THE BOROUGH OF RIVERTON
BURLINGTON COUNTY

ORDINANCE NO. 2008 - 5

ORDINANCE TO AMEND CHAPTER 26, OF RIVERTON BOROUGH CODE TO PROVIDE STANDARDS AND REGULATIONS FOR EMERGENCY ALARM DEVICES.

WHEREAS, the Chief of Police of the Borough of Riverton has recommended that the Governing Body adopt an Ordinance to regulate various emergency alarm devices including a requirement to register the alarm systems and to provide penalties for false alarms;

AND WHEREAS, the Public Safety Committee of the Borough of Riverton is in favor of the recommendations of the Chief of Police;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED BY THE MAYOR AND THE COUNCIL OF THE BOROUGH OF RIVERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT:

I. CHAPTER 26 OF THE CODE OF RIVERTON BE AMENDED AS FOLLOWS:

§ Section-1. Purpose.

A. 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 or methods, actuating a device at the Burlington County Central Dispatch Center or at such other designated dispatch center which requires a response thereto by the Police Department, the Fire Department or other municipal agency.

B. The purpose of this chapter is to provide standards and regulations for various types of intrusion, burglar and other emergency alarm equipment, whether by producing a visual or audible signal of an emergency or designed to summon the Police Department, Fire Department or other municipal agencies to any location in response to any type of alarm signal.

§ Section-2. Definitions..

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

ALARM CONSOLE - the console or control panel of devices giving a visual or audible response, or both, and located within the Burlington County Central Dispatch Center and/or any other location recognized by all parties herein.

ALARM DEVICE - Any type of alarm system actuating equipment in the alarm console or Police Department telephone system that provides warning of intrusion, fire, smoke, flood or other peril.

ALARM INSTALLATION - Any alarm device, alarm system or combinations thereof installed for one or more buildings at a location other than the alarm console.

ALARM SYSTEM - Equipment or a device or an assembly of equipment and devices designed to signal the presence of an emergency or a hazard requiring urgent attention and to which the Police Department, Fire Department or other municipal agency may be expected to respond.

DIAL ALARM - Any type of alarm system using telephone lines transmitting an alarm directly through to the switchboard at the Burlington County Central Dispatch Center or at such other designated dispatch center, providing warning of intrusion, fire, smoke, flood or other peril by way of recorded voice message.

DIGITAL ALARM - a microprocessor - controlled alarm switch designed to connect to a console or central station.

FALSE ALARM - Any alarm or signal of an alarm system except for a medical alert system actuated by inadvertence, negligence or the intentional or unintentional act of a person other than an intruder and including, as well, alarms caused by mechanical failure, malfunctioning or improper installation of the alarm system and related equipment, but not including alarms created by mechanical failure, malfunctioning or improper installation of the alarm console.

LOCAL ALARM - any alarm or device which, when actuated, produces a signal not connected to the alarm console.

MEDICAL ALERT SYSTEM - Any type of two-way speaker which is plugged into a phone jack and activated by a necklace or wrist band worn by a natural person.

PERMITTEE - Any person owning an alarm device, alarm system, local alarm or medical alert system within the scope of this chapter.

PERSON - Includes any natural person, partnership, corporation, professional association or any other legal entity.

§ Section-3. Registration requirements.

A. Any person who owns or operates an alarm device, an alarm system, medical alert system, or a local alarm shall make application in writing to the Chief of Police of the Borough of Riverton on a form provided by the Police Department, which application shall contain a list of persons to be contacted in the event of an alarm.

B. Registration is required for local alarms.

C. For alarm devices, the registrant shall pay all charges required by any alarm company or alarm provider for installation and all false alarm charges.

D. Any applicant who registers an alarm device, an alarm system, medical alert system, or a local alarm shall be deemed to have released the Borough of Riverton, and any of its employees, from any liability or damages arising from, or on account of, the use and maintenance of the alarm console and related activities, and said applicant shall indemnify and hold the Borough of Riverton harmless from, and on account of, any and all damages arising therefrom.

E. All registration information provided by an applicant shall be confidential and not disclosed to the public so as to ensure the protection of the public interest.

F. Owners of dial alarm devices shall be governed by the false alarm procedures and penalties set forth in this chapter.

G. Any person having an alarm device which is not registered shall, upon the discovery of its installation, receive notice in writing from the Chief of Police requiring the owner to comply with the terms of this chapter, and if the owner fails to do so within 30 days of the receipt of said notice, he shall then be liable to pay the Borough of Riverton a penalty as provided herein.

§ Section-4. Permit for connection to Police Department.

