

EXPLANATION: This Ordinance amends Chapter III-A entitled "Emergency Alarm Systems" of The Revised General Ordinances of the Township of Warren to remove references to an alarm console which is no longer used by the Township, to update the registration procedures and to increase the fines for subsequent offenses of false alarms other than fire.

**TOWNSHIP OF WARREN
ORDINANCE NO. 14-25**

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER III-A ENTITLED "EMERGENCY ALARM SYSTEMS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN

BE IT ORDAINED by the Township Committee of the Township of Warren, in the County of Somerset and State of New Jersey, as follows:

SECTION I. Chapter III-A entitled "Emergency Alarm Systems" of *The Revised General Ordinances of the Township of Warren* is hereby amended to read as follows:

3A-1 Purpose.

The purpose of this chapter is to provide standards and regulations for various types of intrusion, burglar, fire and other emergency alarm devices [whether by direct line, radio, telephone or other means actuating a device at the police headquarters of the township and], thereby requiring a response by the police department, fire department or other municipal agencies.

3A-2 Applicability.

The provisions of this chapter shall apply to any person, other than the Township, who operates, maintains or owns any alarm device or local alarm designed to summon the police, fire department or other local municipal agencies to any location in response to any type of alarm signal. The terms of this chapter shall in no way prohibit alarm companies from providing service by private source to offices within or without the Township so long as such activity is not directly connected to the [alarm console] Township police department or other Township facility; except, however, that any person having a premise protected by an alarm device shall be responsible for the registration thereof in accordance with [section 3A-5] the appropriate section of this chapter, without fee.

3A-3 Definitions.

[3A-3.1 *Alarm Console.* The console or control panel of devices giving a visual or audio response or both and located within the confines of the police department of the township.]

3A-[3.2] 3.1 *Alarm Device.* Any type of alarm system [actuating equipment in the alarm console] providing warning of burglary, intrusion, fire, smoke, flood or other peril.

3A-3.2 *Alarm System.* The installation of one or more devices in one or more buildings for the purpose of giving visual or audible warning, or both, of an emergency such as burglary, intrusion, fire, smoke, flood or other peril. For purposes of this chapter, the term "alarm system" shall include central alarms and local alarms. The term "alarm system" does not include devices which are designed solely to be seen or heard, or both, within the

premises and do not transmit a signal to a remote location, such as smoke detectors and carbon monoxide detectors which are specifically excluded.

[3A-3.3 *Dial Alarm.* That type of device using telephone lines transmitting an alarm directly through the police switchboard.

3A-3.4 *Alarm Installation.* Any alarm device or combination of devices installed for one or more buildings at a location other than the alarm console.]

3A-[3.5] 3.3 *Local Alarm.* [Any alarm or device which when actuated produces a signal not connected to the alarm console such as store burglar alarms actuating bell devices.] Any alarm system which when activated sounds an external warning signal at the location of the alarm premises and does not transmit any type of signal to another location.

3A-[3.6]3.4 *Persons.* Any natural person, partnership, corporation, association or any other legal entity.

[3A-3.7 *Permittee.* Any person owning an alarm device or a local alarm within the scope of this chapter.

3A-3.8 *Licensee.* The person obtaining the license to maintain the alarm console as hereinafter set forth.]

3A-3.5 *False Alarm.* [Any alarm actuated by inadvertence, negligence or unintentional act of someone other than an intruder and shall include as well alarms caused by malfunctioning of the alarm device or other relevant equipment, but shall not include alarms caused by malfunction of the alarm console or intentional false alarms subject to penalty under the Disorderly Persons Law]. The actuation of an alarm system by causes other than those to which the alarm system was designed or intended to respond. A "false alarm" shall not include intentional false alarms, which are subject to penalty under the Disorderly Persons Law.

3A-[3.10] 3.6 *Designated Representative.* Limited to a member of the police department of the [t]Township.

[3A-4 Licenses.

3A-4.1 *Alarm Console Licenses.*

a. There is hereby established a police alarm console license which shall be granted upon recommendation of the chief of police as set forth in subsection 3A-4.2. Any such licensee shall have exclusive use and control of the alarm console except for use by the police department of the township and such licensee will be responsible at no cost to the township and such licensee will be responsible at no cost to the township for the establishment, construction and installation of the console containing equipment and being of a design approved by the chief of police and for the care, maintenance and management thereafter the console. The licensee shall locate the console and relocate the console if necessary under the supervision of the chief of police at no cost to the township. For any such license granted hereunder the licensee will assume all liability and agree to indemnify and save harmless the township, its agents and the Warren Township Police Department for any acts in conjunction therewith. He

shall execute an indemnification agreement with the township and he shall furnish annually to the township clerk a noncancelable insurance certificate indicating public liability coverage in an amount no less than three hundred thousand ((\$300,000.00) dollars each person, five hundred thousand (\$500,000.00) dollars each accident, and property damage five hundred (\$500,000.00) dollars each accident.

