



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE #16-4**

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH
OF FLORHAM PARK IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING AND REPEALING IN PART CHAPTER 68
“ALARM SYSTEMS” OF THE BOROUGH CODE TO REGULATE FALSE ALARMS
AT INSTITUTIONS OF HIGHER LEARNING**

WHEREAS, the Borough Code presently regulates excessive false alarms, which cause unnecessary and undue hardships upon the Borough’s emergency response services; and

WHEREAS, private alarm systems are no longer connected directly to the Police Department, due to the County’s operation of a county-wide emergency communications network; and

WHEREAS, it is still possible for false alarms to be transmitted to the Borough Police Department or Fire Department, and the Borough Council has deemed it appropriate to revise the Borough Ordinance regarding false alarms; and

WHEREAS, there has been an unprecedented number of false fire alarms at Institutions of Higher Learning located within the Borough of Florham Park; and

WHEREAS, there exists a need for further regulation by the Borough of Florham Park with respect to false alarms at Institutions of Higher Learning.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Florham Park, County of Morris, State of New Jersey, as follows:

SECTION 1. Section 68-1 “Alarm-Monitoring Agreement” and Section 68-2 “Schedule of Charges” of Chapter 68, “Alarm Systems” are hereby deleted in their entirety.

SECTION 2. Section 68-3 “Violations and Penalties” of Chapter 68, “Alarm Systems” is hereby amended to read in its entirety as follows:

A. Any individual who intentionally, willfully, recklessly or maliciously destroys or injures any pole, alarm box, wiring, sensors or any other apparatus of any alarm system located within the Borough, or who willfully or maliciously interferes with the same or any part thereof or who hinders or impedes any of the operations intended to be accomplished thereby or who intentionally or recklessly causes or assists in causing a false alarm or fire, burglary or other emergency to be given in any manner shall, upon conviction thereof before the Municipal Court of the Borough, be punishable as provided in Chapter 1, § 1-16, of this Code.

B. Fees for excessive false alarms (fire, burglar or other).

(1) The owner of any alarm system located within the Borough which transmits more than three false alarms in any one calendar year shall be fined, in accordance with a fee schedule established annually by the Mayor and Council, by the Borough of Florham Park Police or Fire Department, whichever department responded to the alarm. An owner shall not be fined in connection with any false alarms transmitted while an alarm is being repaired or serviced, if prior to the transmission of an alarm, the owner has notified the Police Department of said service or repair.

(2) An alarm company or alarm servicing agency shall be fined, in accordance with a fee schedule established annually by the Mayor and Council for each false alarm that is transmitted in connection with the repair or service of an alarm, unless prior to the transmission of an alarm, the alarm company or alarm servicing agency has notified the Police Department of said service or repair.

(3) If the fine is disputed or is not satisfied within 10 days of receipt of the notice of fine from the Police or Fire Department, a formal summons shall be issued by the Police or Fire Department, and the person or persons in violation of this section shall be prosecuted in the Borough Municipal Court and shall be subject to all penalties set forth in Chapter 1, §1-16, of this Code, in addition to the unpaid fine.

(4) There shall be no waiver of rights under this article because of the Borough's failure to prosecute or decision not to prosecute in any specific instance.

(5) A "false alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation or maintenance, or the negligence, or reckless or intentional act or behavior of the owner or lessee of an alarm system, or his guests, tenants, employees, students or agents.

(a) this shall be determined at the sole discretion of the superior officer on the scene from either the Fire or Police Department

(6) In the instance of false alarms in any building other than a residence, the fine and associated penalties, shall be assessed on the commercial enterprise, college or university.

The fine that shall be assessed for false alarms, as defined in this section, shall be as follows:

Number of Unintentional False Fire Alarms In Calendar Year	Fee to be Assessed
1 to 3	\$ 200
4 to 5	\$ 300
6	\$ 375
7	\$ 500
8	\$ 625
9	\$ 800
10	\$1,000

An additional \$1,000 will be assessed for every unintentional false alarm call made after the 10th unintentional false alarm.

SECTION 3 – All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 4 - If any article, section, subsection, paragraph, phrase or sentence of this ordinance is for any reason declared to be invalid, such declaration shall not affect the remainder of the ordinance.

SECTION 5 - This ordinance shall take effect upon final publication as provided for by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on February 25, 2016 and will be further considered for adoption after Public Hearing held on March 24, 2016 at 7:00 p.m. in the Municipal Building located at 111 Ridgedale Avenue.

INTRODUCED: February 25, 2016

ADOPTED: March 24, 2016

Mark Taylor, Mayor

ATTEST:

Sheila Williams, R.M.C.
Borough Clerk

Certified to be a true and correct copy of an Ordinance adopted by the Governing Body of Florham Park Borough on March 24, 2016

Sheila A. Williams, R.M.C.