

**ORDINANCE NO. 2014- 16**

**AN ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE  
BOROUGH OF ELMER, ENTITLED "ALARM SYSTEMS"**

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**WHEREAS**, the Mayor and Council of the Borough of Elmer deem it in the best interest of the Borough to establish a new Chapter of the Code of the Borough of Elmer, entitled "Alarm Systems"; and

**WHEREAS**, the Mayor and Council of the Borough of Elmer find that the establishment of regulations and requirements relating to fire and burglar alarms is an important public concern and is necessary to implement;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Elmer, in the County of Salem and State of New Jersey, as follows:

**CHAPTER "XX"**

**ALARM SYSTEMS**

**Article I. Key Boxes**

**xx.1 Key boxes required.**

- A. Key box requirement. All properties within the Borough of Elmer having an automatic fire alarm system or a fire sprinkler system shall be equipped with a key box. Residential property shall be exempt from this requirement.
- B. Key box type. The key box shall be of UL type and approved by the Borough of Elmer Fire Official. The key box shall be installed in a location approved by the Borough of Elmer Fire Official.
- C. Key box contents. The key boxes shall contain the following:
- (1) Keys to locked points of egress, whether on the interior or exterior of such buildings.
  - (2) Keys to locked mechanical equipment rooms.
  - (3) Keys to locked electrical rooms.
  - (4) Keys to elevator controls.
  - (5) Keys to other areas as directed by the Borough Fire Official.
- D. Time for compliance. All existing buildings shall comply within 12 months of the adoption date of this ordinance. All newly constructed buildings, not yet occupied, or buildings currently under construction shall comply immediately.
- E. Penalties. Any building owner violating this article after notice from the Borough of Elmer Fire Official shall be subject to a fine of \$250.00.

## **Article II. False Alarms**

### **xx.2 Definitions.**

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

#### **AUTOMATIC ALARM DEVICE**

Any alarm system which communicates or transmits alarms or prerecorded messages of intrusion, fire, smoke, flood or other peril as a result of the activation of the system.

#### **ACT OF GOD**

An electrical storm, lightening or other power fluctuation or power surge beyond the control of the alarm system owner.

#### **FALSE ALARM**

Any erroneous or unfounded communication or sound, whether caused by a malfunction of an automatic alarm device, power failure or inadvertence, negligence or intentional or unintentional act of any person, firm or corporation, either directly or indirectly, to a commercial alarm service or to any person causing the communication of peril to the Borough of Elmer Fire and/or Police Department.

#### **PERSON**

Any person, firm, partnership or corporation owning an automatic alarm device within the scope of this article.

#### **PROPERTY OWNER**

Any individual, entity, corporation, tenant or other person having a legal interest in a property having an alarm system.

### **xx.3 False alarms unlawful.**

It is unlawful for a property owner to have more than five (5) false alarms at any one location in any calendar year.

### **xx.4 Investigation; recordkeeping.**

Any person having knowledge of alarm activation shall immediately notify the Borough of Elmer Fire Department and/or Police Department. The Police and/or Fire Department shall cause an investigation to be made of all alarm activations, and a record of same shall be kept on file.

### **xx.5 Prevention.**

It shall be the responsibility of all persons that maintain alarm systems within the Borough to prevent the transmission of false alarms through training programs, periodic inspection and maintenance of the alarm system.

### **xx.6 Violations and penalties.**

A. For fire and burglar alarms, the first through fifth false alarms in one calendar year, the Borough of Elmer Police Chief or Fire Official shall issue warning letters to the property owner, and a record of same shall be kept on file.

B. For each fire and burglar alarm violation thereafter, fines shall be imposed in accordance with the schedule of fines listed in subsection "E" below, plus court costs.

C. Failure to pay a fire alarm penalty will result in a written summons and complaint from the Borough of Elmer Bureau of Fire or the Borough Chief of Police to the violator for adjudication in the Borough of Elmer Municipal Court.

D. False alarm activations determined after investigation by the Police and/or Fire Department to be caused by an act of God shall not be penalized per the violation schedule.

E. Violations and penalties for false burglar and fire alarms during a calendar year shall be imposed in accordance with the schedule of fines below, plus court costs:

- (1) First through fifth: Written warning and no fine.
- (2) On the sixth alarm a penalty of \$300.
- (3) On the seventh alarm a penalty of \$350.
- (4) On the eighth alarm a penalty of \$400.
- (5) On the ninth alarm a penalty of \$450.
- (6) On the tenth alarm a penalty of \$500.
- (7) On the ninth and subsequent alarm a penalty of \$500.

**xx.7 Exceptions.**

The provisions of this article shall not apply to the general alerting alarms that may be used by fire companies, ambulance squads or other municipal agencies to summon response of their members. The provisions of this article shall not apply to alarm systems that are affixed to motor vehicles.

**Section 2.**

**Repealer.**

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

**Section 3.**

**Severability.**

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**When effective.**

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**BOROUGH OF ELMER**

**BY: \_\_\_\_\_  
Joseph Stemberger, Mayor**

**ATTEST:**

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**Beverly S. Richards  
Borough Clerk**

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Schneider	—	—	—	—	—	—
Davis	—	—	—	—	—	—
Nolan	—	—	—	—	—	—
Schalick	—	—	—	—	—	—
Williams	—	—	—	—	—	—
Zee	—	—	—	—	—	—

**NOTICE**

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on May 14, 2014. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on June 11, 2014 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

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Beverly S. Richards  
Borough Clerk

**NOTICE OF ADOPTION**

**OF**

**ORDINANCE NO. 2014-16**

Title:

**AN ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE  
BOROUGH OF ELMER, ENTITLED "ALARM SYSTEMS"  
ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER**

The foregoing named Ordinance was duly adopted at a regular meeting of the Mayor and Borough Council of the Borough of Elmer on June 11, 2014.

Beverly S. Richards, Borough Clerk  
Borough of Elmer