

# **EMERGENCY ALARM SYSTEMS**

## **CHAPTER 15.**

### **EMERGENCY ALARM SYSTEMS.**

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## **Article 1. General.**

### **Sec. 15-1. Findings and declarations.**

The town council of the Town of Westfield hereby finds and declares that:

(a) Alarm systems and devices to detect and report emergencies such as burglary and fire have been installed in numerous residential, commercial and industrial premises in the town.

(b) Many alarm businesses have contracted with the owners and occupants of premises in the town for the sale or leasing, installation, operation and maintenance of private alarm systems, which contracts provide for the connection of the private alarm systems to central alarm panels in the town police headquarters serving both the fire and police departments and other alarm business and property owners and occupants have installed other types of alarm systems.

(c) The police department and fire department have experienced numerous false alarms which are a drain on manpower and a danger to those responding.

(d) Unless the various systems and devices of the many alarm businesses and individual property owners and occupants are uniformly regulated, there will be an unnecessary drain on the manpower, time, space facilities and finances of the town and its fire and police departments; deterioration of the quality of, and inefficiency in, the service to persons subscribing to the alarm services; and confusion or inequities among the alarm businesses and persons and businesses protected by these devices in the town.

(e) The public interest, therefore, requires the enactment of standards, procedures and regulations to control the use of private emergency alarm systems and devices in the town.

(G.O. No. 1315, § 1.)

### **Sec. 15-2. Purpose.**

The purpose of this chapter is to provide standards, procedures and regulations for various types of burglar, fire and other private alarm systems or warning devices which require a response by the police department, fire department or other town agency. (G.O. No. 1315, § 1.)

### **Sec. 15-3. Scope.**

The provisions of this chapter shall apply to any person, other than municipal agencies, who operates, maintains or owns any private alarm system or warning device designed to summon the police, fire department or other town agency to any location in response to the signal of any type of emergency alarm. This chapter shall not be construed to prohibit alarm companies from providing alarm services to other offices within or without the town so long as such services are not connected to the central alarm panel at the police headquarters. No person shall have premises protected by a private

alarm system or warning device unless the alarm system or warning device is registered in accordance with this chapter. (G.O. No. 1315, § 1.)

**Sec. 15-4. Definitions.**

As used in this chapter, the following terms shall include the meanings given herein:

*Alarm business* shall mean any business operated by any person, partnership, corporation, or other entity which for profit engages in, manages, conducts or performs any of the following activities: installing, leasing, connecting, maintaining, adjusting, arranging, repairing, replacing, selling, moving, servicing, or programming a private alarm system, or responding to or monitoring such system, or which causes any of these activities to take place or solicits for same.

*Alarm business license* shall mean a license issued by the chief of police, permitting a person, partnership, corporation, or other entity to engage in, carry on, perform, manage, conduct or solicit for an alarm business within the boundaries of the Town of Westfield.

*Alarm installer* shall mean any natural person whether he is the owner or principal of an alarm business or employed thereby, who solicits, sells, installs, leases, connects, arranges, maintains, services, repairs, replaces, adjusts, inspects, moves, or programs any private alarm system within the borders of the Town of Westfield.

*Alarm installer's license* shall mean a license issued by the chief of police, permitting a natural person to solicit, install, connect, arrange, maintain, service, repair, replace, adjust, inspect, move, or program any private alarm system in any building, place or premises in the Town of Westfield or lease or sell such equipment within the Town of Westfield.

*Alarm panel* shall mean the component of the communications console in the town police headquarters which indicates the existence of an emergency.

*Audible alarm* shall mean any device installed to service an improved property and designed to sound an alarm by a bell, horn, siren, or other noise making instrument located upon the property where the device is installed and audible beyond the limits of the property in the event of the presence of fire, smoke or similar hazards, unauthorized entry, the commission of an unlawful act or a similar emergency.

*Communications console* shall mean the console or control panel located in the town police headquarters which gives either visible and/or audible indications of alarms.

*False alarm* shall mean the actuation of an alarm system or warning device by causes other than those to which the alarm system or warning device was designated or intended to respond, or the testing of alarms required by law or practice without prior notice to the police department.

*Licensee* shall mean the person obtaining the license to install, operate and maintain the alarm panel in the police headquarters.

*Permittee* shall mean any person owning or leasing a private alarm system and holding a permit issued pursuant to this chapter to (a) connect said system to the alarm panel; or (b) to a special telephone; or (c) to a central answering office; or (d) having a local alarm system.

*Person* includes any partnership, corporation or association, or any other legal entity, as well as a natural person.

*Private alarm system* shall mean any system installed to serve an improved property and designed or used for detection of fire, smoke or similar hazards, the detection of unauthorized entry, the commission of an unlawful act, or the detection of any one or more of the foregoing, or for reporting any emergency, which system causes an audible alarm and/or communicates or causes the communication of information to the alarm panel in the town police headquarters or to the police by telephone. A private alarm system includes, but is not limited to, any one of the following types:

(a) *Local alarm system* which sounds an audible alarm but is not connected to the alarm panel at police headquarters and does not alert persons beyond the limits of the property by telephone or other means except by sound of the alarm.

(b) *Lease line system* which provides direct connection by a telephone lease line from a specific location to the alarm panel with a visible or audible signal.

