

## **NOTICE**

### **ORDINANCE NO. 2024-02**

NOTICE IS HEREBY GIVEN that the following proposed Ordinance was introduced on a first reading at a meeting of the Mayor and Council of the Borough of East Rutherford, in the County of Bergen, New Jersey, held on the 20<sup>th</sup> day of February, 2024 and that said ordinance will be taken up for further consideration for final passage at the meeting of said Borough Council to be held in the Council Chambers at One Everett Place, East Rutherford, New Jersey, on the 19<sup>th</sup> day of March, 2024 at 6:00 PM or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested will be given an opportunity to be heard concerning the same.

A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Municipal Building and a copy of this Ordinance may be obtained without cost to members of the general public who shall request such copies between the hours of 9:00 AM to 4:00 PM at the office of the Borough Clerk, One Everett Place, East Rutherford, New Jersey.

Danielle Lorenc, RMC

**BOROUGH OF EAST RUTHERFORD**

**ORDINANCE 2024 – 02**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 92 “ALARMS” OF  
THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF EAST RUTHERFORD**

**STATEMENT OF PURPOSE:** The purpose of this Ordinance is to amend and supplement Chapter 92 regarding the use of privately installed emergency alarm systems, to establish procedures to facilitate emergency responses of the Borough of East Rutherford Fire and Police Departments, and to amend the fees and penalties for violations of the provisions of this Ordinance. ~~and to create an administrative apparatus.~~

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of East Rutherford as follows: (additions are underlined and deletions appear as strikethroughs)

§ 92-1 Findings.

The Mayor and Council finds and declares that:

A. There is increasing use of private emergency alarm systems by citizens of this Borough;

B. Most alarms generated by private alarm systems are listed as false alarms by responding authorities;

C. Police and Fire Department responses to false alarms provide an extra public safety service that benefit only those individuals who own alarm systems;

D. Alarm users and the general public are harmed by excessive numbers of false alarms, because excessive false alarms divert Public Safety Officers from other potentially critical duties and constitute a nuisance that must be abated;

E. Fees to reimburse the Borough for the costs of responding to excessive false alarms are justified because these false alarms divert limited public safety resources;

F. The Police and Fire Departments recognize the value of alarms and will respond accordingly to investigate possible crime and other emergencies, suppress fire propagation, address life safety issues, and provide medical treatment to fulfill the needs of the public; however, these services are not used effectively when Borough personnel must respond to locations with excessive numbers of false alarms;

G. ~~Businesses with excessive false fire alarms are subject to reinspection of their fire suppression, fire alarm system and facilities by the Fire Marshal's Office;~~

~~H.~~ Certain records are necessary to locate the persons in control of a property when the police have been notified by an alarm of an actual burglary or other emergency and need access to the property or when an audible alarm system is malfunctioning so as to cause a nuisance to the neighbors and other persons in the proximity of the alarm;

§ 92-2 Purpose.

A. The purpose of this chapter is to establish criteria governing the installation, use and maintenance of alarm systems within the Borough of East Rutherford in order to reduce or eliminate the false alarms that consume public safety resources. Nothing in this chapter is intended to discourage proper use of alarm systems.

B. This chapter governs systems that summon public safety agency response, ~~requires permitting~~, establishes fees, provides for penalties for violations and establishes a system of administration.

§ 92-3 Definitions.

As used in this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~ALARM REGISTRATION OFFICER~~

~~An employee of the Borough designated by the Mayor, with the consent of the Council, to implement and enforce this chapter.~~

ALARM SITE

A single fixed commercial or private premises or location served by an alarm system. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.

ALARM SYSTEM

Any mechanical, electrical or electronic device designed to detect an unauthorized entry or emergency situation on real property which emits sound off the premises or transmits an electronic signal off the premises.

ALARM SYSTEM INSTALLATION AND REPAIR BUSINESS

Any individual, partnership, corporation, agent, or other entity engaged in leasing, maintaining, servicing, repairing, altering, replacing, installing or inspecting any alarm system, or in causing any alarm system to be leased, maintained, serviced, repaired, altered, replaced, or installed in any building, structure, or facility. The foregoing sentence includes, but is not limited to, any person or entity that derives any pecuniary benefit from any contract for the installation of any alarm system, including but not limited to any person or entity that sells a contract for the installation or monitoring of an alarm system.