b. Any connection to the police alarm console shall be of a type inspected and approved by the chief of police or his designated representative, and any person aggrieved by the decision may appeal the decision in writing within ten days to the township committee.

c. All alarms existing as of March 15, 1973 (except dial and local alarms) shall be connected hereunder to the alarm console by the licensee, and connection charge for such transfer shall not exceed \$25.00.

d. The licensee for the police alarm console shall be permitted to charge the following fees:

1. New commercial subscribers, a maximum installation fee of \$150.00 and a maximum monthly retainer or maintenance fee of \$21.00;

and

2. Residential subscribers, fees for installation and maintenance not to exceed one-third of those charged for commercial subscribers.

No fee shall be charged to the township, the Warren Township Sewerage Authority, or the Warren Township Board of Education, or Watchung Hills Regional High School for monthly charges or console connection charges for any existing or future alarm system in a public buildings; and any equipment or alarm devices installed by the alarm console licensee in such public buildings shall be at wholesale cost exclusive of labor charges.

e. The licensee shall install initially an annunciator or display console having no less than 240 zones available for present systems and future connections, which console shall be approved by the Underwriters Laboratories.

f. Except as provided in section 3A-6, any license issued hereunder shall be for a term of five years from the date of approval by the township committee; such licensee shall post with the township clerk a performance bond in the amount of \$15,000.00 noncancelable without notification to the township committee guaranteeing performance for five years of the obligation of the licensee and insuring maintenance of the console and alarm system during the period when such license is in force.

3A-4.2 Determination of Licensee.

a. Nonwaiverable License Qualifications.

1. The licensee has an office in the township or within a 15-mile radius of the township municipal building with adequate personnel available on a 24-hour basis to service the equipment.

2. The licensee is certified for installation and maintenance of the equipment by Underwriters Laboratories.

3. The licensee is certified by the State of New Jersey Fire Marshal for installation and maintenance of the equipment.

b. Award of License for Police Alarm Console. In accordance with paragraph a above, a license issued hereunder shall be for a term of five years. Award of the license shall follow a resolution by the township committee designating a time and place for the receipt of sealed bids. The bids shall indicate the bond(s) and other requirements of this chapter and shall indicate the fee to be charged subscribers by the licensee, subject to the limitations of subsection 3A-4.1, paragraphs c. and d. Upon the receipt of the sealed bids, the township committee may award the license to the lowest responsible bidder. In conjunction therewith, the committee reserves the right to reject any and all bids.

c. Renewals of the license or award of new licenses should any license be terminated in accordance with section 3A-5 of this chapter shall be accomplished by following the procedures of paragraphs a. and b. aforesaid.]

3A-[5]4 Registration of [Permits] Alarms.

a. [Any person who owns or operates an existing police alarm device or a local alarm [or who shall install such a new device, shall make application for the continuance or new use thereof in writing to the chief of police within 90 days of January 1, 1987 for existing devices or upon installation of new devices, which application shall contain at a minimum the location of the device, the name of the installer of the device, the type of device, maintenance provisions, provisions relating to false alarms and testing procedures, the designation of three persons in addition to the permittee, and their addresses and telephone numbers, who will be contacted in the event of an alarm, and other information as may be required by the chief of police.] No person shall maintain, use or cause or permit to be used any alarm device within the Township unless the alarm device has been registered with the Warren Township Police Department in accordance with the provisions of this chapter. Any new alarm devices must be registered as set forth herein upon installation. [Before the chief of police approves an application for a fire alarm, he will submit it] a registration shall be submitted to the police department with a copy to the fire [inspector] marshal and/or the fire subcode official. for his approval. [The chief of police will not approve a fire alarm application until the same has been approved by either of the said officials.]

b. Any person desiring to install, maintain, use or cause or permit to be used any alarm device shall submit to the Warren Township Police Department a written registration for such alarm device. The registration shall require the following information and shall be signed by the registrant:

- 1. The name, address and telephone number of the property owner and/or registrant;
- 2. The location of the property to be served;
- 3. The name, address and telephone number of the person or company which will furnish or maintain the alarm device;

4. The name and telephone number of three (3) persons located within a reasonable distance from the property who are capable of responding, providing access and resetting the alarm, and who shall be notified of an alarm or false alarm when no one is present on the property served by the alarm device;

5. The particular type of alarm device or alarm system for which the registration is sought;

6. Consent to inspection of the premises on which the alarm device or alarm system is installed at reasonable hours by the appropriate police or fire official.

c. In the case of commercial or industrial establishment [fire alarm] alarm devices or alarm systems, the three individuals designated for response to an alarm must be so located that their response time will not exceed [30] thirty (30) minutes from the notification of the alarm. The commercial or industrial establishment shall have the option of not designating the said three individuals and substitute therefor a lock box at a location identified on its registration [and to]. In such a case, the commercial or industrial establishment shall supply a key to that lock box to the police department.

d. All registrations of alarm devices or alarm systems shall be granted upon the following terms and conditions.

