



## Legislation Details (With Text)

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<b>Title:</b>	AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XX OFFENSES, MISCELLANEOUS OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED BY ADDNG A NEW CHAPTER FOR FALSE FIRE ALARMS, ADDING PENALTIES FOR CONTINUOUS VIOLATIONS REGARDING FALSE FIRE ALARMS, ESTABLISHING REGISTRATION FEES FOR COMMERCIAL AND RESIDENTIAL PROPERTIES, AND ESTABLISHING A PROCESS FOR REGISTRATION AND DISTRIBUTION OF FIRE ALARM PERMITS.				
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Date	Ver.	Action By	Action	Result
5/6/2020	1	Municipal Council	Close on Public Hearing and Adopt	Pass
4/21/2020	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

**AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE XX OFFENSES, MISCELLANEOUS OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED BY ADDNG A NEW CHAPTER FOR FALSE FIRE ALARMS, ADDING PENALTIES FOR CONTINUOUS VIOLATIONS REGARDING FALSE FIRE ALARMS, ESTABLISHING REGISTRATION FEES FOR COMMERCIAL AND RESIDENTIAL PROPERTIES, AND ESTABLISHING A PROCESS FOR REGISTRATION AND DISTRIBUTION OF FIRE ALARM PERMITS.**

**WHEREAS**, the Department of Public Safety, Division of Fire wishes to regulate the use of fire alarm systems for commercial, residential and hi-rise buildings owners to comply with maintaining their fire alarm systems and permits to avoid multiple false alarms; and

**WHEREAS**, in the year of 2019 an estimated 2,834 false alarms occurred in the City; and

**WHEREAS**, false fire alarms contribute to the wear and tear of fire apparatus and fuel consumption for non-emergencies; and

**WHEREAS**, false fire alarms leave areas of the City of Newark without fire division coverage for true emergencies; and

**WHEREAS**, the Mayor and Director of the Department of Public Safety believe it is in the best interest of the City to ensure that commercial, residential, and hi-rise locations are complying with fire alarm permits; and

**WHEREAS**, the Municipal Council concurs that it is in the best interest of the City of Newark to adopt this False Fire Alarm and Fire Alarm Permit Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

### **Section 1: PURPOSE**

The purpose of this Chapter is to encourage alarm users and alarm companies to properly use and maintain operational effectiveness of alarm systems in order to prevent and reduce or eliminate false alarms. The Fire Division responds by the use of fire alarm systems by regulating the duration of the sound of the alarm, by preventing unnecessary false alarms and by requiring that such alarms be disconnected promptly when they are malfunctioning.

### **Section 2: DEFINITIONS**

Alarm system: shall mean any equipment of any kind, designed or constructed to signal the occurrence or Alarm user: shall mean a person, firm, partnership, association, corporation, company or organization of any kind in possession or control of any business, building, structure or facility where an alarm system is maintained.

Elevator alarm: shall mean an alarm which automatically selects a telephone trunk line connecting directly to the Fire Division, public safety answering point (PSAP) or emergency services agency with a pre-recorded message alerting of a person or persons trapped in an elevator.

Fire Alarm System: shall mean a system that has a single or a number of devices working together to detect and warn people through visual and audio appliances when smoke, fire, carbon monoxide or other emergencies are present. These alarms may be activated automatically from smoke detectors, and heat detectors or may also be activated via manual fire alarm activation devices such as manual call points or pull stations.

Fire Chief: shall mean the Chief of the Fire Division of the City of Newark or his/her designated representative.

False Alarm: shall mean an alarm eliciting a response by the Fire Division when no evidence of any fire or fire emergency exists after completing a timely investigation of the alarm site.

Keyholder Verification: shall mean an attempt by a monitoring company, or its representative, to contact the alarm site and or alarm user by telephone and or other electronic means, whether or not actual contact with a person is made, to determine whether they are responding to operate codes for the alarm system and has authority to approve repairs and or maintenance to the alarm system.

Lease line system: shall mean an alarm system which provides direct connection by a telephone lease line from a specific location to an alarm register with a visible or audible signal.

License: shall mean a license issued by the State of New Jersey to an alarm installation company or monitoring company to sell, install, monitor, repair or replace alarm systems.

Monitoring: shall mean the process by which a monitoring company receives alarm signals and alarm system condition signals from alarm systems and relays alarm notifications to the Newark Fire Division and to other emergency response agencies.

Tape dialer system: shall mean an alarm which automatically selects a telephone trunk line and then reproduces a pre-recorded message to a special telephone device rather than to the alarm panel or alarm register.

Telephone call system: shall mean an alarm system that automatically alerts a person, beyond the limits of the property served, who is engaged in the business of relaying information by telephone to the Fire Division or reacting independently of the Fire Division.

### **Section 3: DURATION OF ALARM**

No Fire Alarm and or Fire Alarm System or device shall be maintained and allowed to emit a sound from any business, building, structure or facility which does not deactivate within thirty (30) minutes after being activated, nor shall it be allowed to emit sound intermittently for any period in excess of a total of thirty (30) minutes after being activated.

