

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Livingston
Town
Village

Local Law No. 3 of the year 2014

A local law to adopt revised regulations for fire alarm systems within
the Town of Livingston

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Livingston as follows:
Town
Village

Section 1. TITLE.

This local law shall be known as Local Law No. 3 of the Year 2014, a local law adopting revised regulations for fire alarm systems within the Town of Livingston.

Section 2. LEGISLATIVE INTENT.

The Town of Livingston recognizes that private fire alarm systems provide security and promote safety for buildings, structures and persons within the town. However, the Town acknowledges that emergency responses due to unregistered systems or repeated false alarms from systems can cause an unnecessary danger and detriment to fire departments, emergency responders as well as the public in general. The Town, by enactment of Local Law 2 of 1987 provided for the regulation of the installation and registration of private fire alarms, and hereby wishes to revise said law as enacted herein.

Section 1.0 General Requirements.

1.1 Fire alarm systems / smoke and heat detection devices shall be installed in accordance with the Fire Code of New York State.

1.2 All fire systems and components shall be labeled by a recognized national testing laboratory.

1.3 All multiple-family dwellings shall have smoke detectors as follows:

- a) Smoke detectors shall be intelligent, addressable, and be part of the primary system. (See Section 11, Definitions)
- b) One smoke detector for each common hallways and/or corridors, spacing to meet or exceed NFPA 72 (National Fire Alarm and Signaling Code, standards published by the National Fire Protection Association).
- c) In storage areas exceeding 50 square feet, a minimum of one smoke detector and as many as may be necessary to be consistent with the manufacturer's specifications and recommended area of coverage.
- d) Smoke detectors shall be connected to a fire alarm control panel (FACP) that is "listed" by Underwriters Laboratory (UL), or any other nationally recognized testing agency, and approved by the Town of Livingston Code Enforcement Officer.
- e) Heat detectors shall be installed in boiler rooms, based on spacing requirements of NFPA 72.

1.4 Systems reporting to an alarm monitoring system shall differentiate between fire and any other alarm. A system trouble alert shall not report as a fire alarm.

1.5 All detectors, except for single station smoke detectors, shall have an obvious means to determine when the device has activated and will stay locked in until manually reset.

1.6 All existing systems, existing or approved for construction prior to August 29, 2012 (See Section 11 Definitions, NFPA 1.4.1 & 1.4.2) shall not be required to conform with this law and be registered with the Livingston Fire District, Columbia County Sheriff and Town of Livingston Code Enforcement Officer in accordance with NFPA 72.

1.7 Upgrades and/or modifications to existing systems shall cause the entire system to conform to this law.

1.8 The Owner shall be required to inform the Town within (30) days, whenever there is a change in the Fire Alarm Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System. The owner shall provide the Town with the name and contact data of the new Fire Alarm Business.

1.9 Registrations shall not be transferable from one Premises to another or from one Owner to another.

1.10 Every Fire Alarm Business shall notify the Livingston Fire District and Town of Livingston Code Enforcement Officer of the existence of a Fire Alarm System prior to the Fire Alarm System being put into operation. It shall be the responsibility of the installing Fire Alarm Business to provide the Owner with a copy of this ordinance, a Registration form and a copy of the Fire Alarm System operation instructions in accordance with NFPA 72, and the manufacturer's instructions.

Section 2.0 General Fee for Installation Design Review.

2.1 All proposed installation designs shall be submitted to the Town of Livingston Code Enforcement Officer and Livingston Fire Chief for review prior to installation. An application for a permit under this law shall be filed with the Town of Livingston Code Enforcement Officer on forms supplied by the town, together with an application fee of One hundred (\$100.00) dollars made payable to the Town Clerk. Said application shall set forth the following:

- a) Name, address and telephone number of both the installer of the system and the land owner on whose premises the system will be operated, maintained, monitored or installed.
- b) The location, (physical address and 911 address), directions from main road and where on the premises the alarm system is proposed to be installed or the existing location if a system has already been installed prior to the effective date of this law, shall be provided.
- c) The type of emergency that the alarm system is designed to detect.
- d) The name, address and telephone number of at least three (3) *persons* who are key holders to the building in which the system is located.
- e) The applicant shall agree that if the *person* to be notified either refuses to come to the premises upon request of the local fire department or police or if the *person* cannot be reached within a reasonable time by telephone or otherwise, the local fire department or police may, contact the installer to disconnect the system, without any liability for any charges as a result of disconnection, or any liability as a result of responding to alarms. The applicant will be notified of the disconnection by registered mail.
- f) A copy of the installer's license to work in New York shall accompany the application.
- g) Prior to issuance of a building permit where the builder or owner is installing a fire alarm system he / she shall submit three sets of proposed plans to the Town of Livingston Code Enforcement Officer depicting the fire alarm system. Said plans shall be prepared by a New York State licensed design professional (engineer, architect, NICET III or higher, or fire protection engineer).

