

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 29-2004

**AN ORDINANCE AMENDING CHAPTER 45A OF THE
CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED
“ALARMS”**

BE IT ORDAINED by the Township Council, of the Township of Moorestown, in the County of Burlington, State of New Jersey, that:

Section 1. The following Sections in Chapter 45A shall be deleted and replaced with the following language:

Article 1, Fire Alarms [Adopted 2-13-1989 by Ord. No. 1444-89]

45A-1. Findings; need

Numerous persons currently transmit fire alarms to the Township by one or more various means referred to as “systems” in this Article. By transmitting fire alarms to the Township, such persons engage in a relation with the Township, which relation imposes reciprocal duties, responsibilities and obligations on such persons. The number of false alarms transmitted by these fire alarm systems is troublesome, burdensome and costly to the Township, its fire districts, its volunteer firefighting personnel and its taxpayers. A need exists to curtail such false alarms. Local regulation by way of this Article will serve to do so.

45A-2. Purpose

The purpose of this Article is to provide for regulation of the installation, operation and maintenance of certain fire alarm systems within the Township, to regulate related conduct, to provide for enforcement and to provide administrative charges and other effective sanctions for false alarms and penalties for violations of this Article.

45A-3. Definitions

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

APPROVED CENTRAL STATION – An independent alarm-monitoring system which has not been disapproved by the respective fire district as capable of verifying alarms, identifying actual fire alarms and distinguishing them from noise, movement, radiation, other kinds of emanations and signals and other kinds of alarms, and which has agreed in writing with the enforcing agency to retransmit only verified fire alarms and only to the fire communications central dispatch.

AUDIBLE ALARM – A device which emits an audible signal from the premises the device is designed to protect.

CENTRAL STATION ALARM – A device connected to an independent alarm monitoring firm or entity and requiring further telephone communication for fire response.

DIRECT DIAL ALARM – A device which, when actuated, causes a recorded message to be transmitted, vial telephone, to the Township’s designated fire communications central dispatch requesting fire response.

ENFORCING AGENCY – The agency set forth in 45A-4 of this Article.

FALSE ALARM – Either a signal, message or warning transmitted to the Township’s fire communications central dispatch, indicating a fire condition; or an emission of an audible, visual or electronic transmission of any signal, message or warning intended to summon the services of township fire fighting personnel or apparatus, which signal, message or warning is activated by a cause other than one for which the transmitting system is specifically designed to respond, at a time when no fire exists.

FIRE ALARM SERVICE COMPANY – performs installation, service, repair and/ or maintenance on a fire alarm system and its component parts and is certified by the Division of Fire Safety, State of New Jersey.

FIRE ALARM SYSTEM or SYSTEM or ALARM SYSTEM – Any mechanical, electrical or electronic device which is designed or used for alerting others about the existence of any condition requiring the response of fire personnel and which emits and/or transmits a signal or message to one of more locations off the premises when actuated. “Alarm systems” include, but are not limited to, direct dial alarms, audible alarms, central station alarms and subscriber alarms.

FIRE COMMUNICATION CENTRAL DISPATCH – The Burlington County Police and Fire Communications Center and such other future facility of facilities as the Township may utilize.

FIRE CHIEF – The duly appointed Chief of the Moorestown Fire Department or the Lenola Fire Company

FIRE DEPARTMENT OFFICER – The duly appointed Line Officer of the Moorestown Fire Department or the Lenola Fire Company.

FIRE DISTRICT – The Moorestown Fire District No. 1 or Moorestown Fire District No. 2, as the case may be.

FIRE OFFICIAL – The duly appointed Fire Official pursuant to township ordinances.

INHABITED – Inhabited by one or more individuals, whether on a continual or an occasional basis, and includes times when no individual is upon or within premises occasionally inhabited.

PERSON – An individual, corporation, partnership or other entity.

POLICE DEPARTMENT – The Township Police Department

TOWNSHIP – The Township of Moorestown in the County of Burlington.

VERIFICATION – The procedure of initiating telephone contact, upon receipt of a fire alarm, with the protected premises to ascertain whether the fire alarm is authentic or is caused by accidental activation or alarm equipment failure or malfunction. If telephone contact by the approved central station with the protected premises cannot be made within four telephone rings, or if telephone contact is made but authentication of a fire alarm cannot be made within 45

seconds, then the approved central station shall immediately retransmit the fire alarm to the fire communications central dispatch. [Added 8-27-1990 by Ord. No. 1543-9-]

45A-4. Enforcement

A. This Article shall be enforced to the extent permitted by law by each of the Boards of Fire Commissioners of Fire District Nos. 1 and 2 within the respective established limits of Fire District Nos. 1 and 2. The enforcing agency within each fire district shall be the **Division of Fire Prevention, Fire District No. 1 and Bureau of Fire Prevention, Fire District No. 2** within the limits established by the present boundaries for that fire district.

