

CHAPTER 76 ALARM SYSTEMS

[HISTORY: Adopted by the Township Council of the Township of Marlboro 10-1-2009 by Ord. No. 2009-33 .
Editor's Note: This chapter also repealed former Ch. 76, Alarm Systems, adopted 7-20-1989 by Ord. No. 30-89
(Ch. 40 of the 1981 Code), as amended.

Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. [183](#).

Noise — See Ch. [241](#).

ARTICLE I Purpose and General Application Provisions (§ 76-1 — § 76-2)**§ 76-1 Purpose.**

The purpose of this chapter is to:

A.

Establish the administrative process for the issuance of permits for alarm systems;

B.

Establish regulations for the use and operation of all alarm systems in the Township of Marlboro;

C.

Provide regulations and standards for the direct monitoring of alarm systems by the Marlboro Township Division of Police through direct connection to the Division of Police digital alarm console located in Police Headquarters; and

D.

Establish fees and penalties associated with these regulations.

§ 76-2 Definitions and word usage.**A.**

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

ALARM BUSINESS

A natural person or corporation licensed by the State of New Jersey or otherwise permitted by law to engage in the business of installing, maintaining, monitoring, repairing, replacing, selling, servicing or responding to an alarm system or which causes any of these activities to take place.

ALARM DEVICE

The equipment that responds manually or automatically to burglary, robbery, intrusion, fire, smoke, medical, panic, flood or other perils.

ALARM MONITORING BUSINESS

A natural person or corporation, for profit, that engages in the business of receiving signals from an alarm system or an alarm device that relays a request for a response by police, fire, rescue or other emergency response personnel.

ALARM SYSTEM

The equipment, devices or series of devices or an assembly of equipment and devices, including but not limited to hardwired systems, or systems interconnected with wireless technology, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarmed condition that may also be designed to summon an action or response by either an alarm monitoring business or by police, fire, rescue or other emergency response personnel. In this chapter, the term "alarm system" shall include the term "alarm device." For purposes of this chapter, an alarm system shall not include the definition of an alarm device attached to a motor vehicle.

DIGITAL ALARM

A microprocessor-controlled alarm system designed to emit or transmit an electronic signal to either the

Marlboro Division of Police digital alarm console, or an alarm monitoring business.

DIGITAL ALARM CONSOLE

The digital equipment or control panel of devices that provide a visual and/or audio notification within Police Headquarters in Marlboro Township that an alarm system within the Township requires a response by police, fire, rescue, or other emergency response personnel.

DIVISION OF POLICE

The Marlboro Township Division of Police.

FALSE ALARM

An alarm or signal activation, emission or transmission emanating from an alarm system which results in a response by police, fire, rescue or other emergency response personnel, when no emergency condition exists, that is caused by the negligent use or intentional misuse of the alarm system by the owner or alarm monitoring business. No emergency condition exists, if the responding police officer finds no evidence of an actual or attempted criminal offense, or where fire responders find no evidence of heat, smoke or fire conditions that would cause an alarm, or where rescue or other emergency responders find no evidence of medical, panic, flood or other perils requiring rescue or other emergency response personnel.

PERSON

Any natural-born human or any partnership, corporation or association, whether for profit or not for profit.

POLICE CHIEF OR HIS DESIGNATED REPRESENTATIVE

(1)

POLICE CHIEF

— The Police Chief or Acting Police Chief of the Marlboro Township Division of Police.

(2)

DESIGNATED REPRESENTATIVE

— Any person designated by the Police Chief or the Acting Police Chief to perform a function required or permitted by the provisions of this chapter. The term "designated representative" shall be limited to members of the Township Division of Police or employees of the Division of Police assigned to and working in the Police Administration Section.

REGISTRANT

A person that has registered an alarm system according to the provisions of this chapter.

TOWNSHIP

The Township of Marlboro.

B.

Word usage. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory.

ARTICLE II Alarm Systems Permits and Regulations (§ 76-3 — § 76-8)

§ 76-3 Alarm system permit.

A.

Permit required.

[Amended 11-12-2009 by Ord. No. 2009-34]

(1)

Every owner of an alarm system located in the Township shall obtain a permit for the alarm system from the Division of Police on an annual basis. An alarm system permit shall be obtained for each alarm system location owned by the applicant. If the owner of an alarm system fails to obtain a permit for an alarm system, the owner

shall be assessed the following administrative penalties in addition to the payment of the alarm system permit:

(a)

An administrative penalty of \$5 shall be due at the time of payment of the alarm system permit fee for an alarm system permit obtained within 30 days of receipt of a notice from the Police Division that the alarm system is not currently registered with the Police Division. This payment shall be due and payable in addition to the alarm system permit fee.

