

**ORDINANCE AMENDING AND SUPPLEMENTING IN ITS ENTIRETY CHAPTER 85B
(ALARM LICENSING AND OPERATION) OF THE “CODE OF THE TOWNSHIP OF
DOVER, NEW JERSEY”**

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**ORDINANCE AMENDING AND SUPPLEMENTING IN ITS ENTIRETY CHAPTER
85B (ALARM LICENSING AND OPERATION) OF THE “CODE OF THE TOWNSHIP
OF DOVER, NEW JERSEY”**

BE IT ORDAINED by the Township Committee of the Township of Dover, in the County of Ocean, and State of New Jersey, as follows:

1. Chapter 85B (Alarm Licensing and Operation) of the “Code of the Township of Dover, New Jersey” is hereby amended and supplemented in its entirety to read as follows:

SECTION 85B-1. PURPOSE

(A) The purpose of this ordinance is to encourage Alarm Users and Alarm Companies to properly use and maintain the operation, effectiveness and proper utilization of Alarm Systems and to reduce or eliminate False Alarms which may unduly divert law enforcement from responding to criminal activity.

(B) This ordinance governs systems intended to summon law enforcement response, requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of registration.

SECTION 85B-2. DEFINITIONS

In this ordinance:

(A) **Alarm Administrator** means a Person or Persons designated by the Chief of Police to administer, control and review False Alarm reduction efforts.

(B) **Alarm Agent** means any person employed by an alarm business, whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to or causing others to respond to an alarm device.

(C) **Alarm Company** means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an Alarm System in an Alarm Site.

- (D) **Alarm Dispatch Request** means a notification to the Police Department that an alarm, either manual or automatic has been activated at a particular Alarm site.
- (E) **Alarm Registration** (or Permits) means the notification by an Alarm Company or an Alarm User to the Alarm Administrator that an Alarm System has been installed and is requesting authorization to activate the Alarm System.
- (F) **Alarm Site** means a single fixed premises or location served by an Alarm System or systems. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex shall be considered a separate Alarm Site.
- (G) **Alarm System** means a device or series of devices, including but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement service of the municipality, including Local Alarm Systems. Alarm System does not include a system installed on a vehicle or Person unless the vehicle or Personal alarm is permanently located at a site.
- (H) **Alarm User** means any Person, firm, partnership, corporation or other entity who (which) uses or is in control of any Alarm System at its Alarm Site.
- (I) **Automatic Voice Dialer** means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement agency.
- (J) **Calendar Year** means the period of time commencing January 1st and ending December 31st of any given year.
- (K) **Cancellation** or Responding Agency Alarm Dispatch Cancellation is the process by which an Alarm Company providing Monitoring verifies with the Alarm User or responsible party that a false dispatch has occurred and that there is not an existing situation at the Alarm Site requiring law enforcement agency response.
- (L) **Conversion** means the transaction or process by which one Alarm Company begins Monitoring of a previously unmonitored Alarm System or an Alarm System previously monitored by another Alarm Company.
- (M) **Duress Alarm** means a silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement response.
- (N) **False Alarm** means an Alarm Dispatch Request to a law enforcement agency, when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site.
- (O) **Holdup Alarm** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

- (P) **Keypad** means a device that allows control of an Alarm System by the manual entering of a coded sequence of numbers or letters.
- (Q) **Law Enforcement Authority** means the Chief of Police or an authorized representative.
- (R) **License** means a License issued to an Alarm Company to sell, install, monitor, repair, or replace Alarm Systems by an authority having jurisdiction.
- (S) **Local Alarm System** means any Alarm System that annunciates an alarm only by an internal or external audio device.
- (T) **Monitoring** means the process by which an Alarm Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning Law Enforcement response to the Alarm Site.
- (U) **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering at a Keypad a code that adds one to the last digit of the normal arm/disarm code (Normal Code = 1234 One Plus Duress Code = 1235).
- (V) **Panic** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.
- (W) **Person** means an individual, corporation, partnership, association, organization or similar entity.
- (X) **Police Department** means the Police Department of the Township of Dover.
- (Y) **Takeover** means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.
- (Z) **Verify** means an attempt, by the Alarm Company, or its representative, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made, before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.
- (AA) **Zones** are subdivisions into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

SECTION 85B-3. REGISTRATION REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS

(A) No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid alarm registration issued by the Alarm Administrator. A separate registration is required for each Alarm Site.