B. Nothing herein shall preclude lawful enforcement.

45A-5. Registration of new systems; certificate of registration

A. Every person intending to install or cause to be installed, whether upon his premises or upon the premises of another, a fire alarm system within the Township shall file with the applicable enforcing agency, upon a form provided by the enforcing agency, an application for a certificate of registration for the fire alarm system. Each application shall include at least the following information and such additional information as the enforcing agency may prescribe:

- (1) The name, street address, mailing address and telephone number of the applicant.
- (2) If the applicant is an incorporated or unincorporated entity, the name, street address, mailing address and telephone number of the employee responsible for the installation and maintenance of the fire alarm system.
- (3) A description of the place where the fire alarm system is to be installed, including the street address and the location within the building.
- (4) The name, address and telephone number of the person who will install the fire alarm system.
- (5) The name, address and telephone number of the person who will maintain and service the fire alarm system. A copy of every service agreement and every maintenance agreement shall be furnished to the enforcing agency before a certificate of registration will be issued.
- (6) The name, residential addresses and residential telephone numbers of at least two persons who will be respond upon notification to alarms outside of usual business hours.

B. The certificate of registration for the system will be issued by the enforcing agency when the following items in Subsection B(1), (2), and (3) have been delivered to the enforcing agency and Subsection B(4) shall have been completed:

- (1) Evidence of approval of the application or evidence of a construction permit issued for the relevant building by the Township Construction Official.

- (2) A certificate from the installer of the fire alarm system that the components and the system are listed by a recognized agency; the components are compatible with each other; the system has been properly installed and tested by certified technicians; the system is functioning properly in all respects; and the installer has a maintenance or service contract with the owner of the system. A copy of the contract shall have been furnished as provided in Subsection A(5) hereof.
- (3) A written agreement by the owner of the system with the enforcing agency that the owner will properly maintain the system or, upon proper order of the enforcing agency, disconnect the portion of the system which transmits any fire alarm beyond the owner's premises, and keep in force a valid maintenance or service contract with a **New Jersey Division of Fire Safety Certified fire alarm service company.**
- (4) Review and approval of the system plans, operation and installation by the enforcing agency.
- (5) **Documentation that all competent staff and family members have been trained by the fire alarm installer in the operation of the fire alarm system including knowledge of key pad entry codes, passwords, restoring or resetting the system after an alarm, procedures for placing the system in test and precautions to avoid a false alarm.**
- (6) **Proof of an active telephone land line at the protected premises separate from any telephone circuit utilized for transmitting alarm signals.**
- (7) **Effective March 1, 2004, all persons engaged in the installation or service of fire alarm systems, kitchen fire suppression systems, fire sprinkler systems and special hazard fire suppression systems shall be certified pursuant to the provisions of N.J.A.C. 5:73-2.3(d).**
- (8) **Every fire alarm system installer, contractor, alarm service company or licensed electrician maintaining fire alarm systems in the Township of Moorestown shall provide, to the respective enforcing agencies, a list of systems maintained in accordance with section 45A-5(D). Said list shall include the name and address of the customer, the name of the monitoring company and the last date on which the system received its annual service. Said list shall be provided on or before January 31st of each year.**

C. A fire alarm system, its components and devices that are installed, maintained and monitored in accordance with the applicable standards published by the National Fire Protection Association, as are approved by the enforcing agency, may be deemed by the enforcing agency to be in compliance with the requirements for certification if it complies in all other respects with this Article.

D. Failure to have and keep in force a valid maintenance or service contract shall be cause for the enforcing agency to cancel or withdraw a certificate of registration.