1. A registration shall be required for each separate residence, store, building or other facility and no registration shall be assigned or transferred in any manner;

2. If requested by the police department or the fire marshal or fire subcode official, an registrant shall furnish complete information and specifications for the system. Such information shall include specific data relating to testing procedures and the prevention of false alarms;

3. Every alarm device or alarm system shall be maintained in proper working condition.

[b.]e. [Local alarms] Alarm systems shall be registered, but no fee shall be charged therefor.

[c. For alarm devices, the permittee shall pay whatever charges are required by an alarm company making such installation, telephone leasing charges, and in addition thereto, such connection and monthly maintenance charges as hereinabove provided for, to the township an annual fee for the privilege of connecting to the console in the sum of \$121.00, which fee shall be payable by January 15 of each year annually so long as the permit is in force; any permit issued between January 15 and December 31 shall require the same \$12.00 fee, no portion of which shall be prorated or refundable. Should any such fee be delinquent for 30 days, the chief of police shall notify the permittee in writing that such system will be disconnected from the alarm console unless fees are paid within seven days of notice. Initial fee shall be limited to \$1.00 per month for the remaining months following March 15, 1973.

d. Any permit granted to a permittee hereunder is granted with the express condition that the permittee shall make no claim against the township, its boards, agencies, agents or

employees for any personal injury or property damage arising out of activities of the permittee, the permittee's alarm contractor, the telephone company or the alarm console licensee, but nothing herein contained shall prohibit any claim by a permittee against the permittee's alarm contractor, the telephone company or the alarm console licensee.]

f. Neither the Township nor the police or fire department shall assume any responsibility whatsoever with respect to the adequacy, operation or maintenance of any alarm device or alarm system. No action taken by the Township or the police or fire department pursuant to the provisions of this section shall create any liability upon the Township or the police or fire department by reason of any failure to respond to any emergency or any act or omission relating to any alarm device or alarm system. Every person who accepts a registration for an alarm device or alarm system agrees to hold harmless the Township, the police and fire departments, their agents and employees from any liability and costs whatsoever in connection with the alarm device or system covered by the registration or its operation.

[3A-6 Limitations of Township of Warren's Obligations.

The township shall be under no duty or obligation to any permittee hereunder or to any alarm console licensee hereunder. The alarm console and allied equipment being maintained at will and subject to termination at any time by cancellation of the system by resolution duly adopted by the township committee, and any individual permit issued hereunder may be revoked at any time by the township committee upon the recommendation of the chief of police, provided that 30 days' notice is given in writing to the permittee.]

3A-6 Fire Alarms.

All fire alarm devices and fire alarm systems shall be installed in accordance with the requirements of the State of New Jersey and with the approval of the fire marshal.

3A-7 [General Regulations.] False Alarms.

[a. Dial alarm devices to the police switchboard shall not be permitted under any conditions. A separate telephone number at police headquarters shall be installed to receive these dial alarm signals.

b. All fire alarm devices shall be installed in accordance with the requirements of the State of New Jersey and with the approval of the fire [inspector] marshal.

c. Any licensee for the alarm console and any permittee utilizing the services of any other alarm company connected to the console shall provide for a representative to be on call at all times, and such service shall be provided within eight hours of notification by the police department of any malfunctions of any equipment.]

[d.] a. In the case of a false alarm, including a false alarm caused by malfunctioning equipment, any person having knowledge thereof, shall immediately notify the police department in a manner to be prescribed by rules and regulations in accordance with section 3A-8 hereof. In addition, in the case of false alarms, the chief of police shall cause an investigation to be made and keep a record of such alarms and investigations on file. For such

false alarms, the following penalties shall be applicable to the [permittee] registrant thereof upon a conviction or guilty plea:

1. Alarms other than fire alarms:

First offense: thirty-five (\$35.00) dollar fine.

Second offense: fifty (\$50.00) dollar fine.

Third offense: [seventy-five (\$75.00) dollar] one hundred (\$100.00) dollar fine.

Fourth offense and all subsequent offenses: minimum [one hundred (\$100.00)] two hundred (\$200.00) dollar fine and mandatory court appearance.

