

STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
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KATHY HOCHUL  
GOVERNOR  
WALTER T. MOSLEY  
SECRETARY OF STATE

January 13, 2025

Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, New York 14424

**RE: Town of Canandaigua, Local Law 13, 14, 15, and 16 2024, filed  
on 12/31/2024**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



**Department  
of State**

# 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  Town  Village  
*(Select one.)*

of Canandaigua

Local Law No. 14 of the year 20<sup>24</sup>

A local law adopting town code chapter 77 Alarms  
*(Insert Title)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

County  City  Town  Village  
*(Select one.)*

of Canandaigua as follows:

SEE ATTACHED SCHEDULE A

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**Chapter 77**

**ALARMS**

§ 77-1.	<b>Purpose.</b>	§ 77-6.	<b>Notice to owners.</b>
§ 77-2.	<b>Applicability.</b>	§ 77-7.	<b>Penalties for offences.</b>
§ 77-3.	<b>Definitions.</b>	§ 77-8.	<b>Enforcement.</b>
§ 77-4.	<b>Fire alarm standards and regulations.</b>	§ 77-9.	<b>Confidentiality of records.</b>
§ 77-5.	<b>Investigation of alleged violations.</b>		

**§ 77-1. Purpose.**

The purpose of this chapter is to protect and promote the health, safety and general welfare of the residents of the Town of Canandaigua by reducing the number of avoidable alarms to the local fire departments and/or fire districts that serve our community. In addition, it is intended that this chapter will allow emergency response agencies to contact responsible people to notify them of an alarm activation.

**§ 77-2. Applicability.**

The provisions of this chapter shall apply to the use of a fire alarm system within the Town of Canandaigua.

**§ 77-3. Definitions.**

For the purpose of this chapter, certain words and phrases shall be construed herein as set forth in this section.

**ALARM SYSTEM** — Any mechanical or electrical device which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company or a cable television company to protect its systems which might be damaged or disrupted by the use of an alarm system.

**AVOIDABLE ALARM** — The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence or intentional conduct of the owner, user, custodian or lessee of an alarm system, or his or her employees, tenants or agents, or through any other cause which, through direct connection to an emergency agency, or notification of an emergency agency by a private answering point or automatic dialing device or through notification to an emergency agency by any other second party or means, indicates that an emergency situation exists requiring an emergency response within the Town of Canandaigua, 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 an alarm system. Activation of an alarm system under any circumstances in which the activator reasonably believes that an emergency situation exists is not an avoidable alarm.

**FALSE ALARM** — The activation of an alarm system indicating an emergency situation when, in fact, no emergency situation exists.

**FIRE ALARM SYSTEM** - Any mechanical or electrical device which is designed or used for the detection of fire and which emits a sound or transmits a signal or message when activated. Fire alarm systems include but are not limited to direct dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to render alarms that are audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company or a cable television company to protect its systems which might be damaged or disrupted by the use of an alarm system.

**FIRE DEPARTMENT** – Any and all fire departments, fire districts, fire associations or fire companies providing a service within the Town of Canandaigua.

**NOTICE** — Written notice given by personal service upon the addressee or given by United States mail, postage prepaid, addressed to the person to be notified at his last known address.

