

BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 305

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH
OF ORWIGSBURG SETTING FEES FOR FALSE ALARMS.

BE IT ENACTED and Ordained by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled, and it is hereby enacted and ordained by the authority of the same, as follows:

SECTION 1. PURPOSE AND SCOPE

- A. The purpose of this ordinance is to protect the emergency services of the community from misuse.
- B. This ordinance governs all alarm systems, requires permits, establishes fees, provides for punishment of violations and establishes a system of administration.

SECTION 2. DEFINITIONS

As used in this ordinance the following terms shall have the meaning indicated:

ALARM BUSINESS - The business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

ALARM SUBSCRIBER - Any resident person, corporation, institution or company who has connected an alarm system in the borough to a designated or trunk line.

ALARM SYSTEM - Any assembly of equipment, mechanical or electrical arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the Police Department is expected to respond.

ALARM USER - The person, firm, partnership, association, corporation, company or organization of any kind in control of premises wherein an alarm system is maintained.

AUTOMATIC DIALING SERVICE - A device which is interconnected to a telephone line and is programmed to

transmit by voice message or code signal to a line indicating a need for emergency response.

FALSE ALARM - An emergency alarm activated by inadvertence, negligence or unintentional acts to which the Borough Police Department or Fire Department responds, including malfunction of their alarm system. The definition excludes alarms caused by testing or repairing of telephone equipment or lines; acts of God, such as earthquakes, floods, windstorms, thunder or lightning; an attempted illegal entry of which there is visible evidence; the user acting under a sincere belief that a need exists to call the Police Department or Fire Department; and a call to the police canceling the alarm by giving proper identification number, prior to arrival of the Police Department or Fire Department. If a doubt exists as to the cause of a "false alarm", the Chief of Police or the Chief of the Fire Department shall resolve it in favor of the alarm user. Multiple alarms received by the Police Department before the system can be deactivated within a reasonable period of time shall be considered a single alarm.

FIRE COMPANY - The Orwigsburg Borough Volunteer Fire Department. Friendship Hose Company #1.

INTERCONNECT - To connect an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

POLICE DEPARTMENT - The Orwigsburg Borough Police Department.

SECTION 3: PERMIT REQUIRED.

- A. Within ninety (90) days from the effective date of this ordinance, all alarm users shall obtain an alarm user's permit for each premises from the Borough Secretary. Application for the alarm user's permit will be filed with the Borough Secretary on an application form to be designated by the borough annually. Each permit shall bear the signature of the Borough Manager and shall be available for inspection by the borough.
- B. All information furnished pursuant to this section shall be kept confidential and shall be for the exclusive use of the borough.
- C. A residential alarm user who is over the age of sixty-five (65) and is the primary resident of the residence, if no business is conducted in the

residence, may obtain a user's permit from the borough according to Subsection A without the payment of a fee.

SECTION 4: INSTRUCTION: cutoff; notification of tests.

- A. Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located within the area served by the Police Department or Fire Department shall furnish that user with instructions that provide information to enable the user to operate the alarm system properly and to locate and obtain service for the alarm system at any time.
- B. Every alarm business or user shall be required to notify the Police Department prior to conducting any tests upon any alarm system whereupon such tests would cause emergency information to be received by the Police Department.

SECTION 5: LIABILITY: false alarms.

- A. Orwigsburg Borough shall be held harmless for any damage or breakage caused by the borough while making forced entry to answer an alarm, whether false or authentic.
- B. False alarms.
 - (1) Each subscriber or user shall be required to pay the following charges for false or accidental activation of alarms where police respond:
 - (a) Up to two (2) false or accidental alarms within any twelve-month period; no charge.
 - (b) Three (3) to five (5) false or accidental alarms within any twelve-month period; a charge of fifty dollars (\$50.00) for each false or accidental alarm.
 - (c) Six (6) to ten (10) false or accidental alarms within any twelve-month period; a charge of seventy-five dollars (\$75.00) for each false or accidental alarm.
 - (d) Eleven (11) or more false or accidental alarms within any twelve-month period; a charge of one hundred twenty-five dollars (\$125.00) for each false or accidental alarm.
 - (2) Each subscriber or user shall be required to pay the following charges for false or accidental alarms where fire fighters respond:

- (a) One (1) false or accidental alarm within any twelve-month period; no charge.
 - (b) Two (2) false or accidental alarms within any twelve-month period; a charge of fifty dollars (\$50.00) for each false or accidental alarm.
 - (c) Three (3) false or accidental alarms within any twelve-month period; a charge of one hundred dollars (\$100.00) for each false or accidental alarm.
 - (d) Four (4) or more false or accidental alarms within any twelve-month period; a charge of two hundred dollars (\$200.00) for each false or accidental alarm.
- (3) The charges in Subsection B (1) and (2) are to be assessed for each alarm received or reported within the aforementioned category.

