

ORDINANCE NO. 2016-005

AN ORDINANCE PROVIDING FOR AN EMERGENCY PANEL ALARM SYSTEM, TO REGULATE AND CONTROL THE INSTALLATION, OPERATION AND MAINTENANCE OF PRIVATE ALARM SYSTEMS OR DEVICES AND TO ESTABLISH PROCEDURES, PERMITS, FEES AND PENALTIES FOR VIOLATION THEREOF WITHIN THE BOROUGH OF SOUTH BOUND BROOK.

The Code of the Borough of South Bound Brook is hereby amended and supplemented to add the following sections:

Section 1. PURPOSE AND INTENT:

The purpose of this chapter is to provide standards and regulations for all types of emergency alarm equipment, as well as alleviate conditions which lead to an unnecessary drain on the manpower, time, space, facilities and finances of the Borough of South Bound Brook and its police and fire departments and/or other Municipal agencies and the deterioration of the quality of service to persons subscribing to alarm services.

Section 2. SCOPE AND APPLICATION:

The provisions of this chapter shall apply to any person other than the Borough who operates, maintains or owns any alarm device designed to summon Police, Fire Department or other 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 services by private source to other officers within or without the borough so long as such activity is not connected to the alarm panel or telephone at the Police headquarters. The terms of this chapter shall also apply to alarm companies providing services by private source to other companies within or without the borough if the purpose of the furnishing of such services is to summon the police to any location in the borough.

Section 3. DEFINITIONS:

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

Bureau of Fire Prevention:

Shall be defined in this Code.

Calendar Year:

January 1 through December 31.

Chief of Police:

The Chief of Police of the Borough of South Bound Brook or his designated representative.

Department of Police:

The Department of Police of the Borough of South Bound Brook.

Designated Representative:

The designated representative of the Chief of Police or the Fire Inspector who performs a function required or permitted by this Chapter under the supervision of the Chief of Police or the Fire Inspector respectively.

Alarm Device – Any type of alarm actuating equipment which provides warning of intrusion, fire, smoke, burglary, flood or like peril.

Alarm Panel – That component in the console in the police headquarters containing alarm indications and designations.

Alarm System – The installation in one or more buildings of one or more alarm devices for the express purpose of giving visual or audible warning, or both, of an emergency such as a burglary, intrusion, fire, smoke, flood or like perils.

Fire Alarm Equipment:

Includes the following:

- a. Devices which automatically detect heat, smoke or other products of combustion;
- b. Manual systems which actuate a fire alarm system;
- c. Mechanical systems designed and equipped to detect fires, actuate an alarm and suppress such fires.

Fire Inspector:

The Fire Inspector of the Borough of South Bound Brook or his designated representative. The "Fire Inspector" serves concurrently as Fire Subcode Official pursuant to this Code.

Fire Services:

Authorized companies providing fire protection and suppression to the Borough of South Bound Brook.

Local Alarm:

Any alarm system which, when activated, produces a signal not connected to the police switchboard, including but not limited to business burglar alarms actuating bell devices providing warning of intrusion or other peril. The term "local alarm" shall not include an alarm system solely connected to a registered motor vehicle, nor shall the term include equipment designed to signal solely within a building or series of buildings and which does not emit signals, visible or audible, to persons outside such building or buildings.

Permittee:

Any person who owns an alarm device who has obtained a permit according to the provisions of this chapter. All permits shall be issued and fees paid thereof on a calendar year basis renewable on January 1 of each succeeding year.

Person:

Any natural person or individual, or any firm, partnership, association, limited partnership, sole proprietorship, corporation or any other business entity.

Written Notice:

Notice by certified mail, return receipt requested.

False Alarms -- Any alarm or signal of an alarm actuated by inadvertence, negligence or intentional or unintentional negligence or intentional or unintentional act of a person other than an intruder and including alarms by mechanical failure, malfunction, or improper installation of the alarm system and related equipment. "False Alarm" shall not include activations caused by power or phone line interruptions. Alarms created by headquarters shall not be deemed "false alarms."

Section 4. OPERATION AND MAINTENANCE OF ALARMS:

- A. All components of alarm systems, alarm devices, dial alarms and local alarms shall be maintained by the owners or users thereof in good repair. When evidence exists that there has been a failure of such owner or users to properly maintain the alarm devices, the Police Chief and/or Fire Inspector is authorized to demand that such devices be disconnected until such time as appropriate repairs and/or modifications are made.
- B. All local alarms shall be equipped with a time relay or battery to limit the sounding of alarms to thirty (30) minutes or less.
- C. All dial alarms shall be capable of being disconnected by the owner to permit a call to the police switchboard in the event that a false alarm occurs.
- D. Voice dial alarms to police headquarters, with the exception of such devices which are not already in operation at the time of the enactment of this subsection, shall not be permitted.

E. The sensory mechanism of dial alarms shall be adjusted so as to suppress false indications and not to be actuated by impulses due to pressure changes in water pipes, short flashes of light, wind, noise, rattling or vibration of doors or windows or other forces unrelated to general alarms.

