

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 36, ALARM SYSTEMS; AND CHAPTER A210 OF THE BOROUGH CODE, ENTITLED "FEES" TO UPDATE THE FEES FOR PROVIDED IN CHAPTER 36, ALARM SYSTEMS**

**WHEREAS**, the Mayor and Council for the Borough of Mount Arlington reviewed and desires to amend and supplement Borough Code Chapter 36, Alarm Systems; and Chapter A210 of the Borough Code, entitled "Fees" to update the fees for Alarm Systems provided in Chapter 36; and

**WHEREAS**, the purpose and intent of this Ordinance is to encourage alarm users to maintain operational, reliable, and properly use alarm systems in an effort to reduce or eliminate false alarm dispatch requests, and assist the alarms users in improving alarm reliability; and

**WHEREAS**, a secondary purpose of the Ordinance is to partly defray the costs involved in responding to false alarms; and

**WHEREAS**, the Mayor and Council for the Borough of Mont Arlington determined that it is in the best interest of the general health, safety and welfare of the residents of Mount Arlington to reduce the number of false alarms to alleviate police resources and to reduce the length of time that an audible false alarm is allowed to operate continuously so as to provide a reduction in noise pollution and protect the tranquility and peace of mind of the Borough neighborhoods.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 36, Alarm Systems, is hereby amended and supplemented to read in its entirety as follows:

**CHAPTER 138. ALARM SYSTEMS**

§ 36-1. Purpose.

§ 36-2. Scope.

§ 36-3. Definitions.

§ 36-4. Alarm subscriber permit; registration required.

§ 36-5. Permit procedure.

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§ 36-12. False alarms; sanctions.

§ 36-13. Unauthorized connections.

§ 36-14. Rules and regulations.

§ 36-15. Violations and penalties.

§ 36-16. Enforceability.

§ 36-1. Purpose.

The purpose of this chapter is to provide for the establishment and maintenance of an efficient, effective and uniform police and fire alarm system within the Borough of Mount Arlington and to provide standards and regulations for alarm equipment, devices or systems to be installed or connected with or to the Morris County Communications Center, or otherwise installed or connected so as to elicit a response by the Mount Arlington Borough Police Department or, through the Police Department, the Fire Department or other municipal agency.

§ 36-2. Scope.

The provisions of the chapter shall apply to any person who installs, connects, operates, maintains, services or owns any alarm equipment, device or system, including local and central station alarms, designed to summons the Police Department or, through the Police Department, the Fire Department or other municipal agency to any location within the Borough of Mount Arlington in response to any type of call, signal, alarm or preprogrammed, prerecorded message.

§ 36-3. Definitions.

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

**CENTRAL STATION ALARM**

Any type of equipment, device or system, currently in existence or any updated technology, which is connected to a private alarm company monitoring station which monitors alarm activations at their subscriber locations. Upon alarm activation, and in the event that no person can be reached at the location or the person reached fails to properly respond with the correct code word or number, such company will contact the police to respond to the location.

**DIGITAL DIALER SYSTEM**

Any type of equipment, device or system, currently in existence or any updated technology, using telephone wires to activate an audible alarm at the police communication desk and provide both an information readout and a printout.

**FALSE ALARM**

Any activation of an alarm system, currently in existence or any updated technology, whether intentional or unintentional, by failure, malfunction, accidental tripping,

misoperation, misuse, inadvertence or negligence by the subscribers, their employees or agents.

#### **LOCAL ALARM**

Any type of equipment, device or system, currently in existence or any updated technology, which, when actuated, produces a signal or alarm such as a store, burglar or intrusion alarm actuating a bell, horn or other sounding device, for the purpose of summoning the Police Department or, through the Police Department, the Fire Department or other municipal agency to the location thereof and in response thereto.

#### **PERSON**

Includes any natural person, partnership, firm, corporation or association.

#### **BOROUGH COUNCIL**

The Council of the Borough of Mount Arlington.

#### **§ 36-4. Alarm subscriber permit; registration required.**

A. No person shall install, connect or maintain or cause to be installed, connected or maintained any alarm equipment, device or system in or to the police headquarters in the Borough of Mount Arlington for the purpose of transmitting a signal or alarm or reporting a signal, alarm or prerecorded message to the attention of the Police Department for the purpose of summoning the Police Department or, through the Police Department, the Fire Department or other municipal agency in response thereto, without first having made application and been issued a one-time permit therefore in accordance with the provisions of the chapter and the rules, regulations and procedures hereinafter established and provided thereunder. A permit must be obtained through the Borough Construction Office as required by the State Code. A Registration Form, a copy of which is incorporated as if set forth at length herein, is required to be completed for any type of alarm installation within thirty (30) days of the installation or implementation of the within Ordinance and submitted to the Borough Clerk.

