

TOWN OF NEWTON

ORDINANCE 2015-30

AN ORDINANCE REVISING CHAPTER 45, "ALARMS"

WHEREAS, the Town Council of the Town of Newton reviewed its current ordinances regarding "Alarms", Chapter 45 of the Code of the Town of Newton; and

WHEREAS, the Town Council found that Chapter 45 needs to be revised for clarification and simplicity;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

SECTION 1. Chapter 45, "Alarms" is deleted in its entirety and replaced by the following:

Chapter 45. Alarms

§45-1. Purpose.

The purpose of this Chapter is to provide minimum standards and regulations for the use of privately installed emergency alarm systems, to establish permit and registration procedures, establish a system of administration, and establish fees and penalties for violations. The provisions of this Chapter shall apply to any person who operates, maintains or owns any alarm system in the Town of Newton.

§45-2. Definitions.

As used in this Chapter:

ALARM SYSTEM

The installation in one or more buildings, residential or otherwise, of one or more alarms to provide visual or audible warnings, or both, of an emergency, such as unauthorized intrusion, fire, smoke, flood or similar hazard requiring urgent attention, which are intended to summon law enforcement response. Alarm system shall not include:

- A. An alarm installed on or in a vehicle, unless the vehicle is permanently located at a site.
- B. An alarm designed to alert only the inhabitants of a single-family residential premises or residential unit and not designed to be seen, heard or communicated to a third person outside of the particular premises or unit.
- C. Medical alert systems and/or devices for individual use.

CHIEF

The Chief of Police of the Town of Newton or his or her designee.

DIAL ALARM

Alarm equipment that employs an automatic dialing system programmed to connect with the police headquarters telephone and emit a prerecorded voice message. Such dial alarms are NOT permitted in the Town.

FALSE ALARM

An alarm actuated for which there is no evidence of an attempted unauthorized entry or for which there exists evidence of an equipment failure or evidence of inadvertence on the part of any permittee, agents, servants and employees requiring a response by police, fire or other municipal agency. False alarms shall include actuations caused by malfunctioning of the alarm or other relevant equipment but shall not include alarm actuations caused by natural forces or other extraordinary circumstances not subject to control by the permittee.

OCCUPANT

A person in possession of premises in or upon which an alarm system has been installed.

PERMITTEE

A person to which a permit has been issued to install, operate or maintain an alarm system.

PERSON

An individual, corporation, partnership, association, organization or similar entity.

§45-3. Permit Required.

- A. No person shall install, maintain, operate, use or cause to be operated or used any alarm system within the Town unless an annual permit has been issued by the Chief in accordance with the provisions of this section.
- B. Every permit issued for an alarm system shall expire on December 31st of the year in which it is issued. No person shall use an alarm system during any period when the permit has expired or is suspended.
- C. With each permit, the applicant must provide a list of two (2) persons to be contacted in the event of an actuation. This contact person(s) must respond within 20 minutes of contact.
- D. Dial alarm systems, as defined in §45-2, are prohibited.
- E. All alarm systems shall be installed in accordance with the requirements of N.J.A.C. 5:23-1.1, et seq., the New Jersey Uniform Construction Code. All fire alarms shall be installed with the approval of the fire official and in accordance with N.J.A.C. 5:70-4.1, et seq., the New Jersey Uniform Fire Code.

§45-4. Fees.

- A. Fees for alarm system permits shall be \$25.00 for residential alarm systems and \$50.00 for commercial alarm systems.
- B. The renewal fee for residential and commercial alarm system permits shall be \$25.00.
- C. The fee shall not be prorated by reason of the date upon which an application is filed, but the fee shall be refunded to the applicant in the event that a permit is not issued.
- D. Any person who fails to obtain a permit on or before January 31st of each year shall pay a surcharge of \$25.00. Such person shall also remain liable for the penalties.

§45-5. Investigation and Issuance of Permit.