(B) There shall be an annual registration fee of \$5.00 for residential Alarm Sites and \$25.00 for Commercial Alarm Sites. No refund of a registration or registration renewal fee will be made. The full initial annual registration fee must be submitted to the Alarm Administrator within five (5) days after the alarm installation or alarm Takeover regardless of what month the alarm is registered.

(C) Upon receipt of a completed application form and the Alarm Registration fee, the Alarm Administrator shall register the applicant unless the applicant has:

- (1) Failed to pay a fine assessed under Section 85B-11 or,
- (2) Had an alarm registration for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(D) Each Alarm Registration application must be submitted on the form provided by the Alarm Administrator and include the following information:

- (1) the name, complete address (including apt/suite #), and telephone numbers of the Person who will be the registration holder and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this article;
- (2) the classification of the Alarm Site as either residential (includes condo, mobile home, etc), commercial or apartment;
- (3) for each Alarm System located at the Alarm Site, the classification of the Alarm System, i.e., burglary, Holdup, Duress, fire or medical alert, for each purpose whether audible or silent;
- (4) mailing address if different from the Alarm Site;
- (5) any dangerous or special conditions present at the Alarm Site;
- (6) name and telephone numbers of at least two individuals who are able and have agreed to receive notification of an alarm activation at any time; respond to the Alarm Site within 30 minutes; and upon request can grant access to the Alarm Site and deactivate the Alarm System if such becomes necessary;

- (7) type of business conducted at the Alarm Site;
- (8) signed certification from the Alarm User stating:
 - (a) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;
 - (b) the name, address, and phone number of the Alarm Company performing the Alarm System installation, Conversion or Alarm System Takeover and responsible for providing repair service to the Alarm System:
 - (c) the name address and phone number of the Alarm Company Monitoring the Alarm System if different from the installing Alarm Company.
 - (d) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid false alarms, have been left with the applicant; and
 - (e) that the Alarm Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid false alarms.
- (9) that Law Enforcement response may be based on factors such as: availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(E) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

(F) An alarm registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any information listed on the registration application within five (5) business days.

(G) All fees owed by an applicant must be paid before a registration may be issued or renewed.

SECTION 85B-4. ALARM SYSTEMS IN APARTMENT COMPLEXES

(A) A tenant of an apartment with an Alarm System shall obtain an Alarm Registration from the Alarm Administrator before operating or causing the operation of an Alarm System in the tenant's residential unit. The owner or property manager of an apartment complex shall obtain a separate alarm registration for any Alarm System operated in offices or common areas of the

apartment complex. The annual fee for these registrations or the renewal of these registrations shall be the same as the fee for a residential Alarm Site.

(B) If an Alarm System installed by an individual tenant in an apartment complex unit is Monitored, the tenant must provide the name, address and phone number of a representative of the apartment owner or property manager who can grant access to the apartment to the Alarm Company.

(C) For purposes of enforcing this article against an individual residential unit, the tenant is responsible for False Alarms emitted from the Alarm System in the tenant's residential unit.

(D) Each apartment unit shall be considered an Alarm Site.

SECTION 85B-5. REGISTRATION DURATION AND RENEWAL

(A) A registration shall expire on December 31st of each year, and must be renewed annually by submitting an updated application and a registration renewal fee to the Alarm Administrator. The Alarm Administrator shall notify each Alarm User of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the Alarm User to submit an application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered Alarm System and citations and penalties shall be assessed without waiver. A \$25 late fee can be assessed if the renewal is more than thirty (30) days late.

(B) Alarm Users who register a new alarm during the calendar year shall pay the full fee for the entire first calendar year regardless of when the alarm is initially registered.

