

**Village Board
Approved Meeting Minutes
June 4, 2024**

Present: Mayor Lee, Trustees, Speer, Zabelny, Farrell, Fowler
Village Manager Shari Wilson-Pearce
Code Enforcement Officer Mark Mazzucco
Deputy Clerk Amy Harter
DPW Superintendent Jeff Pearce
Asst. Superintendent Chad McManus

Absent: Treasurer Maryalice Edwards

Guests: Linda Viney, Ignatius LaDelfa, Debbie Hebing, Marco Mattitoli

Mayor Lee called the meeting to order at 5 p.m. with the Pledge of Allegiance and a moment of silence. The meeting was held in the Board Room and was available via Zoom.

Recreation

Tom Venniro was not in attendance. Trustee Speer provided an update on upcoming events and reported the community garage sale was held last weekend. Bids for renovations at the Hilton Parma Public Library have been submitted and are higher than expected, a reserve has been created. After 22 years of employment, Sheila Steinorth will be retiring from the department in July. Congratulations Sheila!

Code Enforcement

Mark Mazzucco reported on the status of the Building Department.

He explained there are two in home businesses that do not have Zoning Board approval. Both involve dogs. The board discussed last month and determined since there were no complaints, there is no reason to take further action. However, on May 30th Mark received a letter explaining that a dog that was being cared for was lost from this address and was hit by a car. Mark will send a letter to the property owner explaining they must cease the operations of their business. The board will be kept informed of the situation.

Parkwood Lane: There is a property owner that has been notified several times of property maintenance violations, but they have not been remedied. The Village Manager met with her to discuss these violations and it was agreed that the owner will work to comply. They also discussed home improvement grant opportunities through Monroe County. Shari will continue to work with her during this process. The board is supportive of the attempts made to assist the owner.

Treasurer

Resolution: That pursuant to the existing franchise agreement and per Section 626 (1) of the Real Property Tax Law, a tax credit of \$225.60 is hereby granted to Time-Warner Cable for fiscal year 2024-2025. Motion to approve made by Trustee Speer, seconded by Trustee Zabelny. Carried 3-0.

Sales Tax: Maryalice Edwards reported the first quarter sales tax that has been received, is \$10,436.14 less than this time last year.

Resolution to deposit \$11,238.00 from the self-insured Worker's Compensation into the General Account. Motion made by Trustee Zabelny, seconded by Mayor Lee. Carried 3-0.

Resolution to open new Certificates of Deposit at Canandaigua National Bank at an interest rate of 5.2%. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried 3-0.

DPW Superintendent

Resolution to increase the wages of Jason Chapin by \$1.00 per hour. Motion made by Trustee Speer, seconded by Mayor Lee. Carried 3-0.

Property Maintenance: Jeff explained mowing resident's properties that have received violations from Code Enforcement has become difficult to manage. There is one zero turn mower and one push mower. Jeff is seeking an alternative to having the DPW staff mow. The board suggested offering overtime to the DPW staff on Fridays. Jeff will discuss it with them.

Watermain project: The change order requests are still being addressed, the final walk through went well and all outstanding issues have been resolved.

Memorial Day: Mayor Lee thanked the DPW for their efforts to beautify the Community Center grounds. Unfortunately, the parade was cancelled due to the weather.

Manager's report

Resolution to continue offering the Employee Assistance Program through Jason Knupp LCSW-R at a cost of \$400 for the 2024-2025 fiscal year. Motion to approve made by Trustee Speer, seconded by Trustee Zabelny. Carried 3-0.

Workers Comp Program: Shari explained the annual meeting was held in May and the Village received a refund of \$11,238 for the year. Shari provided a report depicting the success of the program. Hilton has recovered 91.24% of the premiums paid in claims. Since 2004, the average premium annually is \$20,120. The group has refunded almost 60% of claim premiums. The group is seeking an Administrator and expects to make a selection by September.

Resolution to increase the wages of Aimee Doser by \$1.50 per hour. This is her last three year pay increase. Motin to approve made by Trustee Speer, seconded by Trustee Zabelny. Carried 3-0.

Newsletter: The next issue will be scheduled to go out in early October to encompass the holidays and fall/winter activities. The spring issue will be mailed to our residents in mid-April. The board agreed the issues should be professionally printed. The staff will meet regularly to discuss the progress of each issue.

NYCOM: Shari reported on the information she obtained from the conference. She is recommending utilizing the gazebo for concerts including local talent and different types of music for the community. Another suggestion she made was to create artwork around the village including murals on buildings, a memorial wall within the DPW building and painting the refuse containers similar to the electric boxes that were done a few years ago. The board agreed to continue discussing these ideas.

Public Hearing

Local Law #1, 2024

Mayor Lee opened the public hearing for public comment at 6:00 p.m. to consider the following Local Law #1, 2024, Chapter 96 Village of Hilton Fire Sprinkler System Law.

Chapter 96: It is the intention of this chapter to provide for the installation, maintenance, approval, and compliance of fire sprinkler systems within the Village of Hilton.