(c) *Tape dialer system* which automatically selects a telephone trunk line and then reproduces a prerecorded message to a special police telephone rather than to the alarm panel.

(d) *Telephone call system* which automatically alerts a person, beyond the limits of the property served, who is engaged in the business of relaying information by telephone to the town police department or fire department or reacting independently of the police or fire department.

(G.O. No. 1315, § 1.)

## **Article II. Licensing of Alarm Businesses or Installers of Alarm Systems.**

### **Sec. 15-5. License required by alarm business – Forms; qualifications, etc.**

(a) License required. No person shall engage in, solicit, manage, conduct, perform or carry on the business of installing, monitoring, responding to, connecting, maintaining, repairing, servicing, arranging, adjusting, replacing, moving or programming any private alarm system, equipment or device designed to summon or notify the police department, fire department, neighbors or a private security service and no person shall sell or lease systems, equipment or devices for such purpose and intended to be installed in any building, place or premises in the Town of Westfield, without first having obtained a license for that purpose from the police chief. Such license shall be known as the “Alarm Business License.” Such license shall be for a term of one year and shall be renewable annually on October 1 of each year and shall not be transferable.

(b) To whom issued. Alarm business licenses shall be issued only to the following who have satisfied all requirements of this chapter:

(1) Individual citizens of the United States operating as a sole proprietorship or as a partnership who have been residents of the state for at least one year at the time of applying for the license, and who are at least eighteen years of age and of good moral character.

(2) Corporations incorporated or registered to do business in the State of New Jersey.

(c) Application for license; form and content. Application for an alarm business license shall be made in writing in duplicate to the chief of police on forms supplied by the police department on or before September 1 in each year for approval by October 1,

shall be signed by the applicant, and shall be accompanied by the license fee and processing fee required by this article and all other documents required by this article, and shall contain the following information:

(1) Name, business address, home address, business telephone number, residence telephone number, and age, of an individual owner or of all partners and of the alarm business, if different, the trade name of the alarm business, if any, and if a corporation, the state of incorporation, name, trade name of the alarm business, if any, business address, business telephone of the alarm business and of the officers, manager, and stockholders of the corporation owning more than ten percent of the stock of the corporation.

(2) The name, address, and telephone number of the insurance agent and insurance company that will provide the required insurance coverage.

(3) Names of all current employees.

(4) For each vehicle to be used in the business, the name of manufacturer, body type, year, serial number, color, bill of sale number, state registration number and license number.

(5) For each individual owner or partner and in cases where a corporation is the applicant, its president, manager and each stockholder holding ten percent or more of the capital stock of such corporation, a statement whether or not such persons have been convicted of a crime, and if so the nature of the offense, where convicted, and the date of each such conviction.

(6) A description of services to be offered by the applicant if the license is granted.

(7) Such further information as may be required by the police chief from time to time.

Each application for an alarm business license shall be accompanied by a certificate of insurance from a company licensed to do business in the State of New Jersey, showing evidence of public liability insurance in the amount of at least one million dollars. Each initial application shall be accompanied by a non-refundable fee of twenty dollars to cover the costs involved in processing the application and investigation of the applicant. No such fee shall be required for renewals of the license. This fee is in addition to the license fee required.

Each application shall also be accompanied by the appropriate license fee, which shall be refundable if the license is not granted.

(d) Prerequisites. After completing and submitting the application as aforesaid, the following prerequisites shall be required before a license may be issued:

(1) Fingerprinting. Every individual owner, or partner, and in cases where a corporation is the applicant, its president, manager, and each stockholder holding ten percent or more of the capital stock of such corporation, applying for an alarm business license shall be fingerprinted by the police department as a prerequisite to the approval and issuance of such license by the chief of police. In the event that a records check shows that any such person has been convicted of any crime involving a sex offense of any kind, larceny of any degree or any other crime equivalent to a crime of the third degree or greater under New Jersey law, in this state or in any other state or territory of the United States, the police chief shall refuse to issue an alarm business license to such individual applicant or corporate applicant and shall revoke same, after a hearing, upon

the presentation of evidence of a prior or subsequent conviction of any such criminal offense.

(2) Compliance with all other provisions of this chapter.

(e) Form and contents of license. The license shall be in writing, numbered, in duplicate, and signed by the police chief, on a form provided by the town, and shall for each such license contain the following information: Name, trade name, if any, business address, business telephone of the alarm business, number of the license; the name of the company supplying insurance coverage, the policy number, and the name, address, and telephone number of the insurance agent.

(f) By who issued. Alarm business license or any renewal thereof shall be issued by the police chief only after compliance by the applicant with all the requirements of this chapter, including the payment of the required fee.

One copy of the alarm business license when issued shall be retained by the police chief. The applicant shall receive the original.

(g) Renewal of license. All applications for renewal of an alarm business license shall be on the same form as the initial application and be filed with the police chief at least one month before the expiration date of the license being renewed. Fingerprinting shall not be required on a renewal if there has been no change in the persons required by section 15-5 (c)(1) to be listed on the initial application.

(h) Duty of police chief. Within sixty days after the filing of an application for a license, the police chief, or his designated representative, shall notify the applicant of his decision to approve or deny the application.

