

**TOWNSHIP OF MANALAPAN
ORDINANCE NO. 2013 - 12**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, NEW JERSEY PROVIDING FOR STANDARDS AND REGULATIONS FOR INTRUSION AND BURGLARY ALARM SYSTEMS IN THE TOWNSHIP OF MANALAPAN.

BE IT ORDAINED by the Township Committee of the Township of Manalapan, in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE. Chapter 52, "Alarm Systems", of the Code of the Township of Manalapan, be and the same is hereby deleted and the following substituted therefor:

**"Chapter 52
ALARM SYSTEMS
ARTICLE I General**

§ 52-1. Purpose.

The purpose of this chapter is to provide current standards and regulations for various types of intrusion or burglary alarm systems which require a response by the Police Department. The provisions of this chapter shall apply to burglary and intrusion alarm businesses and to any person who operates, maintains or owns any burglary or intrusion alarm device, dial alarm or local alarm designed to produce a visual or audible signal of an unauthorized entry or designated to summon the Police Department to any location in response to any burglary or intrusion type of alarm signal. This chapter is also intended to reduce the number of false alarms which unduly burden the Township's law enforcement resources.

§ 52-2. Definitions.

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

ALARM ADMINISTRATOR - A person or persons designated by the Manalapan Township Police Department to administer, control and review false alarm reduction efforts and administer the provisions of this chapter.

ALARM COMPANY - A person subject to the licensing requirements of the chapter and/or company engaged in selling, leasing, installing, servicing or monitoring alarm systems.

ALARM PERMIT - A permit issued by the Manalapan Township Police Department allowing the operation of an alarm system within Manalapan Township.

ALARM SIGNAL - A detectable signal; audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

ALARM SYSTEM - Any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other illegal activity requiring immediate attention and to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

ALARM USER - Any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

ALARM USER AWARENESS CLASS - A class conducted in person or on-line for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

AUTOMATIC DIAL PROTECTION DEVICE - An automatic dialing device or an automatic telephone dialing alarm system including any system which, upon being activated, automatically initiates to the Manalapan Township Police Department a recorded message or code signal indicating a need for law enforcement response.

CANCELLATION - The process by which response is terminated when the alarm company designated by the alarm user notifies the Manalapan Township 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 a civil penalty, and no penalty will be assessed.

FALSE ALARM - 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 personnel unless law enforcement response was cancelled by the user's alarm company before law enforcement personnel arrived at the alarm location. An alarm is false within the meaning of this chapter when, upon inspection by the Manalapan Township Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

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.

PERMIT YEAR - A 12-month period beginning on the day and month on which an alarm permit is issued.

RUNAWAY ALARM - An alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Manalapan Township Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

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".

TOWNSHIP - Manalapan Township or its agent.

VERIFY - An attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this chapter, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

§ 52-3. Limitations of obligations.

The Township of Manalapan shall be under no duty or obligation to any permittee or to any registrant. The alarm console and allied equipment are maintained at will and are subject to termination at any time by cancellation of the system by ordinance duly adopted by the Township Committee of the Township of Manalapan.

ARTICLE II
Alarm Systems

§ 52-4. Alarm Permit.

- A. Permit required.** No person shall use an alarm system without first obtaining a permit for such alarm system from the Manalapan Township Police Department. The permit period shall be one year. A fee is required for the initial permit and for each annual permit renewal. Each alarm system requires a separate permit. Each alarm permit shall be assigned a unique permit number, and the user may be required to provide the permit number along with the address to facilitate law enforcement dispatch.
- B. Permit fee.** The fee for an alarm permit and each annual alarm permit renewal is set forth below and shall be paid by the alarm user. No refund of a permit fee or permit renewal fee will be made. The initial alarm permit fee must be submitted to the Alarm Administrator within twenty (20) days after the alarm system installation or alarm system takeover.
- (1) Initial permit fee: \$50.00 (\$25.00 for an alarm system registered on or before November 30, 2013.)
 - (2) Annual permit renewal fee: \$25.00
- C. Application.** The permit shall be requested on an application form provided by the Manalapan Township Police Department. An alarm user has the duty to obtain an application from the Police Department or its designated vendor.
- D. Transfer of possession.** 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. Alarm permits are not transferable.
- E. Reporting updated information.** Whenever the information provided on the alarm permit application changes, the alarm user shall provide corrected information to the Manalapan Township Police Department within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the Manalapan Township Police Department notification requesting updated information. The permit holder shall update this information when any of the requested information has changed; failure to comply will constitute a violation and will result in a civil penalty for not being registered.

- F. Multiple alarm systems.** If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

¶ 52-5. Duties of the Alarm User.

An alarm user shall:

- A. Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms.
- B. Provide the alarm company the permit number in order to facilitate dispatch.
- C. Respond or cause a representative to respond to the alarm system's location within a reasonable amount of time when notified by the Manalapan Township Police Department.
- D. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- E. Obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

¶ 52-6. Duties of the Alarm Company.