The local law is listed in its entirety at the end of these minutes.

No comments were made, Mayor Lee closed the public comment period at 6:02 p.m.

Resolution to approve Local Law 1, 2024 to add Chapter 96, Village of Hilton Fire Sprinkler System Law. Motion made by Mayor Lee, seconded by Trustee Speer. Carried 3-0.

Local Law #2, 2024

Mayor Lee opened the public hearing for public comment at 6:03 p.m. to consider Local Law #2, 2024, Chapter 97 Fire Alarm Systems.

Chapter 97: 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.

The local law is listed in its entirety at the end of these minutes.

No comments were made, Mayor Lee closed the public comment period at 6:06 p.m.

Resolution to approve Local Law 2, 2024 to add Chapter 97, Fire Alarm Systems to the Village Code as presented. Motion made by Mayor Lee, seconded by Trustee Speer. Carried 3-0.

231 and 261 East Avenue

The Village Manager explained proper notifications were not made for the application for Wegmans Specialties LLC, for a Re-Subdivision of 231 and 261 East Avenue 2.065± acres of Tax Accounts #032.06-3-12.21 (231 East Avenue) with 6.129± acres of Tax Account #032.06-3-13.111 (261 East Avenue). After re-subdivision, the area of 261 East Avenue will be 8.195 ± acres.

This application will be readvertised for the July meeting.

Mark Oyer, 645 Hamlin Parma Townline Road, asked the purpose of rezoning. Trustee Speer explained it is for future multifamily development of housing.

Public Forum

Mayor Lee read the Public Forum procedures and opened the meeting to the public at 6:00 p.m.

Eric Van Auken, 3A Salmon Run, was present to discuss that the Village is not providing services for his neighborhood, but he is paying both a Village tax and a Homeowner Association Fee. He is seeking a reimbursement of taxes; he stated a civil lawsuit will be filed against the Village if a reimbursement is not given to the residents. He noted several of his neighbors are upset that they are paying Village taxes and HOA fees. There was a lengthy discussion of how the developer of this property insisted the Village was not to provide services at the time that Site Plan Review was done. The Planning Board minutes from 1993 state the Village will not be responsible for roads and services including: refuse collection, water roadway maintenance, snow plowing and street lighting. The roads were not dedicated to the Village. Shari Pearce will research this subject matter.

Minutes

Resolution to approve minutes of May 7, 2024 as amended. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried 3-0.

Vouchers

Resolution to approve the June vouchers with the following additions: NYCOM \$2,990.00, Cintas \$100.60, Grainger \$128.30, Jackson Welding \$18.82, Cody Kelly \$179.96, Lowes -\$18.74, WB Mason \$472.57, Runnings \$243.39, JC Smith \$502.47, Tractor Supply \$111.97, Westside News \$633.27, HCSD \$3,670.70. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried 3-0.

Prepaid	\$6,607.24
TA	\$26,975.08
General	\$80,777.95
Water	\$92,007.30
sewer	<u>\$3,048.73</u>
Total	\$209,416.30

Adjournment

Motion to adjourn at 6:40 p.m. made by Trustee Speer, seconded by Trustee Zabelny. Motion carried 3-0.

Respectfully submitted,

Amy Harter
Deputy Clerk

Village of Hilton Fire Sprinkler System Law

§ 96-1 Title.

This chapter shall be known as the "Village of Hilton Fire Sprinkler System Law."

§ 96-2 Purpose.

It is the intention of this chapter to provide for the installation, maintenance, approval, and compliance of fire sprinkler systems within the Village of Hilton.

§ 96-3 Definitions.

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

ADDITION

The extension or increase in area, height, or equipment of a structure.

ALTERATION

Any change, arrangement, or addition to a structure, other than repairs; any modification in construction or in equipment.

APPROVED FIRE PROTECTION SYSTEM.

Devices, equipment and systems or combinations of systems used to detect a fire, activate an alarm, extinguish, or control a fire, control or manage smoke and products of a fire or any combination thereof.

APPROVED FIRE SPRINKLER SYSTEM

An Automatic Fire Sprinkler System designed and installed in conformity with the standards established by Factory Mutual or the National Fire Protection Association and which has been approved by the Village Code Enforcement Officer, which said approval shall be obtained prior to installation.

AUTOMATIC FIRE SPRINKLER SYSTEM

An Automatic Sprinkler System, for fire protection purposes, is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The system is usually activated by heat from a fire and discharges water over the fire area.

VILLAGE

The Village of Hilton

§ 96-4 Buildings or structures required to have fire sprinkler systems.

Any building or structure as classified by the New York State Uniform Fire Prevention and Building Code, which require a certificate of occupancy or certificate of compliance constructed after the effective date of this subsection, shall be required to have an Automatic Fire Sprinkler System installed and operational prior to occupancy with the exception of one- and two-family dwellings and their accessory structures, utility, and miscellaneous Group U occupancies.

§ 96-5 Compliance required prior to issuance of a building permit.