No application shall be denied by the police chief, unless he determines that the applicant or any owner, partner, or manager of the applicant, or in the case of a corporation, any officer, manager or stockholder holding more than ten percent of the capital stock of the corporation, has a record of criminal convictions of the nature set forth herein, has made a materially false statement in the application, has failed to comply with any other provisions of this chapter, has failed to pay the required fee, or for other just cause. The reason for the denial shall be specified in the notification to the applicant.

(i) Appeal of denial. If an applicant has been denied approval, the applicant may appeal the denial to the mayor and council of the Town of Westfield by filing a letter which shall constitute the notice of appeal with the town clerk within ten days after receipt of the notice of denial. Said notice of appeal shall specify the grounds upon which the applicant relies in contending the denial was an error, and shall have annexed to it the written denial from the chief of police. No hearing shall be held, but the mayor and council of the Town of Westfield shall, within thirty days, review the letter notice of appeal and the denial notice and render a decision on said records. If the mayor and council of the Town of Westfield desire to review any other documents, they shall request same in writing and shall notify both the denied applicant and the chief of police of said request.

(j) Continuation of business. Any person, partnership, corporation, or other entity conducting an alarm business in the Town of Westfield on the effective date of this chapter may continue to do business while its application for a license is being processed, but shall cease and desist from doing business upon receipt of a notice of denial of its application for a license. Such application shall be made within thirty days of the effective date of this chapter.

(k) Indemnity. For any such license granted hereunder, the licensee shall assume all liability and agree to indemnify and save harmless the Town of Westfield, its agents and employees, and the Westfield Police Department from any liability in connection with the operation of the alarm business.

(l) Applicability. The provisions of this section shall not be applicable to the property owner or occupant who installs an alarm system in the property he owns or occupies. (G.O. No. 1315, § 1.)

**Sec. 15-6. License required by alarm system installer – Form; qualifications, etc.**

(a) License required. No natural person shall install, monitor, respond to connect, maintain, repair, service, arrange, adjust, replace, move or program any private alarm system, equipment or device designed to summon or notify the police department, fire department, neighbors or a private security service and no person shall solicit for any of the above, or sell or lease systems, equipment or devices for such purpose and intended to be installed in any building, place or premises in the Town of Westfield, without first having obtained a license for that purpose from the police chief. Such license shall be known as the “Alarm Installers License.” Such license shall be for a term of one year from the date of issue and shall be renewable annually and shall not be transferable.

(b) To whom issued. Each applicant for an alarm installer’s license must be at least eighteen years of age, must be of good moral character, and shall have satisfied all the other requirements of this chapter, including the payment of the required fee.

(c) Application for license; form and content. All applications for an alarm installer’s license shall be made in writing, in duplicate, to the chief of police on forms supplied by the police department, shall be signed by the applicant and shall contain the following information:

(1) Full name and present address and telephone number of the applicant, the residence of the applicant for the past year, his age, the number of his state driver’s license, the details of any service in the armed forces together with the date and nature of discharge therefrom, social security number, date of birth, place of birth, sex, marital status, identifying physical characteristics, and the recommendation of two residents of the state who have known him for at least one year prior to the date of making such application.

(2) The licensed alarm business or businesses where the applicant is employed and such employer shall endorse the application.

(3) A statement as to whether or not the applicant has been convicted of a crime in this or any other state, and if so, the nature of the offense, where convicted, and the date of such conviction.

Each application for an alarm installer’s license shall be accompanied by two recent photographs of the applicant of a size one and one-half inches by one and one-half inches. Each application shall be accompanied by the license fee required by this chapter.

(d) Prerequisites. After completing and submitting the application as aforesaid, the following prerequisites shall be required before a license may be issued:

(1) Fingerprinting. Every applicant for an alarm installer’s license shall be fingerprinted by the police department. Upon refusal of such applicant to be fingerprinted, the police chief shall refuse to license the applicant. In the event of a

records check shows that such person has been convicted of a crime involving a sexual offense of any kind, larceny of any degree, or any other crime equivalent to a crime of the third degree or greater under New Jersey law, in this state or any other state or territory of the United States, the police chief shall refuse to issue an alarm installer's license to such person and shall revoke same after a hearing upon the presentation of evidence of a prior or subsequent conviction of any such criminal offense.

(2) Compliance with all other provisions of this chapter.

(e) Form and contents of license. The license shall be in writing, numbered, in triplicate, and signed by the police chief on a form provided by the town, and shall contain the following information: Photograph supplied (on the original and one copy), name, address, alarm business by whom employed, and badge number. The license issued to the installer shall be in the form of a badge or identification tag.

(f) By who issued. Alarm installer's license or any renewal thereof shall be issued by the police chief only after compliance by the applicant with all the requirements of this chapter including the payment of the required fee.

(g) Where displayed. The badge or identification tag license when issued to the installer shall be kept on the person of the installer at all times when engaged in work in the town. A copy shall be retained by the police chief. The other copy of the installer license (which shall not include a picture) shall be forwarded to the alarm business by whom the installer is employed and kept on file by the owner of such business.

(h) Renewal of license. All applications for renewal of an alarm installer's license shall be in the same form as the initial application and filed with the chief at least one month before the expiration date of the license being renewed.

Photographs and fingerprinting shall no be required if already supplied.

(i) Change of address or employment. After the issuance of such license, each licensee and the owner of the employing alarm business shall within three days from the effective date of such change, notify the police chief in writing of any change of address from that given in the application for license or any change of employment.