For the first occurrence, the Newark Fire Division and or its representative shall notify the alarm user in writing that his/her alarm did not deactivate after thirty (30) minutes. For the second occurrence, the Newark Fire Division and or its representative, shall: (1) notify the alarm user in writing that his/her alarm did not deactivate after thirty (30) minutes (2) notify the alarm user in writing that he/she is in violation of this Section (3) the owner or alarm user shall be required to submit to the Newark Fire Division and or its representatives, within (72) hours, evidence that he/she has taken the necessary steps to correct the Fire Alarm or Fire Alarm System and comply with this Section and (4) the owner or alarm user shall receive a summons and complaint for a violation of this Section. Upon a third occurrence of a Fire Alarm emitting sound for over thirty (30) minutes, the owner or alarm user shall receive a summons and complaint for a violation of this Section.

### **Section 4: TYPE OF SOUND**

An alarm may utilize a bell, horn, siren or other noise-making instrument located on the property where the device is installed.

### **Section 5: FALSE ALARMS**

In the event within one (1) year of a second Fire Alarm emitting a sound or message resulting in a response by the Newark Fire Division when a situation requiring a response by firefighting personnel does not in fact exist, the owner or alarm user shall be notified by the Newark Fire Division and or its representatives to complete a written report to the Newark Fire Division setting forth: (1) the cause of the false alarm if known (2) the corrective action taken (3) whether the alarm system has been inspected by an alarm service company and (4) such other information as the Newark Fire Division and or its representatives may reasonably require. The owner or alarm user's failure to return this report shall be a violation of this Section.

It shall be a violation of this Section for the owner or alarm user to allow two (2) false alarms within twelve (12) months.

## **Section 6: TELEPHONE LINE CONNECTIONS**

No tape dialer system or lease line system shall be connected to any Fire Division telephone line without the express permission of the Director of Public Safety of the City of Newark and without complying with the regulations promulgated by his/her office.

## **Section 7: REGISTRATION**

The owner or alarm user of any Fire Alarm and or Fire Alarm System or device at any premises in the City of Newark shall provide to the Director of Public Safety of the City of Newark the names and telephone numbers of at least three (3) persons who can respond to the premises where the alarm occurred at any time with the keys to the premises and the alarm system; and, possesses sufficient information to identify the type of alarm system, the location of the alarm system and the location of any other defensive system or systems on the premises as well as any other information required by the Director of Public Safety of the City of Newark and its regulations.

## **Section 8: PERMITS**

Upon complying with the registration requirements of this chapter, a permit shall be issued to the owner and or alarm user by the Division of Tax Abatement and Special Taxes for the alarm system for each property, business, building or other facility and no permit shall be transferred or assigned.

An annual fee of fifty (\$50.00) dollars shall be charged for each permit. However, owner occupied one (1) to three (3) family residential units shall be exempt from the annual fee requirement.

It shall be a violation of this chapter to install or use a Fire Alarm or Fire Alarm System without a permit issued pursuant to this Section.

## **Section 9: REVOCATION OF PERMIT**

Any permits issued pursuant to this chapter may be revoked or suspended by the Manager of the Division of Tax abatement and Special Taxes after a hearing for good cause shown.

## **Section 10: APPEALS**

Any person aggrieved by the action of the Manager of the Division of Tax Abatement and Special Taxes in respect to the operation of any alarm equipment shall have the right to appeal to the Business Administrator of the City of Newark. The appeal shall be taken by the filing with the Administrator within fourteen (14) days, after the notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for appeal. The Administrator shall set a time and place for a hearing on the appeal, and notice of the hearing shall be given to the appellant by certified mail to his/her last known address at least five (5) days prior to the date set for the hearing. The decision of the Manager shall be affirmed, modified or reversed and the reasons therefor shall be set forth in a decision that shall be sent to the appellant.

## **Section 11: ISSUANCE OF REGULATIONS**

The Director of Public Safety of the City of Newark is authorized and empowered to issue such

regulations as he/she may deem reasonably necessary to carry out the purpose of this chapter, insure the proper function of private alarm systems and provide for the safety and convenience of the Fire Division, other responding emergency units, and the public. Such regulations shall be in writing and shall be given to each registrant at the time of the acceptance of his/her registration or at the time of the amendment thereof. It shall be a violation of this chapter to violate the regulations of the Director of Public Safety of the City of Newark.

### **Section 12: DISCLAIMER**

Neither the City of Newark nor its agents or employees assume any obligation whatsoever concerning the adequacy, operation or maintenance of any private alarm system. Neither the City of Newark nor its agents or employees assume any liability whatsoever for any failure of any private alarm system, failure to respond to any such alarm system, or for any omission or commission relating to any such alarm system.

### **Section 13: PENALTY**

Any person found to be violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not to exceed one thousand (\$1,000.00) dollars or by imprisonment for a term not to exceed ninety (90) days or both.

1st Offense: "No Fee"

2nd Offense: \$100.00

3rd Offense \$200.00

4th Offense \$300.00

5th Offense \$450.00

6th Offense \$600.00

7th Offense \$750.00

\*additional false alarms will continue at a rate of \$150.00 increase per offense not to exceed one thousand (\$1,000.00) dollars

**SECTION 14:** This Ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey.

## **STATEMENT**

This ordinance amends and supplements Title XX Offenses, Miscellaneous of the Revised Ordinances of the City of Newark, New Jersey 2000, as amended and supplemented, by adding a new chapter for False Fire Alarms, adding penalties for continuous violations regarding False Fire Alarms, establishing Registration Fees for commercial and residential properties, and establishing a process for the Registration and Distribution of Fire Alarm Permits.