

ORDINANCE 279

AN ORDINANCE PROVIDING FOR THE LICENSING, REGISTRATION AND REGULATION OF ALL PRIVATE ALARM SYSTEMS IN THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY

WHEREAS, false alarms present potentially dangerous conditions for police officers who must approach each alarm as a true alarm; and

WHEREAS, the Board of trustees wishes to register and regulate private alarm systems in an effort to curb false alarms.

NOW, THEREFORE, BE IT ORDAINED by the Trustees of the Village of Loch Arbour as follows:

Section 1 - Purpose:

The purpose of this Ordinance is to provide standards and regulation for various types of intrusion, burglar, fire and other alarm devices requiring response thereto by the Department of Police, Fire or other municipal agencies of the Village of Loch Arbour.

Section 2 - Scope:

The provisions of this Ordinance shall apply to any person who operates, maintains or owns any alarm system having an audible signaling device or requiring a response thereto by the Department of Police, Fire or other municipal agencies. The terms of this Ordinance shall in no way prohibit alarm companies from providing service by private source to other offices within or without the Village of Loch Arbour, so long as such activity is not connected to the alarm console; except, however, that any person having a premises protected by an alarm system shall still be responsible for the registration thereof in accordance with Section V and VI.

Section 3 - Definitions:

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

**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 Headquarters of the Township of Ocean or the Police Headquarters of any other municipality providing police or fire services pursuant to an Interlocal Services Agreement.

**Alarm System** - any console alarm, dial alarm or local alarm.

**Audible Signaling Device** - any device such as a bell, siren, whistle, horn, gong, klaxon, etc. employed to call attention and which may be heard beyond the limits of the property concerned.

**Chief of Police** - the chief of the Ocean Township Police Department or the police department of any other municipality providing police services pursuant to an Interlocal Services Agreement.

**Console Alarm** - any type of alarm device actuating equipment in the alarm console providing warning of intrusion, fire flood or other peril.

**Designated Representative** - Limited to a member of the Department of Police. He may also function as the Alarm System Inspector.

**Dial Alarm** - that type of automatic dialing device using the telephone systems to transmit an alarm of intrusion, fire, smoke, flood or other peril to the Department of Police.

**False Alarm** - any alarm activated by inadvertence, negligence or the unintentional act of someone other than an intruder, and including alarms caused by the malfunctioning of the alarm device or other relevant equipment, but shall not include alarms created by the malfunctioning of the alarm console.

**Fire Department** - the department providing fire protection for the Village of Loch Arbour pursuant to an Interlocal services Agreement.

**Licensee** - the person obtaining the license to maintain the alarm console, as hereinafter set forth.

**Local Alarm** - any device which, when actuated, produces an audible signal or gives a warning of intrusion, fire, smoke, flood or other peril.

**Permittee** - any person owning or operating an alarm system within the scope of this Ordinance, who has been issued a permit to operate said system.

**Police Department** - the Ocean Township Police department or the police department of any other municipality providing police services pursuant to an Interlocal Services Agreement.

#### Section 4 - Reserved

#### Section 5 - Registration and Permits:

A. A person, firm or corporation who desires to own or operate an alarm system, shall make application in writing to the Chief of Police on the form Provided by the Department, which application shall contain, at a minimum, the location of the alarm system, the name of the installer of said device, the type of device, provision relating to false alarms and testing procedures, a list of persons to be contacted in the event of an alarm, and other information as may be required by the Chief of Police.

B. Local alarms, excluding internal smoke alarms shall be registered. For each local alarm, beginning April 1, 1998, the owner or operator shall pay the Village a one-time registration fee of ten dollars (\$10.00).

C. For console alarms, the registrant shall pay whatever charges are required by an alarm company making such installation and, in addition thereto and such charges as hereinabove provide for, to the licensee for the alarm control panel and the circuit rental charges to the telephone company as may be necessary. For each console alarm connection, the owner or operator shall pay the Village, beginning April 1, 1998, a one-time registration fee of ten dollars (\$10.00).

D. Any registrant permitted hereunder shall be accepted upon the express condition that the registrant shall indemnify and hold harmless the Village of Loch Arbour and the Township of Ocean from and on account of any and all damages arising out of the activities.

E. For each dial alarm, the owner or operator shall pay to the Village of Loch Arbour a one-time registration fee of fifteen dollars (\$15.00) which shall include the cost of the special telephone line(s) required in the Town Hall necessitated by these systems.

F. The Chief of Police shall issue a permit for the operation of an alarm system if he or his designated representative is satisfied that the registration information is complete and that the alarm system will be operated in conformance to this Ordinance. The permit may be granted, subject to any special conditions stated thereon, if necessary.