No building permit shall be issued for the construction of any structure required to have an Automatic Fire Sprinkler System under **§ 96-4** of this chapter unless plans incorporating such Automatic Fire Sprinkler Systems are filed with the Village Code Enforcement Officer.

§ 96-6 Approval required prior to issuance of certificate of occupancy.

No certificate of occupancy shall be issued for any structure required to have a Automatic Fire Sprinkler System under **§ 96-4** of this chapter unless such system is installed in conformity with the applicable provisions of the New

York State Uniform Fire Prevention and Building Code and National Fire Protection Association standards dealing with such Automatic Fire Sprinkler Systems.

§ 96-7 Maintenance.

Automatic Fire Sprinkler Systems required under the provisions of this chapter shall be maintained by the property owner as prescribed in Section FC901.6. of the New York State Uniform Fire Prevention and Building Code and the requirements set forth in the applicable provisions of standards established by the National Fire Protection Association.

§ 96-8 Exceptions.

Automatic Fire Sprinkler Systems shall not be required to be installed in spaces where the discharge of water would be hazardous or damaging to equipment. In such places, other approved Fire Protection Systems shall be provided as prescribed and approved by the Village Code Enforcement Officer.

§ 96-9 Administration.

The requirements set forth in this chapter shall be in addition to and shall supplement the requirements set forth in Chapter 95 of the Code of the Village of Hilton, (Uniform Construction Codes). The plans, specifications, rating body approvals and materials required by the Village Code Enforcement Officer relating to the Automatic Fire Sprinkler Systems shall be submitted to the Village Code Enforcement Officer for review and approval prior to installation in conjunction with any application for a building permit submitted pursuant to Chapter 95 of the Code of the Village of Hilton, (Uniform Construction Codes).

§ 96-10 Liability of Village and employees for damages.

This chapter shall not be construed to hold any code enforcement official of the Village responsible for any damages to persons or property by reason of approval and issuance of permit(s), inspection or reinspection authorized herein or failure to inspect or reinspect, as required by any permits under this chapter, nor shall the Village and its employees be liable for any damage to persons or property by reason of the Village Code Enforcement Officer exercising their discretion as provided in this chapter

§ 96-11 Appeals.

- A.** Generally. An applicant may appeal a decision of the Village Code Enforcement Officer regarding issues related to any Automatic Fire Sprinkler Systems pursuant to this chapter to the Village of Hilton Zoning Board of Appeals .
- B.** Grounds for appeal. The grounds for such appeal shall be limited to one or more of the following:
- (1)** Compliance would create an excessive and unreasonable economic burden.
 - (2)** Compliance would inhibit achievement of some other important public policy.
 - (3)** Compliance would be physically or legally impracticable.
 - (4)** Compliance would be unnecessary, in light of viable alternatives, which, without loss in the level of safety, achieve the intended objective of this chapter more efficiently, effectively, or economically.
- C.** Appeal procedure. All appeals shall be conducted at the regularly scheduled meetings of the Village Zoning Board of Appeals and shall be conducted in the same manner as other appeals. The Board may affirm, modify, or reverse the determination of the Village Code Enforcement Officer after its deliberations.
- D.** Time for appeal. Appeals regarding this chapter shall be filed with the Village Zoning Board of Appeals within 30 days from the date of the denial of a Building Permit or the denial of a Certificate of Occupancy by the Village Code Enforcement Officer for the failure to comply with the requirements of this chapter.
- E.** Decisions. The hearing on the appeal will be recorded in the formal minutes of the Village Zoning Board, and the determination of the appeal shall be made by a majority vote of the Board. The decision of the Board will be delivered in writing to the petitioner and the Village Code Enforcement Officer. Nothing herein shall preclude the petitioner from pursuing Article 78 proceeding pursuant to the provisions of the New York State Civil Practice Law and Rules.
- F.** Jurisdiction. In no event shall the Village Zoning Board of Appeals assume jurisdiction over or interpret or modify any provision of the New York State Uniform Fire Prevention and Building Code, nor shall it act on those matters subject to the jurisdiction of the New York State Regional Board of Review with respect to the provisions of the New York State Uniform Fire Prevention and Building Code.

§ 96-12 Penalties for offenses.

- A.** Any person who violates or knowingly permits the violation of this chapter shall be deemed to have committed an offense against this chapter and shall be punishable as provided in Section **95-17**. Each separate violation shall constitute a separate additional offense. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors, and for such purposes only, all provisions of law relating to misdemeanors shall apply to such violations. Notwithstanding the foregoing, any person violating any provision of this Chapter, or any article, section or subsection thereof shall be subject to a civil penalty of not more than \$500 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted by the Village.
- B.** Any action or proceeding in the name of the Village may be commenced in any court of competent jurisdiction to compel compliance with, or restrain by injunction, the violation of the provisions of this chapter or to vacate the occupancy or structure in the case of imminent danger to life and property. Such remedy shall be in addition to penalties otherwise prescribed by law.

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 an 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.