SECTION 6: Notice of false alarms.

- A. Upon receipt of the second false or accidental alarm within a twelve-month period to which police respond or upon receipt of the first false or accidental alarm within a twelve-month period to which fire fighters respond the Orwigsburg Borough Police Department shall notify, in writing, the subscriber or user at his last known address. The subscriber or user shall be responsible for notifying the Orwigsburg Police Department of a change of address within thirty (30) days. Compliance with this subsection by the Police Department shall be a precondition to assessment of penalty.
- B. Upon receipt of any false or accidental alarm in excess of two (2) to which police respond or in excess of one (1) false or accidental alarm to which fire fighters respond, the Orwigsburg Borough shall notify, in writing, the subscriber or user, stating:
 - (1) The number of false or accidental alarms received during the current twelve-month period; and
 - (2) The penalty fee assessed to the subscriber or user in accordance with Section 5.
- C. The subscriber or user shall have thirty (30) days upon receipt of notice to pay the assessed false alarm fee.
- D. Failure of the subscriber and/or user to respond to notice sent or refusal to pay the fee required shall

constitute a violation of this chapter, subject to the penalties provided in Section 9.

- E. It shall be unlawful to intentionally activate a holdup alarm to summon police or fire fighters except for the reporting of the specific occurrence intended by the alarm.

SECTION 7: General standards.

- A. The sensory mechanism used in connection with any alarm system must be adjusted to suppress false indications of intrusion so that the device will not be activated by impulses due to fleeting pressure changes in water pipes, flashes of light, the rattling or vibrating of doors and windows, the vibrations of the premises caused by passing vehicles or any other force not related to genuine alarm. All such devices must be maintained by the user in good repair to ensure maximum reliability of operation. For the purposes of this chapter, any alarm transmitted or activated without any physical sign of entry or fire, other than a reported holdup, shall be construed to be a false alarm.
- B. In the event that two (2) or more false alarms from unrelated locations are received within a relatively short period of time, the Police Department or Fire Department may, in its sole discretion, not credit such false alarms were caused by unusual phenomena, such as intense electrical storm or a nearby explosion, that would activate even a properly adjusted alarm.

SECTION 8: Nonliability of borough.

This chapter or any agreement resulting therefore shall not constitute acceptance by Orwigsburg Borough for any liability to maintain any equipment, to answer any alarm or other occurrence in connection therewith.

SECTION 9: Violations and penalties.

Any person who violates any of the provisions of this ordinance shall, upon conviction in a summary proceeding be punishable by a fine of not more than three hundred dollars (\$300.00) and costs of prosecution for each and every offense or by imprisonment for a period not to exceed ninety (90) days, or both. Each day that such violation is continued shall constitute a new and separate offense, punishable by like fine, penalty or imprisonment.

SECTION 10: The permit fee and subscriber/user charges for false or accidental activation of alarms may be amended or modified by resolution from time to time by the Borough Council as it deems necessary.

SECTION 11: All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are consistent herewith, be in the same hereby are repealed. .

SECTION 12: If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Orwigsburg that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

DULY ENACTED AND ORDAINED INTO AN ORDINANCE this 10TH
day of APRIL, A.D., 1991 by the Council of the Borough of
Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly
assembled.

BOROUGH OF ORWIGSBURG

BY:



PRESIDENT OF COUNCIL

BOROUGH OF ORWIGSBURG

ATTEST:

Kathleen M. Consugar, Borough Secretary
Secretary of Orwigsburg Borough Council

EXAMINED AND APPROVES this 10TH day of APRIL, A.D., 1991.



Mayor of the Borough of Orwigsburg
Schuylkill County, Pennsylvania