#### Section 6 - General Regulations:

##### A. Dial Alarms

1. Dial alarms shall only be coded to dial a special telephone number, which number shall be provided by the Chief of Police or his designated representative, only to the dial-alarm permittee. No dial alarm shall be coded to dial the number of the general police switchboard.
2. The message must conform to an approved format.
3. The total length of the message must not exceed 15 seconds.

4. The message must be transmitted twice, but no more than four (4) times.
5. Any person having a dial alarm device which dials the general police number, upon discovery thereof, shall receive notice in writing from the Chief of Police requiring the owner to comply with the terms of this Ordinance, and if the owner fails to do so within 30 days of the receipt of said notice he shall then be issued a summons providing for a penalty of \$50.00.
6. All components of such equipment must be maintained in good repair by the owner, and when evidence exists that there has been failure to comply with the operational requirements of this Ordinance, the Chief of Police or his representative is authorized to demand that such device be disconnected until such time as compliance with current requirements is reestablished.

B Any licensee for the alarm console shall provide for a repairman to be on call at all times, and such service shall be provided within one (1) hour of notification by the Police Department of any malfunction of any equipment. Any permittee using said console shall provide for a repairman to be on call at all times and such service shall be provided within eight (8) hours of notification of the permittee by the Police Department of any malfunction of any equipment.

C. All audible signaling devices shall be equipped with a timing device to limit the sound of the signaling device to fifteen (15) minutes or less.

D. False alarms: Penalties - In the case of a false alarm, any person having knowledge thereof, shall immediately notify the Police department in a manner to be prescribed by the Chief of Police. In addition, in the case of false alarms, the governing body prescribes the following penalties: for the first, second and third false alarms in any calendar year, a warning shall be issued for the fourth, fifth and sixth in the same calendar year, an administrative charge of \$25.00 shall be assessed against the permittee. On all subsequent false alarms, an administrative charge of \$50.00 shall be assessed against the permittee. Where the investigation of the Police Department discloses continued abuse of the privilege of connection to the alarm console; and/or a disregard of the permittee for taking remedial steps to avoid false alarms; and/or failure of the permittee to pay any administrative charge, the Chief of Police reserves the right to require disconnection from the alarm console for a limited or permanent time, or require the disconnection of any dial alarm device provided that no such permit shall be revoked or suspended without giving the permittee the opportunity to appeal said decision to the Village Clerk. In addition, if any person fails to pay any administrative charge within thirty (30) days of the notification of said charge to any person, a summons may be issued for a violation of this Ordinance.

E. Any unauthorized equipment may be required to be disconnected by the Chief of Police or his designated representative for non-compliance with this Ordinance; and any person installing or maintaining unauthorized equipment, shall be prosecuted for violation of this Ordinance; and each and every day said equipment is in operation shall be considered a separate violation. Any permittee shall, by acceptance of the permit, be deemed as having consented to inspection of the premise on which said alarm devices are installed at reasonable hours by the Chief of Police or his designated representative.

F. In the event of a conflict with the fines and penalties for fire and smoke alarms contained herein with the New Jersey State Fire Prevention Code, the State Code shall govern.

G. Municipal agencies of the Village of Loch Arbour shall be exempted from the provisions of this Ordinance.

H. Appeals: Whenever, under the provisions of this Ordinance, the Chief of Police or his designated representative, is empowered to make a decision with respect to the installation, operation and maintenance of any alarm equipment; or with respect to the installation, operation and maintenance of any alarm equipment; or with respect to the issuance or denial of any application relating thereto; or in the imposition of any administrative charge; any person aggrieved by said decision may, within ten (10) days following said decision, file a written appeal there from with the Village Clerk of the Village of Loch Arbour who shall conduct a hearing and affirm, modify or reverse the decision appealed from.

#### Section 7 - Severability

If any article, section or subsection of this Ordinance is, for any reason, held to be unconstitutional or invalid, such provision shall be deemed severable.

#### Section 8 - Violations and Penalties

When a penalty is not otherwise provided in this Ordinance, any person, firm or corporation found guilty in the Municipal Court of violating the terms of this Ordinance, shall be subject to a fine not to exceed \$100.00 per day per violation and court costs.

#### Section 9 - Effective Date

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

#### CERTIFICATION

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR, do hereby certify the above to be a true and exact copy of the Ordinance finally adopted by the Trustees of the Village of Loch Arbour at their regular meeting held the 11<sup>th</sup> day of March, 1998.

Introduced: February 11, 1998

First publication: February 19, 1998

Adopted: March 11, 1998

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