

enforcement of appropriate municipal laws.

(Ord. 6 S+FG, 6-25-86 § 17:3A-14; Ord. 6 S+FD, 9-17-03 § 1; Ord. 6 S+FD, 4-21-04 § 1; Ord. 6 S+FE, 10-17-07; Ord. 6PSF-E, 8-6-14)

20:3-15. ENFORCEMENT.

This chapter shall be enforced by the Directors of the Department of Health and Community Wellness, the Department of Neighborhood and Recreational Services and the Police Department. Those provisions of this chapter affecting motor vehicles shall be enforced solely by the Director of the Police Department. (Ord. 6 S+FG, 6-25-86 § 17:3A-15; Ord. 6 S+FE, 10-17-07; Ord. 6PSF-E, 8-6-14)

20:3-16. NOTICE OF VIOLATION.

Violation of any provisions of this chapter shall be cause for a notice of violation to be issued by the Directors. (Ord. 6 S+FG, 6-25-86 § 17:3A-16)

20:3-17. ABATEMENT ORDER; IMPOUNDMENT.

a. In conjunction with the issuance of a notice of violation the Directors shall issue an order requiring abatement of any source of sound alleged to be in violation of this chapter within a reasonable time period of not less than ten (10) days and no more than thirty (30) days for each separate offense and according to guidelines which the Directors may prescribe.

b. An abatement order shall not be issued:

1. For any willful or knowing violation of this chapter.
2. If the Directors have reason to believe that there will be no compliance with the abatement order.

c. Any motor vehicle found to be operated in violation of this chapter shall be impounded forthwith by the Police Department. The operator of the motor vehicle shall be issued a summons that shall inform him or her of the right to a hearing in regard to the violation of the chapter and in regard to the obligation to pay any towing and impoundment charges that accrue because of the violation.

If the operator of a motor vehicle demands a hearing in regard to the validity of the impoundment of his or her vehicle, the hearing shall be scheduled by the Municipal Court within seventy-two (72) hours of the written request for the hearing. If the Court finds that there was no probable cause to seize the vehicle, the Court shall order the release of the vehicle without charge to the defendant or owner of the vehicle.

d. Any person who violates Section 20:3-13b shall (1) have the noise producing equipment impounded by the Newark Police Department and (2) be subject to the issuance of a summons by the Newark Police mandating a court appearance by the violator in order to retrieve this equipment.

(Ord. 6 S+FG, 6-25-86 § 17:3A-17; Ord. 6 S+FL, 9-17-08 § 1)

20:3-18. PENALTIES.

a. Any person who violates Section 20:3-13b shall be fined up to one hundred (\$100.00) dollars upon conviction.

b. Any person who violates any other provision of this chapter shall upon conviction be fined not more than one hundred (\$100.00) dollars for a first offense; not more than two hundred fifty (\$250.00) dollars for a second offense; not more than five hundred (\$500.00) dollars for a third or subsequent offense.

c. Any person who willfully or knowingly violates any provision of this chapter shall upon conviction be fined for each offense not less than two hundred fifty (\$250.00) dollars and not more than five hundred (\$500.00) dollars.

d. Each day of a violation of any provision of this chapter shall constitute a separate offense.

(Ord. 6 S+FG, 6-25-86 § 17:3A-18; Ord. 6 S+FL, 9-17-08 § 1)

Editor's Note: Ord. 6 S+FB, 1-20-88 was amended by Ord. 6 S+FE, 8-3-88 to designate this ordinance as 17:3B. The codification of 2000 renumbered this section to Chapter 4, Section 20:4.

20:4-1. PURPOSE.

The purpose of this chapter is to reduce unnecessary noise and to reduce unnecessary Police responses caused by the use of burglar alarm and robbery 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. (Ord. 6 S+FB, 1-20-88 § 17:3A-1)

20:4-2. DEFINITIONS.

As used in this section:

Alarm system shall mean any equipment of whatever nature or kind, designed or constructed to signal the occurrence of any entry or other activity requiring urgent attention and to which Police or other authorized personnel may be required to respond.

Alarm user shall mean a person, firm, partnership, association, corporation, company or organization of any kind in possession or control of any building, structure or facility where an alarm system is maintained.

Burglar alarm system shall mean an alarm system signaling an entry or attempted entry into an area protected by the system.

Chief of Police shall mean the Chief of Police of the Police Department of the City of Newark or his/her designated representative.

False alarm shall mean an alarm signal eliciting response by police when a situation requiring a response by the police does not, in fact, exist. Excluded are alarm signals caused by violent conditions of nature, or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user or owner that is not related to alarm maintenance.

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

Robbery alarm system shall mean an alarm system signaling a robbery or attempted robbery of an area protected by the system.

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

Telephone call system shall mean an alarm 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 Police Department or reacting independently of the Police Department. (Ord. 6 S+FB, 1-20-88 § 17:3A-2)

20:4-3. DURATION OF ALARM.

