

ALARM ORDINANCE #01-2015

AN ORDINANCE AMENDING CHAPTER 53 OF THE "GENERAL CODE OF THE BOROUGH OF SEA BRIGHT, 1998", PROVIDING FOR THE LICENSING OF ALARM PERMITS, A REGULATORY PLAN FOR ADMINISTERING AND MANAGING THE BOROUGH'S RESPONSE TO ALARMS, SERVICE FEES, APPEAL PROCESS, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the vast majority of alarms to which the police respond are false alarms, which are reported to police by alarm companies; and

WHEREAS, most false alarms are the result of improper maintenance or improper or careless use of an alarm System; and

WHEREAS, police officers responding to false alarms are not available to carry out other police duties; and

WHEREAS, the Borough Council wishes to register and regulate private alarm systems in an effort to curb false alarms.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Sea Bright in the County of Monmouth that Chapter 53 of the "General Code of the Borough of Sea Bright, 1998" is hereby amended and supplemented as follows:

53-1.1 PURPOSE

The purpose of this Ordinance is to reduce the dangers and inefficiencies associated with false alarms which require response thereto by the Department of Police, Fire or other municipal agencies of the Borough of Sea Bright and to encourage alarm companies and property owners to maintain the operational reliability, properly use alarm systems, and to reduce or eliminate false alarm dispatch requests.

Additionally, this section establishes service fees and a system of administration.

53-1.2 SCOPE

The provisions of this Ordinance shall apply to any person who operates, maintains or owns any alarm system having an audible signaling device or requiring a response thereto by the Department of Police, Fire or other municipal agencies. Any person having a premises protected by an alarm system shall still be responsible for the registration thereof in accordance with Sections 4.

53-1.3 DEFINITIONS

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

Alarm Administrator means the person or persons designated by the Chief of Police and / or his designee to administer the provisions of this section. He/she may also function as the Alarm System Inspector.

Alarm Agreement means the legal contract or agreement by and between the alarm installation company and/or monitoring company and the alarm user.

Alarm Installation Company means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm System at an alarm Site for compensation and includes individuals or firms that install and service alarm systems used in a private business or proprietary facility.

Alarm Dispatch Request means a notification to the police department that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm Permit means a permit and permit number issued by the Alarm Administrator to an alarm user which authorizes the operation of an alarm System.

Alarm Site means a location served by one or more alarm systems. In a multi-unit building or complex, each unit shall be considered a separate alarm site if served by a separate alarm system. 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.

Alarm System means a device or series of devices which emit or transmit an audible or remote visual or electronic alarm signal which is intended to summon police response. The term includes hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals and includes local alarm systems but does not include an alarm installed in a motor vehicle, on one's person or a system which will not emit a signal either audible or visible from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.

Alarm User means any person who has contracted for monitoring, repair, installation or maintenance service for an alarm system from an alarm installation company or monitoring company or who owns or operates an alarm system which is not monitored, maintained or repaired under agreement.

Alarm User Awareness Class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Arming Station means a device that controls an alarm system.

Audible Signaling Device means any device such as a bell, siren, whistle, horn, gong, klaxon, etc. employed to call attention and which may be heard beyond the limits of the property concerned.

Automatic voice dialer means any electronic, mechanical, or other device which, when activated, is capable of being programmed to send a prerecorded voice message to a law enforcement agency requesting a police dispatch to an alarm site.

Burglar Alarm means an alarm intended to identify the presence of an intruder in either a business or residence.

Cancellation means the termination of a police response to an alarm site after a dispatch request is made but before an officer's arrival at the alarm site.

Customer False Alarm Prevention Checklist means a check-off list provided by the Alarm Administrator to the alarm installer to provide to the Alarm User to complete prior to the activation of an Alarm System.

Duress Alarm means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires an officer's response.

Enhanced Call Verification means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user and/or the alarm user's designated representatives by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting a police dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

For the purpose of this ordinance, 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 determine whether an alarm signal is valid before requesting an officer dispatch. Names and numbers of those contacted or attempted to contact shall be provided when requested.

False Alarm means an alarm dispatch request to the police department which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the alarm site. This includes any alarm activated by inadvertence, negligence or the unintentional act of someone other than an intruder and includes alarms caused by the malfunctioning of the alarm device or other relevant equipment.

Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Local Alarm System means an unmonitored alarm system that annunciates an alarm only at the alarm site.

Monitoring means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the police department.

Monitoring Company means a person in the business of providing monitoring services.

One Plus Duress Alarm means the manual activation of a silent alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

Panic Alarm means an alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring an officer's response.

Permit Number means a unique individual number assigned to an alarm user as part of the registration of their alarm permit issued by the police department.

Person means an individual, corporation, limited liability company, partnership, association, organization or similar entity.

Police or Police department means the Borough of Sea Bright Police Department.

Protective or Reactive Alarm System means an alarm system that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a Person's vision.

Responsible Party means a person capable of appearing at the alarm site upon request who has access to the alarm site, the code to the alarm system and/or the authority to approve repairs to the alarm system.

Robbery 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 is in progress and that a person is in need of immediate police assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as "Holdup Alarm or Duress Alarm."

SIA Control Panel Standard CP-01 means the ANSI – American National Standard Institute-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 the incidence of False Alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations are marked as follows:

"Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

Suspension of Response means the termination of police response to alarms at a specified alarm site as a result of false alarms or other violation of the alarm Ordinance.

Zones mean a division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

53-1.4 GENERAL REGULATIONS

A. Administration; Funding; Increases in fees; Annual Evaluation

1. Responsibility for administration of this section is vested with the Chief of Police.

2. The Chief of Police shall designate an alarm administrator to carry out the duties and functions described in this section.
3. The fees set forth in this section may only be increased by a duly-adopted resolution of the Borough Council. For purposes of this subsection, "fees" include any type or class of fee and includes late fees.
4. The alarm administrator shall conduct an annual evaluation and analysis of the effectiveness of this section and identify and implement system improvements as warranted.

B. Alarm Permits Required; Terms; Fees and Fee Collection

1. A person, firm or corporation who desires to own or operate an alarm system shall make application in writing to the Chief of Police on the form provided by the Department. An alarm user shall not operate, or cause to be operated, any alarm system without a valid alarm permit. A separate alarm permit is required for each alarm site having a distinct address or business name. A permit fee including a completed alarm permit application shall be received and approved by the alarm administrator prior to any alarm system activation.
2. Owners of local alarm systems are required to adhere to all sections of this ordinance and are subject to all fees, service fees, suspensions, penalties or other requirements that are applicable.
3. The fee for a new initial alarm permit and an alarm permit renewal fee shall be collected by the alarm administrator and / or his designee.
4. Existing Security Alarm Systems:
 - (a) Any security alarm system which has been installed before the effective date of this Ordinance shall be registered and a permit fee collected by the alarm administrator and/or his designee within 60 days after such effective date. The alarm agreement holding company shall provide, in a format approved by the alarm administrator, an alarm user list of existing alarm users in the Borough, including name, address, billing address, telephone number and the telephone number of the law enforcement agency that they have listed to call to report an alarm for that alarm site to the alarm administrator.
 - (b) The alarm agreement holding company may through a mutual written agreement have another alarm company provide the alarm user's list.
 - (c) Failure to comply within thirty (30) days after being notified in writing from the alarm administrator will result in a fee of fifty (\$50.00) dollars per business day until the alarm agreement holding company complies with this requirement.

5. New Security Alarm Systems:

- (a) Any alarm installation company that installs a security alarm system on premises located within the Borough limits of the Borough of Sea Bright shall notify the alarm administrator that a security alarm system has been installed and send the alarm administrator the required information as listed in the alarm permit application section (4) including the appropriate registration permit fee collected from the alarm user.
- (b) Failure of an alarm installation company to notify the alarm administrator of a new security alarm system installation prior to the system's activation shall result in a one hundred (\$100.00) dollar fee to the alarm installation company.
- (c) The initial alarm permit registration fee must be submitted to the alarm administrator at the same time as the registration application or an alarm system takeover.
- (d) It shall be the responsibility of the alarm user to forward to the alarm administrator the completed application within seven (7) days of installation.

