

ORDINANCE REPEALING CHAPTER 159 (ALARM LICENSING AND OPERATIONS) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AND ESTABLISHING A NEW CHAPTER 159 (ALARM LICENSING AND OPERATIONS) OF THE TOWNSHIP CODE

BE IT ORDAINED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. Chapter 159 (Alarm Licensing and Operations) of the Code of the Township of Toms River, Ocean County, New Jersey is repealed in its entirety.
2. A new Chapter 159 to be entitled "Alarm Licensing and Operations" is established to read, as follows:

Section 159-1. Purpose.

A. The purpose of this chapter is to encourage alarm users and alarm companies to properly use and maintain the operation, effectiveness and proper utilization of alarm systems and to reduce or eliminate false alarms which may unduly divert law enforcement from responding to criminal activity.

B. This chapter governs systems intended to summon law enforcement response, requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of registration.

Section 159-2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

ALARM ADMINISTRATOR

A person or persons designated by the Township to administer, control and review false alarm reduction efforts and administer the provisions of this ordinance.

ALARM COMPANY

A person subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with Township ordinances and state laws and regulations.

ALARM PERMIT

A permit issued by the Township allowing the operation of an alarm system within the Township.

ALARM SIGNAL

A detectable signal; audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

ALARM SYSTEM

Any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement is requested to respond. The following are exempt from the ordinance: motor vehicle alarms, boat alarms, fire alarms, domestic violence alarms, and alarms designed to elicit a medical response.

ALARM USER

Any person, corporation, limited liability company, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

ALARM USER AWARENESS CLASS

A class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

AUTOMATIC DIAL PROTECTION DEVICE

An automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the Toms River Police Department a recorded message or code signal indicating a need for law enforcement response.

CANCELLATION

The process where response is terminated when the alarm company (designated by the alarm user) notifies the Toms River Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

FALSE ALARM

The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Toms River Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

LOCAL ALARM

An alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

PERMIT YEAR

A 12-month period beginning on the day and month on which an alarm permit is issued.

RUNAWAY ALARM

An alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Toms River Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

SIA CONTROL PANEL STANDARD CP-01

The American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

TOWNSHIP

The Township of Toms River or its agent(s).

VERIFY

An attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Section 159-3. Alarm permit.

(a) Permit required.

No person shall use an alarm system without first obtaining a permit for such alarm system from the Township. A fee will be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

(b) Application.

The permit shall be requested on an application form provided by the Township. An alarm user has the duty to obtain an application from the Township.

(c) **Transfer of possession.**

When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.

(d) **Reporting updated information.**

Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the Township within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the Township a form requesting updated information. The permit holder shall complete and return this form to the Township when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

(e) **Multiple alarm systems.**

If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

Section 159-4. Duties of the alarm user.

The alarm user shall:

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.
- (b) Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to insure dispatch).
- (c) Respond or cause a representative to respond to the alarm system's location within a reasonable amount of time when notified by the Toms River Police Department.
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (e) Obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

Section 159-5. Duties of the alarm company.

- (a) Any person engaged in the alarm business in the Township, shall comply with the following:
 - 1) Obtain and maintain the required state and/or Township license(s).
 - 2) Provide name, address, and telephone numbers of the license holder or a designee, who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.
 - 3) Be able to provide the most current contact information for the alarm user.
- (b) On and after 90 days after enactment of this ordinance, alarm installation companies shall, on all new and upgraded installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(c) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.

(d) Provide written information of how to obtain service from the alarm company for the alarm system.

(e) An alarm company performing monitoring services shall:

1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.

2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.

3) Communicate any available information about the alarm.

4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

Section 159-6. Prohibited acts.

(a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes.

(c) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Toms River Police Department.

Section 159-7. Enforcement of provisions.

(a) **Excessive false alarms/Failure to register.**

It is hereby found and determined that four or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Fees for false alarms within a permit year shall be assessed against an alarm user as follows:

Fee Schedule

Yearly Registration.....	\$ 25.00
Third, fourth and fifth false alarm . . .	\$ 50.00
Sixth and seventh false alarm.	\$100.00
Eighth and ninth false alarm	\$250.00
Tenth and over false alarms	\$500.00
Failure to Register.....	\$100.00

(b) **Payment of Fees.**

All fees, except the yearly registration fee, shall be paid within 30 days from the date of the Township invoice.

(c) **Discontinuance of law enforcement response.**

The failure of an alarm user to make payment of any fees assessed under this ordinance within 30 days from the date of the Township invoice alarm shall result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received. In addition, failure to register and obtain a permit may result in no law enforcement response to an unregistered alarm.

Section 159-8. Alarm user awareness class.

(a) **Alarm User Awareness Class.**

The Township shall create and implement an Alarm User Awareness Class and may request the assistance of the area alarm companies to assist in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The Township shall have the option of waiving all or a part of a fee (except the yearly registration fee) up to a maximum of \$150.00 if the alarm user attends an awareness class.

Section 159-9. Appeals.

(a) **Appeals process.**

Assessments of fees and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Toms River Police Department within 10 days after the date of notification of the assessment of a fee or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of a fee or other enforcement decision. Appeals shall be heard through an administrative process established by the Township Attorney, who shall act as the hearing officer.

(b) **Appeal standard.**

The hearing officer shall review an appeal from the assessment of a fee or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of a fee or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce the fee or reverse any other enforcement decision where warranted.

Section 159-10. Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the Township, except where otherwise provided by law.

Section 159-11. Government immunity.

An alarm permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed by the Township. All governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that the response of the Toms River Police Department may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 159-12. Violations and penalties.

Any person, partnership, limited liability company, corporation or other entity who shall violate any provision of this chapter, shall, upon conviction thereof, be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5, and as same shall be amended from time to time. Each and every day a violation of this ordinance shall exist shall constitute a separate violation.

3. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

4. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

5. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

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