SECTION 85B-6. DUTIES OF THE ALARM USER

(A) An Alarm User shall:

- (1) maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarms, and
- (2) make every reasonable effort to respond or cause a representative to respond to the Alarm System's location within 30 minutes when notified by the municipality to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide alternative security for the premises, and
- (3) not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.

(B) An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated (or fifteen (15) minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609). Any officer of the Police Department shall be authorized to disable any audible alarm system which does not shut itself off within the aforementioned time period.

(C) An Alarm User shall have a properly Licensed Alarm Company inspect the Alarm System after four (4) False Alarms during the calendar year. The Alarm Administrator may waive an inspection requirement if it determines that a false alarm(s) could not have been related to a defect or malfunction in the Alarm System. A licensed Alarm Company must provide written proof certifying that the aforementioned inspection took place.

(D) After eight (8) False Alarms during the calendar year the Alarm User must have a properly Licensed Alarm Company modify the Alarm System to be more false alarm resistant or provide additional user training as appropriate. A licensed Alarm Company must provide written proof certifying that the aforementioned repairs or training took place.

(E) An Alarm User shall not use Automatic Voice Dialers.

(F) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

SECTION 85B-7. DUTIES OF ALARM COMPANY

(A) Upon enactment of this ordinance Alarm Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Alarm Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress prior to enactment of this ordinance. However, upon enactment of this ordinance when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to Section 85B-6(C) or (D) of this ordinance, an Alarm Company must remove the One Plus Duress alarm capability from such Alarm System.

(B) Upon enactment of this ordinance Alarm Companies shall not install a device activating a hold-up alarm which is a single action non-recessed button. An Alarm Company must remove all single action non-recessed buttons when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to Section 85B-6(C) or (D) of this ordinance

(C) Upon enactment of this ordinance Alarm Companies shall use control panels tested for conformance to the Security Industry Association (SIA) Control Panel Standard Features for False Alarm Reduction.

(D) After completion of the installation an Alarm Company employee shall review with the Alarm User the proper operation of the alarm system and procedures to prevent false alarms.

(E) An Alarm Company performing Monitoring services shall:

- (1) shall offer a training period in which no request for dispatch by Law Enforcement will occur during the first 7 days after installation of an Alarm System, but rather will use that week to train the Alarm User on Proper use of the Alarm System unless circumstances necessitate immediate requests for response as determined by the Alarm Administrator;
- (2) report alarm signals by using telephone numbers designated by the Alarm Administrator;
- (3) attempt to Verify every alarm signal, except a Duress and Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal;
- (4) communicate Alarm Dispatch Requests to the Police Department in a manner and form determined by the Alarm Administrator;
- (5) communicate Cancellations to the Police Department in a manner and form determined by the Alarm Administrator;
- (6) ensure that all Alarm Users of Alarm Systems equipped with a Duress or Holdup Alarm are given adequate training as to the proper use of the Duress or Holdup Alarm;
- (7) communicate any available information (north, south, front, back, floor, etc.) about the location of the alarm;
- (8) communicate type of alarm activation (silent or audible, interior or perimeter);
- (9) provide Alarm User registration number when requesting dispatch;
- (10) endeavor to contact the Alarm User when an Alarm Dispatch Request is made; and
- (11) upon enactment of this ordinance Alarm Companies that perform Monitoring services in the Township of Dover must maintain a current list of Alarm Users within the Township. Records must include the name, address and phone number of the Alarm User, the type and location of the Alarm System and the names, addresses and phone numbers of at least two

emergency contacts. The Alarm Administrator may request copies of such records of Alarm Users within the Township of Dover.

- (12) provide the Alarm Administrator with updated information on Alarm Users in the Township of Dover whenever there are any additions, deletions or changes to the Alarm Users information.

(F) Testing of Equipment – No alarm device designed and enabled to transmit a signal to the Police Department shall be tested or demonstrated without first notifying the Police Department of the date, time and location of the test.

SECTION 85B-8. ALARM COMPANY LICENSE

Any person engaging in an Alarm Business in the Township of Dover shall possess a valid license issued by the State Board of Examiners of Electrical Contractors as required by P.L. 1997, c. 30. Any person so licensed will present the license to any official of the Township of Dover upon request. The Alarm Administrator may appeal to the appropriate governmental body regulating the Alarm Company to suspend or revoke the Alarm Company's license when the Alarm Company fails to comply with the duties listed in Section 85B-7.