C. Alarm Registration, Permit and Renewal Fees

- 1. Beginning January 1, 2015, an alarm registration shall expire on December 31st of the year in which issued and must be renewed annually by the alarm user by submitting an updated application and a permit renewal fee. The alarm administrator and/ or his designee shall notify the alarm user of the need to renew their permit thirty (30) days prior to the expiration of the registration. It is the responsibility of the alarm user to submit the updated information and renewal fees prior to the registration/renewal expiration date.

Failure to renew shall be classified as use of a nonregistered security alarm system and subject the alarm site to a suspension and/or late fees.

- 2. Registration permit fees shall be collected annually beginning January 1, 2015 and will be based on a one year permit period. Said period will run from January 1st through December 31st of each year.

Permit and Renewal Fees are as follows:

Residential \$25.00
Commercial \$50.00

- 3. Late fee. Alarm users who fail to make payment for an alarm permit prior to the Registration expiration date will be assessed a late fee in the amount of \$10.00.
- 4. Refunds. No refund of a permit or permit renewal fee will be made.
- 5. Any alarm installation company that installs or activates an alarm system on premises within the Borough after the effective date of this ordinance shall have the alarm user complete a customer false alarm prevention checklist and the installer shall complete an alarm installer checklist. The alarm installation company shall keep on file the completed

checklist for up to one year after the activation of the alarm system. Failure to complete the required checklists shall result in a one hundred (\$100.00) dollar administrative fee per incident against the alarm installation company.

6. Upon receipt of a completed alarm permit application form and the alarm permit fee, the alarm administrator and/or his designee shall issue a permit or permit renewal to the applicant unless:

(a) The applicant has failed to pay any fee assessed under this chapter; or

(b) An alarm permit for the alarm site has been suspended, and the condition causing the suspension has not been corrected; or

(c) 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 alarm permit.

7. Upon receipt of the permit application form and fee, the alarm administrator shall issue a permit and permit number to the alarm user which will be valid through December 31st of the year issued if the alarm administrator is satisfied that the registration information is complete and that the alarm system will be operated in conformance to this Ordinance. Renewal permits are valid for a one-year period beginning January 1st and ending December 31st.

8. Permit Number. A valid permit number for the alarm site is required for each request for a burglar alarm dispatch. A burglar alarm request without a valid permit number may not be accepted for a police dispatch.

9. Exceptions:

(a) Government entities, including but not necessarily limited to the Borough of Sea Bright, County, State, Federal and the School District, must obtain permits for all alarm systems on property under their control within the corporate boundaries of the Borough of Sea Bright but are exempt from payment of permit and renewal fees.

(b) All permit fee exempted alarm sites stated in paragraph 9(a) above are required to obtain and renew a valid alarm permit for Police response and may be subjected to all other fees and suspension enforcement.

D. Permit Application: Contents

1. An application for an alarm permit must be on a form provided by the Borough of Sea Bright Police Department and must contain the following information:

(a) The name, complete address, apartment or suite number, telephone numbers of the person who will be the holder of the permit and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed along with an emergency contact number under this subsection;

- (b) The physical address and classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) or commercial;
- (c) The classification of the alarm system (i.e. burglary, fire, holdup, duress, panic alarm or other) for each alarm system located at the alarm site, and, for each classification, whether the alarm is audible or silent;
- (d) The applicant's mailing address, if different from the address of the alarm site;
- (e) Any dangerous or special conditions present at the alarm site such as guard dogs or any type of alarm system that is rigged to produce a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable one's vision;
- (f) A written notice from the alarm user setting forth the following:
 - (1) The date of installation, conversion or takeover of the alarm system, whichever is applicable;
 - (2) 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;
 - (3) The name, address, and telephone number of the monitoring company if different from the alarm installation company;
 - (4) That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm installation company; and
 - (5) That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.
- (g) An acknowledgement that the Police response may be influenced by factors including, but not limited to; the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, prior alarm history, administrative actions and staffing levels.

E. Transfer of Permit Prohibited

1. An alarm permit cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change to the information listed on the alarm permit application within ten (10) business days after such change.

2. Exceptions may be made in the discretion of the alarm administrator when the transfer proposed is among members of the family of the original permit holder or successors in interest to the property for which the permit has been issued.