## ALARM SYSTEM MONITORING BUSINESS

Any person or entity that intercepts signals indicating the activation of an alarm system and relays this information to the Police or Fire Department.

## ALARM USER

Any person, firm, partnership, corporation or other entity who uses or is in control of an alarm site. In the case of a rental property, the renter is considered the alarm user.

## ~~ALARM USER PERMIT~~

~~A permit issued by the Borough of East Rutherford authorizing the operation of an alarm system within the Borough.~~

## AUTOMATIC VOICE DIALER

Any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement agency.

## BACKGROUND INVESTIGATION

A reasonable investigation or inquiry into an individual's previous history, including but not limited to his/her criminal record and other information, that will at the minimum reveal whether the person conducting the investigation has made a reasonable assessment of the likelihood of danger to the alarm owner posed by the alarm system installation and repair business personnel.

## ~~BUSINESS PERMIT HOLDER~~

~~Any alarm system installation and repair business or alarm system monitoring business that has received an annual alarm business permit under this chapter.~~

## CANCELLATION

The process by which an alarm system monitoring business verifies that a false dispatch has occurred and that there is not an existing situation at the alarm site requiring public safety response.

## CONTACT PERSON

Person designated by the alarm user who has the ability and the authority to allow access to the alarm site and the alarm system.

## DURESS/HOLD-UP ALARM

An alarm system designed to be activated by a person to indicate an immediate life-threatening situation is present.

## FALSE ALARM

A. The activation of any alarm system resulting in notification of the Police or Fire Department, for which the responding Public Safety Officer finds no evidence of criminal activity, fire, smoke, carbon monoxide, heat or other threat of emergency of the kind for which the alarm system was designed to give notice.

- B. Notwithstanding the foregoing, the following shall not be deemed a false alarm:
- (1) Upon receipt of a notice of demand for hearing, the Borough Clerk shall promptly schedule a hearing before the Mayor and Council, or a Hearing Officer designated by the Mayor and Council who shall hold a hearing within 30 days from the date of the receipt of the notice of demand;
  - (2) Activities caused by power or phone line when such interruptions have been previously reported to both the East Rutherford Police Department and the East Rutherford Bureau of Fire Safety; or
  - (3) When the responding police officer finds evidence of a violation of the New Jersey Criminal Code or calamity such as fire damage by natural elements.

#### FALSE FIRE ALARM

A false fire alarm resulting in notification of the East Rutherford Fire Department of a fire emergency.

#### HEARING OFFICER

A person designated by the Mayor and Council to act as an impartial adjudicator at hearings related to the enforcement of this chapter.

#### INTRUSION/BURGLAR ALARM

An alarm system designed to detect a breach of the exterior of or unauthorized movement in an alarm site.

#### MONITORED ALARM SYSTEM

An alarm system that results in sending a signal to an alarm system monitoring business.

#### ~~PERMIT HOLDER~~

~~Any alarm user who has received an alarm user permit under this chapter.~~

#### PUBLIC SAFETY OFFICER

Members of the East Rutherford Police Department or East Rutherford Fire Department.

#### VERIFY

An attempt by the alarm system monitoring business to contact the alarm site by telephone before requesting public safety dispatch, in order to avoid an unnecessary alarm dispatch.

~~§ 92-4 Alarm user permit; fee; transferability; false statements.~~

~~A. No alarm user shall operate, or cause to be operated, an alarm system without a valid alarm user permit for the alarm site issued by the Alarm Registration Officer.~~

~~B. Possession of an alarm user permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response by a Public Safety Officer. Any and all liability and consequential damage resulting from the failure to respond is hereby disclaimed and governmental immunity as provided by law is retained. Without limitation of the foregoing, by applying for an alarm user permit, the alarm user acknowledges that public safety response may be based on factors such as availability of public safety units, priority of calls, weather conditions, traffic conditions, emergency conditions or staffing levels.~~

~~C. A fee of \$50 shall be charged for the issuance of each alarm user permit, provided that no such fee shall be charged until January 1, 2010, and provided further that no one- or two-family residential use shall be subject to this fee. There shall be no fee for a renewal of an alarm user permit.~~

~~D. An alarm user permit must be renewed annually and cannot be transferred to another person or alarm site.~~