(j) Duty of police chief. Within thirty days after the filing of an application for a license, the police chief, or his designated representative, shall notify the applicant of his decision to approve or deny the application.

No application shall be denied by the police chief, unless he determines that the applicant has a record of criminal convictions of the nature set forth herein, has made a materially false statement in the application, has failed to comply with any other provisions of this chapter, has failed to pay the required fee, or for other just cause. The reason for the denial shall be specified in the notification to the applicant.

(k) Appeal of denial. If an applicant has been denied approval, the applicant may appeal the denial to the mayor and council of the Town of Westfield by filing a letter which shall constitute the notice of appeal with the town clerk within ten days after receipt of the notice of denial. Said notice of appeal shall specify the grounds upon which the applicant relies in contending the denial was an error, and shall have annexed to it the written denial from the chief of police. No hearing shall be held, but the mayor and council of the Town of Westfield shall, within thirty days, review the letter notice of appeal and the denial notice and render a decision on said records. If the mayor and council of the Town of Westfield desire to review any other documents, they shall

request same in writing and shall notify both the denied applicant and the chief of police of said request.

(l) Continuation of employment. Any person employed as an alarm installer as defined herein, in the Town of Westfield on the effective date of this chapter, may continue to be so employed while his application for a license is being processed, but shall cease and desist from doing work upon receipt of denial of his application for a license. Such application shall be made within thirty days of the effective date of this chapter.

(m) Indemnity. For any such license granted hereunder, the licensee shall assume all liability and agree to indemnify and save harmless the town of Westfield, its agents and employees, and the Westfield Police Department from any liability in connection with the installation or operation of any alarm system installed by him.

(n) Applicability. The provisions of this section shall not be applicable to the property owner or occupant who installs an alarm system in the property he owns or occupies. (G.O. No. 1315, § 1.)

### **Sec. 15-7. License fees.**

The fees for the insurance of licenses required by this chapter shall be as follows:

(a) For each alarm business license, the sum of fifty dollars, for the period from the first day of October in any year to the thirtieth day of September in the following year, or any part of said period, except in the case of any alarm business license issued on or after the thirty-first day of March of each year hereafter, only one-half of the above fees shall be paid. If the license is not granted, the fee will be refunded.

(b) For each alarm installer's license, the sum of ten dollars annually. If the license is not granted, the fee will be refunded.  
(G.O. No. 1315, § 1.)

### **Sec. 15-7.1. Installation of alarm system by owner or occupant of premises – Exception to license requirement.**

The owner or occupant of premises shall have the right to personally install, connect, arrange, maintain, adjust, repair, replace, move, service or inspect any emergency alarm system in such premises without obtaining a license as an alarm installer or alarm business to do so, provided such person does the work himself. (G.O. No. 1320, § 1.)

## **Article III. Alarm Panel.**

### **Sec. 15-8. Alarm panel license.**

(a) There is hereby established an alarm panel license, which shall be granted upon recommendation of the town council in accordance with section 15-9.

(b) Except for use by the Westfield Police Department, the licensee shall have exclusive use and control of the alarm panel in the communications console in the police headquarters as provided in the specifications for the alarm panel. The licensee shall be responsible, at no cost to the Town of Westfield, for the furnishing, installing, operating

and maintaining of the alarm panel which shall contain the equipment approved by the town council. The licensee shall, at no cost to the town, locate said panel and, if necessary, relocate said panel under the supervision of the chief of the police department or his designee.

(G.O. No. 1315, § 1.)

**Sec. 15-9. Alarm panel license; procedures and requirements for issuance.**

(a) Specifications. The chief of police shall prepare written specifications covering the alarm panel.

(b) Qualifications. Persons desiring to bid for said license shall complete and submit the qualifications questionnaire attached to the bid proposal. Proposals that are not accompanied by a completed qualifications questionnaire shall be rejected. The questionnaire shall include the following information concerning the bidder's ability to comply with the requirements of this chapter and the "Local Public Contracts Law":

(1) Financial and personal references;

(2) The location of the bidder's office or service facility in the town or at a location nearby which will permit the licensee or his representative to reach the police department with service personnel in less than one hour after notification by the police department;

(3) The personnel available to service said equipment on a 24-hour basis; and

(4) A list of the equipment conforming to the bid specifications.

(c) Advertisement for bids. Upon adoption of this chapter and thereafter when any existing license is about to expire, the town council shall authorize the town clerk to publish an advertisement inviting sealed proposals for the installation, operation, and maintenance of the alarm panel in accordance with the provisions of this chapter and of the specifications.

(d) Submission of proposals. The proposals shall be in the form prescribed by the specifications and shall include, but not be limited to, the following:

(1) A description of the alarm panel to be installed.

(2) A guaranty that the licensee will complete the installation and have it in working order on or before the date stated in the specifications.

(3) A deposit of ten thousand dollars in cash or by certified cashier's check or by approved bid bond to guarantee installation in good working order within the specified time, or in default thereof, to reimburse the town for damages incurred, including expense of maintenance of any temporary alarm system the town deems necessary.

(4) A certificate of consent of a surety company licensed to transact business in the State of New Jersey, to issue a ten thousand dollar non-cancellable performance bond to guarantee performance of the contract by the successful bidder during the term of the license.