The Chief shall issue a permit for an alarm system unless the Chief concludes that the system covered by the application does not meet the applicable standards of this Chapter. Whenever the Chief shall refuse to issue a permit, he shall advise the applicant, in writing, of the reason(s) for refusal.

§45-6. Registration Form.

Any person utilizing an alarm system shall complete and file with the Chief a registration form, which may be obtained from the Police Department, correctly containing the following information:

- A. Full name, address and telephone number of the applicant, including an address description which will permit the appropriate municipal department to respond to the alarm.
- B. Use of property (residential or commercial) and type of business conducted on the property.
- C. Common name of the alarm premises.
- D. Name and address of the person(s) installing, maintaining and owning the alarm system.
- E. Description of the alarm system's operation, including, not by way of limitation, activation points of the alarm system and the mechanism(s) by which the alarm system becomes activated.
- F. Name, address and telephone number of the person monitoring and initially responding to an activation of the alarm system.
- G. Name, address and telephone numbers of two (2) responsible persons other than the permittee to be contacted in case of alarm and/or malfunction.

H. Any additional relevant information specifically requested by the Chief.

I. Provisions relating to false alarms and testing procedures.

If there has occurred any material change in the information submitted for alarm registration, it shall be the duty of the alarm user, within ten (10) calendar days of such material change, to file a supplemental or revised registration form containing accurate current information. Failure to comply with these provisions will be deemed a violation of this Chapter and subject the violator to the penalties contained herein.

§45-7. Terms and Conditions of Permit.

All permits for alarm systems shall be issued upon the following terms and conditions:

- A. A permit shall be issued for each separate improved property, building and/or facility, and no permit shall be transferred or assigned in any manner.
- B. Every permittee shall be subject to the rules and standards set forth in this Chapter.
- C. If an alarm system is disconnected, the permittee shall give written notice to the Police Department within seven (7) calendar days of such disconnection. Any permittee who fails to give the notice required under this subchapter shall be subject to the penalties contained herein.

§45-8. Suspension of Permit.

Any permit issued for an alarm system may be suspended by the Chief if it appears that:

- A. The permittee has failed to comply with the terms and conditions of the permit or has failed to comply with rules or standards promulgated by the Chief concerning alarm systems, including failure to pay fines or fees assessed pursuant to this Chapter.
- B. The permittee or his agents knowingly installed or maintains a faulty alarm system.
- C. A false material statement was submitted with alarm registration.
- D. The permittee or his agents failed to comply with a request by the Chief to render necessary services to a faulty alarm system within 36 hours after such request was made or failed to disconnect such alarm system that has not been repaired. Five (5) false alarms within any calendar year shall constitute prima facie evidence that an alarm system is faulty.

- E. In the event that the Chief shall determine that a permit for an alarm system shall be suspended by reason of the provisions of this subsection, the Chief shall notify the permittee of the suspension in writing, by certified mail, to the last known address setting forth the reason or reasons for the suspension.
- F. A suspension shall be terminated by the Chief when he is satisfied that the conditions stated in the notice of suspension have been corrected.

§45-9. Disconnection of Unauthorized Equipment; Consent to Inspection.

Any unauthorized alarm system or equipment may be disconnected by Town personnel for noncompliance with this Chapter, and any person installing or maintaining an unauthorized alarm system equipment shall be prosecuted for violation of this Chapter, and each day such equipment is in operation shall be considered a separate violation.

§45-10. Appeal.

Any person aggrieved by the action of the Chief in the denial or suspension of a permit for an alarm system shall have the right of appeal to the Town Manager. The appeal shall be taken by filing with the Town Manager, within fifteen (15) calendar days after the notice of action complaint has been mailed to the person's last known address, a written statement setting forth fully the grounds for appeal. The Town Manager shall set a time and place for hearing of the appeal and notice of the hearing shall be given to the appellant by certified mail to his last known address at least five (5) calendar days prior to the date set for hearing. The decisions of the Town Manager and the reasons therefor shall be set forth in writing by the Town Manager within fifteen (15) calendar days of the hearing.