F. Duties of Alarm Users

1. An Alarm User shall:

- (a) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate False Alarms;

- (b) Make every reasonable effort to arrive at the Alarm System's location within 30 minutes after being requested by the Monitoring Company or Police Department in order to:

- (1) Deactivate an alarm system;

- (2) Provide access to the alarm site; and/or

- (3) Provide alternative security for the alarm site.

- (c) Provide your alarm company with the updated names and telephone numbers of at least two individuals who are able and have agreed to:

- (1) Receive notification of an alarm system activation at any time;

- (2) Respond to the alarm site at any time; and

- (3) Provide access to the alarm site and deactivate the alarm system, if necessary.

- (d) Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

2. No Person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the Borough and then transmit any prerecorded message or signal. An administrative fee of \$100.00 per incident will be assessed.

3. An alarm user shall keep a set of written operating instructions for each alarm system at each Alarm Site.

4. All alarm users shall agree with their alarm installation company or monitoring company to go through an "acclimation period" for the first seven (7) days after activation of a burglar alarm system, during which time the alarm installation company or monitoring company will have no obligation to respond to, nor will it respond to, any alarm signal from the alarm site, or make an alarm dispatch request to the police, even if the alarm signal is the result of an

actual alarm event. Exceptions to the "acclimation period" of non-response can be made by the Police Department in special circumstances, including but not limited to, domestic violence and stalking.

5. An alarm user should have an alarm installation company inspect the alarm system after **two** false alarms in their one-year permit period to modify the alarm system to be more false alarm resistant or provide additional user training as appropriate.

G. Audible Alarms; Restrictions, Disconnects

1. After the effective date of this ordinance no one shall install, modify or repair an alarm system in the Borough of Sea Bright that has a siren, bell or other signal that is audible from any property adjacent to the alarm site that sounds for longer than fifteen (15) consecutive minutes after the alarm is activated or that repeats the fifteen (15) minute audible cycle more than **three** consecutive times during a single armed period. An administrative fee of \$100.00 per incident will be assessed.
2. Audible alarm systems may be disconnected by the Borough of Sea Bright through the use of any means reasonable and necessary if the alarm does not automatically shut off as described in subsection (7)A. The Borough or its employees or agents shall not be responsible or liable for damage resulting from such disconnection.

H. Duties of Alarm Installation Companies and Monitoring Companies

1. Each alarm installation company and alarm monitoring company must designate one individual as the alarm response manager (ARM) for the company. The individual designated as the ARM must be knowledgeable of the provisions of this section, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the alarm administrator. The name, contact number, and email address of the ARM shall be provided to the alarm administrator.
2. Alarm Installation Companies shall:
 - (a) Upon the installation or activation of an alarm system, the alarm installation company shall distribute to the alarm user information summarizing:
 - (1) The applicable law relating to false alarms, including the permit fee and the potential for service fees and suspension of an alarm permit;
 - (2) How to prevent False Alarms; and
 - (3) How to operate the Alarm System.
 - (b) After the effective date of this ordinance, alarm installation companies shall not program alarm systems so that they are capable of sending One Plus Duress Alarms. Monitoring companies may continue to report One Plus Duress Alarms received from

Alarm Systems programmed with One Plus Duress Alarms installed prior to the effective date of this ordinance.

(c) Upon the effective date of this Ordinance, alarm installation companies shall not install, modify or repair "single action" devices for the activation of holdup, robbery or panic alarms. New devices shall require two actions or an activation delay to provide more positive assurance that the user intends to activate the device. No single action "key-fobs" devices are allowed.

(d) Ninety days after the effective date of this ordinance, an alarm installation company shall, on new installations, use only alarm control panel(s) which meet ANSI/SIA CP-01- Control Panel Standard - Features for False Alarm Reduction.

(e) An alarm company shall not use an automatic voice dialer for any alarm system which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police department or the city and then transmit any pre-recorded message or signal. An administrative fee of \$100.00 per incident shall be assessed.

(f) After completion of the installation of an alarm system, an employee of the alarm installation company shall review with the alarm user the Customer False Alarm Prevention Checklist or an equivalent checklist approved by the alarm Administrator and/or his designee. The installer shall complete the Alarm Installer Checklist.

