

ORDINANCE NO. 3833

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY BY AMENDING CHAPTER 85, FALSE ALARMS.

SUMMARY

An Ordinance amending the Municipal Code of the Township of Franklin by amending the fine schedule for false alarms to the following: First 3 alarms in calendar year – warning; 4th alarm - \$50 fine; 5th thru 7th alarm - \$75 fine per alarm; and 8th and subsequent alarms - \$100 fine per alarm. The ordinance also establishes a one-time registration fee of \$25.00 for each residential alarm and \$50.00 for each commercial alarm.

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Code of the Township of Franklin be and it is hereby amended as follows:

SECTION I

§ 85-1. 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, requiring a response by the Police Department, Fire Department or other municipal agency of the Township.

§ 85-2. Applicability.

The provisions of this chapter shall apply to any person who operates, maintains or owns any alarm device or local alarm which is designed to summon the Police Department, Fire Department or other municipal agency to any location in response to any type of alarm signal. The terms of this chapter shall in no way apply to or prohibit alarm companies from providing service by private source to other offices within or without the Township.

§ 85-3. Definitions.

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

ALARM DEVICE -- Any type of alarm system actuating equipment providing warning of intrusion, fire, smoke, flood or other peril.

ALARM INSTALLATION -- Any alarm device or combination of devices installed for one or more buildings at a location.

CENTRAL STATION ALARMS -- Alarm systems monitored by persons other than the Township police requiring a response by the Police Department, Fire Department or other municipal agency.

DESIGNATED REPRESENTATIVE -- A member of the Police Department of the Township.

FALSE ALARM -- Any alarm for which there is no evidence of an attempted unauthorized entry or for which there is 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.

LOCAL ALARM -- Any alarm or device which, when actuated, produces an audible signal, such as store burglar alarms actuating bell devices.

PERMITTEE -- Any person owning an alarm device or a local alarm within the scope of this chapter.

PERSON -- Includes any natural person, partnership, corporation or association.

§ 85-4. Dial alarm devices connected to police headquarters prohibited.

No dial alarm shall be connected to police headquarters.

§ 85-5. Fire alarm devices.

All fire alarm devices shall be installed in accordance with the requirements of the state and with the approval of the Director of Fire Prevention.

§ 85-6. Disconnection of unauthorized equipment; consent to inspection.

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 day such equipment is in operation shall be considered a separate violation.

§ 85-7. False alarms. [Amended 6-27-2002 by Ord. No. 3299]

A. In the case of a false alarm, any person having knowledge thereof shall immediately notify the Police Department. 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 on file.

B. For such false alarms the Council prescribes the following penalties:

1) A first warning will be issued after the third false alarm in any given calendar year. ~~A second warning will be issued after the sixth false alarm in the same calendar year. A fine of \$25 plus a court fee of \$15 paid to the Township will be issued after the ninth false alarm in the same calendar year. A fine of \$50 plus a court fee of \$15 paid to the Township will be issued after the 12th false alarm in the same calendar year. A fine of \$200 plus a court fee of \$15 paid to the Township will be issued after the 15th, 18th, 21st, etc., false alarms in the same calendar year.~~

2) **A fine of \$50 plus a court fee of \$15 paid to the Township will be issued after the fourth false alarm in the same calendar year.**

3) **A fine of \$75 plus a court fee of \$15 paid to the Township will be issued for the fifth, sixth and seventh false alarm in the same calendar year.**

4) **A fine of \$100 plus a court fee of \$15 paid to the Township will be issued for the eighth and any subsequent false alarms in the same calendar year.**

C. In the case of a false fire alarm as defined in Chapter 132, Fire Prevention, §§ 132-25, reports investigations, summons, violations, and penalties shall be in accordance with §§ 132-26 and 132-27.

§ 85-8. Registration of alarm systems. [Added 10-14-1997 by Ord. No. 2033; amended 9-28-2004 by Ord. No. 3492]

All alarm devices must be registered within 30 days of installation or activation with a central monitoring center. Failure to register a new alarm device or new service with a central monitoring company within 20 days of receipt of written notice to register the alarm shall be deemed a violation of this chapter and subject to the permittee to penalties as outline in § 85-12 of this chapter.

§ 85-9. Registration form. [Added 10-14-1997 by Ord. No. 2033]

- A. Any person utilizing an alarm system shall complete and file with the Chief of Police a registration form, which may be obtained from the Police Department, correctly containing the following information:
- (1) Full name, address, and telephone number of applicant, including an address description which will permit the appropriate municipal department to respond to the alarm;
 - (2) Common name of alarm premises;
 - (3) Name and address of person installing, maintaining and/or owning the system;
 - (4) Description of system's operation, including, not by way of limitation, activation points of the system and the mechanism or mechanisms by which the system becomes activated;
 - (5) Name, address, and telephone number of person or business entity monitoring and initially responding to an activation of the alarm system;
 - (6) Names, addresses, and telephone numbers of four responsible persons to be contacted in case of alarm and/or malfunction, commonly referred to as "key holders;"
 - (7) Any additional relevant information specifically requested by the Chief of Police.
- B. If there has occurred any material change in the information previously submitted with respect to any alarm system by the alarm user, it shall be the duty of the alarm user, within 10 days of such material change, to file a supplemental or revised registration form containing accurate current information. This section shall include, but is in no way limited to, the disconnection of said alarm. Failure to comply with these provisions will be deemed a violation of this chapter and subject the violator to the penalties contained herein.

§ 85-10. Indemnification [Added 10-14-1997 by Ord. No. 2033]

By installing an alarm system and registering same with the Township of Franklin, each alarm user agrees to indemnify and hold harmless the Township of Franklin, its agents, servants, and employees from and against all claims, suits, damages, costs, losses and expenses and to release the Township of Franklin, 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.

§ 85-11. Additional rules and regulations.

The Township Manager may from time to time promulgate rules and regulations supplementing this chapter in order to provide for recordkeeping and efficient management of the system, provided that the Council must first approve such rules or any changes thereto.

§ 85-12. Fees.

- A. **There shall be a onetime registration fee for all new alarms registered with the Police Department pursuant to §85-8. The fee schedule shall be:**
- | | |
|--------------------------------------|-----------------------|
| <u>(1) Residential alarms</u> | <u>\$25.00</u> |
| <u>(2) Commerical alarms</u> | <u>\$50.00</u> |
- B. **Any alarms registered with the Police Department prior to the enactment of this section shall not be required to pay a registration fee.**

§ 85-12 ~~12~~ 13. Violations and penalties.

Any person found guilty in the Municipal Court of the Township for violation of the terms of this chapter other than for violating the terms of § 85-7, which provides specific penalties for violations thereof, shall be subject to the penalties provided in Chapter 1, Article II, General Penalty.

SECTION II

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3833

This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced:	May 26, 2009
Public Hearing:	June 23, 2009
Adoption:	June 23, 2009
Notice of Adoption:	June 29, 2009
Effective Date:	July 19, 2009

Ann Marie McCarthy, Township Clerk