§45-11. False Alarms; Fees and Fines.

- A. In the case of a false alarm, any person, permittee or his agent or representative having knowledge thereof shall immediately notify the Town Police Department.
- B. Where a person, permittee or his agent or representative notifies the Town Police Department within 60 seconds of the activation of the alarm, the actuation shall not be deemed to be a false alarm for the purpose of imposing penalties upon the permittee.
- C. The Chief shall cause an investigation to be made of all false alarms and a record of such false alarms kept on file.

1. For false alarms within any 12 consecutive months, the following penalties shall apply:

| Number of False Alarms | If Registered | If No Current Registration |
|---|------------------------------------|-----------------------------------|
| For the first 2 | A written warning shall be issued. | \$100.00 (each occurrence)** |
| For the 3 rd | \$50.00 | \$200.00 |
| For the 4 th | \$75.00 | \$300.00 |
| For the 5 th | \$100.00 | \$400.00 |
| For the 6 th and each subsequent | \$200.00 | \$500.00 |

** If registration is obtained within ten (10) calendar days of the first warning, the \$100.00 penalty shall be waived.

2. All fines under this Chapter may be joint and several against all persons owning an alarm system, any occupant of a premises in which an alarm system is installed, and any alarm company or contractor.
 3. All false alarms, commencing with the first, which occur while construction, alteration or renovations are occurring at the site, or when the alarm systems are being serviced, maintained or repaired, and the person conducting such work fails to notify the Town Fire and Police Departments that such work is being conducted, may be issued a summons to the individual or contractor performing the construction, alteration or renovations, and carry a penalty of \$200.00, in addition to any and all other penalties provided in this Chapter.
- D. Where the investigation of the Police Department discloses the failure of a permittee or occupant to take remedial steps to prevent false alarms, the Chief may require said permittee or occupant to disconnect the alarm system.
- E. All fines shall be issued by summonses, which are answerable to the Newton Municipal Court.

§45-12. Disclaimer of Responsibility.

Neither the Town nor the Police Department shall assume any responsibility whatsoever with respect to the adequacy, operation or maintenance of any alarm system. No action taken by the Town or the Police Department pursuant to the provisions of this Chapter, including disconnection of alarms, shall create any liability upon the Town or the Police Department by reason of any failure of any alarm system, any failure to respond to any emergency or any act or omission relating to any alarm system.

§45-13. Indemnification.

By installing an alarm system and registering same with the Town, each alarm user agrees to indemnify and hold harmless the Town, its agents, servants and employees from and against all claims, suits, damages, costs, losses and expenses and to release the Town, its agents, servants and employees from any and all liability or damages in any way resulting from or arising out of or connected with the installation, operation or maintenance of the alarm system or any act or omission connected therewith.

§45-14. Additional Rules and Regulations.

The Chief may from time to time promulgate written rules and regulations supplementing this Chapter to provide for recordkeeping and efficient management of the system, provided that no such rules and regulations shall be effective until the Town Council shall first approve such rules and regulations, or any amendments thereto, by appropriate resolution.

§45-15. Violations, Penalties and Enforcement.

Any person found guilty in the Municipal Court of the Town for violation of the terms of this Chapter other than for violating the terms of Subsection 45-11, which provides specific penalties for violations thereof, shall be subject to a fine of not more than \$2,000.00 or imprisonment for a period not exceeding 90 days, or both. Responsibility for enforcement of the provisions of this Chapter, including but not limited to fines, disconnections, summons and permit suspensions shall be the Police Department, Construction Official or Fire Official.

SECTION 2. Section 100-24.K, "Alarm registration fees" shall be and is deleted in its entirety.

SECTION 3. SEVERABILITY AND REPEALER

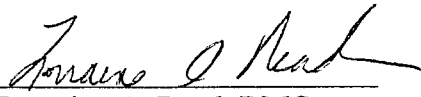
Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Wednesday, October 14, 2015. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, October 26, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

ATTEST:



Lorraine A. Read, RMC
Municipal Clerk