

# **Village of Cayuga Heights**

## **Local Law 6 of the Year 2013**

### **A LOCAL LAW TO PROVIDE FOR THE AMENDMENT AND RESTATEMENT OF THE VILLAGE OF CAYUGA HEIGHTS LOCAL LAW CONCERNING EMERGENCY LOCK BOXES (Village of Cayuga Heights Local Law #2 of the Year 2001, Page 170 of the Village of Cayuga Heights Laws)**

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

#### **SECTION I PURPOSE AND INTENT**

The purpose of this Local Law is to amend and restate Local Law #2 of the year 2001 of the Village of Cayuga Heights (the "Village") in order to detail the requirements for the contents of a lock box, to clarify the roles of the Village's Code Enforcement Officer and Police Department in connection with enforcement of this Local Law, to reduce the violation of this Local Law from a Class B Misdemeanor to an offense punishable by fine, and to reformat this Local Law to correspond to the format of local laws most recently enacted by the Village. As referenced in Local Law #2 of 2001, the Village has determined that lock boxes are advantageous in situations that alarm systems have been activated erroneously and in circumstances in which a non-forced entry to the premises would be desirable to react to an emergency. The intent of this Local Law is to specify that all lock boxes contain a master key to the premises, that the Code Enforcement Officer may withhold a certificate of occupancy pending compliance with this Local Law and that the Police Department will be responsible for enforcement of this Local Law, and that penalties for violation of this Local Law consist of a structure of fines.

#### **SECTION II AUTHORITY**

This Local Law is enacted pursuant to the grant of powers to local governments provided for in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

#### **SECTION III DEFINITIONS**

- A. **Lock box** shall mean a device as prescribed by the Village of Cayuga Heights in coordination with the Cayuga Heights Fire Department and Cayuga Heights Police Department in which shall be placed a master key to the premises, access to which box shall be limited and regulated so that a minimum number of persons shall have access to the key that will open said lock box and a record is maintained at all times as to the person or persons who may obtain access to the box. The lock box shall also contain an updated emergency notification list of at least two individuals with telephone numbers and addresses. This list will be kept updated by said owner or resident of the property.

- B. **Alarm system** shall mean any system by which notification of a possible fire or burglary is made, directly or indirectly, to the police and/or fire department or other emergency response entity or emergency communications center or which activates an audible signal that can be heard off of the property on which the alarm system is located or a visual signal which can be seen off of the property on which the alarm system is located. Alarm systems include, but are not limited to, a municipal fire alarm, radio, telephone leased line, telephone dialer, remotely supervised alarm systems, or central station systems. Alarm systems shall also include any system that is activated by motion sensors, infrared sensors or other system designed to detect illegal entry when such systems are connected, directly or indirectly, to an emergency response entity such as a police department, remote supervisor, other emergency response dispatcher, or to an audible or visual alarm that can be heard or seen from off of the property on which the alarm system is located.

**SECTION IV                    LANDS AND STRUCTURES TO WHICH THIS LOCAL LAW APPLIES AND CONTENTS OF LOCK BOX**

- A. This local law shall apply to all areas of the Village of Cayuga Heights. Lock boxes shall be required for all new and existing buildings except those one or two family dwellings not equipped with or serviced by an alarm system.
- B. All lock boxes attached to a structure that is presently equipped or serviced by an alarm system shall have a current master key to the premises and an updated emergency notification list as prescribed in Section II (A).

**SECTION V                    LOCATION AND ATTACHMENT OF LOCK BOXES**

Lock boxes shall be affixed to the structure in a manner detailed by the manufacturer and in a location established by the Cayuga Heights Fire Department, Cayuga Heights Police Department or the Village's Building/Zoning Enforcement Officer.

**SECTION VI                    RETROFIT REQUIREMENTS**

Any building currently in existence to which this Local Law shall apply shall have a period ending ninety (90) days from the effective date of this local law within which to comply with the terms of this Local Law.

**SECTION VII      VILLAGE DEPARTMENT RESPONSIBILITIES**

- A. Village Code Enforcement Officer ó In the event that the Code Enforcement Officer becomes aware of the installation of a new alarm system, and the Code Enforcement Officer has confirmed that the property owner has not complied with the requirements of this Local Law in connection with that alarm system, the Code Enforcement Officer will notify the Police Department of such failure, and the Code Enforcement Officer will have the authority to deny any pending certificate of compliance and/or occupancy for the property until the Code Enforcement Officer has received confirmation that the owner has complied with this Local Law.
- B. Village Police Department ó The Police Department will have the authority and responsibility for enforcing the provisions of this ordinance.

**SECTION VIII      PENALTY FOR VIOLATION**

- A. A violation of Section IV (A) of this Local Law is hereby declared to be an offense, with conviction of a first offense punishable by a minimum fine of \$50.00 and a maximum fine not to exceed \$100.00. Conviction of a second or subsequent offense it is punishable by a minimum fine of \$100.00 and a maximum fine not to exceed \$250.00.
- B. A violation of Section IV (B) of this local law is hereby declared to be an offense, with a conviction of a first offense punishable by a minimum fine of \$25.00 and a maximum fine not to exceed \$50.00. Conviction of a second or subsequent offense is punishable by a minimum fine of \$50.00 and a maximum fine not to exceed \$100.00.
- C. Notwithstanding the above, any first time offender of Section IV (A or B) will be granted the opportunity to provide to the Village of Cayuga Heights Court proof of compliance to the cited offense. Any first time violation in which the offender shows proof of compliance will be dismissed.
- D. Compliance shall be done within 45 days. The Village has the burden of proof to establish a repeat offender.

**SECTION IX      PARTIAL INVALIDITY**

In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

**SECTION X      EFFECTIVE DATE**

This Local Law shall be effective immediately upon filing in the office of the Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.