

ORDINANCE NO. 126

AN ORDINANCE OF THE TOWNSHIP OF PENN, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA, MAKING UNLAWFUL THE STARTING OR SPREADING OF ANY FALSE ALARM OF FIRE AND/OR POLICE ALARM, INCLUDING FALSE ALARMS CAUSED BY IMPROPERLY MAINTAINED OR DEFECTIVE ALARM SYSTEMS WITHIN THE TOWNSHIP OF PENN REPORTED TO THE TOWNSHIP OF PENN THROUGH THE POLICE DEPARTMENT AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF AND REPLACING ORDINANCE #101.

BE IN ENACTED AND ORDAINED by the Township of Penn, County of Butler, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

WHEREAS, the Police Department of the Township of Penn receive emergency fire and police alarms through the police department and through the County of Butler; and

WHEREAS, from time to time false fire and/or police alarms are received as the result of improperly maintained or defective alarm systems and also as a result of persons improperly placing such alarms, the result of which often is that fire and police personnel and equipment is unnecessarily called out to the detriment of the citizens and residents of the Township of Penn, in terms of their safety, health and well-being, and in terms of the financial costs involved.

NOW, THEREFORE, be it ordained and enacted by the board of Supervisors of the Township of Penn, Butler County, Pennsylvania, and it is hereby ordained and enacted by and with the authority of the same:

SECTION 1. DEFINITIONS. As used in this Chapter and Part, the terms are defined as follows:

A. "Alarm System" means any device designed for the detection of an unauthorized entry on the premises, its commission or occurrence and when actuated gives a signal, either visual, audible or both, or transmits or causes to be transmitted a signal, except residential, in-house fire alarms.

B. "False Alarm" means any alarm signal that alerts any person, which is not the result of an actual or threatened emergency requiring a response. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon police, fire or emergency services in non-emergency situations and alarm signals for which the actual cause is not determined.

C. "Local Alarm" means a system that gives a signal, visual, audible or both, on the exterior portion of the property, but such signal does not leave that structure by wire or radio wave to a control receiving location.

**SECTION 2. REQUIREMENT OF PERMIT.** No person shall install, have installed, own, use or possess an operative alarm system without obtaining a permit from the Administrative Assistant. Said permit shall include, but not be limited to, providing a means of identifying the alarm system service and persons who may be called in the event of an alarm and the subject's premises are unattended.

**SECTION 3. FEE FOR AND TERM OF PERMIT.** The fee for an alarm system permit shall be \$15.00 for every two-year period.

**SECTION 4. REQUIREMENTS OF THE ALARM SYSTEM.**

A. All alarm systems shall be equipped with batteries in case of power failure.

B. Persons having local alarms shall have some type of device attached to the alarm that will automatically shut the alarm off after twenty (20) minutes or have some other sure means of turning the alarm off.

**SECTION 5. REPEATED FALSE ALARMS AND PENALTY.**

A. No person owning, using or possessing an alarm system shall cause or permit the giving of repeated false alarms, whether intentional or by act of negligence, but excluding, however, alarms caused by acts of God, which are otherwise unpreventable by the technology of the alarm system itself.

B. Alarm activation penalty structure is established under this section.

(i) Police/Fire Emergency Medical Alarms

For the third and successive occurrence of a false alarm from each alarm system during the two-year period, the permit holder or owner, lessor or lessee of the premises shall be considered to have violated this Ordinance (this section) and same shall be a summary offense, punishable as follows:

- (1) First Offense: Fine of \$25.00 if paid pursuant to a notice and \$50.00 if citation must be filed; and
- (2) Second Offense: Fine of \$50.00 if paid pursuant to a notice and \$75.00 if citation must be filed and/or one-day imprisonment; and
- (3) Third or Subsequent Offense: Fine of \$75.00 if paid pursuant to a notice and \$100.00 if citation must be filed and/or five days imprisonment.