- A. Any alarm company in the alarm business in Manalapan Township, shall comply with the following:
 - (1) Obtain and maintain all required state, county and municipal license(s).
 - (2) Provide the name, address, and telephone number of each alarm user or a designee, who can be called in an emergency, 24 hours a day and contact a key holder or other emergency contact who will respond immediately.
 - (3) Provide the most current contact information for each alarm user.
 - (4) Provide the above information to the alarm administrator within 90 days of the enactment of this chapter and update this information within 30 days for any new or discontinued alarm system.

- B. Ninety (90) days after enactment of this Ordinance any alarm companies shall, on all new and up-graded installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.
- C. Prior to activation of an alarm system, the alarm company shall provide instructions explaining the proper operation of the alarm system to the alarm user.
- D. Provide written information to the alarm user of how to obtain service from the alarm company for the alarm system.
- E. An alarm company performing monitoring services shall:
 - (1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum, that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, 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) Provide address and alarm user registration number, when available, to the communications center to facilitate dispatch and/or cancellations.
 - (3) Communicate any available information about the location of the alarm.
 - (4) Communicate a cancellation to law enforcement communications center as soon as possible following a determination that response is unnecessary.

¶ 52-7. Prohibited Acts.

- A. It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property 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.
- C. It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Manalapan Township Police Department.

¶ 52-8. Enforcement of Provisions.

- A. Excessive false alarms/Failure to register. An Alarm User shall be subject to service fees, depending on the number of false alarms within any twelve month period based upon the following schedule:
- (1) 1st or 2nd False Alarm: No Service Fee and a warning notice to be issued after the 2nd False Alarm.
 - (2) 3rd False Alarm: \$40.00; this fee may be waived upon satisfactory completion of an alarm user awareness class.
 - (3) 4th False Alarm: \$80.00
 - (4) 5th False Alarm: \$130.00
 - (5) 6th False Alarm: \$180.00
 - (6) 7th or more False Alarm(s): \$250.00 for each alarm.
 - (7) Robbery, Panic and Burglary Crime in Progress False Alarm Service Fees: \$150.00 for each false alarm beginning with the first false alarm.
- B. In addition, any person operating an unregistered alarm system will be subject to a service fee of \$100.00 for each false alarm incurred without a permit in addition to any other applicable fees or fines.
- C. An alarm user may have the option of attending an alarm user awareness class in lieu of paying the first prescribed service fee (3rd false alarm) under this section. This option is available only once during the one year permit period. The option to have the first service fee waived shall be offered for each consecutive alarm user renewal period. The alarm user must complete the offered online alarm class within thirty (30) days of the 3rd false alarm. The false alarm count will not be changed.
- D. If cancellation of an alarm dispatch request occurs prior to a police officer arriving at the scene, no false alarm will be assessed.
- E. 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 30% of the value of the fee or fine shall be imposed.
- F. Violations will be enforced through the assessment of civil penalty(ies) in the amount of \$100.00 per violation.

- G. Civil penalty(ies) shall be paid within 30 days from the date of invoice. Late fees shall apply after 30 days. Unpaid fees after 90 days may also be transferred to collections with the addition of collection costs to the extent permitted by law.
- H. Discontinuance of law enforcement response. The failure of an alarm user to make payment of any civil penalty(ies) assessed under this ordinance within 30 days from the date of the invoice may result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received. In addition, failure to register and obtain a permit may result in no law enforcement response to an unregistered alarm.

¶ 52-9. Alarm User Awareness Class.

The Manalapan Township Police Department may create and implement an Alarm User Awareness Class and may request the assistance of the area alarm companies to assist in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The Manalapan Township Police Department may grant the option of attending a class in lieu of payment of an assessed fine, not to exceed \$40.

¶ 52-10. Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records and any other alarm records shall be held in confidence by all employees and/or representatives of Manalapan Township.

¶ 52-11. Government Immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Manalapan Township Police Department response may be influenced by factors such as the availability of police units; priority of calls; weather conditions; traffic conditions; emergency conditions; staffing; and prior response history.

ARTICLE III
Rules and Violations

§ 52-12. Rule-making authority.

The Chief of Police, with the approval of the Township Committee, may from time to time promulgate rules and regulations supplementing this chapter in order to provide for recordkeeping, efficient management and administration of said system.

§ 52-13. Deadline for compliance.

All existing alarm systems, commercial or residential, shall comply with the terms and conditions of this chapter on or before April 1, 2014.

§ 52-14. Disconnection.

In the event that an alarm system emitting an audible, visual or other similar response shall fail to be deactivated within 15 minutes, the Township of Manalapan and the Township of Manalapan Police Department shall have the right to take such action as may be necessary in order to disconnect any such alarm. Any and all expense incurred in order to disconnect any such alarm will be borne by the alarm user.

§ 52-15. Violations and penalties.

Any person, firm or corporation found guilty in the Municipal Court of the Township of Manalapan for violation of the terms of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article II, General Penalty, of this Code except as otherwise indicated in this chapter.”

SECTION TWO. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon its passage and publication according to law.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [November 13, 2013](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [December 11, 2013](#) at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 8:00 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [December 11, 2013](#).

REGINA PRETEROTI, RMC
Municipal Clerk