Section 3.0 Installation and Maintenance of System.

3.1 All fire alarm system work shall be performed by a fire alarm company licensed in New York State. A copy of said license shall accompany the installation design application.

3.2 Maintenance must be performed annually by a certified New York State fire alarm company. Maintenance records shall be maintained by the owner and shall be provided to the Code Enforcement Office and Fire Chief within ten (10) days of maintenance. Failure to supply the maintenance records may result in a violations and penalties as listed in section 6.2 below.

3.3 Alarm system components installed in areas of abnormal conditions, shall be installed and maintained so as to prevent false or nuisance alarms. Abnormal conditions shall include, but not be limited to dust, steam, aerosol spray use, insects and pollen.

3.4 Detection devices installed so as not to be readily visible, such as above ceilings, in crawl spaces and closets shall have a remote indicator installed so as to be readily visible and labeled as to device location.

3.5 Alarm panels shall be installed in a location that is readily visible / accessible to the responding fire department or shall have a remote enunciator panel installed to be readily visible to facilitate zone identification.

3.6 Multiple zone systems shall have each zone identified as to location within the building.

3.7 Commercial buildings and multiple family dwellings shall be zoned to facilitate ease of location of active devices.

Section 4.0 Inspections and Registration.

4.1 Alarm systems shall be tested in the presence of the Code Enforcement Office, Fire Chief or representative and the system installer prior to being placed into service.

4.2 It shall be the responsibility of the fire alarm installer to register the alarm with Columbia County Sheriff's Department, the Livingston Fire District and the Code Enforcement Officer and provide all information required by those agencies.

4.3 When registering, the fire alarm system installer shall represent, in writing, that all systems and components are suitable for area of detection.

Section 5.0 Required Contacts for Maintenance.

The Columbia County Fire Coordinator's office, the Livingston Code Enforcement Officer and the Livingston Fire District shall be supplied with a list of appropriate contacts for entrance at the time of or prior to the system being put into service. Contacts shall include but not be limited to: building owner or representative, alternate(s) in the event owner or representative is unavailable, and the alarm system maintenance contact. The representative or an alarm maintenance contact must be able to respond and arrive within a reasonable amount of time, said time not to exceed fifteen (15) minutes after receipt of a phone call regarding the system. The property owner has to notify the Fire Chief and Code Enforcement Officer once a year, in writing, of the names and phone numbers of the key holders to the premises in which the system is located. There must be at least three key holders.

Section 6.0 False Alarms and Other Penalties.

6.1 All false alarms shall be a deemed violation of this local law, subject to penalties as set forth herein. Notices of violation shall be issued by the Livingston Code Enforcement Officer.

6.2 A false alarm due to an unintentional activation or system malfunction in a one year period shall result in the following fines:

- First offense – warning
- Second offense – \$100.00 fine
- Third offense – \$250.00 fine
- Fourth or more offenses – \$500.00 fine

each offense

6.3 False alarms due to malicious/mischievous activation in a one year time period shall result in the following fines:

- First Offense – \$500.00 fine
- Second or more offenses – \$1,000.00 fine each offense

6.4 False alarms attributed to faulty equipment or failure to maintain in accordance with this law may cause the owner to be assessed the expense incurred by the fire district responding to such alarm. An Order to Remedy may be issued by the Code Enforcement Officer.

6.5 False alarms and/or nuisance calls shall be defined as the activation of a fire alarm caused by defective or improperly maintained equipment for the purpose of summoning the fire department at a time when no fire or emergency is occurring.

6.6 False alarms attributed to faulty equipment or lack of maintenance shall be repaired within 30 days of the false alarm, otherwise the system, or faulty portion thereof, shall be removed from service until the fault is corrected (See Section 6.9). Documentation of the repair(s) shall be submitted to the Town of Livingston Fire Department and the Code Enforcement Officer.