A. No person shall use, cause to be used or permit to be used any telephone device or telephone attachment that automatically terminates in any private establishment or telephone answering service and which is relayed by the recipient of the alarm by placing a call to the Police Department of the Borough of Riverton, through the Burlington County Central Dispatch System, without having first obtained a written permit from the Chief of Police.

B. Any permittee shall, by acceptance of the permit, be deemed as having consented to the inspection of the premises on which said alarm devices are installed at reasonable hours by the Chief of Police or his designated representative.

§ Section-5. Dial alarms.

A. Dial alarms shall only be coded to dial a special separate number, which can be obtained by the Chief of the Police Department for the Borough of Riverton or by his or her agent, and no dial alarm shall be coded to dial the number of the general police switchboard of the Borough of Riverton.

B. The message must conform to an approved format upon application.

C. The total length of the message shall not exceed 15 seconds.

D. A message is to be received by police headquarters, or the phone system handling calls for police headquarters, twice, but no more than three times.

E. In the event that any person has an unregistered dial alarm device in existence at the time of the passage of this chapter, he or she shall have 30 days in which to register the device with the Chief of Police of his or her designee. Any person not so complying shall be liable to a penalty payable to the Borough of Riverton as provided herein.

F. All components of such equipment must be in good repair, and when evidence exists that there has been a failure to comply with the operation of or the requirements of this chapter, the Chief of Police, or his or her agent, shall demand that such device be disconnected until such time as compliance with current requirements is established.

§ Section-6. Local alarms.

A. All local devices, alarms, equipment or systems shall be registered with the Police Department for the Borough of Riverton, and all information required with respect to such registration shall be provided and kept current by the applicant or registrant.

B. All local alarms shall have an automatic silencing or cutoff device which shall silence any audible signaling device within 15 minutes after activation of the audible signaling device.

§ Section-7. On-call repairman.

Any permittee utilizing any alarm system except for a medical alert system, shall provide for a repairman to be on call at all times, and such service shall be provided within eight hours of notification of the permittee by the Police Department of the Borough of Riverton of any malfunction in any equipment.

§ Section-8. False alarms.

A. **Penalties.** In the event of a false alarm, any person having knowledge thereof shall immediately notify the Police Department of the Borough of Riverton in a manner to be prescribed by the rules and regulations in accordance with this chapter. The penalties are as follows:

(1) First and second false alarm. For the first and second false alarm in a twelve-month period, a warning shall be issued.

(2) Third false alarm. For the third alarm in a twelve-month period, a fine of $50 shall be paid to the Borough of Riverton.

(3) Fourth and subsequent false alarms. For the Fourth and any subsequent false alarm in a twelve-month period, a fine of $100 shall be paid to the Borough of Riverton.

B. **Record keeping.** In the case of false alarms, the Chief of Police shall cause an investigation to be made and shall keep a record of said alarms on file, and the Chief shall maintain those investigation reports and records on file.

C. **Habitual offenders.**

(1) Where the investigation of the Police Department in and for the Borough of Riverton discloses continued abuse of the privilege of connection to the alarm console and a disregard of the permittee for taking remedial steps to avoid false alarms, the Chief of Police shall have the right to require disconnection from the telephone system or alarm console for a limited time or permanently, conditioned on 10 days' written notice by the Chief of Police to the permittee; provided, however, that no such permit shall be revoked or suspended without giving the permittee an opportunity to show cause before the Chief of Police or his designee as to why such action should not be taken.

(2) The Chief of Police shall have the right to refuse service to any and all habitual false alarm offenders and to disconnect any malfunctioning

element from the alarm console until such time as the malfunction has been corrected, as well as refusing response to such habitual false alarm offenders.

§ Section-9. Unregistered alarms.

Any unregistered alarm device, alarm system, local alarm or dial alarm may be discontinued by the chief of Police for noncompliance with this chapter, and any person installing or maintaining unauthorized equipment shall be prosecuted for violation of this chapter. For each day that said equipment is in operation, a separate violation shall be considered to have occurred.

§ Section-10. Fees and charges.

A. For a subscriber's failure or refusal to provide a response to a police summons to deactivate an alarm, a penalty of $50 for the first offense and disconnection for a second or subsequent offense shall be imposed. In the event of a local alarm disconnection, it must be approved by the Police Department of the Borough of Riverton or said subscriber will be subject to penalty as provided herein.

B. Failure to pay any of the charges provided for herein will subject the subscriber to disconnection.

C. The Borough shall not be responsible for any related fees charged the applicant for installation, maintenance or signal transmission.

