

**BOROUGH OF NEW PROVIDENCE
ORDINANCE NO. 2021-13**

**AN ORDINANCE OF THE BOROUGH OF NEW PROVIDENCE,
COUNTY OF UNION, STATE OF NEW JERSEY
AMENDING THE BOROUGH CODE, CHAPTER 105, "ALARM SYSTEMS"**

BE IT ORDAINED by the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey that Chapter 105, "Alarm Systems", of the Borough Code is amended to read in full as follows:

§105-1. Findings and Declarations.

The Borough Council does hereby find and declare that:

- A. The occupants of numerous residential, commercial, and industrial establishments in the Borough of New Providence have found it desirable to make provision for the installation, upon their premises at their own cost and expense, of alarm systems for emergencies such as burglar, fire and like alarms.
- B. There is a growing number of alarm companies that sell or lease such alarm systems entering into contracts with such occupants for the installation, operation and maintenance of such alarm systems and providing for the connection to the individual alarm system so installed by them to a central location.
- C. The number of private enterprises engaged in the alarm business, each with its own system and equipment, has resulted in conditions that, if not remedied, will lead to an unnecessary drain on the manpower, time, space facilities and finances of the Borough of New Providence and its public safety agencies and the deterioration of the quality of service to persons subscribing to the alarm services.
- D. The public interest, therefore, requires the enactment of standards, procedures, and regulations to control the use of private emergency alarm systems and devices in the borough.

§105-2. Purpose.

- A. The purpose of this ordinance is to provide standards and regulations for various types of hold up, burglar, fire, and other emergency alarm devices whether by direct line, telephone, or other means, which initiate a response of the police department, fire department, or other municipal department, agency, or official.
- B. This chapter is also meant 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.
- C. 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.

§105-3. Scope.

- A. The provisions of this ordinance shall apply to any person, other than the municipality, who operates, maintains, or owns any alarm device or local alarm designed to summon the police or fire department to any location in response to any type of alarm signal. The terms of this ordinance shall in no way prohibit alarm companies from providing services by private sources to other offices within or without the Borough of New Providence.

§105-4. Definitions.

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

A. Alarm Administrator:

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

B. Alarm Company:

A person, as defined herein, subject to the licensing requirements and engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with Borough ordinances and state laws and regulations.

C. Alarm Permit:

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

D. Alarm Signal:

A detectable signal, audible or visible, generated by an alarm system, to which law enforcement and/or the fire department is requested to respond.

E. Alarm Site (also “security alarm site”):

A premises or location served by an alarm system or systems includes exterior alarm areas, swimming pools and auxiliary buildings. In a multi-unit building or complex, each unit shall be considered a separate alarm site. In a single-unit building that houses two or more separate businesses with separate alarm systems, each business will be considered a separate alarm site.

F. 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 such as burglary, intrusion, fire, or smoke. The following are exempt from this chapter: motor vehicle alarms, boat alarms, domestic violence alarms and alarms designed to elicit a medical response.

G. Alarm User:

Any person, as defined herein owning, leasing, or operating an alarm system, or who (which) controls a security alarm system at an alarm site; is named on the registration; and is financially responsible for the operation of an alarm system. Alarm user may mean more than one person, if more than one person is listed on the registration and has accepted financial responsibility for the operation of the alarm system.

H. ANSI/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."

I. 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 New Providence Police Department a recorded message or code signal indicating a need for law enforcement response.

J. Burglary alarm (also "property/intrusion alarm"):

Means an alarm system that is used to detect and report an unauthorized entry or an attempted unauthorized entry upon real property.

K. Cancellation:

The process where response is terminated when the alarm company (designated by the alarm user) notifies the New Providence 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.

L. Central Office Alarm:

Any alarm which when activated transmits a signal to a remote location indicating an alarm condition.

M. Chief:

Means the Chief of Police of the Borough of New Providence or his/her designee.

N. False alarm response:

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 or fire department personnel, unless law enforcement and/or fire department response was canceled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location.

This also means a police department response to an alarm dispatch request by a commissioned officer of the department where, in the opinion of that officer, no evidence of the commission or attempted commission of a crime is present that can be reasonably attributed to have caused the alarm activation.

A false alarm response is also deemed to have occurred when the responding officer is unable to determine if evidence of a criminal offense or attempted criminal offense is present because the alarm site is inaccessible (e.g., where the alarm site is located:

- 1) Within a locked structure, such as an apartment building or business complex with a common entry; or
- 2) Behind a locked gate and no person is present to provide access to the officer; or
- 3) Contains a dog and no person is present to remove the dog so the officer can inspect the site; or
- 4) Contains any type of "protective/reactive" device or contrivance.