(ii) If a single occurrence involves more than one alarm, the permit holder, owner, lessor or lessee, shall be assessed fines, costs and penalties only for the offense for which the highest fines, costs and penalty are assessed. Said occurrence shall be considered as one violation under this section. In the event of an occurrence involving multiple parties responding, fines and costs shall be distributed equally between or among Penn Township and/or the main fire company responding and the emergency medical services responding.

C. Notice: The Administrative Assistant shall provide a written notice to the permit holder, owner, lessor or lessee indicating the date of the offense and the fine and penalty for said office. If the fine is not paid within ten days or notice, said permit holder, owner, lessor or lessee shall be subject to conviction for said violation before any District Magistrate and shall be sentenced to a fine in accordance with this section of the

Ordinance and shall be liable for any costs of enforcing the violation of the Ordinance.

D. Collection of Fines and Costs: All fines and costs shall be paid to Penn Township.

**SECTION 6. REVOCAION OF PERMIT.** The Administrative Assistant may revoke or suspend any permit in accordance with this section if he/she determines:

A. The application for the permit contains a statement of material fact, which is false;

B. The licensee has failed to comply with the provisions of this section;

C. An alarm system is negligently maintained or used. More than five (5) false alarms within a one-year period from the first false alarm shall be conclusive evidence of negligent maintenance or use.

D. After an alarm system permit has been revoked or suspended, the police department, fire department or emergency medical service will respond to alarms from the revoked or suspended permittee as a service call only and not as a priority call. The penalty provisions of this Ordinance shall remain in effect for revoked or suspended permits and shall be treated as a third or subsequent offense and punishable under Sections 5 and 7.

**SECTION 7. PENALTY FOR VIOLATION.** Any person who, with knowledge of this section or after being advised of same by ten (10) days notice, willfully neglects to comply with or violates any part of this section, except Section 5 hereof which contains its separate penalty provisions, shall upon conviction thereof, pay a fine of \$100.00 plus costs, or prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than one (1) day for each \$10.00 of the unpaid balance of fine and costs. Each day any violation of this section continues to exist shall constitute a separate violation of this section.

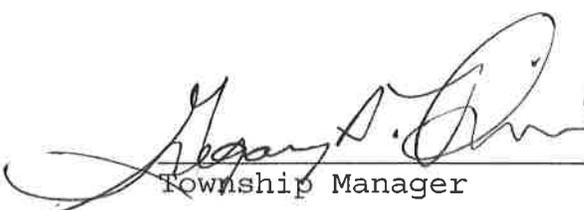
**SECTION 8. Miscellaneous.** The provisions of this ordinance shall apply to those alarms to which the Pennsylvania State Police respond. This Ordinance may be enforced by Penn Township or the Pennsylvania State Police.

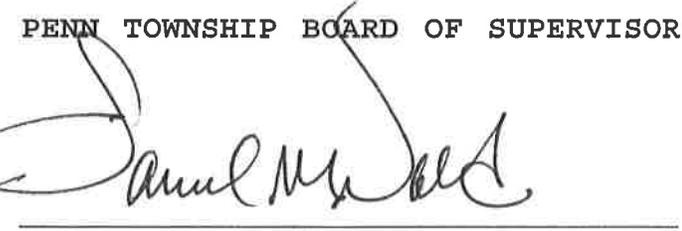
SECTION 9. SEVERABILITY. If any section or provision of this Ordinance is found unenforceable or unconstitutional, the remaining sections and provisions of this Ordinance shall not be affected and shall remain in force.

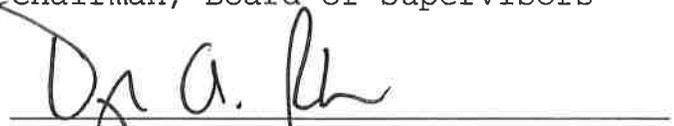
BE IT ORDAINED AND ENACTED THIS 6 DAY OF September, 2005.

ATTEST:

PENN TOWNSHIP BOARD OF SUPERVISORS

  
Township Manager

  
Chairman, Board of Supervisors

  
Vice-Chairman

  
Supervisor