(5) A certificate by an insurance company licensed to transact business in the State of New Jersey agreeing to issue an annual, non-cancellable comprehensive general liability insurance policy (including contractual and product liability) in the minimum amount of three hundred thousand dollars per person and five hundred thousand dollars per occurrence for bodily injury, and one hundred thousand dollars for property damage.

(6) The amounts to be charged to permittees, but not in excess of an installation fee of one hundred dollars or in excess of a monthly maintenance fee of twelve dollars (the exact amounts to be determined through competitive bidding), except, however, that no fee shall be charged to the Town of Westfield or the board of education of Westfield for installation or monthly maintenance charges for any existing or future systems in public buildings and the sewer pumping stations and other public places, and provided further that any alarm systems or warning devices installed by the alarm panel licensee in such public buildings and places shall be at wholesale cost exclusive of labor charges.

(e) Award of license. The town council reserves the right to reject any and all bids, to waive informalities and technical defects therein, and to award a license and contract to the person whose bid is most advantageous to both the permittees and the Town of Westfield.

(f) Remittance to town. The contract shall provide that the licensee shall remit to the Town of Westfield annually, not later than the ninetieth day after the anniversary date of the execution of the original contract, a sum equivalent to fifteen percent of the gross revenues payable to the licensee by permittees in the Town of Westfield (inclusive of the amounts, if any, payable to the licensee for business conducted as a permittee). The contract shall further provide that the books and accounts of the licensee shall be open to inspection by the town treasurer or town auditor or other duly designated representatives of the town for the purpose of verifying the amount due to the town under this provision.

(g) Term of license. The licensee's obligation to maintain and operate the alarm panel and shall continue until the expiration date or earlier termination of the license at which time the licensee shall cooperate in the transfer of the operation to the successor licensee so that there will be no interruption in the protection of the permittees. Except for prior revocation on sixty days written notice by the police chief in the event of default by the licensee or notice by the police chief in the event of default by the licensee or in the event the town cancels the license as provided herein, the term of the license shall be for a period of three years.

(h) Indemnification of town. The licensee shall assume all liability and shall agree to indemnify and save harmless the Town of Westfield, its officers, agents and employees for or on account of any acts or omissions directly or indirectly related to the installation, operation or maintenance of the alarm panel.

(i) Disconnections from panel. The licensee shall notify the chief of police or his authorized representatives in writing ten days prior to disconnecting any private alarm system from the alarm panel.

(j) Installation of annunciator panel. The licensee shall install an annunciator panel having a minimum of nine hundred ninety-nine zones, which panel shall be approved by the Underwriters Laboratories.

(k) Renewals of license. Renewals of the license or ward of new licenses after expiration, revocation or cancellation shall be accomplished by following the procedure of this section 15-9.

(l) Revocation and cancellation. The chief of police shall have the right to revoke the license of any licensee upon sixty days written notice to the said licensee if in his opinion the licensee has failed to operate or maintain the alarm panel in the best interest of the Town of Westfield or the permittees. Grounds for such revocation shall include,

but not be limited to, the following: Failure to properly maintain panel, failure to provide adequate service to panel, excessive breakdown or malfunction of panel, failure to install the panel within the time required in the specifications, failure to remit monies due the town, insolvency, bankruptcy, excessive complaints from permittees about the panel operation, and failure to provide continuing insurance coverage. The licensee shall have the right to contest such revocation in a hearing before the town council within thirty days of notice of such revocation, and the decision of the town shall be final.

The town council shall have the power to cancel the license at any time by repealing the ordinance or by amending same to require a different type of alarm panel or alarm system. (G.O. No. 1315, § 1.)

#### **Article IV. Private Alarm Systems.**

##### **Sec. 15-10. Permit required.**

No person shall install, maintain, use, or cause or permit to be used any private alarm system within the town unless a permit therefore has been issued by the chief of police or fire chief of the town in accordance with the provisions of this chapter. No person shall use a private alarm system during any period when the permit therefor has expired or is suspended. The permit for a private alarm system which is designed primarily to detect fire or smoke shall be obtained from the fire chief or his representative. Permits for all other systems shall be obtained from the police chief or his representative. (G.O. No. 1315, § 1.)

##### **Sec. 15-11. Application for permit.**

Any person desiring to use a private alarm system upon improved property owned or occupied by such person shall submit a written application to the chief of police or fire chief for a permit. Such application shall be maintained on a confidential basis and shall not be available for public inspection. The application shall be on forms to be furnished by the chief of police and fire chief which shall require the following information over the signature of the applicant:

- (a) The name, address and telephone number of the applicant;
- (b) The name, address and telephone number of the owner and occupant of the property serviced by the warning device if not the same as the applicant;
- (c) The location of the property to be served;
- (d) Whether the system is to be connected to the alarm panel, to a tape dialer system, to a central office, or is a local alarm;
- (e) The name, address and telephone number of the company which will furnish and maintain the private alarm system, and if applicable, to which it will be connected;
- (f) The name, address and telephone number of a person who must be a resident of Westfield or a contiguous municipality to be notified of a faulty private alarm system at any time when no one is present on the property served by the system. Such person must have a key to the premises on which the alarm is located.
- (g) The name, address and telephone number of a person who must be a resident of Westfield or a contiguous municipality to be notified of an emergency occurring on the

property served by the system when no one is present on the property served by this system. Such person must have a key to the premises on which the alarm is located.