§ Section-11. Promulgation of rules and regulations.

The Chief of Police is empowered to promulgate written rules and regulations, subject to the knowledge of Borough Council, in order to provide for record keeping and efficient operation and management of said system.

§ Section-12. General permit requirements; maintenance of equipment; deactivation of alarms.

A. Only the person concerned or his designated agents and employees shall exercise the privilege.

B. The applicant shall maintain his or her alarm equipment in good condition and repair and maintain an adequate work force and equipment to repair, maintain and service such equipment.

C. Permits cannot be assigned or transferred in any manner.

D. An excessive number of false alarms will be penalized as provided for herein and will subject the subscriber to disconnection.

E. No subscriber will fail or refuse to respond to a police summons with reference to deactivating an alarm, whether or not the same is legitimately or falsely activated, and without regard to the type of alarm.

§ Section-13. Investigation; expiration and renewal of permit.

A. The Chief of Police shall cause an investigation to be made and shall issue a permit if it is found that the system in the police switchboard or in the Police Department will not jam the switchboard, constitute a nuisance or otherwise interfere with or hinder the proper operation of the work of the Riverton Police Department.

B. All such permits issued under this chapter shall expire on December 31 of each year in which the same may be granted. Thereafter the Police Chief may issue a renewal permit, provided that, on or before December 31 of the succeeding year, a written request is made for renewal of the permit.

§ Section-14. Suspension or revocation of permit.

A. Any permit issued under the provisions of this chapter may be suspended or revoked by the Police Chief.

B. Suspension or revocation of the permit by the Police Chief, as provided for above, may occur when:

(1) The permittee and/or his or her agents and employees willfully failed or did not comply with the request by a member of the Police Department to proceed immediately to the location of the permittee's alarm and render necessary services.

(2) The permittee and/or his or her agents and employees knowingly installed or maintained a faulty alarm device or system. An excessive number of false alarms shall be prima facie evidence that such alarm device or system is known to be faulty.

(3) The permittee has breached the terms and conditions of the permit or has failed to comply with departmental rules or other provisions of this chapter, or the privilege so granted has been abused to the detriment of the public.

C. This section shall not apply to medical alert systems.

§ Section-15. Appeals.

Any person aggrieved by the action of the Police chief in denying a permit, or in the suspension or revocation of any permit provided for by this chapter, may appeal to the Councilman designated as Director of Public Safety, or his or her designee, by serving such written notice of such appeal upon the Chief of Police and the Borough Municipal Clerk.

§ Section-16. Liability.

A. Notwithstanding the payment of any charge as herein required and/or the receipt or issuance of any permit as herein required, the Police Department of the Borough of Riverton, and the Borough of Riverton, shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of the device or devices so installed, and the Borough of Riverton, and its authorized agents, hereby assumes no liability whatsoever for any failure of any such equipment, or failure to respond to any such alarms, or for any act of omission or commission as a result of any such alarm, device or system.

B. The applicant or permittee, upon the acceptance of such permit, hereby agrees to hold and save harmless the Borough of Riverton and its agents or employees, from any liability whatsoever in connection with any such alarm system or the operation of the same.

§ Section-17. Violations and penalties.

Except as other wise provided, any person found guilty in a court of competent jurisdiction of violating the terms of this chapter shall be subject to a fine of not more than $1,000 or imprisonment for a period not in excess of 90 days, community service, or any combination thereof.

II. THIS ORDINANCE SHALL TAKE EFFECT UPON IMMEDIATE ADOPTION.

ATTEST: **BOROUGH OF RIVERTON**

By: _____
Mary Longbottom,
Borough Clerk

By:
Robert Martin,
Mayor

CERTIFICATE OF CLERK

I, Mary Longbottom, Municipal Clerk of the Borough of Riverton, County of Burlington and State of New Jersey, do hereby **CERTIFY** that the foregoing to be a true and correct copy of an Ordinance introduced and passed by the Borough Council at a meeting of said Council held October 8, 2008, and said Ordinance was finally adopted at a regular meeting of the Borough Council held November 12, 2008, after a public hearing.

_____

Mary Longbottom, RMC
Municipal Clerk

RECORDED VOTE	AYE	NAY	ABSTAIN	ABSENT
DANIEL	____	____	_____	_____
BROWN	____	____	_____	_____
DR. SMYTH	____	____	_____	_____
MR. SMYTH	____	____	_____	_____
KINZLER	____	____	_____	_____
CESARETTI	____	____	_____	_____
MAYOR (TIE)	____	____	_____	_____