B. No person shall install, connect or maintain or cause to be installed, connected or maintained any local or central station alarm without first having registered the same with the Borough Construction Office, as hereinafter provided.

#### **§ 36-5. Permit procedure.**

A. All applications for the issuance of a permit required under this chapter shall be made in writing to the Borough Construction Office on a form provided therefore and shall be accompanied by an application and processing fee. An annual renewal fee shall be paid.

B. Said application, among other information which may from time to time be required or prescribed by the Borough Construction Office, shall contain the name, address and telephone number of the applicant, the name, address and phone number of each of the premises and customers or person to be served by the proposed installation or connection, location of the device, alarm equipment or system, the name of the installer, the type of device, alarm equipment or system provisions relating to false alarms and testing procedures and a list of persons to be contacted in event of alarm.

C. Upon application for a permit, the Borough Construction Office shall cause an investigation to be made, and thereafter, provided the applicant has complied with all of the terms of this chapter and the rules and regulations made, promulgated and adopted pursuant thereto, shall issue the permit.

D. Permit fees for an existing alarm system shall be waived. Except as set forth in § 36-5, an annual renewal fee is mandatory.

#### § 36-6. Conditions of permits.

No permit shall be granted except upon the following terms and conditions:

A. Applicant shall furnish and complete all information required relating to the application and the alarm, equipment, device or system to be installed or connected and data relating to prevention of false alarms and testing procedures.

B. No person other than applicant and his agent and employees shall exercise the privileges under the permit.

C. Applicant shall maintain his equipment in good condition and repair.

D. No permit shall be transferred or assigned in any manner.

E. The permit is accepted upon the express condition the permittee shall indemnify and hold the Borough of Mount Arlington harmless from and on account of any and all damages arising out of the activities of the permittee or its alarm contractor.

F. The applicant or permittee upon acceptance of such permit, thereby agrees to hold and save harmless the Borough of Mount Arlington, its agents or employees from any liability whatsoever in connection with any such alarm, equipment, device or system or the operation and maintenance of the same which shall be the sole responsibility of the person having had the same installed or connected.

#### § 36-7. Local and central station alarms.

All local and central station devices, alarms, equipment or systems shall be registered with the Borough Construction Office, and all information required with respect to such registration shall be provided and information kept current by the registrant. All residents and business owners with existing local and central station devices, alarms, equipment or systems shall have one year from the adoption of this chapter to register said alarm system.

#### § 36-8. Revocation or suspension of permits.

Any permit issued under the provisions of this chapter may be suspended or revoked by the Borough Construction Office for any violations of or failure to comply with the provisions of this chapter or any rule or regulation promulgated by the Borough Construction Office and approved by the Borough Council pursuant to this chapter, including the following:

A. The permittee, his agent or employee willfully failed to and did not comply with a request by a member of the Police Department to proceed immediately to the location of permittee's alarm and render necessary services.

B. The permittee, his agents or employees knowingly installed or maintained a faulty system alarm device. An inordinate number of false alarms shall be prima facie evidence that such alarm device is knowingly a faulty device.

C. The permittee has breached the terms and conditions of the permit. No permit shall be revoked or suspended without giving the permittee thirty (30) days notice in writing of such action and an opportunity to show cause before the Borough Construction Office why such action should not be taken. Any person aggrieved by the action or determination of the Borough Construction Office in the denial of a permit or in the suspension or revocation of any permit provided for in this chapter may appeal to the Borough Council of the Borough of Mount Arlington.

#### § 36-9. Outside audible/signaling devices.

All alarm systems utilizing an outside audible/signaling device shall not be active for more than fifteen (15) minutes in duration. All such alarms shall have an automatic silencing device that shall deactivate any outside audible/signaling device. Any such system that does not have aforesaid silencing device shall be deemed in violation of this chapter.

#### § 36-10. Limitations of obligations.

A. The Borough of Mount Arlington shall be under no duty or obligation to any permittee hereunder or any other licensee hereunder for any equipment device or system, the same being maintained at will and subject to termination at any time by cancellation of the system by resolution duly adopted by the council of the Borough of Mount Arlington. However, any individual permit or license issued hereunder may be revoked at any time by the Borough Construction Office as hereinabove provided.

B. Notwithstanding payment of any fees and/or the receiving or issuance of any permit or registrations as herein required, the Borough Construction Office and/or the Police Department of the Borough of Mount Arlington shall not be under any obligation whatsoever concerning the installation or connection or adequacy, operation or maintenance of the alarm, equipment, device or system so installed or connected, and the Borough of Mount Arlington and its authorized agents hereby assume no liability whatsoever for any failure of such alarm, equipment, device or system, failure to respond to any such alarm or transmittals or for any act of omission or commission as a result of any such alarm, equipment, device or system; and the obligation for the maintenance and upkeep of such alarm equipment, device, and system, except for the equipment installed in police headquarters, shall be the sole responsibility of the person having had the same installed or connected.