(b)

An administrative penalty of \$10 shall be due at the time of the payment of the alarm system permit fee for an alarm system permit that is obtained within 31 to 60 days of receipt of a notice from the Police Division that the alarm system is not currently registered with the Police Division. This payment shall be due and payable in addition to the alarm system permit fee.

(c)

An administrative penalty of \$20 shall be due at the time of the payment of the alarm system permit fee for an alarm system permit that is obtained within 61 to 90 days of receipt of a notice from the Police Division that the alarm system is not currently registered with the Police Division. This payment shall be due and payable in addition to the alarm system permit fee.

(2)

If an alarm system owner fails to obtain an alarm system permit within 90 days of receipt of a notice from the Police Division that the alarm system is not currently registered with the Police Division, then such owner shall be deemed to be in violation of the Code of the Township of Marlboro and thereby subject to the imposition of the fines and penalties set forth in § 4-3 of the Code. No municipal court appearance shall be required unless the owner pleads not guilty to the alleged violation.

B.

An owner of an alarm system may delegate the responsibility for obtaining an alarm system permit to the alarm business that installs, maintains or operates the alarm system, or to an alarm monitoring company, however, failure of the alarm business or alarm monitoring company to obtain an alarm system permit shall not absolve the owner of the alarm system from the responsibility for obtaining an alarm system permit from the Township.

C.

The annual fee for obtaining an alarm system permit is \$10 per alarm system location.

D.

All alarm system permits issued by the Division of Police prior to the effective date of this chapter shall remain in full force and effect until December 31, 2009.

E.

Each alarm system application shall contain the following information:

(1)

Name, complete address (including apartment or room number), and telephone numbers (including home phone number, cell phone number and office phone number, if applicable) of the owner of the alarm system.

(2)

Complete address (including apartment or room number) of the alarm system, if it differs from the address of the alarm system owner.

(3)

Name, complete address (including apartment or room number), and telephone number of the alarm business that is under contract with the alarm system owner to monitor the alarm system (information to be provided if applicable). The applicant must include an alarm business telephone number where the alarm business may be reached 24 hours per day, seven days per week by the Police Division.

(4)

Description of the manufacturer, model and type of alarm system, including the types of circumstances that are alarmed, i.e., burglar, fire or medical condition(s) at a commercial, residential, or other location.

(5)

Any dangerous or special conditions present at the location where the alarm system is used.

(6)

Names and telephone numbers of two individuals who are able to, and have agreed to, receive notification from the Township when the alarm system is activated and who have further agreed to respond to the alarm system location within 20 minutes of a request from the Township, and who can gain access or grant access to the alarm system location for the purpose of responding to the alarm or deactivating the alarm system, if necessary.

(7)

The type of business activity conducted at the alarm system location, if applicable.

(8)

Date of installation of the alarm system, if known.

(9)

Name of alarm business that provided installation of alarm system, if known.

(10)

Statement by the owner of the alarm system that the owner has received and maintained a copy of the operating instructions for the alarm system. If the permit application is made by an alarm business or an alarm monitoring company on behalf of the owner of the alarm system, then the business or company shall certify that it has provided the owner of the alarm system with the operating instructions for the alarm system and that it has also trained the alarm system owner in the proper use of the alarm system.

(11)

An acknowledgement of receipt of a copy of the Township's regulations concerning false alarms.

(12)

Indication of whether or not the alarm system owner has ever had an alarm system permit revoked.

(13)

An acknowledgement that false statements made by the applicant for the purpose of obtaining an alarm system permit shall be sufficient cause to refuse to issue a permit, and to pursue all available civil and criminal remedies against the applicant.

(14)

An acknowledgement that the applicant must advise the Division of Police of any material change in circumstance that alters the information provided in the application within five business days of a change of circumstance.

(15)

An acknowledgement that the applicant must pay any outstanding fees or penalties established by this chapter [76](#) prior to the issuance of an alarm system permit.

(16)

Proof, if required due to false alarms, of the inspection and correction of any defects or malfunctions in the alarm system.

F.

An alarm system permit shall expire 12 months from the date of issue. A registrant shall file an application for renewal of an alarm system permit prior to the expiration date of the permit. Failure to renew an alarm system permit by the expiration date will result in the alarm system being classified as unregistered, which may result in the imposition of the penalties described in § [76-3A](#).

[Amended 11-12-2009 by Ord. No. 2009-34]

G.