45A-6. Existing fire alarm systems –

A. This Article applies with equal force and effect to **all** fire alarm systems which have been **or will be** installed, operated or otherwise placed in service **within the Township effective from the date of this Article's adoption.**

B. Neither an application nor a certificate of registration **or adherence to the regulations adopted** herein is required for any existing fire alarm system, except as follows:

- (1) A fire alarm system in an inhabited building upon and after the receipt of the first false alarm **which does not meet the regulations as adopted herein.** The application for a certificate of registration shall be filed with the applicable enforcing agency **in accordance with the requirements of this Article**
- (2) A fire alarm system which is to be expanded, reduced, modified or replaced.
- (3) A fire alarm system in an existing building or other structure, including all dwelling occupancies, prior to the transfer of ownership or title. The timely application shall be the responsibility of both the transferor and the transferee and shall also be a condition of continuing occupancy.
- (4) A fire alarm system which is required to be maintained in vacant or otherwise non-inhabited structures as provided in the New Jersey Uniform Construction Code (N.J.A.C 5:23-3.14) or the New Jersey Uniform Fire Prevention Code (N.J.A.C 5:18-3.1)

45A-7. Powers and duties of enforcing agency

The enforcing agency shall:

A. Be responsible for the administration and enforcement of this Article, including making reasonable on site inspections and examinations of buildings and other premises.

B. Develop and promulgate regulations for the installation, maintenance, service and monitoring of fire alarm systems.

C. Develop and promulgate regulations for the operation of fire alarm system during construction, renovation, alteration and repair to the premises at and for which they are located.

D. Review and approve plans and specifications for the fire alarm systems and their installations, after such plans have been reviewed and approved by Township Fire Sub-code Official.

E. Pass on applications for and to issue certificates of registration for fire alarm systems.

F. Issue such oral and written orders as are necessary to carry out the provisions of this Article.

G. Make, keep and maintain records of all fire alarm systems, applications and certificates of registration, false alarms, regulations and changes in regulations, orders issued and similar information necessary or useful to the administration of this Article.

H. Investigate and ascertain the causes of all false fire alarms and maintain records of the same.

I. Bill for, pursue and receive payment of administrative charges.

J. Establish criteria for the approval of central stations.

K. Have discretion, in the event an investigation discloses a failure by the fire alarm system owner to take timely and appropriate remedial steps to avoid further false alarms or his disregard of related lawful orders of the enforcing agency, after explicit written notice, **hand delivered**, to the fire alarm system owner, or, in the event that the owner is not present at the property, to such other person as is in occupancy of the property, including the **operator in control, in accordance with the regulations in this Article**, with the consent of the respective Fire Chief, that the respective Fire District not answer further alarms caused by or originating from such fire alarm system.

L. Issue, or cause to be issued, summons to the Municipal Court or such other Court as may have jurisdiction, for failure to comply with the provisions of this Article.

45A-8. Prohibitions

No person shall:

A. Turn in, make, cause or knowingly participate in a false alarm.

B. Fail to make a timely application required by this Article.

C. Own, possess, operate or cause to be operated a fire alarm system for which a certificate of registration has not been issued and is not in good standing, to the extent one is required by this Article.

D. Operate or cause to be operated a fire alarm system:

(1) In a location or manner, or in any other respect, prohibited or not permitted by this Article;

(2) Which has previously transmitted a false alarm from an inhabited building, until re-certified by the enforcing agency upon submission of a completed application;

(3) Which has been expanded, reduced or modified or is a replacement for a prior system, until certified by the enforcing agency upon submission of a completed application;

(4) Whose certificate of registration has been canceled or withdrawn by the enforcing agency;

- (5) Which uses a smoke detector as a sensing device, wholly or partially, and which is designed to transmit (or which in fact transmits) its alarm signal to a destination other than an approved central station.
- (6) **Which uses a carbon monoxide detector to transmit a fire alarm signal to a destination other than the premises at which it is installed.**

E. Fail to comply with a lawful regulation or order of the enforcing agency or fail to pay an administrative charge for a false alarm.

F. Obstruct, hinder, delay or interfere by force with the enforcing agency or its authorized representative in the exercise of any power or the discharge of any function or duty provided by or reasonably implied from this Article.

G. If he or she is the owner or tenant have a possessor right to the subject building or other premises, fail after proper request to permit the enforcing agency or its authorized representative to have prompt entry to such building or other premises for the purpose of lawful inspection or examination pursuant to this Article.

45A-9. Actions upon false alarms

A. Upon the first false alarm during any calendar year, an order to file an application for a certificate of registration **and take corrective action**, in accordance with the provisions of **section 45A-6** this Article, shall be issued and served on the fire alarm system owner (and to any known possessor or operator of the system, or known occupant of the premises of the alarm system, if any of them is other than said owner).