6.7 Failure to maintain alarms as required herein shall result in a fine of up to \$100.

6.8 In the event an alarm system installed after the date of this local law is not registered in accordance with this local law, the owner of the real property on which the alarm is located shall be subject to a fine of \$250.00.

6.9 Where six (6) false or nuisance alarms have occurred within a one year period and/or where an applicant does not reasonably comply with any provision of this local law, the Town of Livingston Fire Department may require, in writing, that the Code Enforcement Officer to suspend or revoke an alarm permit.

6.10 Any applicant whose application for a permit has been denied, and any person whose permit has been suspended or revoked, may appeal such denial, suspension or revocation in writing to the Town Board of the Town of Livingston and Board of Fire Commissioners within thirty (30) days after such denial, suspension or revocation and may appear before the Town Board at a time and place to be determined by the Town Board. At this time the applicant may speak in support of his/ her contention that the permit should not have been denied, suspended or revoke. The decision of the Town Board, in consultation with the Board of Fire Commissioners, shall be final.

6.11 Any reactivation of a revoked or suspended alarm permit will be subject to an administrative fee payable to the Town of Livingston in the amount of \$100.

6.12 All installation, connection, maintenance and monitoring fees shall be at the expense of the owner/occupant.

6.13 All information on applications pertaining to false alarms shall not be deemed confidential insofar as it is necessary to conduct any litigation under this chapter or to be provided to appropriate officials for fire protection purposes.

6.14 The Town of Livingston Building Department shall retain all records regarding applications, false alarm reports, investigations and other data necessary for compliance with this chapter.

Section 7. Other Jurisdictions.

Nothing contained in this local law shall relieve the alarm system owner or installer's obligation to obtain any permits, licenses, inspections or approvals as may be required by any other State, County or other applicable local authority, rule, regulation or law.

Section 8. Repeal

Any prior local law currently in existence which is inconsistent with the terms of this local law is hereby repealed.

Section 9 Validity and Severability.

If any section or part of this local law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional, then such adjudication shall not invalidate or impair the validity or force or effect of any other section or part of this local law or the application of this local law, or any section, provision, or part thereof, to other persons or circumstances.

Section 10 Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Section 11 Definitions.

National Fire Protection Association provides the latest safety provisions to meet changing fire detection, signaling, and emergency communications demands. In addition to the core focus on fire alarm systems, the Code includes requirements for mass notification systems used for weather emergencies; terrorist events; biological, chemical, and nuclear emergencies; and other threats.

Intelligent smoke detectors use advanced communications protocols to ensure accuracy and stability. Each “intelligent” smoke detector can be given a distinct address that allows for its location to be determined within a wiring loop upon activation. These locations are reported to a Fire Alarm Control Panel (FACP). Sophisticated software provides false alarm reduction and automatically monitors detector sensitivity.

NFPA 72 Section 1.4.1: Unless noted otherwise, it is not intended that the provisions of this document (NFPA 72) be applied to facilities, equipment, structures or installations that were existing or approved for construction prior to the effective date of this document. (August 29, 2012)

NFPA 72 Section 1.4.2: In those cases where it is determined by the authority having jurisdiction that the existing situation involves a distinct hazard to life or property, retroactive application of the provisions of this document (NFPA 72) shall be permitted.

NICET Certification, NICET III (National Institute for Certification in Engineering Technologies) - The minimum required - Level II, PLUS 3 additional years (for a total of 5 years) of fire detection and signaling systems experience, which MUST include: At least 33 months of fire alarm systems experience, including installation, maintenance, inspection, testing, commissioning, technical system estimating and sales, plan preparation, code compliance review, project management, and/or technical business management. The three years must include field experience, team leadership, and at least one year in a fire alarm systems technical management role.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2014 of the Town of Livingston was duly passed by the Town Board on March 27, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (~~Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.*~~)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after _____ (Name of Legislative Body) _____ (Elective Chief Executive Officer*) _____) in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after _____ (Name of Legislative Body) _____ (Elective Chief Executive Officer*) _____) submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20____, in accordance with the applicable provisions of law.

4. (~~Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.~~)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and (approved)(not approved)(repassed after _____ (Name of Legislative Body) _____ (Elective Chief Executive Officer*) _____) to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

T. Molinski

Tammy Molinski, Town Clerk

(Seal)

Date: 3/27/14

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Robert J. Fitzsimmons

Robert J. Fitzsimmons, Esq.

Title: Counsel

County _____
City of Livingston
Town _____
Village _____

Date: 3/27/14