)** All components of the Fire Alarm System shall be securely mounted to the building structure. A suitable moisture barrier shall be provided between the components of the Fire Alarm System that are externally mounted onto exterior masonry walls
- (2)** Wiring between a battery or power supply to an Audible Alarm shall be of sufficient gauge to have a voltage drop not greater than 15%.
- (3)** Fire Alarm System wiring shall not be run in the same conduit as Class 1, 2 and 3 power lines. Burglar and fire alarms conductors of Class 2 and Class 3 circuits shall not be placed in any enclosure, raceway, cable tray, cable compartment, outlet box or similar fitting with conductors of light, power, and Class 1 circuits.
- (4)** All splices shall be twisted and secured with solderless crimp conductors. Connection of wires to screw terminals shall be made using a spade lug, either crimp or solder type. Terminal boards with clamping washers will not require a spade lug or soldering. Wire nuts and punch block connections will also be permitted.
- (5)** Grounding shall be in accordance with the NFPA 70 Article 250 under conditions also pursuant to NEC Article 760.
- (6)** All wiring for Fire Alarm Systems are to be in accordance with NFPA 70, NEC Article 760, and in accordance with the New York State Uniform Fire Prevention and Building Code.
- (7)** All protective circuit wiring shall have conductors not smaller than No. 18AWG
- (8)** All components of the Fire Alarm System must be listed or labeled by a recognized testing agency such as Underwriters' Laboratories, Inc., Factory Mutual (FM)., Electric Testing Laboratories, C.S.A, etc. Any Fire Alarm System installed in accordance with these specifications shall be considered acceptable under these standards.
- (9)** All Fire Alarm Systems shall be inspected annually by Qualified Service Personnel.

**B.** All Fire Alarm Systems shall meet or exceed such standards and regulations before a permit may be issued or installation approved pursuant to this Chapter. The Village Code Enforcement Officer may prescribe a certification form to be completed by Permittees certifying that a Fire Alarm System has been inspected and/or maintained by the Permittee and that the Fire Alarm System conforms to said minimum standards required by this Chapter.

C. A Fire Alarm System permit shall be required prior to the installation of any Fire Alarm System and shall be subject to inspection and approval by the Village Code Enforcement Officer upon completion of installation. Any permit application shall be accompanied by the fee(s), plans, manufacturer's cut sheets and other documents and information as reasonably required by the Village Code Enforcement Officer. The Village Code Enforcement Officer is authorized to approve, approve with conditions, or deny said operational permit. The application and plan review fees shall be set from time to time by resolution of the Village Board.

**§ 97-4 Requirements for Audible Alarms.**

- A. Every Person maintaining an Audible Alarm shall post a notification containing the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during any hour of the day or night that the alarm is actuated. Such notification shall be posted near the alarm in such a position as to be legible.
- B. Each Audible Alarm shall be designed so as to terminate its Audible Alarm within 15 minutes from its initiation and shall be designed to automatically do so.
- C. Any Officer of any Fire Department responding to an Audible Alarm or activation of a Fire Alarm System, or any peace officer may disable an Audible Alarm or Fire Alarm System at any time, including if the Audible Alarm has not been silenced following the expiration of the required fifteen-minute period.
- D. No Persons, except authorized public safety personnel, shall fail to leave or vacate premises in which a Fire Alarm System has been activated or when there has been reported to be a fire or possible fire. No Person shall reoccupy said premises until it is deemed safe by the appropriate fire or Code Enforcement Officer.

**§ 97-5 Fire Alarm Installers to possess permits.**

Every Alarm Agent, Alarm Business or Permittee engaged in repairing, servicing, altering, replacing, removing, designing, selling, leasing, maintaining, or installing a Fire Alarm System shall have valid and current Fire Alarm Installer license issued by the New York State Department of State, Division of Licensing Services.

**§ 97-6 Fire Alarm System permit required.**

No Person shall install a Fire Alarm System without first applying for and receiving a Fire Alarm System permit therefor in accordance with the provisions of this Chapter.