Section 5. REGISTRATION PERMITS:

A. No person shall install, operate or maintain any alarm system unless the system has been registered with and approved by the Chief of Police for intrusion alarms, or the Fire Inspector for fire alarm devices. No permit shall be issued prior to a satisfactory inspection of the alarm systems by the Chief of Police or Fire Inspector, as appropriate, or their designees.

B. All alarms, no matter what type, shall be registered with the Chief of Police or Fire Inspector, as appropriate on a form which shall include: the name, type, location and description of the alarm system; the name, address and 24 hour telephone number of the alarm installer or person responsible for its maintenance; a list of persons to be contacted in the event of an alarm; the person responsible to remit any fees or fines assessed under this chapter, and all other information as may be required by the Chief of Police or Fire Inspector.

C. Permits for local alarm systems shall not be issued with respect to building which are not owner-occupied prior to the receipt by the Chief of Police or Fire Inspector of satisfactory proof that the occupant of the building has been notified of the intent to install a local alarm system.

D. No further registration will be required unless a change occurs in the information previously submitted with respect to any alarm system. It shall be the duty of each permittee to notify the Chief of Police or Fire Inspector of any change in the registration information within 10 days of such change. Failure to comply with these provisions will be deemed a violation of this chapter and subject to the violator to the penalties contained herein. By installing an alarm system and registering same with the Borough of South Bound Brook, each permittee agrees to indemnify and hold harmless the Borough of South Bound Brook, its agents, servants and employees from and against all claims, suits, damages, cost, losses and expenses and to release the Borough of South Bound Brook, its agents, servants and employees from any and all liability or damages in any way resulting from or arising out or connected with the installation, operation or maintenance of the alarm system or any act or omission connected therewith.

Section 6. FALSE ALARMS (VIOLATIONS & PENALTIES):

A. Investigations: In the case of false alarms which summon the Police or Fire Department to investigate, the Police Chief and/or Fire Inspector shall cause an investigation to be made and shall keep a record of such false alarms on file. Such record shall be *prima facie* evidence of the contents thereof.

Section 7. PENALTIES FOR FALSE ALARMS:

In the event of the occurrence of three (3) or more false alarms in a calendar year, the permittee shall, within three (3) days after written notice from the Chief of Police, complete a written report setting forth the cause or causes of the false alarms for the file, including the corrective action taken and whether the alarm has been inspected by the alarm service company.

Moreover, in any calendar year, the following penalties shall apply:

1. For each of the first through third false alarms, a written warning of the content of this chapter shall be given;
2. For the fourth alarm in the same calendar year, a fine of \$50.00 shall be imposed;
3. For the fifth and any subsequent false alarm, a fine not to exceed \$500.00 shall be imposed for each false alarm;
4. In the event of a fifth or subsequent false alarm, an investigation may be conducted by the Police Department. When the investigation of the Police Department discloses continued abusive or negligent operation or maintenance of an alarm and a disregard for the taking of remedial steps to avoid false alarms, the Police Chief may require disconnection of the device for a limited or permanent period provided, however, that the owner or user of the device shall be given notice of the intended disconnection and shall have an opportunity to show cause before the Borough Council of the Borough of South Bound Brook why such action should not be taken. The determination of the Borough Council in such matter shall be based upon the effect on the general public health, safety and welfare of the continued use of the alarm device in question.
5. In the event any person subject to the provisions of this chapter is directed by the Chief of Police, or his designee, to disconnect an alarm system and fails to comply with such direction within seven (7) days of same, such person shall be subjected to the penalties contained in the Borough Code for each false alarm received after the expiration of the seven (7) day period until such time as the system is disconnected or the defects are corrected.

Section 8. TESTING OF ALARMS:

Any person testing an alarm system covered by this Chapter shall notify the police department immediately prior to, and immediately after the testing is complete. Failure to do so shall constitute a violation of this chapter and subject the person to the penalties set forth herein.

Section 9. GENERAL PROVISIONS:

A. Every permittee shall, by acceptance of a permit, be deemed to have consented to inspection of the premises on which said alarm devices are located at reasonable hours by the Chief of Police or Fire Inspector or their designated representatives.

B. Any unauthorized equipment may be disconnected by the Chief of Police, the Fire Inspector or their designated representatives for noncompliance with this chapter. Maintaining or installing unauthorized equipment shall be in violation of this chapter, and the person responsible for same shall be subject to the penalties set forth herein.

C. The Chief of Police and the Fire Inspector shall cooperate in all respects in connection with the administration of this chapter, and the forms, permits, records and other documents used by the Chief of Police and the Fire Inspector shall be as similar as possible in order to provide for uniformity of administration.

D. In the event that any person subject to the provisions of this chapter is directed by the Chief of Police or the Fire Inspector to correct a defect in an alarm system and fails to comply with such directive, written notice of disconnection shall be given, and the procedures set forth herein shall be followed.

Section 10. AUTHORIZATION TO PROMULGATE RULES AND REGULATIONS RELATING TO THIS CHAPTER:

The Chief of Police and the Fire Inspector may, from time to time, promulgate rules and regulations in furtherance of the administration of this Chapter. Said rules and regulations shall become effective upon approval by resolution of the governing body and have the same effect as it fully set forth herein.

This Ordinance shall take effect immediately upon passage and publication as required by law.

Attest:

Christina Fisher, Acting Borough Clerk

Caryl Shoffner, Mayor