[2. Fire alarms: for the first false alarm in any given calendar year a warning shall be issued; for the second false alarm in the same calendar year, a fine of fifty (\$50.00) shall be levied. For the third false alarm in the same calendar year a fine of one hundred (\$100.00) dollars for the offense shall be levied; for the fourth, fifth and subsequent false alarm in the same calendar year a mandatory court appearance will be required with a minimum fine of two hundred (\$200.00) dollars and a maximum fine of five hundred (\$500.00) dollars.]

2. Fire alarms:

a. False alarms:

First offense in any calendar year: Warning.

Second offense in the same calendar year: Fifty (\$50.00) dollar fine.

Third offense in same calendar year: One hundred (\$100.00) dollar fine.

Fourth and all subsequent offenses in same calendar year: Minimum fine of two hundred (\$200.00) dollars and maximum fine of five hundred (\$500.00) dollars and a mandatory court appearance.

b. Multiple false alarms within any given 12-hour period shall be considered as one alarm. In the event that three false alarms are given within any given 12-hour period, the fire chief or his designee shall have the right to order the alarm system to be deactivated; in the event the said system is not deactivated after the aforesaid order, each false alarm thereafter will be treated as a separate false alarm for the purposes of this section.

c. In the event of a false alarm [and] if no designated party arrives at the false alarm location within 30 minutes of notification to respond to that location, the [permittee] registrant shall be fined an additional minimum fine of five hundred (\$500.00) dollars and a maximum fine of one thousand five hundred (\$1,500.00) dollars for each violation. For a commercial or industrial establishment that has opted to install a lockbox in lieu of designating three persons to respond to an alarm, [I]in the event that there is no lock box present at the location a minimum fine of five hundred dollars (\$500.00) will be assessed.

[3. Where the investigation of the police department or fire department discloses continued abuse of the privilege of connection to the alarm console and a disregard of the permittee for taking remedial steps to avoid false alarms, the police chief or fire chief shall have the right to require disconnection from the alarm console for a limited or permanent time, provided that no such permit shall be revoked or suspended without giving the permittee an opportunity to show cause before the township committee why such action should not be taken.]

3.

a. If an investigation by the police department and/or the fire department and their designees discloses (i) a failure to comply with the terms and conditions of this chapter, or (ii) a failure to comply with a request to repair or replace a faulty alarm device or alarm, the police chief or fire chief shall have the right to require disconnection of such alarm device or alarm system until the terms and conditions of this chapter are complied with, or the alarm device or alarm system is repaired. In such an event, the police chief or fire chief shall notify the registrant of the suspension in writing stating the reason for the suspension. The notice shall include the date on which the suspension shall take place, and will include a statement that the registrant may appeal the decision to the township committee within seven (7) days from the date of such notice. A suspension shall be terminated and the registration reinstated when the conditions stated in the notice of suspension have been corrected to the satisfaction of the police chief or fire chief, as applicable.

b. The failure to disconnect such alarm device or alarm system within thirty-six (36) hours after a request to disconnect said alarm device or alarm system and keep such alarm device or system disconnected until the terms and conditions of this chapter are complied with, or until such alarm device or alarm system is repaired or replaced shall be a violation of this chapter, and each and every day the equipment is in operation shall be considered a separate offense subject to the penalty provisions as set forth in section 3-21 of The Revised General Ordinances of the Township of Warren. By registering an alarm device or alarm system, a person shall be deemed to have consented to inspection of the premises on which such alarm devices or alarm systems are installed at reasonable hour by the chief of police or his designated representative.

[e. Any unauthorized equipment may be disconnected by the chief of police or his designated representative for noncompliance with this chapter, and any person installing or maintaining unauthorized equipment shall be prosecuted for violation of this chapter, and each and every day the equipment is in operation shall be considered a separate violation. Any permittee shall by acceptance of the of the permit be deemed as having consented to the inspection of the premises on which such alarm devices are installed at reasonable hours by the chief of police or his designated representative.]

3A-8 Rule Making Authority.

The chief of police may from time to time promulgate rules and regulations supplementing this chapter in order to provide for record-keeping and efficient management of such system, provided that the township committee must first approve such rules or any changes thereto.

SECTION II. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION III In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Warren, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Revised General Ordinances of the Township of Warren* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

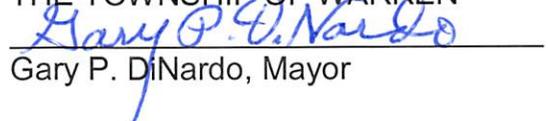
SECTION IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Note to Codifier: Deleted provisions indicated by brackets [].
New provision indicated in underline _____.

ATTEST:


Patricia A. DiRocco, RMC
Township Clerk

TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF WARREN


Gary P. DiNardo, Mayor

INTRODUCED October 9, 2014

ADOPTED November 20, 2014

EFFECTIVE November 27, 2014