

ORDINANCE NO. 12-2022

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 78 OF THE
CODE OF THE TOWNSHIP ENTITLED ALARM SYSTEMS**

WHEREAS, the alarm industry has made significant technological improvements in recent years;

WHEREAS, procedures originally enacted to ensure an “effective and uniform” alarm system within the Township are now outdated;

WHEREAS, repeated false alarms nevertheless still constitute a nuisance, causing inconvenience to the Township’s residents;

WHEREAS, responding to repeated false alarms prevents law enforcement or other emergency public safety personnel from performing other important duties;

WHEREAS, this ordinance will help balance the Township’s security interests while allowing the Police Department and other emergency personnel to respond to alarms more effectively; and

WHEREAS, this Ordinance is being adopted in order to preserve the public health, safety and general welfare of Hanover Township.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey, as follows:

Section 1. Part II, General Legislation, Chapter 78, entitled Alarm Systems, is amended and supplemented to read as follows:

§ 78-1. Purpose.

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 or whether by direct line, radio, telephone or other means which cause an activation of an alarm requiring a response from the Police Department, Fire Departments or other Township Enforcing Agent.

§ 78-2. Scope.

The provisions of this Chapter shall apply to any person who operates, maintains or owns any alarm device designed to upon an activation of an alarm from a central station alerting the police, fire department or any other Township enforcing agent to any location in response to said alarm signal.

§ 78-3. Definitions.

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

ALARM DEVICE — Any type of alarm system actuating equipment in the alarm panel providing warning of intrusion or fire.

ALARM DISPLAY PANEL — That component in the console containing noncoded intrusion, security and fire alarm indications and designations.

ALARM INSTALLATION — Any alarm device or combination of devices installed for one or more buildings at a location other than the communications console.

COMMUNICATIONS CONSOLE — The console or control panel of devices giving visual and audible indications and general communication and located within the confines of the police headquarters of the Township of Hanover.

DESIGNATED REPRESENTATIVE — Limited to a member of the Police Department, Fire Departments, or Construction Code Office of the Township of Hanover.

DIAL ALARM — That type of device using telephone or cellular connection lines transmitting an alarm directly through the police or the Morris County Communication Center.

ENFORCING AGENT(S) —, The Business Administrator, Township Clerk, Construction Official, Zoning Officer, Police Chief or his/her designated representative, the Chiefs of the Cedar Knolls and Whippany Fire Departments or their designated representative, the Township's Fire Subcode Official and the Fire Inspectors of the two fire departments.

FALSE ALARM — Any alarm actuated by inadvertence, negligence, unintentional or intentional act of someone other than an intruder or by fire, and shall include, as well, alarms caused by malfunctioning of the alarm device or other relevant equipment.

FIRE DEPARTMENT — The Whippany Fire Department and/or the Cedar Knolls Fire Department.

LICENSEE — The person owning and maintaining the alarm panel or equipment.

LOCAL ALARM — Any alarm or device which, when actuated, produces a signal not connected to the alarm display panel, such as store burglar alarms actuating audible devices and fire, sprinkler and elevator alarms.

PERMITTEE — Any person owning or leasing an alarm device or a local alarm within the scope of this chapter.

PERSON — Includes any natural person, partnership, corporation or association.

§ 78-4. Installation of equipment.

A. The licensee will be responsible at no cost to the Township of Hanover for the establishment, construction and installation of said alarm panel, containing equipment and being of a design approved by the Fire Sub-Code Official, and for the care, maintenance and management thereafter of said panel and the relocation of said panel, if necessary, under the approval of the Fire Sub-Code Official or his designated representative, at no cost to the Township of Hanover.

B. Any connection to the alarm panel shall be of a type inspected and approved by the Fire Sub-Code Official or his designated representative, and any person aggrieved by said decision may appeal said decision, in writing, within 10 days to the Business Administrator or Township Clerk.

C. No fee shall be charged to the Township of Hanover or any of its departments or boards, the Hanover Township Board of Education, the Hanover Park Regional High School District, the Cedar Knolls Fire Department, the Whippany Fire Department and the Hanover Sewerage Authority for monthly charges or console connection charges for any existing alarms in various municipal or municipal-related agency buildings and school facilities, and any equipment alarm devices installed by the alarm panel licensee in such buildings shall be at wholesale cost, exclusive of labor charges.

D. All alarms installed under this Chapter shall have an automatic cutoff of no more than 30 minutes.

§ 78-5. Availability of personnel.

The applicant shall have adequate personnel available on a twenty-four-hour basis to serve said alarm panel and ancillary equipment.

§ 78-6. Duration of activated audible local alarm device.

Local alarm devices having an audible alarm installed out of doors shall be designed to limit the operation of a bell or sound-producing instrument to a maximum of 30 minutes after activation. If the duration of an activated audible device of a local alarm exceeds 30 minutes, the warnings and penalties provided by § 78-8 of this Chapter shall apply as though a false alarm had been activated.

§ 78-7. Availability of representative.

Any licensee for the alarm panel and any permittee utilizing the services of an alarm company connecting said panel shall provide for a representative to be on call at all times, and such service shall be provided within eight hours of notification by the Fire Departments and Police Department of any malfunction of any equipment.