A false alarm shall not include an alarm which can reasonably be determined to have been caused or activated as a result of conditions or circumstances not reasonably subject to control by the alarm user.

O. Grace period:

No violation shall be assessed to any owner or person that maintains an alarm system as provided for and defined herein during the first 30 days after installation.

P. 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.

Q. Permit Year:

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

R. Permittee:

Any person owning or leasing an alarm device of any type within the Borough of New Providence.

S. Person:

Includes any natural person, partnership, corporation, limited liability company, association, proprietorship, governmental entity, educational entity, or any other legal entity.

- T. Robbery alarm (also “duress alarm”, “hold-up alarm” or “panic alarm”):**
Means an alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism, on or near the premises intended to signal that a robbery or other crime is in progress, and that one or more persons are in need of immediate police assistance in order to avoid injury, serious bodily harm or death at the hands of the perpetrator of the robbery or other crime.
- U. Runaway Alarm:**
An alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The New Providence Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.
- V. Suspend (“suspension”):**
For the purposes of this chapter, means the temporary loss for an alarm user of the privileges associated specifically with the registration of a security alarm system in the Borough of New Providence.
- W. Borough:**
The Borough of New Providence or its agent(s).

§105-5. Issuance of Permits: Registration Terms and Fees

- A. Alarm registration is valid for one year. An alarm registration shall expire one year from the date of issuance, and must be renewed annually by submitting an updated application to the alarm administrator or its designated vendor. The alarm administrator shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the alarm user to submit an application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered alarm system and citations and penalties shall be assessed without waiver. A late fee will be assessed if the renewal is more than thirty (30) days late.
- B. Alarm registration is issued to a person or persons (“alarm user”) having bona fide ownership or control of an alarm site (i.e., home owner, business owner, renter, leaseholder, etc.) and specifically for that alarm site or address.
- 1) Alarm registration remains in the name(s) of the alarm user of record until a change of ownership or control of the alarm site occurs.
- C. Alarm registration is attached to the alarm user and the alarm site registration and is not transferable.
- 1) A new alarm site registration must be issued whenever there is a change of ownership or control of an alarm site.
 - 2) 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.

- 3) There shall be a grace period where no violation shall be assessed to any owner or person that maintains an alarm system as provided for and defined herein during the first 30 days of installation.

D. Registration information is determined by the alarm administrator and shall include, but not be limited to, the following:

- 1) The name, complete address (including apt/suite number), email address and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;
- 2) The classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) or commercial;
- 3) For each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarms or other) and for each classification whether such alarm is audible or silent;
- 4) Mailing address, if different from the address of the alarm site;
- 5) Any dangerous or special conditions present at the alarm site
- 6) Names and telephone numbers of at least two individuals who are able and have agreed to:
 - a. Receive notification of an alarm system activation at any time;
 - b. Respond to the alarm site within 30 minutes at any time; and
 - c. Upon request can grant access to the alarm site and deactivate the alarm system if necessary.
- 7) Signed certification from the alarm user stating the following: the date of installation, conversion, or takeover of the alarm system, whichever is applicable; the name, address, and telephone number of the alarm installation company or companies performing the alarm system installation, conversion or takeover and of the alarm installation company responsible for providing repair service to the alarm system.
- 8) The name, address, and telephone number of the monitoring company if different from the alarm installation company.
- 9) That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.
- 10) That law enforcement and/or fire department response may be influenced by factors including, but not limited to the availability of police and/or fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

- E. On receipt of the application, fees and copy of the signed certification, the alarm administrator (or designee) shall issue a security alarm registration number to the alarm user.
- F. The security alarm registration number assigned to an alarm user remains the same for as long as the alarm user continuously maintains registration for the alarm site.
- G. Registration may be renewed under the following conditions:
 - 1) The alarm site has no past-due fees.
 - 2) The alarm site's registration has not been suspended or revoked.
 - 3) The alarm user either updates his registration information or verifies that the current registration information remains correct.
- H. Renewal information and fees must be submitted to the alarm administrator (or designee) on or before the initial registration anniversary date each year.
- I. Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.
- J. An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any of the information listed on the alarm registration application within five (5) business days of such change.
- K. All fines and fees owed by an applicant must be paid before an alarm registration may be issued or renewed.
- L. The rates for security alarm registration fees are designated in & 105-14. Enforcement of Provisions.

§105-6. Issuance of Permits: Duties of 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. Respond or cause a representative to respond to the alarm system's location within 30 minutes when notified by the Borough of New Providence Police and/or Fire Department.
- C. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

- D. Obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

§105-7. Issuance of Permits: Duties of Alarm Company.