(h) The particular type of private alarm system as defined in section 15-4 for which the permit is sought.

(i) A release of the town, its officers, agents, and employees from any and all liability or damages which may flow or result from any and all actions or inactions of the town, its agents, servants, or employees as a result of responding or not responding to an actual emergency or false alarm, and, further an indemnification and save harmless of the Town of Westfield, its officers, agents, and employees for or on account of any acts or omissions directly or indirectly related to the installation, operation, or maintenance of the alarm panel and the connection of the applicant's private alarm system hereto.

(j) Consent to inspection of the premises on which the private alarm system is installed at reasonable hours by the police chief and/or fire chief, or their designated representatives.

(k) Consent for the police department or fire department to enter the premises if forced entry is not required, or to obtain the key to the premises from the persons designated in subparagraphs (f) and (g) above to enter the premises to investigate for an emergency or unlawful entry or to deactivate any system which sounds an alarm and continues to sound such alarm, audible or otherwise, for more than fifteen minutes.

(G.O. No. 1315, § 1.)

#### **Sec. 15-12. Fees.**

(a) To the town. At the time an application is submitted and by January 15 of each year thereafter as long as the permit is in force, the permittee shall pay to the Town of Westfield an annual fee in the amount of twelve dollars, except for local alarms which shall pay an initial fee of ten dollars and thereafter, an annual fee of ten dollars so long as the owner and occupant of the premises remains the same. In the event the owner or occupant of the premises changes, and the new owner or occupant seeks a permit for a local alarm, the initial fee for such new owner or occupant shall be ten dollars, and any subsequent annual renewal shall be at the rate of ten dollars until such time as the ownership or occupancy again changes.

(b) To the licensee. If applicable, the permittee shall pay to the licensee a connection fee and a monthly service charge not in excess of the amounts stated in the licensee's bid.

(c) No proration delinquent fees. Any permits issued between January 1 and October 15 shall require the same fees, no portion of which shall be prorated, but said fees shall be refunded to the applicant in the event a permit is not issued. Any permit issued between October 15 and December 31 shall be valid until December 31 of the following year. If the permittee shall fail, neglect or refuse to comply with the monthly charge to the town and/or licensee, and shall remain in such default for thirty days, the police chief and/or fire chief or their designated representatives are authorized on ten days' written notice to such permittee to disconnect the permittee's alarm system from the panel. In such event, the alarm system shall not be reconnected except upon payment of all arrearages as well as the renewal fees, which shall be the same as the initial fees. (G.O. No. 1315, § 1; G.O. 1320, § II; G.O. No. 1616, § I.)

**Sec. 15-13. Investigation and issuance of permit.**

The chief of police or fire chief shall not issue a permit for a private alarm system unless they find that the system covered by the application meets applicable standards as set for in regulations promulgated in writing by the police chief and fire chief. Whenever the chief of police or fire chief shall refuse to issue a permit, they shall advise the applicant in writing of the reason or reasons for refusal. They shall refuse to issue a permit for any private alarm system which:

- (a) Does not have a method of shutting off the aforesaid alarm at the property on which it is located.
- (b) Does not have a device or method for limiting the sounding of any audible alarm to fifteen minutes.
- (c) Can be activated by changes in atmospheric conditions of heat or cold or by wind.
- (d) Does not have a set of written instructions concerning the proper operation and maintenance of the alarm system and its component parts prepared by the alarm business or its component suppliers which has been given to the permittee. (G.O. No. 1315, § 1.)

**Sec. 15-14. Expiration of permit.**

Every permit issued for a private alarm system shall expire on December 31 of the year in which it was issued, with the exception of those issued between October 15 and December 31, which shall be valid until December 31 of the following year. (G.O. No. 1315, § 1.)

**Sec. 15-15. Terms and conditions of permit.**

All permits for private alarm systems shall be issued upon the following terms and conditions:

- (a) A permit shall be issued for each separate improved property, except on properties which contain a building or buildings which contain space occupied by different persons. In such event the permit shall be issued for the space occupied by the applicant, and no permit shall be transferred or assigned in any manner except to new persons occupying the same space.
- (b) If required, an applicant shall furnish complete information and specifications for the system. Such information shall include specific data relating to testing procedures and the prevention of false alarms, and how to disconnect or deactivate same.
- (c) Any private alarm system connected directly to the alarm panel shall have a voltage compatible therewith.
- (d) If the alarm covers an area of more than five thousand square feet unless waived by the chief of police or fire chief, the applicant shall provide an annunciator mechanism at a place or places approved by the chief of police or fire chief indicating the location of the emergency.

(e) Every permit shall be subject to rules and standards which may be promulgated by chief of police or fire chief with respect to private alarm systems. Such rules shall be in writing and shall be given to each permittee at the time of issuance or renewal of any permit or at the time of promulgation or amendment. (G.O. No. 1315, § 1.)

**Sec. 15-16. Suspension of permit.**

Any permit issued for a private alarm system may be suspended by the chief of police or fire chief if it shall appear that:

(a) The permittee has failed to comply with the terms and conditions of the permit or has failed to comply with rules and standards promulgated by the chief of police or fire chief with respect to private alarm systems;

(b) The permittee or his agents knowingly installed or maintained a faulty private alarm system; or

(c) The permittee or his agents failed to comply with a request by the chief of police or fire chief to render necessary services to a faulty private alarm system within twenty-four hours after such request is made or failed to disconnect such system within such period and until such system has been repaired.