All alarm systems that have not previously registered with the Township shall be registered with the Township within 30 days of the effective date of this chapter.

H.

All alarm systems shall be registered within 30 days of installation.

Administrative penalties.

§ 76-4 Administrative penalties.

[Amended 11-12-2009 by Ord. No. 2009-34]

Any person that owns an alarm system without having obtained an alarm system permit shall be subject to the penalties described in § [76-3A](#). No Municipal Court appearance shall be required unless the owner pleads not guilty to the alleged violation.

§ 76-5 Regulation of alarm systems.**A.**

Every owner of an alarm system shall maintain the alarm system or cause the alarm system to be maintained in a manner that minimizes or eliminates false alarms which are a burden on the limited resources of the Township.

B.

Every owner of an alarm system shall respond to, or ensure that its authorized personnel respond to, the alarm system location within 20 minutes of a request by the Division of Police in order to gain access to the alarm system location or deactivate the alarm system, if necessary.

C.

If an alarm system emits two false alarms in any one-year period, the owner of the alarm system shall have the alarm system inspected for defects or malfunctions by an alarm business and the registrant shall provide proof of the alarm system inspection and the correction of any defects or malfunctions to the Division of Police at the time of registration or reregistration of the alarm system. If no defects or malfunctions are discovered during the inspection by the alarm business, the alarm business shall provide training or retraining to the owner or users of the alarm system in the proper use of the system, and the registrant shall provide proof of training or retraining in the use of the alarm system to the Division of Police at the time of registration or reregistration.

D.

If an alarm system emits three or more false alarms in any one-year period, the owner of the alarm system shall have the alarm system inspected for defects or malfunctions by an alarm business and the registrant shall provide proof of the inspection of the alarm system and the correction of any defects or malfunctions to the Division of Police at the time of registration or reregistration of the alarm system. If no defects or malfunctions are discovered during the inspection by the alarm business, the alarm business shall provide training or retraining to the owner or users of the alarm system in the proper use of the alarm system, and the registrant shall be required to provide proof of training or retraining in the use of the alarm system to the Division of Police at the time of registration or reregistration. Additionally, at the time of registration or reregistration, the registrant shall pay an additional registration fee as follows:

(1)

For three or four false alarms in the previous year an additional registration fee of \$20.

(2)

For five or six false alarms in the previous year an additional registration fee of \$40.

(3)

For seven to nine false alarms in the previous year an additional registration fee of \$100.

(4)

For 10 or more false alarms in the previous year an additional registration fee of \$200.

E.

Notwithstanding the foregoing regulatory provisions, the Division of Police retains the authority to issue criminal complaints or summonses for disorderly conduct emanating from the report of a false public alarm.

F.

Any person testing an alarm system shall notify the Division of Police immediately prior to and after the testing is completed. Failure to do so shall subject such person to the penalties set forth in § [4-3](#) of the Code.

G.

All components of an alarm system shall be maintained by the owner in good repair. When evidence exists that there has been a mechanical failure or malfunction of an alarm system, the Chief of Police may order that the alarm system be deactivated until the mechanical failure or malfunction can be repaired and serviced by an alarm

business. In the event that an alarm system owner fails to deactivate an alarm system that has evidence of a mechanical failure or malfunction, after being ordered to do so by the Police Chief, the Division of Police shall have the right to exercise its discretion in the use of limited police resources to give lower priority to the response to alarm signal activations from malfunctioning alarm systems until the owner of the alarm system, or the owner's authorized representative, provides proof to the Division of Police that the alarm system has been repaired, serviced and inspected by an alarm business that has certified that the alarm system is operating in accordance with the design and operational standards imposed by the alarm system manufacturer. In the event that it is determined by the Division of Police to give lower priority to the response to alarm signal activations from a malfunctioning alarm system, the Division of Police shall provide notice to the alarm system owner or the owner's designated emergency contact by the quickest means possible at the time of discovery of the malfunction, followed by written notice that this procedure was utilized in the interest of public safety.

H.

All fees required by this chapter shall be payable to the Township of Marlboro at the time of registration or reregistration of the alarm system.

§ 76-6 **False alarms.**

A.

It is a violation of the Code of the Township of Marlboro for any person to cause a false alarm. In the event that an alarm system is activated in a circumstance where no emergency exists, the alarm system owner or alarm monitoring business shall have an affirmative duty to notify the Police Division immediately to prevent the unnecessary dispatch of police, fire, rescue or other emergency response personnel. The Chief of Police shall keep a record of all false alarms and conduct any investigations he or she deems necessary regarding false alarms.

B.