- A. Any person engaged in the alarm business in the Borough shall comply with the following:
 - 1) Obtain and maintain the required state and/or Borough license(s).
 - 2) Provide the 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 30 minutes.
 - 3) Be able to provide the most current contact information for the alarm user.
- B. 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.
- C. Provide written information of how to obtain service from the alarm company for the alarm system.
- D. Shall notify the alarm user at the time of alarm installation that they shall submit to the alarm administrator or designee within seven days the initial alarm registration application.
- 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, 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) Communicate any available information about the alarm.
 - 3) Communicate a cancellation to the law enforcement/fire department communications center as soon as possible following a determination that response is unnecessary.

§105-8. Central Office Alarm Systems and Local On-Site Alarm Systems.

- A. All alarm systems which are connected directly to a central office operated by various alarm companies or local, on-site, alarm systems shall be required to submit an approved application and payment of a one hundred (\$100.00) dollar registration fee made payable to the Borough of New Providence.
- B. All central office alarm systems when equipped with a local bell and all local alarm systems shall have a time relay or other device which will limit the operation of said bell to fifteen (15) minutes or less.

- C. If any person has a central office or local alarm system in existence at the time of passage of this ordinance, he or she shall have thirty (30) days from the effective date of this ordinance to register said alarm and pay the appropriate fee.

105-9. Appeals.

- A. Whenever, under the provisions of this ordinance, the Chief of Police, or any authorized representatives he/she may have designated, are empowered to make a decision 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, any person aggrieved by said decision may, within ten (10) days following said decision, file a written appeal therefrom with the Business Administrator of the Borough of New Providence who shall, in his or her sole discretion, determine the information required to consider the appeal, and affirm, modify or reverse the decision, which determination shall be final

105-10. . Rule Making Authority.

- A. The Borough Council may, by resolution, from time to time, promulgate rules and regulations supplementing this chapter to provide for recordkeeping, efficient management and administration of said system.

105-11. Prohibited Acts.

- A. It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement and/or fire department personnel when no burglary, robbery, or other crime dangerous to life or property, or fire, 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 15 minutes.

105-12. Severability.

- A. If any article, section, or subsection of this ordinance is for any reason held to be unconstitutional or invalid, such provisions shall be deemed severable.

105.13. Violations and Penalties.

- A. 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 chapter shall exist shall constitute a separate violation.
- B. Any persons installing or maintaining unauthorized equipment shall be prosecuted for violation of this ordinance and each and every day the equipment is in operation shall be considered a separate violation.

105.14. Enforcement of Provisions

- A. This ordinance shall be enforced by the New Providence Police Department.
- B. Excessive false alarms/failure to register. It is hereby found and determined that two or more false alarms within a permit year is excessive, constitutes a public nuisance and shall be unlawful. Fees for registration and for false alarms within a permit year shall be assessed against an alarm user as follows:

Fee Schedule For Registration:

- 1) Registration Fee: \$100.00
- 2) Annual Renewal: \$50.00 and must be paid prior to the anniversary date of the initial registration.

Fee Schedule for False Alarms (Includes any alarm that causes a response by the police or fire department other than false alarms of robbery or panic):
False Alarms other than Robbery and Panic:

- a. First False Alarm: No service fee
- b. Second False Alarm: \$40.00
- c. Third False Alarm: \$75.00
- d. Fourth False Alarm: \$100.00
- e. Fifth False Alarm: \$150.00
- f. Sixth False Alarm: \$200.00
- g. Seventh False Alarm: \$300.00
- h. Eighth and every one after: \$400.00

- 2) Robbery and Panic Crime in Progress Alarms:

\$150.00 for each false alarm beginning with the second false alarm.

- C. Payment of all fees. All fees shall be paid within 30 days from the date of the Borough's invoice.
- D. In addition to any other fees and penalties, any person operating an unregistered alarm system will be subject to a service fee of \$50.00 for each false alarm incurred without a permit in addition to any other applicable fees or fines.
- E. If cancellation of an alarm dispatch request occurs prior to a police officer arriving at the scene, no false alarm will be assessed.
- F. If any fee or fine assessed on this section is not paid within 30 days after a notice or invoice is mailed, a late fee in the amount of \$25.00 shall be imposed.
- G. Violations will be enforced through the assessment of a civil penalty in the amount according to the fee schedule above per violation.

105-15. Confidentiality.

- A. 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 Borough, except where otherwise provided by law.

105.16. Deadline for Compliance.

- A. All existing alarm systems, commercial or residential, shall comply with the terms and conditions of this chapter on or before January 1, 2022.

INTRODUCTION: August 17, 2021
PUBLIC HEARING: September 14, 2021
ADOPTION: September 14, 2021

BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY

Allen Morgan, Mayor

Attest:

Wendi B. Barry, Borough Clerk