§ 78-8. False alarms

- A. NOTIFICATION TO ENFORCING AGENT: In the case of a false alarm, any person, firm or corporation having knowledge of such a false alarm shall immediately notify Police Headquarters. As a result, the Enforcing Agent shall cause an investigation to be made and maintain a record of said alarms on file in the Police Department's Records Bureau and the Township Clerk's office. In addition, when the Enforcing Agent is contacted by a security firm which is responsible for monitoring and/or maintaining an alarm display panel for a private entity and the Police Department and/or Fire Department responds to the alarm location, and it is determined by the responding officers that the alarm is false, as defined in § 78-3. of this Chapter, the penalties prescribed in sub-section B. below shall be imposed against the permittee (i.e, the owner, operator or lessee) of any alarm systems connected to and/or monitored by the Police Department at Police Headquarters in any calendar year.
- B. PENALTIES FOR FALSE ALARMS: In accordance with sub-section A. above, the following penalties shall apply:
- (1) In the case of a false alarm, any person having knowledge of such a false alarm shall immediately notify police headquarters. In addition, in the case of false alarms, the Enforcing Agent shall cause an investigation to be made and keep a record of said alarms on file in the Police Department's Records Bureau and the Township Clerk's Office. The following penalties shall be imposed for false alarms upon the permittees (i.e., owners, operators or lessees) of any alarm systems which if activated subsequently requests a response by the Police Department and/or Fire Departments in any calendar year.
 - (a) For the first through the second false alarm, within any given one (1) year period of time: a warning notice without penalty will be sent after second false alarm;
 - (b) For the third through sixth false alarm, a fine of \$100 each alarm;
 - (c) For the seventh through nineth false alarm; a fine of \$150 each alarm;
 - (d) For the tenth false alarm and for any false alarm; a fine of \$250 each alarm.
 - (e) Testing of Alarm: Penalty for not notifying Police Department and/or Fire Department will be treated the same as a false alarm.
- C. PAYMENT OF FINES: Upon written notification from the Township Clerk or his/her designee of false alarm violation, the Township Clerk shall send written notification via certified, return receipt mail, to the permittee concerning the imposition of penalties as prescribed under § 78.8B above. All fines shall be paid to the Township Clerk within 30 calendar days or receipt of notification.
- D. DISBURSEMENT OF PENALTIES. The Township's Administration, Police Department and the Whippany and Cedar Knolls Fire

Departments shall share the receipt of penalties received by the Township for each false alarm call in which the Police Department and/or one or both Fire Departments respond to a property in the Township. Such disbursements shall be made by the Finance Department and/or Township Clerk.

§ 78-9. Testing.

Any person testing a burglar/intrusion alarm system covered by provisions of this Chapter shall notify the Police Department immediately prior to and after testing is completed. Any person testing a fire alarm system covered by provisions of this Chapter shall notify the Whippany or Cedar Knolls Fire Department immediately prior to and after testing is completed. Failure to do so shall subject the alarm user to a penalty under the false alarm section.

§ 78-10. Save harmless and indemnification obligations.

A condition prerequisite to the issuance of a permit or license pursuant to this Chapter shall be the obligation of each permittee and the alarm contractor of such permittee and each licensee to agree, in writing, to indemnify and save harmless the Township of Hanover and its agents, servants and employees, including but not limited to members of the Police Department and Fire Departments, from and on account of any and all damages arising from or as a result of any and all phases of the operation of any such permittee, alarm contractor and alarm panel licensee. Additionally, it shall be a further condition precedent to the issuance of a permit or license that each permittee, alarm contractor and licensee agree, in writing, to indemnify and save harmless the Township of Hanover and its agents, servants and employees, including the members of the Police Department and Fire Departments of the Township, from and on account of any and all damages arising from or as a result of any forced entry by police personnel into unattended premises occurring during alarm response.

§ 78-11. Rules and regulations.

The Township Committee, Township Clerk or Business Administrator may, from time to time, promulgate rules and regulations supplementing this Chapter in order to provide for recordkeeping and the efficient management of said system.

§ 78-12. Violations and penalties.

Any person, firm or corporation who has not made payment to the Township Clerk's office within 30 calendar days from receipt of the notice of violation, shall result in the issuance of a summons to appear in Municipal Court for the purpose of collecting the penalties and, if found guilty, payment of a fine of not more than \$1,250.00 and court costs.

§78-13: Enforcement and Penalties.

Section 1. It shall be the responsibility of the Township Clerk or his/her designee to send certified, return receipt violation notices to any person, firm or corporation who has not made payment within 30 calendar days as set forth in § 78-8 above. In addition, it shall be the responsibility of the Township Clerk or his/her designee to enforce all the provisions of Chapter 78.

Section 2. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Township Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 4. This Ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:



Krista M. DiGiorgio, Township Clerk



John L. Ferramosca, Mayor

Date of Introduction: April 14, 2022
Date of Adoption: May 12, 2022

CERTIFICATION

I, Krista M. DiGiorgio, Township Clerk of the Township of Hanover, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a resolution adopted by the Township Committee of said Township on the 12th day of May, 2022, at a meeting duly convened, of said Body.



Krista M. DiGiorgio, Township Clerk