The following penalties shall be imposed by the Municipal Court upon a finding or determination that a false alarm has occurred, or that the alarm system owner or alarm monitoring business has failed to notify the Police Division as required by § [76-6A](#).

(1)

For the first or second offense in any given calendar year, a written warning shall be issued by the Police Division;

(2)

For the third offense in the same calendar year, a fine of at least \$20 shall be imposed by the Marlboro Municipal Court;

(3)

For the fourth and each subsequent offense, a fine of at least \$50 shall be imposed by the Marlboro Municipal Court.

C.

An alarm system owner or alarm monitoring business shall not be found guilty of causing a false alarm if an investigation determines that the alarm system activation was caused by a power failure, telephone system malfunction, alarm system malfunction, any act of God, or any other cause clearly beyond the control of the alarm system owner or alarm monitoring business.

D.

Notwithstanding the foregoing regulatory provisions, the Division of Police retains the authority to issue criminal complaints or summonses for disorderly conduct emanating from the report of a false public alarm.

§ 76-7 **Rule-making authority.**

The Chief of Police may promulgate forms, rules and regulations to implement the purposes of this chapter as well as to provide for efficient recordkeeping, management and administration of this chapter.

§ 76-8 **Violations and penalties.**

Any person, firm or corporation found guilty in the Municipal Court of the Township of Marlboro for violation of the terms of this chapter shall be subject to the fines and penalties set forth in § [4-3](#) of the Code.

ARTICLE III Direct Connection of alarm system to Division of Police Digital Alarm Console (§ 76-9 — § 76-13)**§ 76-9 Connection to digital alarm console.**

An alarm system located within the Township of Marlboro may be directly connected to the digital alarm console, provided that the alarm system is a digital alarm that is compatible with the digital alarm console and meets the minimum specifications established by the Division of Police and further provided that the direct connection of an alarm system will not cause an undue burden on the limited resources of the Township or otherwise endanger the health, safety and welfare of the citizens of the Township, as determined by the Police Chief.

§ 76-10 Procedures for connection to digital alarm console.**A.**

No alarm system shall be connected to the digital alarm console without the approval of the Police Chief.

B.

No alarm system shall be connected to the digital alarm console unless it uses Digital Dialer Technology and plain old telephone lines (POTS) and/or public switch telephone network (PSTN).

C.

The Police Chief may approve the connection of an alarm system directly to the digital alarm console after the Police Chief determines that the connection of the alarm system to the digital alarm console will not cause an undue burden on the limited resources of the Township or otherwise endanger the health, safety and welfare of the citizens of the Township.

D.

No alarm system shall be connected to the digital alarm console if it is technologically incompatible with the digital alarm console.

E.

An alarm system owner must fill out a digital alarm console permit application provided by the Division of Police that at a minimum requests the following information:

(1)

Name, complete address (including apartment or room number), and telephone number (including home phone number, cell phone number and office phone number, if applicable) of the owner of the alarm system.

(2)

Complete address (including apartment or room number) of the alarm system, if it differs from the address of the alarm system owner.

(3)

Name, complete address (including apartment or room number), and telephone number of the alarm business that is under contract with the alarm system owner to maintain the alarm system, if applicable.

(4)

Description of the manufacturer, model and type of alarm system, including the types of circumstances that are alarmed, i.e., burglar, fire or medical condition at a commercial, residential or other location.

(5)

Any dangerous or special conditions present at the location where the alarm system is used.

(6)

Names and telephone numbers of two individuals who are able to, and have agreed to, receive notification from the Township when the alarm system is activated and who have further agreed to respond to the alarm system location within 20 minutes of a request from the Township, and who can gain access or grant access to the alarm system location for the purpose of responding to the alarm or deactivating the alarm system, if necessary.

(7)

The type of business activity conducted at the alarm system location, if applicable.

(8)

Date of installation of the alarm system, if known.

(9)

Name of alarm business that provided installation of alarm system, if known.

(10)

Statement by the owner of the alarm system that he/she/it has received and maintained a copy of the operating instructions for the alarm system. If the permit application is made by an alarm business on behalf of the owner, the alarm business shall certify that it has provided the owner of the alarm system with the operating instructions for the alarm system and that it has also trained the alarm system owner in the proper use of the alarm system.

(11)

An acknowledgement of receipt of a copy of the Township's regulations concerning false alarms.

(12)

Indication of whether or not the alarm system owner has ever had an alarm system permit revoked.

(13)

An acknowledgement that false statements made by the applicant for the purpose of obtaining a digital alarm console permit shall be sufficient cause to refuse to issue a permit, and to pursue all available civil and criminal remedies against the applicant.