~~E. A separate alarm user permit is required for each alarm site.~~

~~F. The initial alarm user permit application form and permit fee must be submitted to the Alarm Registration Officer within 60 days after installation of the alarm system. In lieu of a documented date of installation, the first recorded activation of the alarm system shall be considered the installation date. An alarm user who operates an alarm system without an alarm user permit shall be subject to the penalty provisions of this chapter.~~

~~G. Each alarm user permit application must include the following information:~~

- ~~(1) The name, address, home, work and cellular telephone numbers and e-mail address if available of the person in control of the alarm site.~~
- ~~(2) The street address of the alarm site.~~
- ~~(3) Classification of the alarm site as either residential or commercial.~~
- ~~(4) Classification of the alarm site as either owner-occupied or leased. If leased, identification of the owner of the alarm site, including name, address and phone number. If the alarm site is an apartment, the application shall also include the name and telephone number of the apartment manager.~~
- ~~(5) Any business name used for the alarm site.~~
- ~~(6) The type of alarm system or systems and the purpose for which they are designed (i.e., intrusion, hold-up, fire, or any category identified by the false alarm reduction unit).~~

- ~~(7) The names and telephone numbers of two contact persons who, if notified, at any time will come to the alarm site within 30 minutes after receiving a request from a member of the Police or Fire Department. These persons shall grant access to the alarm site and deactivate the alarm system if necessary.~~
- ~~(8) Name and alarm business permit number of the alarm system monitoring business, if applicable.~~
- ~~(9) For the initial application following installation of a new alarm system, name contractor of the licensed contractor that installed the alarm system, if not installed by the homeowner.~~

~~H. Whenever any information on the alarm user permit application changes, a new alarm user permit application must be filed and a new permit fee paid within 30 days of such change.~~

~~I. To the extent required by law, the Borough shall treat all information on such application as proprietary and confidential information; provided, however, nothing in this chapter shall prohibit the use of such information for legitimate public safety purposes and for enforcement of this chapter.~~

~~J. The Alarm Registration Officer shall assign an alarm permit for each alarm site in a federal, state, county, public school and other political subdivision facility for tracking purposes and to allow the Borough of East Rutherford to cooperate with these agencies to address any recurring false alarm problems. Neither permit fees, service fees nor fines shall be required of such agencies.~~

#### § 92-5

##### Duties of alarm users.

A. An alarm user, whether at a business or residence, shall be responsible for:

- (1) Complying with all ~~permit and other~~ requirements specified in this chapter, as well as other applicable Code and state and federal laws;
- (2) Instructing all persons who are authorized to place the device or system into operation in the appropriate method of operation, advising them of the provisions of this chapter, and emphasizing the importance of avoiding false alarms. The absence of instruction does not provide a defense to any person or entity;
- (3) Maintaining the alarm site and the alarm system in a manner that will reasonably eliminate false alarms;
- (4) Responding or causing a representative to respond within 30 minutes when requested by Borough officials to provide access to an alarm site where an alarm

signal is being emitted, to deactivate a malfunctioning alarm system or to provide alternative security for the alarm site;

- (5) Providing that no person shall manually activate an alarm for any reason other than the emergency that the alarm system is intended to report other than testing of the alarm system.
- (6) Notifying the alarm system monitoring business prior to activation of an alarm for maintenance, test or instruction purposes;
- (7) Adjusting the mechanism or causing the mechanism to be adjusted so that an intrusion alarm signal audible on the exterior of an alarm site will sound for no longer than 15 minutes after being activated but may be reactivated by a reset.
- (8) Paying all fees and fines under this chapter within 90 days of the date assessed.

B. Dial alarms.

- (1) No new dial alarm shall be installed or used after the effective date of this chapter.
- (2) Within 90 days from the effective date of this chapter, all existing dial alarms programmed to send a telephone message to the telephone communication center of the Police Department shall be disconnected or reprogrammed to discontinue the sending of such message to the Police Department telephone communication center.

§ 92-6 Duties of Police and Fire Departments.

The East Rutherford Police and Fire Departments shall respond to alarm notifications according to department protocol. If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Police or Fire Department may require a conference with an alarm user and the alarm system business responsible for the repair of the alarm system to review the circumstances of each false alarm.

