

ORDINANCE 09-2022

BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 78 "ALARM SYSTEMS", SECTION 78-6 "FALSE ALARM PENALTIES AND DISCONNECTION EXEMPTIONS" AND SECTION 78-10 "VIOLATIONS AND PENALTIES".

WHEREAS, the Fire Official has recommended the modernization and revamping of the Borough's handling of false fire alarms; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to follow the recommendation of the Fire Official to avoid the overburdening of the Fire and Police Departments in responding to false alarms.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Chapter 78 "Alarm Systems", Section 78-6 "False Alarm Penalties and Disconnection Exemptions" as follows:

(additions are underlined deletions are ~~stricken~~):

Section 78-6 A (1-3) shall be deleted in its entirety and replaced with the following

78-6 False Alarm Penalty and Disconnection; exemptions

A. In the event that an alarm user sustains a false alarm at a single site, the Fire Official shall send a violation notice to the alarm user or proprietor advising that all subsequent false alarms shall be a violation of this code subject to an administrative citation, infraction citation, and/or excessive false alarm fine. Multiple false alarms during a twenty-four-hour period will be considered one false alarm for the purposes of this section. An alarm user, at a single site, will receive one free false alarm per year. If the alarm user changes (e.g., sale of business or residence) the new alarm user will receive one free false alarm during the current year.

1. If it becomes necessary to issue a citation or assess an excessive false alarm fine, the Fire Official shall serve upon the user in person or send a penalty notice to the alarm user by mail. The notice shall include:
 - (a) The date, time and location of the false alarm.
 - (b) The amount of the fine.
 - (c) An explanation of the appeal process.
2. Payment of the false alarm fee must be received within 14 calendar days from the date of delivery as listed on the certified mail return receipt.
3. Penalties for false alarms transmitted from a multifamily residential complex, business, commercial, or industrial premises shall be as follows:

Number of Alarms Within a Calendar Year

1st and 2nd
3rd
4th or More

Penalty

Warning only
Up to \$500
Up to \$1000

Section 78 (b)-(d) shall remain unchanged.

Section 78-10 Violations and Penalties

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to penalties set forth in § 78-6 of this chapter, with the discretion of the Judge and the Municipal Court, or for violations whose penalties are not specifically set forth, to a fine not to exceed ~~\$500~~ \$2000 or by imprisonment in the county jail for a term not to exceed 90 days.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

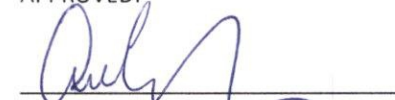
DATE INTRODUCED: May 11, 2022

DATE ADOPTED: May 25, 2022

ATTEST :

APPROVED:


Julie Martin, Municipal Clerk
Date: 5/25/2022


Anthony Talerico, Jr., Mayor
5/25/2022