(14)

An acknowledgement that the applicant must advise the Division of Police of any material change in circumstance that alters the information provided in the application within five business days of a change.

(15)

An acknowledgement that the applicant must pay any outstanding fees or penalties established by this chapter prior to the issuance of a digital alarm console permit.

(16)

Proof, if required due to false alarms, of the inspection and correction of any defects or malfunctions in the alarm system.

F.

Digital alarm console permit fees shall be paid at the time of application as follows:

(1)

A digital alarm console permit application fee of \$25 per alarm system connected; and

(2)

A digital alarm console annual permit fee of \$270 per alarm system for each alarm system that emits a signal directly to the digital alarm console.

G.

No digital alarm console fees shall be paid by the Township of Marlboro for any of its facilities, including but not limited to the Marlboro Swim Club, nor shall the Marlboro Board of Education be required to pay any digital alarm console fees for its facilities in the Township of Marlboro; nor shall any digital alarm console fees be paid by the volunteer fire companies, first aid or rescue squads in Marlboro Township. In addition, no digital alarm console fees shall be paid by any facility with an educational use or church use located within the Township, as the terms "church" and "educational use" are defined in § [220-4](#) of the Code.

§ 76-11

Authorized disconnection of alarm system from digital alarm console.

A.

If an alarm system proves to be technologically incompatible with the digital alarm console after issuance of the digital alarm console permit, the Police Chief shall revoke the digital alarm console permit, order the disconnection of the alarm system from the digital alarm console and issue a refund to the registrant.

B.

A digital alarm console permit shall expire on December 31 of the year it is issued. An alarm system owner shall

file an application for renewal of a digital alarm console permit prior to the expiration date of the permit. Failure to renew a digital alarm console permit within 30 days of expiration of the permit will result in the alarm system being disconnected from the digital alarm console by the Division of Police.

C.

Every owner of an alarm system connected to the digital alarm console shall maintain the alarm system, or cause the alarm system to be maintained in a manner that minimizes or eliminates false alarms which are a burden on the limited resources of the Township. Failure to so maintain an alarm system connected to the digital alarm console shall result in the alarm system being disconnected from the digital alarm console by the Division of Police.

D.

If the Division of Police determines that the alarm system connected to the digital alarm console is defective, or malfunctioning, it may order the alarm system owner to have the alarm system inspected by an alarm system business that will provide a certification that the defect or malfunction has been corrected. Failure to have the alarm system inspected pursuant to an order from the Division of Police shall result in the alarm system being disconnected from the digital alarm console by the Division of Police.

E.

If the Division of Police determines that the alarm system connected to the digital alarm console is being operated by the alarm system owner or authorized users in a manner that is detrimental to the health, safety and welfare of the general public, or in a manner that is causing an unnecessary diversion of limited police resources, then the Division of Police shall order that the alarm system owner or authorized users provide proof of training or retraining from an alarm business or alarm monitoring business. If the registrant fails to provide proof of training or retraining, or if training or retraining measures do not eliminate the operation of the alarm system in a manner that is detrimental to the health, safety and welfare of the general public, or in a manner that is causing an unnecessary diversion of limited police resources, then the Division of Police shall revoke the digital alarm console permit and disconnect the alarm system from the digital alarm console.

§ 76-12 Obligations of owner with alarm system connected to digital alarm console.

A.

The provisions of Article II of this chapter shall apply equally to owners of alarm systems connected to the digital alarm console.

B.

Owners of alarms systems connected to the digital alarm console shall as a condition of issuance of the digital alarm console permit execute an agreement indemnifying and holding the Township of Marlboro and the Township of Marlboro Division of Police harmless for any and all damages or losses suffered by persons or to property arising out of the issuance of the digital alarm console permit and the connection of the alarm system to the digital alarm console.

§ 76-13 Obligations of Division of Police.

A.

The Police Chief shall promulgate forms, rules and regulations necessary to implement the purposes of this chapter.

B.

The Township shall have no obligation or duty to inspect or maintain any alarm system in the Township of Marlboro, whether or not said alarm system is connected to the digital alarm console.

C.

The Police Chief shall discontinue the issuance of digital alarm console permits if he or she determines that the connection of alarm systems directly to the digital alarm console has caused a condition that is detrimental to the health, safety and welfare of the general public, or an unacceptable diversion of limited police resources.

D.

The issuance of an alarm system permit or a digital alarm console permit by the Division of Police shall not create any duty or obligation for the Township of Marlboro to the alarm system owner or any user or beneficiary of the alarm system.