SECTION 85B-9. DUTIES OF THE ALARM ADMINISTRATOR

(A) The Alarm Administrator shall:

- (1) designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests;
- (2) establish a procedure to accept Cancellation of Alarm Dispatch Requests

(B) The Alarm Administrator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the following information. This information may be relayed by the responding officer at the time of clearance to law enforcement dispatchers, who will then record said information on the call record.

- (1) identification of the registration number for the Alarm Site;
- (2) identification of the Alarm Site;
- (3) date and time Alarm Dispatch Request was received;
- (4) date and time of law enforcement officer arrival at the Alarm Site;

- (5) zone if available;
- (6) name of Alarm User's representative on premises, if any;
- (7) identification of the responsible Alarm Company;
- (8) whether unable to locate the address, and/or;
- (9) cause of alarm if known.

(C) The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm. Options may include but are not limited to the officer leaving a door hanger or notice at the Alarm Site. If a notice is left it shall include the following information:

- (1) the date and time of law enforcement response to the False Alarm;
- (2) the identification number of the responding law enforcement officer, and;
- (3) a statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting fines.

(D) If there is a reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses False Alarms, the Alarm Administrator may require a conference with an Alarm User and the Alarm Company responsible for the repair of the Alarm System to review the circumstances of each False Alarm.

SECTION 85B-10. INSPECTIONS

For the purpose of enforcing the provisions of this chapter, the Police Department shall have the authority, at reasonable times and upon oral notice, to enter any premises in the Township of Dover to inspect the installation and/or operation of any alarm device or system on official police business.

SECTION 85B-11. FINES

(A) An Alarm User shall be subject to fines, warnings and suspension or revocation of registration depending on the number of False Alarms emitted from an Alarm System during the calendar year based upon the following schedule:

<u># of False Alarms</u>	<u>Fines</u>
1-4	0
5	\$ 50 (plus \$25 late fee if not paid within 30 days)
6	\$100(plus \$25 late fee if not paid within 30 days)

7 (and subsequent) \$200 each (plus \$50 late fee if not paid within 30 days)

(B) In addition, any Person, operating a non-registered Alarm System (whether suspended or never acquired) will be subject to a citation and assessment of a \$200 fine for each False Alarm, in addition to any other fines.

(C) If Cancellation occurs prior to law enforcement arriving at the scene, this is not a False Alarm for the purpose of fines and no fines will be assessed.

(D) The Alarm Company shall be subject to a \$100.00 fine if the officer responding to the False Alarm determines that an on site employee of the Alarm Company directly caused the False Alarm without proper prior notification to the Police Department. In this situation this will not be counted against the Alarm User.

(E) The Alarm Company shall be subject to a \$100.00 fine for failure to Verify if the Alarm Administrator determines the existence of a consistent pattern or written policy against verification.

(F) The Alarm Company shall be subject to a \$100.00 fine if the Alarm Administrator determines that an Alarm Company employee made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System.

SECTION 85B-12. SUSPENSION OF RESPONSE

(A) The Alarm Administrator may suspend alarm response if it is determined that:

- (1) the Alarm User has eight (8) or more False Alarms in one (1) calendar year; or
- (2) there is a false statement of a material fact in the application for a registration; or
- (3) the Alarm User has failed to make timely payment of a fine assessed under Section 85B-11 or fee assessed under Section 85B-3.
- (4) the Alarm User has failed to submit a written certification from an Alarm Company, that complies with the requirements of this chapter, stating that The Alarm System has been inspected and repaired (if necessary) by the Alarm Company.

(B) A Person commits an offense if he/she operates an Alarm System during the period in which his alarm registration is suspended and is subject to enforcement and penalties set in Section 85B-11. An Alarm Company commits an offense if it continues to request Law Enforcement dispatch to an Alarm Site after notification by the Alarm Administrator that the

registration has been suspended or revoked and is subject to enforcement and penalties set in Section 85B-11.