Four false alarms within any calendar year shall constitute prima facie evidence that a private alarm system is faulty and is in violation of this chapter. In the case of false alarms, any person having knowledge thereof shall immediately notify the police or fire department. In addition, in the case of false alarms, the police chief and/or fire chief shall cause an investigation to be made and keep a record of said alarms on file. If in the event of a false alarm, the police department or fire department are advised of the name, address, pre-assigned code number, and that the alarm is false before police or fire vehicles or personnel arrive at the scene, the false alarm may not, in the discretion of the police or fire chief or their designee, be deemed to be a false alarm. If in the event of the testing of a private alarm system the police or fire department receive prior notice of at least five minutes before each test, the alarm will not be deemed a false alarm. Where the investigation of the police and/or fire department discloses continued abuse of the privilege of connection to the alarm panel and a disregard by the permittee to take remedial steps to avoid false alarms, the chief of police or the fire chief may suspend the permit for a limited or permanent time provided that no such permit shall be revoked or suspended without giving the permittee an opportunity to show cause before the police or fire chief why such action should not be taken. A suspension shall be terminated by the chief of police or fire chief when he is satisfied that the conditions stated in the notice of suspension have been corrected.

Subsequent to the adoption of this chapter, each alarm system when initially installed shall be operated for a period of one week without any audible annunciation or transmittal of an alarm signal to the police or fire departments to allow for a break-in and trial period.

It shall be a violation of this chapter for any person to intentionally activate an alarm:

(1) For the purpose of testing the system without prior notice to the police department;

(2) For the purpose of measuring or testing police or fire response; or

(3) For any other purpose other than the existence of an emergency for which the alarm system or warning device was intended to respond.

In addition, the occurrence of four or more false alarms in any one calendar year shall subject the permittee to the penalty of fine and imprisonment imposed by section 15-22 hereof. (G.O. No. 1315, § 1.)

#### **Sec. 15-17. Tape dialer systems.**

(a) Requirements for tape dialer systems. No permit for a tape dialer system, whether installed prior to the effective date of this chapter or after such date, shall be issued unless the system complies with the provisions of this chapter and is also;

(1) Approved by the chief of police or fire chief after the performance of a test alarm conducted by or on behalf of the applicant. All such system wiring connected to the phone system shall be installed so as to be compatible with the telephone system so that incoming or outgoing calls will not interfere with the alarm system's proper operation.

(2) Coded to dial a special number which shall be provided by the chief of police or fire chief; no tape dialer system shall be coded to dial the number of the general police switchboard of the town.

(3) Coded to notify a relative, neighbor or other third party who shall be named in the registration required by this chapter.

(4) Capable of being disconnected by the owner to permit a call to the police switchboard in the event that a false alarm occurs.

(5) Worded in an intelligible format approved by the chief of police or fire chief and complying with the following requirements:

(i) No message shall be transmitted more than three times as a result of a single stimulus of the mechanism.

(ii) Messages shall not exceed fifteen seconds, and the time gap between delivery shall be approximately ten seconds.

(iii) The messages shall contain in the following order (a) the alarm number provided by the police department; (b) the name of the resident or business; and (c) the street address of the premises alarmed.

(6) Adjusted so as to suppress false indications and not to be actuated by impulses due to pressure changes in water pipes, short flashes of light, wind, noises, rattling, or vibration of doors or windows, changes in atmospheric temperature or other forces unrelated to general alarms.

(7) Provided with an automatic line seizure device in the event the line from the premises where the alarm is installed is busy with an incoming or outgoing call.

(8) Certified by a person licensed under this chapter as an alarm installer on forms supplied by the police or fire department, that the alarm system as been inspected by him, serviced as required, and tested for proper operation and that the system complies with the requirements of this chapter. Notwithstanding this provision, the permittee shall have the right to personally inspect a tape dialer system owned or leased by such permittee and installed in premises owned or leased by such permittee at the time of the initial installation and each annual renewal thereof without the necessity of hiring such licensed alarm installer to do so, provided that such self-inspection shall include a test alarm to the police headquarters which will require appropriate arrangements with the

police department and a five minute prior telephone warning by the permittee to the police that such test is to take place and which shall required the person on duty at the police headquarters to receive the taped message to certify that the taped message, its duration, and other aspects of its transmittal and content comply with the requirements of this chapter. In the event that there have been three or more false alarms attributable to a tape dialer alarm system in the calendar year prior to the year for which a renewal permit is being sought, the permittee shall not be allowed to make a self-inspection but must, at the time of the renewal of the permit, have the tape dialer system inspected by an alarm installer licensed under the provisions of this chapter and certified by him as set forth above.

(b) Fees for initial issue or renewal of tape dialer permit. The permittee of each tape dialer system shall pay to the town an annual fee of twelve dollars at the time an initial application is submitted, and by January 15 of each year thereafter so long as the permit is in force to cover the cost of registration and testing, and to amortize the cost of the special telephone line or lines required in the police headquarters along with ancillary tape devices necessitated by these systems. If any permittee shall fail, neglect or refuse to pay the annual fee and shall remain in such default for thirty days, the chief of police or fire chief or designated representatives is authorized, on five days' notice to such permittee, order such permittee to disconnect the permittee's alarm system from the special police number.

