

LOCAL LAW NO. 1 OF 2018

A LOCAL LAW TO AMEND THE TOWN CODE OF THE TOWN OF CHESTER

Be it enacted by the Town of Chester in the County of Orange, as follows:

Section 1. Purpose and Intent

It is the purpose of this Local Law to update and amend the Town Code of the Town of Chester, as it relates to penalties and failure to remit scheduled fine amounts resulting from the reporting or otherwise permitting or causing the report of a false alarm within the Town of Chester.

Section 2. Amend Section 34-3 entitled “Penalties for Offenses”, to read as follows:

- A. The second false alarm reported during any period shall be considered to be a violation which shall be punishable by a fine of \$100.00.
- B. For the third and each subsequent violation during any period, an adjudged violator may be subjected to a fine of \$200.00 for a third false alarm, \$250.00 for a fourth false alarm, up to a maximum of \$400.00 or a term of imprisonment not to exceed 10 days.
- C. The fine schedule contained in this Chapter is subject to review and amendment and the same shall be set by resolution of the Town Board at its annual reorganizational meeting.

Section 3. Amend the title of Section 34-4 from “Failure to Remit Fine; Criminal Prosecution”, to “Failure to Remit Fine”, which Section 34-4 shall further be amended to read as follows:

- A. An invoice for the fee associated with each false alarm, as described above, shall be generated by the Town Clerk. For each fee that goes unpaid after 45 days of the invoice date, a late fee, as established by resolution of the Town Board, shall be added to the original fee. Any invoice with an associated late charge that has been unpaid for at least 60 days on November 1 of that year shall be automatically included as a lien on the tax bill of the property on which the false alarm occurred. There shall be an administrative surcharge of \$50 added to the invoice should such lien be required.
- B. Any owner or lessee who has a false alarm occur on his or her property may request the Town Clerk to reconsider the invoice or a portion thereof within 30 days of the invoice date, as described above, by filing a written request with the Town Clerk, setting forth the basis for such request. The Town Clerk shall have 30 days from the receipt of such request to render a decision with respect to the

request for reconsideration. Said decision may include a reduction in fine amount or a dismissal of the charges, provided such relief does not conflict with the terms of this chapter. If the Town Clerk fails to respond within the thirty-day period it shall be deemed a denial of the request to reconsider. The property owner may appeal any denial and/or decision of the Town Clerk on a request to reconsider to the Town Board by filing a written request with the Town Clerk and paying the applicable appeal fee, as established by resolution of the Town Board, which may be refunded at the discretion of the Town Board. A hearing shall be held by the Town Board within a reasonable time after the Town Clerk's receipt of the written appeal. The decision of the Town Board shall be final. The Town Board shall have sole authority to expunge all or a portion of a property owner's false alarm history.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

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