**OWNER** — Any person who owns, leases, contracts for or otherwise obtains a fire alarm system.

**TOWN** – Town of Canandaigua.

**§ 77-4. Fire alarm standards and regulations.**

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

- (1) Fire alarm systems and equipment shall be maintained in accordance with the current edition of New York State Fire Code.
- (2) Fire alarm systems shall not be tampered with in an action to disable or remove the system and or its equipment from proper use.
- (3) Alarm equipment shall be securely mounted to the building structure. A suitable moisture barrier shall be provided between equipment and exterior masonry walls.
- (4) There shall be no testing of alarms by any alarm business, alarm agents or subscribers or the subscribers' agents that would normally summon fire services unless such test is first cleared and verified through the Fire Department.
- (5) Users of alarm systems are to be thoroughly instructed verbally and in writing in the operation and testing of all equipment, standby power and procedures to be followed in the event of any avoidable alarm and recommended replacement periods of dry cell batteries.
- (6) All fire alarm systems shall be inspected annually by qualified service personnel as designated by the Town of Canandaigua Code Enforcement Office.
- (7) Notice containing the names and telephone numbers of the person(s) to be notified to render repair(s) or service and secure the premises during any hour of the day or night that the alarm is actuated. Such notice shall be posted near the alarm in such a position as to be legible. In lieu thereof, such a person may maintain such information with the Fire Department. In addition to the aforesaid information, the name, address and telephone number of a person having a key to the premises shall be provided to the Fire Department.
- (8) Fire Department officers or any peace officer may disable an audible alarm that has not been silenced prior to the expiration of a fifteen-minute period, and the Town nor the Fire Department, nor such official shall be liable for any damage that may result.



- (9) No person shall disable or reset an active alarm until it has been deemed safe by the appropriate fire or code enforcement official.
- (10) No person, except authorized public safety personnel, shall fail to leave or vacate premises in which a fire alarm 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 official.

**§ 77-5. Investigation of alleged violations.**

- A. It shall be a violation of this chapter if:
  - (1) An fire alarm is triggered as a result of mechanical failure, malfunction, improper installation or the negligence of the owner, user or custodian; or
  - (2) A fire alarm is triggered intentionally and the person activating the alarm knows that an emergency situation does not, in fact, exist; and
  - (3) The triggering of a fire alarm results in notification to an emergency service provider that an emergency situation exists.
  - (4) Failure to adhere to the minimum standards and regulations of this chapter.
- B. It shall not be a violation of this chapter if:
  - (1) A fire alarm is triggered as a result of violent conditions of nature, including but not limited to hurricanes, blizzards, tornadoes, earthquakes or similar disasters; or
  - (2) A fire alarm is triggered and the person activating it reasonably believes that an emergency situation exists.

**§ 77-6. Notice to owners.**

Written notice shall be provided upon the occurrence of an avoidable alarm on the first and second occurrence in one year. Such notice shall state the fines as provided for in this chapter. Service of such notice shall be effective upon the completion of personal service or upon the placing of the same in the custody of the United States Postal Service.

**§ 77-7. Penalties for offenses.**

A violation of this chapter, or any portion thereof, is hereby declared to be an offense punishable by a fine as stated below or imprisonment for not exceeding 15 days, or by both such fine and imprisonment. Upon occurrence of a violation of this chapter, a Code Enforcement Officer will issue an appearance ticket subjecting the owner or occupant of the premises to the following fines:

- A. For the third avoidable alarm within one year, the owner shall be subject to a fine of \$200.
- B. For the fourth avoidable alarm within one year, the owner shall be subject to a fine of \$300.
- C. For each avoidable alarm thereafter within one year, the owner shall be subject to a fine of \$500.
- D. For each violation of § 77-4, the owner shall be subject to a fine of \$500.

**§ 77-8. Enforcement.**

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

**§ 77-9. Confidentiality of records.**

- A. Records of avoidable alarms of subscribers shall be deemed to be confidential.
- B. All information on applications pertaining to avoidable alarms shall not be deemed confidential insofar as it is necessary to conduct any litigation under this article or to be provided to appropriate officials for fire protection purposes.

(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. 14 of 2024 of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on December 16 2024, in accordance with the applicable provisions of law.

**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) \_\_\_\_\_, 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) \_\_\_\_\_, in accordance with the applicable provisions of law.

Such local law was 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 was (approved)(not approved) \_\_\_\_\_, 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 chairperson 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.)**

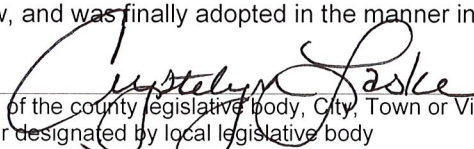
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority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

  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 23, 2024

(Seal)