(g) Ensure that all alarm users of alarm systems equipped with a duress, robbery, holdup or panic alarm has been provided adequate training as to the proper use of the alarm. Panic alarms shall be set to have an audible alarm upon activation.

(h) Each installation company must maintain, for a period of at least one year after the date of installation or activation of an alarm system both the completed Alarm Installer Checklist and the Customer False Alarm Prevention Checklist. The alarm administrator may request copies of such records for any individual alarm user. The company shall provide the requested records within five (5) business days. Failure to comply with this subsection will incur a fifty (\$50.00) dollar service fee.

3. A Monitoring Company shall:

(a) A monitoring company shall not make an alarm dispatch request to a burglar alarm signal during the first seven-day "acclimation period" after a burglar alarm system installation or activation. Exceptions to the "acclimation period" of non-response can be made by the Police Department in special circumstances, including but not limited to, domestic violence and stalking.

(b) Report alarm signals by using telephone numbers designated by the alarm Administrator and/or his designee.

(c) Employ Enhanced Call Verification on all burglar alarms. The Borough of Sea Bright

Police Department may refuse to accept an alarm dispatch request from a monitoring company that has failed to comply with the procedures required by enhanced call verification.

(d) Communicate alarm dispatch requests to the Police Department in a manner and form determined by the alarm administrator and/or his designee.

(1) A valid permit number is required for all alarm requests. Failure to provide a valid permit number may result in the call request not being accepted for a police dispatch.

(2) Provide zone(s) activation information.

(e) Communicate cancellations to the Police Department in a manner and form determined by the alarm administrator and/or his designee.

(f) Communicate any available information (north, south, front, back, door, window etc.) about the location of an alarm signal(s) as part of an alarm dispatch request.

(g) Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any alarm dispatch request.

(h) Notify dispatch of any alarm site that it knows, or reasonably should know has guard dog(s) or is fitted with a protective-reactive device. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device or take control of the guard dog(s). In all cases where a guard dog or a protective-reactive device is present at an alarm site, the Police dispatch request shall include a warning for officers not to enter the alarm site until the responsible party is present and has disarmed the device or taken control of the guard dog(s).

(i) After an alarm dispatch request, promptly advise the Police department if the monitoring company knows that the alarm user or a responsible party is on the way to the alarm site.

(j) Each monitoring company must maintain, for a period of at least one year after the date of an alarm dispatch request, all records relating to the alarm dispatch request. Records must include the name, address and telephone number of the alarm user, each alarm system zone activated, the time of alarm dispatch request and evidence of all attempts to verify. The alarm administrator may request copies of such records for any individual alarm user. Failure to comply with this subsection will incur a fifty (\$50.00) service fee per incident.

(k) Each monitoring company shall, upon request, immediately provide the Police Department with the names and phone numbers of the alarm user's emergency contacts at the time of each alarm dispatch request.

(l) Conversion of alarm users. An alarm installation company or monitoring company that converts the servicing of any alarm system account from another

company shall notify the alarm administrator of such conversion and shall provide to the alarm administrator, within thirty (30) days from the date of conversion, an alarm user list of the converted accounts, in a format acceptable to the alarm administrator and/or his designee that includes the following:

- (1) Permit Number
- (2) Customer name
- (3) Customer billing address
- (4) Customer telephone number
- (5) Alarm Site address
- (6) Alarm Installation Company license number
- (7) Monitoring Company License number

(m) The customer lists described in subsection (l) above are proprietary and confidential information and will not be released to anyone absent a court order.

(n) Failure to provide alarm user lists to the alarm administrator, as required in paragraph (l) above, will result in a fee of fifty (\$50.00) per business day until the alarm installation company or monitoring company complies with the requirement.

(o) Disconnected alarm users. An alarm installation company or alarm monitoring company that holds the alarm agreement shall notify the alarm administrator by the 15th day of each month of all their alarm customers within the Borough of Sea Bright that have discontinued their alarm service with the company in the previous month. Failure to comply can result in an administrative fee of fifty (\$50.00) per incident.

I. Duties and Authority of the Alarm Administrator and/or his Designee

1. The Alarm Administrator and/or his designee shall:

(a) Designate the manner and form of alarm dispatch requests and the telephone numbers to be used for such requests; and

(b) Establish a procedure to accept cancellation of alarm dispatch requests.