**§ 97-7 Notice of change in status.**

Whenever any change occurs relating to the written information required by § 97-9 of this chapter, the Applicant or Permittee shall give written Notice thereof to the Village Code Enforcement Officer within 20 days after such change or at any hearing conducted under this chapter if such hearing is conducted whichever comes first.

**§ 97-8 Permit-issuing authority.**

The Village Code Enforcement Officer shall be responsible for reviewing all applications and for issuing all permits pursuant to this Chapter. No permit shall be issued unless and until the application for the same has been approved, in writing, by the Village Code Enforcement Officer.

**§ 97-9 Application forms; fees.**

Applications for all permits required here under shall be submitted to the Village Code Enforcement Officer for review and consideration and shall be accompanied by the requisite fee. The fee is not refundable. The application shall include the name, address and telephone number of the person who will render service or repairs during any hour of the day or night and any other information as may be deemed necessary or appropriate by the Village Code Enforcement Officer to evaluate and act upon the application.

**§ 97-10 Denial; revocation.**

The application for the permit shall be denied by the Village Code Enforcement Officer if the proposed Fire Alarm System does not comply with the standards and regulations adopted set forth in § 97-3 of this chapter or any other applicable law, and the installation will not be approved by the Village Code Enforcement Officer if the installation of the Fire Alarm System does not comply with such standards and regulations.

**§ 97-11 Violations**

**A.** It shall be a violation of this chapter for a Subscriber, Person, or Permittee to:

- (1)** Violate any of the provisions of this Chapter;
- (2)** Fail to comply with standards or regulations set forth in § 97-3 of this chapter;
- (3)** Allow the occurrence of three or more Avoidable Alarms in any one-hundred-eighty-day (180) period, which shall be deemed a public nuisance.
- (4)** Knowingly make any false, misleading, or fraudulent statement of a material fact in the application for a permit or in any report or record required to be filed with the Village.
- (5)** Failed to keep the alarm systems in good repair; or
- (6)** Failed to notify the Village Code Enforcement Officer, the proper dispatching office and any party who would receive direct communication of an alarm, prior to any service, test, repair, maintenance, adjustment, alteration, or installation which might actuate an Avoidable Alarm.

B. For the purposes of these standards and regulations, any Fire Alarm System that is actuated where such prior notice has been given shall not constitute an Avoidable Alarm.

**§ 97-12 Investigation of alleged violations.**

- A. The Village Code Enforcement Officer or designee shall investigate written reports of each alleged Avoidable Alarm or alleged violations of other provisions of this chapter. Notice of said written report alleging violation shall be given to the applicable Subscriber or Permittee.
- B. Any Person alleged to be in violation of this chapter shall be given Notice of the investigation and an opportunity to be heard during the investigative process. The Village Code Enforcement Officer may hold a hearing if, in the Village Code Enforcement Officer's sole discretion, it is deemed appropriate.
- C. Upon completion of the investigation, the Village Code Enforcement Officer shall make a determination which shall be final. The Village Code Enforcement Officer shall give Notice of said decision to the Person alleged to be in violation and to the party who made the report which initiated the investigation.
- D. A final determination of the Village Code Enforcement Officer may be appealed pursuant to Article 78 of the Civil Practice Law and Rules.

**§ 97-13 Penalties for offenses.**

Persons in violation of this chapter shall be liable for civil penalties as follows:

- A. Violation of § 97-4B: \$100 for each violation.
- B. Violation of § 97-4D: \$100 for each violation
- C. Violation of § 97-11A(3)
- D. There shall be no civil penalty for the first two Avoidable Alarms within a 180-day period.
  - (1) Third Avoidable Alarm within a 180-day period: \$100.
  - (2) Fourth Avoidable Alarm within a 180-day period: \$150.
  - (3) Each Avoidable Alarm thereafter within a 180-day period: \$200.

**§ 97-14 Enforcement.**

All remedies shall be cumulative, and the use of one or more remedies by the Village shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. The amount of any civil penalty shall be deemed a debt to the Village. An action may be commenced in the name of the Village in any court of competent jurisdiction for the amount of any civil penalty.

For additional information, please contact the Village Office at 392-4144.  
Shari Pearce, Village Manager/Clerk  
Dated: May 26, 2024