(c) Time for obtaining a tape dialer permit for system installed prior to the adoption of this chapter.

(1) If any person has a tape dialer system installed at the time of the passage of this chapter, he shall have thirty days in which to apply for a permit, pay the annual fee, re-program the equipment to comply with the terms of this chapter, obtain the necessary inspection and certification. Any person failing to comply therewith and continuing to have installed a tape dialer system programmed to the general police and fire department telephone numbers shall be in violation of this chapter. On request, all owners of tape dialer systems seeking a permit or renewal thereof must furnish proof satisfactory to the police chief of the date of installation of the tape dialer system.

(2) If any tape dialer system shall hereafter be found to be dialing the general police or fire headquarters number rather than the special telephone number reserved for tape dialers, the occupant of the building or other person in whose name the telephone is listed shall be sent a notice in writing by the chief of police or fire chief requiring compliance with the terms of this chapter. If the occupant or telephone subscriber shall fail within thirty days after receipt of said notice to comply, he shall be in violation of this chapter.

(d) Annual inspection required. Prior to the annual renewal of an existing tape dialer permit, the applicant must submit a certification on forms supplied by the police or fire department signed by a person licensed under this chapter as an alarm installer, certifying that the alarm system has been inspected by him, serviced as required and tested for proper operation, and that said system complies with the requirements of this chapter. (G.O. No. 1315, § 1; G.O. No. 1320, § III.)

## **Article V. Miscellaneous.**

### **Sec. 15-18. Proper maintenance of private alarm systems or local alarms.**

Every person who installs, maintains or uses a private alarm system or warning device to serve an improved property within the town shall maintain it in good repair and proper working condition, shall meet the standards which may from time to time be promulgated in writing by the police chief or fire chief to prevent faulty systems or devices, and shall promptly correct or disconnect any faulty system or device upon notice from the chief of police or fire that the system or device is sounding an inordinate number of false alarms. (G.O. No. 1315, § 1.)

### **Sec. 15-19. Sounding device cut off after fifteen minutes.**

Every private alarm system which has an audible signal shall be equipped with cut off mechanism which will terminate the sound after fifteen minutes. (G.O. No. 1315, § 1.)

### **Sec. 15-20. Appeals.**

Any person aggrieved by the action of the chief of police or fire chief in the issuance, denial or suspension of a permit for a private alarm system or with respect to the installation, operation or maintenance of any alarm equipment shall have the right of appeal to the town business administrator. The appeal shall be taken by filing with the administrator, within fourteen 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 hearing of the appeal, and notice of the hearing shall be given to the appellant by certified mail to his last known address at least five days prior to the date set for hearing. The decision of the police chief or fire chief shall be affirmed, modified or reserved, and the reasons therefor shall be set forth in a letter to the applicant. A party aggrieved by the action of the administrator may appeal to the license committee of the town council. (G.O. No. 1315, § 1.)

### **Sec. 15-21. Disclaimer of responsibility.**

The Town of Westfield and the Westfield Police and Fire Departments shall not assume any responsibility whatsoever to any licensee, permittee or other person with respect to the adequacy, operation or maintenance of the alarm panel, alarm register or any private alarm system or warning device. No action taken by either the town or the town's police or fire departments pursuant to the provisions of this chapter shall create any liability upon either the town or the town's police or fire departments by reason of any failure of any private alarm system or warning device, any failure to respond to any private alarm system or warning device. Every permittee who accepts a permit for a

private alarm system or registers a warning device agrees to hold and save harmless the town and its police and fire departments, their agents and employees from any liability whatsoever in connection with the alarm system or warning device or its deactivation or disconnection by the Town of Westfield. It shall be the responsibility of the permittee to provide for the reactivation or reconnection of a system deactivated or disconnected by the town. The alarm panel and register and allied equipment shall be maintained at the will of the town council and are subject to the termination at any time by cancellation of the system by resolution duly adopted by the town council. Any individual permit issued hereunder may be revoked at will by the town council upon recommendation of the business administrator provided that thirty day's notice is given in writing to said permittee. (G.O. No. 1315, § 1.)

**Sec. 15-22. Penalties.**

Any person who violates any provision of this chapter shall upon conviction be subject to a penalty not exceeding two hundred dollars or by imprisonment for not more than thirty days, or both, in the discretion of the municipal court judge. The alarm panel and register and allied equipment shall be maintained at the will of the town council and are subject to termination at any time by cancellation of the system by resolution duly adopted by the town council. Any individual permit issued hereunder may be revoked at will by the town council upon recommendation of the business administrator provided that thirty days' notice is given in writing to said permittee. (G.O. No. 1315, § 1.)

**Sec. 15-23. Rule making authority.**

It is the intention of the town council that the fire chief have control of private alarm systems that are designed primarily to detect the presence of smoke or fire and that the police chief have control with respect to all other fire alarm systems as well as the operation of the alarm panel. The police chief and fire chief may jointly, from time to time, promulgate rules and regulations as are in their judgment necessary to the implementation of this chapter, provided however, no such rule or regulation shall be inconsistent with any provision of this chapter.

Said rules and regulations shall be in writing and shall be given to each permittee or licensee at the time of the application for or issuance of the permit or license or renewal thereof. (G.O. No. 1315, § 1.)