~~§ 92-7 Duties of Alarm Registration Officer.~~

~~A. The Alarm Registration Officer shall:~~

- ~~(1) Be the primary agency responsible for implementation and enforcement of this chapter;~~
- ~~(2) Develop such forms, notifications, and systems as are necessary to implement this chapter;~~



- ~~(3) Send the initial billing for all permits and annual renewals of same, as well as false alarm service fees and applicable fines.~~
- ~~(4) Send a notice of each false alarm to the address of the alarm site.~~
- ~~(5) Provide a copy of all false alarm notices to the Municipal Court upon request of the Municipal Prosecutor.~~
- ~~(6) Coordinate between the alarm system industry, East Rutherford Police Department, East Rutherford Fire Department and Bureau of Fire Safety to reduce the number of false alarms and improve responses to true emergencies;~~

~~B. If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Borough may require a conference with an alarm user and the alarm system business responsible for the repair of the alarm system to review the circumstances of each false alarm.~~

~~C. If the Alarm Registration Officer identifies an alarm system installation and repair business that is operating in East Rutherford without a required license from the State of New Jersey, the Alarm Registration Officer shall report that business to the authorized state or local enforcement authority.~~

#### § 92-8 Nonemergency activation.

No person shall intentionally activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice. Activation of an alarm system for maintenance, testing, and instruction purposes is exempted from this provision, provided that the alarm user notifies the alarm system monitoring business of the test immediately prior to testing. Any violation of this section shall result in a violation of \$5001,000.

#### § 92-9 Excessive false alarms; fines; violations and penalties.

##### A. False ~~fire~~ alarms.

(1) During any twelve-month period, an alarm user shall be assessed the following penalties for activation of a false ~~fire~~ alarm of any alarm system.

- (a) First 3 offenses: no fine; written warning only.
- (b) ~~Second~~ Fourth offense: fine of \$100.
- (c) ~~Third~~ Fifth offense: fine of \$250. \$300
- (d) ~~Forth~~ Sixth and all subsequent offenses: fine of \$500.

(2) In addition to any fine, the alarm user of any location from which occurs a false ~~fire~~ alarm may be required to provide to the Police or Fire Department an advisory letter (dated within 30 days following the date on which the complaint is issued) from an alarm system installation and repair business stating that the system is operating properly. Failure to provide such advisory letter will constitute a separate offense.

~~B. During any twelve-month period, an alarm user shall be assessed the following penalties for activation of a false alarm other than a false fire alarm.~~

- ~~(1) First offense: no fine; warning only.~~
- ~~(2) Second offense: fine of \$50.~~
- ~~(3) Third offense: fine of \$50.~~
- ~~(4) Forth and all subsequent offense: fine of \$75.~~
- ~~(5) Fifth offense: fine of \$75.~~
- ~~(6) Sixth offense: fine of \$75.~~
- ~~(7) Seventh offense: fine of \$100.~~
- ~~(8) Eighth offense: fine of \$100.~~

C.B. If cancellation of a burglar alarm from the alarm system monitoring business occurs prior to Public Safety Officers arriving at the alarm site, no false alarm offense will be imposed.

C. All false alarms, commencing with the first, which occur while construction, alteration or renovations are occurring at the site, or when the alarm systems are being serviced, maintained or repaired, and the person conducting such work fails to notify the Borough of East Rutherford Fire and Police Departments that such work is being conducted, may be issued a summons to the individual or contractor performing the construction, alteration or renovations, and carry a penalty of \$500, in addition to any and all other penalties provided in this section.

D. The alarm user shall be given written notice of any fees and fines chargeable under this section. Such fees and fines shall be paid to the Borough of East Rutherford within 30 calendar days of the date of the notice of fees and fines due. If an alarm user fails to pay such fines within that time, the ~~Alarm Registration Officer~~ Police Department shall sign and file a complaint in the Municipal Court based upon the alleged violations of Chapter 92 which formed the basis for the notice, and any other violations of which the ~~Alarm Registration Officer~~ Police Department is aware. In that event, the payment of the fines or penalties shall be suspended pending the decision of the Municipal Court. If the

Municipal Court finds the alarm user guilty of violating this chapter, the court shall impose the fines and penalties set forth in this § 92-9.  
[Amended 4-20-2010 by Ord. No. 2010-10]

§ 92-10 Other penalties.

Nothing in this penalty section shall preclude the Borough from seeking any equitable relief including but not limited to an injunction.

All ordinances or parts of ordinances inconsistent with the foregoing are hereby repealed, but only to the extent of such inconsistency.

This ordinance shall take effect upon final passage and publication according to law.

**Introduced: February 20, 2024**

**Adopted:**