2. The alarm administrator and/or his designee shall establish a procedure to acquire and record information on alarm dispatch requests including the following information; i.e. the CAD entry shall include:

(a) Identification of the alarm site by address, (apartment number, unit number, suite number) and business name or last name;

(b) The date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator's name or number;

(c) Date and time of an officer's arrival at the alarm site;

- (d) The alarm zone(s) and zone description;
3. The alarm administrator and/or his designee shall establish and implement a procedure to notify the alarm user of a false alarm. The notice shall include the following:
 - (a) The date and time of an officer's response to the false alarm; and
 - (b) A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting false alarm fees.
 - (c) Any false alarm fees incurred.
 4. The alarm administrator and/or his designee may require that a conference be held with an alarm user and the alarm installation company or monitoring company responsible for repairing or monitoring of the alarm system to review the circumstances of each false alarm. The conference may be held in person or through a conference telephone call at the alarm administrator's discretion. Failure to participate may result in suspension of the alarm permit.
 5. The alarm administrator and/or his designee may establish an alarm user awareness class. The alarm administrator and/or his designee may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the alarm ordinance, problems created by false alarms and teach alarm users how to avoid creating false alarms.
 6. If a false robbery, holdup or panic alarm has occurred and the alarm was triggered using a single action, non-recessed device, the alarm administrator may consider a waiver or partial waiver of the false alarm fee, if action is taken by the alarm user to remove or replace the single action, non-recessed device.
 7. The alarm administrator and/or his designee will make a copy of this ordinance and/or an ordinance summary sheet available to each alarm user.

J. False Alarm fees; Service Fees; Late Fees

1. False Alarm Service Fees. An alarm user shall pay the following fees to the alarm administrator for Police response to any false alarm during their one year permit period:

False Alarm Service Fees: 1 & 2	Complimentary
3	\$50.00 Service Fee
4 & 5	\$100.00 Service Fee
6+	\$150.00 Service Fee

2. If a false alarm fee is not paid within thirty (30) days after the invoice is mailed, a late fee in the amount of twenty (\$20.00) dollars will be imposed.

3. Fees for False Alarms by Non-permitted Alarm Systems:

In addition to the fees set forth in paragraphs j.1. and 2., a supplemental fee is hereby imposed upon any person operating a non-permitted alarm system in the amount of one hundred (\$100.00) for each false alarm.

4. Where the investigation of the Police Department discloses a disregard of the permittee for taking remedial steps to avoid false alarms and/or the failure of the permittee to pay any administrative charge, the Chief of Police or his designee reserves the right to require disconnection provided that no such permit shall be revoked or suspended without giving the permittee the opportunity to appeal said decision. In addition, if any person fails to pay any administrative charge within thirty (30) days of the notification of said charge to any person, a summons may be issued for a violation of this Ordinance.
5. Any unauthorized equipment may be required to be disconnected by the Chief of Police or his designee for non-compliance with this Ordinance; and any person installing or maintaining unauthorized equipment shall be prosecuted for violation of this Ordinance; and each and every day said equipment is in operation shall be considered a separate violation. Any permittee shall, by acceptance of the permit, be deemed as having consented to inspection of the premises on which said alarm devices are installed at reasonable hours by the Chief of Police and/or his designee.
6. Any monitoring company requesting an alarm dispatch request for a non-permitted alarm system shall pay an administration fee of one hundred (\$100.00) dollars per incident. If the fee is not paid within thirty (30) days after the invoice is mailed, a late fee in the amount of twenty-five (\$25.00) dollars is hereby imposed on the monitoring company.
7. If cancellation of police response occurs prior to the Police Officer's arrival at the alarm site, the response is considered a false alarm and any applicable fee(s) will be assessed. The police cannot and will not cancel once notified by a monitoring/alarm company of an activated alarm.
8. The alarm installation company shall be assessed a fee of one hundred (\$100.00) dollars if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. Such false alarms are not included in the total number of false alarms for the alarm user.
9. A fee of one hundred (\$100.00) dollars is hereby imposed against any monitoring company that fails to verify alarm system signals as required in paragraph h.3(c).
10. A fee in the amount of two hundred (\$200.00) dollars is hereby imposed against an alarm installation company if the alarm administrator determines that an employee of the alarm installation company knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.
11. Notice of the right of appeal under this ordinance will be included with notice of any fee.