No burglar alarm or robbery alarm system or device shall be maintained and allowed to emit a sound from any building which does not deactivate within twenty (20) minutes after being activated, nor shall it be allowed to emit sound intermittently for any period in excess of a total of twenty (20) minutes after being activated.

For the first occurrence, the Law Enforcement Officer shall notify the alarm user in writing that his/her alarm did not deactivate after twenty (20) minutes. For the second occurrence, the Law Enforcement Officer shall notify the alarm user in writing that he/she is in violation of this section. Upon a third occurrence of a burglar alarm or robbery alarm emitting sound for over twenty (20) minutes, the owner or alarm user shall receive a summons and complaint for a violation of this section.

In addition, upon a second violation of this section the alarm user shall be required to submit to the Law Enforcement Officer, within seventy-two (72) hours, evidence that he/she has taken the necessary steps to correct the system and

comply with this section. (Ord. 6 S+FB, 1-20-88 § 17:3A-3)

20:4-4. TYPE OF SOUND.

An alarm may utilize a bell, horn or other noise making instrument located upon the property where the device is installed. (Ord. 6 S+FB, 1-20-88 § 17:3A-4)

20:4-5. FALSE ALARMS.

In the event within one (1) year of a second burglar alarm or robbery alarm emitting a sound or message resulting in a response by Law Enforcement Officers when a situation requiring a response by a Law Enforcement Officer does not in fact exist, the alarm user shall be notified by the Law Enforcement Officer to complete a written report to the Law Enforcement Officer setting forth the cause of the false alarm if known; the corrective action taken; whether the alarm system has been inspected by an alarm service company; and such other information as the Law Enforcement Officer may reasonably require. The 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 alarm user to allow three (3) false alarms within twelve (12) months. (Ord. 6 S+FB, 1-20-88 § 17:3A-5)

20:4-6. TELEPHONE LINE CONNECTIONS.

No tape dialer system or lease line system shall be connected to any Police telephone line without the express permission of the Chief of Police of the City of Newark and without complying with the regulations promulgated by his/her office. (Ord. 6 S+FB, 1-20-88 § 17:3A-6)

20:4-7. REGISTRATION.

The user or owner of any burglar or robbery alarm system or device at any premises in the City of Newark shall provide to the Chief of Police 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, with sufficient information to identify the type of alarm system, the location of the alarm system and the location of any other defensive system on the premises as well as any other information required by the Chief of Police as described in the Police Department regulations. (Ord. 6 S+FB, 1-20-88 § 17:3A-7)

20:4-8. PERMITS.

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

An annual fee of twenty (\$20.00) dollars shall be charged for each permit. However, owner occupied one (1) to four (4) family residential units shall be exempt from the annual fee requirement.

It shall be a violation of this chapter to install or use a burglar or robbery alarm system without a permit issued pursuant to this section. (Ord. 6 S+FB, 1-20-88 § 17:3A-8; Ord. 6 S+FI, 3-21-90 § 17:3A-9)

20:4-9. 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. (Ord. 6 S+FB, 1-20-88 § 17:3A-9)

20:4-10. 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 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 of 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 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. (Ord. 6 S+FB, 1-20-88 § 17:3A-10)

20:4-11. ISSUANCE OF REGULATIONS.

The Chief of Police 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 Police, 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 Police Chief. (Ord. 6 S+FB, 1-20-88 § 17:3A-11)

20:4-12. 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 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 act of omission or commission relating to any such alarm system. (Ord. 6 S+FB, 1-20-88 § 17:3A-12)

20:4-13. 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.

For a first offense there shall be a fine of twenty-five (\$25.00) dollars and for a second offense there shall be a fine of fifty (\$50.00) dollars. (Ord. 6 S+FB, 1-20-88; Ord. 6 S+FK, 1-3-90)

CHAPTER 5 INTERFERENCE WITH POLICE

Editor's Note: N.J.S. 2A:90-4 makes an assault and battery on a Policeman a high misdemeanor.

20:5-1. REFUSAL TO OBEY ORDER OF POLICE OFFICER.

No person shall:

- a. Congregate with others on a street and refuse to move on when ordered by the Police;
 - b. Idly remain, loiter, or refuse to move, in front or in the neighborhood of any church or other place of public worship, during the service therein, or while the members of its congregation are repairing to or returning from such church or other place of public worship, after having been directed by any officer or member of the Police Force to move away therefrom;
 - c. Idly remain, loiter, or refuse to move on in front of or in the neighborhood of any theater, concert hall, ballroom or other public place of amusement during the time that such place shall be or remain open to the public, or while the public is repairing thereto or returning therefrom, after having been directed by any member or officer of the Police Force to move away therefrom.
 - d. Idly remain, or refuse to move on, loiter on the sidewalks or public streets after having been notified to move away therefrom by any officer or member of the Police Force.
- (R.O. 1966 § 17:4-1)

20:5-2. IMPERSONATING AN OFFICER.