(C) Unless there is separate indication that there is a crime in progress, the Police Department may refuse law enforcement response to an Alarm Dispatch Request at an Alarm Site for which the alarm registration is suspended.

(D) If the alarm registration is reinstated pursuant to Section 85B-15, the Alarm Administrator may suspend alarm response if it is determined that two (2) False Alarms have occurred within sixty (60) days after the reinstatement date.

SECTION 85B-13. NOTIFICATION

The Alarm Administrator shall notify the Alarm User in writing after the third False Alarm. The notification shall include: the amount of the fine for each False Alarm, the fact that response will be suspended after the eighth False Alarm and a description of the appeals procedure available to the Alarm User.

The Alarm Administrator will notify the Alarm User and the Alarm Company in writing after the eighth False Alarm that alarm response has been suspended. This notice of suspension will also include the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Company.

SECTION 85B-14. APPEALS

(A) An Alarm User may appeal the assessment of a fine, suspension, or request reinstatement to the Alarm Administrator. The filing of an appeal with the Alarm Administrator stays the assessment of the fine or suspension until the Alarm Administrator makes a final decision.

(1) The Alarm User shall file a written appeal to the Alarm Administrator by setting forth the reasons for the appeal within ten (10) days after receipt of the fine.

(B) If the Alarm Administrator denies the issuance or renewal of an Alarm Registration, or suspends response, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the applicant or Alarm User and the Alarm Company.

(C) A second level of appeal is available to the Chief of Police in cases where the Alarm User is not satisfied with the decision reached at a lower level.

(1) The applicant or Alarm User or the Alarm Company on behalf of the Alarm User may appeal the decision of the Alarm Administrator to the

Chief of Police by filing a written request for a review setting forth the reasons for the appeal within twenty (20) days after receipt of the notice from the Alarm Administrator.

- (2) The Chief of Police shall consider the evidence submitted by any interested Person(s). The Chief of Police shall make his/her decision on the basis of the preponderance of evidence presented. The Chief of Police must render a decision within thirty (30) days after the request for an appeal is filed. The Chief of Police shall affirm or reverse the assessment of the fine. The decision of the Chief is final as to administrative remedies of the municipality.
- (3) Filing of a request for appeal shall stay the action by the Alarm Administrator suspending a registration or requiring payment of a fine, until the Chief of Police has completed the review. If a request for appeal is not made within the twenty-day (20) period, the action of the alarm Administrator is final.

SECTION 85B-15. REINSTATEMENT

(A) A Person whose alarm response has been suspended may have alarm response reinstated by the Alarm Administrator if the Person has abided by one or more of the following:

- (1) Submits an updated application and the registration fee;
- (2) Pays, or otherwise resolves, all citations and fines;
- (3) Submits a certification from an Alarm Company, that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Company.
- (4) Payment of a reinstatement fee of \$50.

And one or more of the following, if applicable:

- (1) Submits proof that an employee of the Alarm Company caused the False Alarm;
- (2) Files with the Alarm Administrator a written statement from a licensed Alarm Company that the alarm or Alarm System has been inspected and found to be in good working order or repaired so as to be in good working order.

SECTION 85B-16. CONFIDENTIALITY

Information contained in registration application and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

SECTION 85B-17. GOVERNMENT IMMUNITY

Registration of an Alarm System is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an Alarm System, the Alarm User acknowledges that police response may be based on factors such as: availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels.

SECTION 85B-18. ENFORCEMENT AND PENALTIES

- (A) Enforcement of this ordinance may be by civil action and/or by criminal prosecution, as provided in Chapter 85B of the “Code of the Township of Dover, New Jersey” utilizing the Penalty Enforcement Act N.J.R.S. 2A:58-1 et seq. for offenses under municipal law.
- (B) Failure to comply with any provision of this chapter shall be cause for court action against the responsible party or parties. A finding of guilty shall result in a fine of not more than one hundred dollars (\$100.00) for each and every separate violation providing there is no specific fine indicated for said violation(s).
- (C) All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- (D) This ordinance shall take effect following final adoption and publication pursuant to public law.