12. All registration fees, renewal registration fees, service fees or fines accessed under this section are due within thirty (30) days of written notice unless otherwise noted. A late fee of ten (\$10.00) dollars shall be assessed for each individual registration fee due, and a late fee of twenty (\$20.00) dollars for each individual false alarm fee due, that are not paid within thirty (30) days.
13. In compliance with Borough of Sea Bright Ordinance No. _____, all active volunteer first aid squad and fire company members within the Borough of Sea Bright Fire Department shall be exempt from alarm registration fees. The alarm administrator shall be provided with a list of same on the first of January of each year.

K. Notice to Alarm Users of False Alarms and Suspension of Police Response

1. The alarm administrator and/or his designee shall notify the alarm user in writing after each false alarm. The notice shall include either a warning or the amount of the fee for the false alarm.
2. The alarm administrator and/or his designee shall notify the alarm user in writing thirty (30) days prior to suspension of police response.

L. Appeals of Determinations Regarding Alarm Permits and Fees

1. If the alarm administrator and/or his designee assesses a fee, suspends an alarm permit or denies the issuance, renewal or reinstatement of an alarm permit, the alarm administrator shall send written notice of the action to the affected applicant, alarm user, alarm installation company or alarm monitoring company.
2. The applicant, alarm user, alarm installation company or alarm monitoring company may appeal any action described in (1) above to the Chief of Police or designee by setting forth in writing the reasons for the appeal and delivering the appeal to the Chief of Police or designee within twenty (20) business days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.
3. The procedure for an appeal to the Chief of Police or designee is as follows:
 - (a) The applicant, alarm user, alarm installation company or monitoring company may file a written request for appeal to the Police Department setting forth the reasons for the appeal.
 - (b) The Chief of Police and/ or designee shall consider the evidence submitted by the appealing party and the alarm administrator and/or his designee. The Chief of Police and/or designee must base the decision on the preponderance of evidence and must render a decision within fifteen (15) days of receipt of the written appeal. The decision shall affirm or reverse the decision or action taken by the alarm administrator.

(c) Filing of an appeal stays any action by the alarm administrator and/or his designee to suspend an alarm permit or require the payment of a fee until the appeal process has been exhausted. This provision applies only to the action of the alarm administrator that is the subject of the appeal. This provision does not operate as a bar to enforcement action on violations of this section that occur thereafter.

(d) The decision of the Chief of Police is final with regard to any appeal.

4. The alarm administrator or the Chief of Police, or their respective designees, may adjust the count of false alarms or assessed fees based on:

(a) Evidence that a false alarm was caused by action of a communications services provider (i.e. telephone, cellular, cable company);

(b) Evidence that a false alarm was caused by a power outage or severe weather such as a tornado or earthquake;

(c) Evidence that an alarm dispatch request was not a false alarm;

(d) The occurrence of multiple alarms within in a 24 hour period, which may be considered as one false alarm if the alarm user has taken corrective action unless the false alarms are directly caused by the alarm user.

5. The alarm administrator may waive all of a false alarm fee or a partial part of the fee due to extenuating circumstances or to encourage corrective action.

6. On review of fees assessed to an alarm installation company or monitoring company, the alarm administrator, or, if appealed, Chief of Police, and/or his designee, may consider whether the alarm installation company or monitoring company has engaged in a consistent pattern of violations.