B. Upon the receipt of a second false alarm during a calendar year, an administrative charge shall be payable as provided under 45A-11A hereof, and the enforcing agency shall deliver to the fire alarm system owner (and to any known possessor or operator of the system, or known occupant of the premises of the alarm system, if any of them is other than said owner) a written warning that the subject communicating device may be disconnected upon receipt of any further false alarm or alarms.

C. In the event that **two or more false alarms are received during the same thirty day period, or twice within a twenty four hour period, or the Fire Official, Fire Chief, or Fire Officer in charge may order the disconnection of the transmission apparatus from the particular fire alarm system which has transmitted such false alarms**, provided that the notice procedures set forth in this Article shall have been first complied with.

D. **In the event false alarm investigation reveals that the system does not meet the standards, requirements or regulations prescribed in this Article, the Fire Official, Fire Chief or Fire Officer in charge may order the immediate disconnection of the alarm system from the fire alarm transmission apparatus.**

E. **In the event evidence reveals that the cause of the alarm is the failure of the registrant's, building owner's, tenant's or occupant's alarm company or central monitoring station to take precautions to prevent the transmission of alarms during testing, maintenance, service or installation, the alarm company or monitoring company as identified as the entity responsible for the unwanted false alarm, shall be subject to an administrative charge as provided in section 45A-11 of this Article.**

45A-10. Exceptions

The provisions of this Article shall not apply to:

- A. The general alerting alarms that may be used by fire companies, emergency squads or emergency management agencies to summon responses of their members.
- B. Alarm systems affixed to motor vehicles.
- C. Alarm system installed in public buildings owner by the Township of Moorestown or Moorestown Board of Education [Added 1-28-1991 by Ord. No. 1562-91]

45A-11. Administrative charges [Amended 1-28-1991 by Ord. No. 1562-91]

- A. Single family dwellings and two family dwellings
 - (1) Upon a second false alarm during any calendar year, an administrative charge of **\$50.**
 - (2) Upon a third false alarm during any calendar year, an administrative charge of **\$150.**
 - (3) Upon a fourth false alarm and upon each subsequent false alarm during any calendar year, an administrative change of **\$400.**
- B. All properties, with the exception of those described in 45A-11A;
 - (1) Upon a second false alarm during any calendar year, an administrative charge of **\$200.**
 - (2) Upon a third false alarm during any calendar year, an administrative charge of **\$400.**
 - (3) Upon a fourth false alarm and upon each subsequent false alarm during any calendar year, an administrative charge of **\$600.**
- C. **The administrative charge for alarm companies and central monitoring stations shall be five hundred dollars (\$500) for each occurrence of alarm activations transmitted to the Fire Department in accordance with section 45A-9E during testing, maintenance, service or installation.**

45A-12. Violations and Penalties

- A. Any person violating any provision of this Article shall, upon conviction, be subject to:
 - (1) A fine, the amount of which shall be within the discretion of and shall be fixed by the Municipal Court or other court or judicial officer having appropriate jurisdiction, but which shall in no care be greater in amount than that permitted by N.J.S.A. 40:49-5, an amended and supplemented, and other applicable laws; or

- (2) A period of community service, within the meaning and limits of and as referred to in N.J.S.A. 40:49-5, as mended and supplemented, and other applicable laws; or
- (3) Both such a fine and such a period of community service.

B. All fines and court costs shall be payable to the Clerk of the Township Municipal Court. All fines, exclusive of court costs, assessed as a result of summonses issued by the fire officials or fire inspectors of the respective fire districts will be paid thereafter by the Municipal Court Clerk to the Treasurers of said respective fire districts. All court costs and all fines assessed as a result of summonses issued by anyone else shall be paid to the Township Clerk by the Municipal Court Clerk.

Section 2. In all other respects, Chapter 45A shall remain in full force and effect.

Section 3. Repealer. Any and all other ordinances, inconsistent with any of the terms and provision of this ordinance, are hereby repealed to the extent of such inconsistencies.

Section 4. Severability. In the event that any section, paragraph, clause, term, provision, or part of this ordinance shall be adjudged by a court of competent jurisdiction, to be invalid or unenforceable for any reason, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation, to the section, paragraph, clause, term, provision, or part thereof, directly involved in the controversy, in such judgment shall be rendered.

Section 5. Effective Date. This ordinance shall take effect following final passage, adoption and publication on the earliest date allowed by law.

Section 6. Short Title. This ordinance shall be know as Ordinance 29-2004

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on November 8, 2004. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Council Chambers of Moorestown Township, 111 West Second Street, Moorestown, NJ on December 6, 2004 at 8pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt,
Township Clerk