#### § 36-11. Charges.

For the equipment, device and systems installed or connected within the Borough of Mount Arlington, the permittee shall pay whatever charges are required by any alarm company making such installation and, in addition thereto, the permit fee hereinbefore provided.

**§ 36-12. False alarms; sanctions.**

A. The subscriber shall be accountable for false alarms caused by the equipment failure or malfunction of the alarm system installed by the subscriber's alarm installer or the subscriber's alarm maintenance company.

B. Subscriber shall not be held accountable for false alarms caused by severe weather conditions, electrical malfunctions, malfunction of telephone lines used to transport the alarm signal over which the subscriber or the subscriber's alarm installer or maintenance company have no control or by the tripping of an alarm by other than the subscriber which is done with malicious intent.

C. In the case of a false alarm by any type of device regulated in this chapter, including local and central station alarms, any person having knowledge thereof shall immediately notify the Police Department in a manner to be prescribed by rules and regulations herein made and provided. In addition, in the case of a false alarm, the Chief of Police shall cause an investigation to be made and keep a record of said false alarms on file. The Police Department shall record and keep a log for all false alarms. For such false alarms, the following penalties are prescribed:

(1) For first false alarm, a verbal warning shall be issued.

(2) For the second false alarm, a written warning shall be issued.

(3) For the third false alarm, a fine of \$100.

(4) For the fourth false alarm, a fine of \$150.

(5) For the fifth false alarm, a fine of \$200.

(6) For the sixth, and any subsequent, a fine of \$250.

D. The permittee shall take all necessary steps to immediately ascertain the cause of any false alarm and shall alleviate the problem within seventy two (72) hours or show cause before the Borough Construction Office why the malfunction cannot be remedied within that time period. The Borough Construction Office shall have the discretion to grant an additional period of time within which to make the repair.

**§ 36-13. Unauthorized connections.**

Any unauthorized equipment may be ordered disconnected by the Borough Construction Office or a 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 and every day said equipment is in operation shall be considered a separate violation. Any permittee shall, by acceptance of the permit, be deemed to have

consented to inspection of the premises on which said alarm devices are installed at reasonable hours by the Borough Construction Office or a designated representative.

§ 36-14. Rules and regulations.

A. The Borough Construction Office may make, prescribe and promulgate supplementary rules and regulations for the installation and connection of alarm equipment, devices or systems covered by the terms of this chapter and for the performance, maintenance and operation of same as may be reasonably necessary to fulfill the purposes of this chapter.

B. Said rules and regulations and all changes thereof shall be subject to the approval of the Borough Council. Said rules and regulations shall be in writing and shall be given to each permittee or licensee at the time of the application for or issuance of the permit or license or at the time of the promulgation of amendment of such rules and regulations. The violation of any such rules and regulations shall constitute a violation of this chapter.

§ 36-15. Violations and penalties.

Any person, firm or corporation found guilty in the Municipal Court of the Borough of Mount Arlington for violation of the terms of this chapter shall be subject to a fine of not more than \$500 or imprisonment for a period not exceeding ninety (90) days, or both.

§ 36-16. Enforceability.

Members of the Police Department, Borough Construction Office and their designees shall be empowered to enforce and/or issue summons or warnings to enforce this chapter.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter A210 of the Borough Code, entitled "Fees" to update the fees for Alarm Systems provided in Chapter 36 is hereby amended and supplemented to read in its entirety as follows:

Chapter 36, Alarm Systems

§ 36-5	Permit fee	\$50.00 (or current construction code rate)
	Annual renewal	\$50.00 (or current construction code rate)

Service fees for false alarms within a 12- month period	
Burglar alarms	
1 to 2	\$0.00
3	\$100.00
4	\$150.00
5	\$200.00
6 and subsequent	\$250.00
Fire alarms	
1 to 2	\$0.00
3	\$100.00
4	\$200.00
5	\$300.00
6 and subsequent	\$400.00


**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

**SECTION 4.** This Ordinance shall take effect upon final publication as provided by law. **I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on September 18, 2012 and will be further considered after a Public Hearing held on October 16, 2012 at the Municipal Building at 5:30 P.M.

INTRODUCED: 09/18/12  
 PUBLISHED:  
 ATTEST:

  
 Linda DeSantis, Borough Clerk

BOROUGH OF MOUNT ALRINGTON  
 COUNTY OF MORRIS  
 STATE OF NEW JERSEY  
  
 Arthur Ondish, Mayor