M. Reinstatement of Suspended Alarm Permits

1. On the first suspension of a permit, a person whose alarm permit has been suspended may obtain reinstatement of the permit by the alarm administrator if the person:

(a) Submits a new application and pays a fifty (\$50.00) reinstatement fee;

(b) Pays, or otherwise resolves, all outstanding fees and penalties;

(c) Submits a written notice from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company;

2. On the second and every subsequent suspension of a permit, reinstatement may be obtained by compliance with paragraph (1) above and compliance with any of the following conditions that the alarm administrator may require:

- (a) Proof that an employee of the alarm installation company or monitoring company caused the false alarm.
- (b) Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01.
- (c) A written statement from an independent inspector designated by the Chief of Police or his designee that the alarm system has been inspected and is in good working order.
- (d) Confirmation that all motion detectors are properly configured.
- (e) Confirmation that the alarm system requires two independent zones to trigger before transmitting an alarm signal to the monitoring company.
- (f) Confirmation that the alarm system requires two independent detectors to trigger before transmitting an alarm signal to the monitoring company.
- (g) Certification that the monitoring company will not make an alarm dispatch request unless the need for an officer is confirmed by a listen-in device. This condition does not apply to residential property.
- (h) Certification that the monitoring company will not make an alarm dispatch request unless the need for an officer is confirmed by a camera device. This condition does not apply to residential property.
- (i) Certification that the monitoring company will not make an alarm dispatch request unless the need for an officer is confirmed by a person at the alarm site.

3. The Police Department shall reinstate its response to an alarm site as soon as is practicable after receiving notice of reinstatement from the alarm administrator. The alarm user and monitoring company shall take notice that the alarm site has been officially reinstated only after receiving notice from the alarm administrator and/or his designee of that fact.

N. Suspension of Police Response to an Alarm Site

1. The Chief of Police and /or his designee **may** suspend police response to an alarm site if it is determined that:
 - (a) There is a violation of this section by the alarm user; and/or
 - (b) There is a false statement of a material fact in the application for a permit; and/or
 - (c) The permitted alarm system has generated more than six (6) false alarms during any permit period; and/or

(d) The alarm user has failed to pay an alarm permit fee or late fee, a late renewal fee or any fee assessed under this section, more than thirty (30) days after the fee is due. This applies to all classifications of alarms including burglary, panic, duress, holdup and robbery.

(e) The Police may not respond to any alarm where the alarm site is under suspension of police response.

2. Actions made pursuant to this section are not subject to administrative review.

3. The Chief of Police and/or his designee may, for good cause shown, reinstate police response that has been suspended pursuant to this section.

O. Police Department Response

1. The Police Department will respond to all "in progress" robbery, panic or burglar alarms as promptly as possible, taking into account pending calls for service and any policy establishing priority of dispatched calls following notification of the receipt of the alarm from the monitoring company. Police supervisors may cancel police response to any or all alarms based on weather or other factors effecting police service needs.

2. The Chief of Police or designee may re-prioritize assignment of burglar alarms and response time at any time during a 24-hour period as may be necessary due to the service needs of the community.

P. Confidentiality of Alarm Information

All information contained in documents gathered through alarm registrations, the submission of customer lists and in the alarm appeal process must be held in confidence by all employees of the alarm administrator and the Borough of Sea Bright. Such information is proprietary and is hereby declared confidential and not a public record. Absent special circumstances, such information must not be released to the public or any person other than a law enforcement agency, third party administrator or the applicable alarm user, alarm Installation Company or alarm monitoring company except pursuant to court order.

Q. Scope of Police Duty; Immunities Preserved

The issuance of alarm permits or alarm registration is not intended to nor does it create a contract between the Police Department and/or the Borough of Sea Bright and any alarm user, alarm installation company or monitoring company, nor does it create a duty or obligation, either expressed or implied, on the Police Department to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the Police Department to respond to an alarm dispatch request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that the Police Department response is influenced by the availability of officers, priority of calls,

traffic conditions, weather conditions, emergency conditions, staffing levels, prior response history and administrative actions.

R. Severability

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

S. Violation and Penalties

When violations of the provisions of Section 3-1 exist, the Borough of Sea Bright Police Department reserves the right to issue a summons to said violator. When a penalty is not otherwise provided in this section, any person, firm or corporation found guilty in the Municipal Court of violating the terms of this section shall be subject to a penalty as provided of the General Code.

This ordinance shall take effect as provided by law after its final passage.

INTRODUCED: February 17, 2015
PUBLIC HEARING: March 3, 2015
ADOPTION: March 3, 2015

I hereby approve the adoption of this Ordinance this 3rd day of March, 2015.


CHRISTINE PFEIFFER
Borough Clerk


DINA LONG
Mayor