

ORDINANCE 2018-02

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING, MODIFYING AND CHANGING THE CODE OF THE TOWNSHIP OF LOWER ALLEN BY DELETING CHAPTER 61, ALARMS, AND ENACTING A NEW CHAPTER 61, ALARMS.

BE IT ENACTED AND ORDAINED by the Board of Commissioners (“**Board**”) of Lower Allen Township (“**Township**”), Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

SECTION I

Chapter 61, “Alarms” of the Code of Lower Allen Township shall be removed in its entirety and replaced with a new **Chapter 61, Alarms**, as follows:

§ 61-1 Purpose.

The purpose of this chapter is to impose administrative sanctions and criminal penalties to reduce the frequency of false alarms originating from homes, businesses and other establishments located within Lower Allen Township.

§ 61-2 Title.

This chapter shall be known and may be cited as the "False Alarm Ordinance."

§ 61-3 Definitions.

As used in this chapter, the following words, terms and phrases shall have the meanings herein ascribed thereto unless the context clearly indicates a different meaning:

ALARM SUPPLIER

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 any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility.

ALARM SYSTEM

Any assembly of equipment, mechanical, electrical or battery-operated, arranged to signal the occurrence of a police, fire or medical emergency, or hazard requiring urgent attention to which police, EMS or fire units are expected to respond.

ANSWERING SERVICE

Service whereby trained employees, in attendance at all times, receive prerecorded voice messages from automatic dialing devices reporting an emergency at a stated location, which such employees have the duty to relay immediately by live voice any such emergency message via current telecommunication technology platforms to the Communications Center of the Police Department, Fire Companies or EMS.

AUDIBLE ALARM

Any device, bell, horn or siren which is attached to the interior or exterior of a building, structure or facility and emits a warning signal audible outside of the building, structure or facility and which is designed to attract attention when activated by a criminal act or other emergency requiring Police Department, Fire Companies or EMS response.

AUTOMATIC DIALING DEVICE

A device which is interconnected to a telephone line or current technology used to facilitate one-to-one communication via land-line or cellular telephony and is programmed to transmit a signal by a voice or coded message that indicates that an emergency condition exists and the need for an emergency response is required.

CENTRAL STATION

A protective system or group of such systems operated privately for customers by a person, firm or corporation which accept recorded messages from automatic dialing devices at a central station having operators and guards in attendance at all times who have the duty to take appropriate action upon receipt of a signal or message, including the relaying of messages to the Communications Center of the Police Department, Fire Companies or EMS.

CHIEF OF POLICE OR EQUIVALENT OFFICIAL

The chief executive officer of the police department, sworn or civilian, or designee.

EMERGENCY

A police, fire, or medical emergency, or hazard.

EMS

Emergency medical services.

FALSE ALARM

A. An alarm activated in the absence of an emergency, whether willfully or by inadvertence, negligence or unintentional act, including the malfunction of the alarm system, to which the Police Department, Fire Companies, or EMS respond. It excludes alarms caused by malfunctions of the Police, Fire or EMS Communications Center receiving equipment if such alarm is directly connected to the alarm board; testing or repairing of telephone or electrical lines or equipment outside the premises; acts of God, such as earthquake, flood, windstorm, thunder or lightning; an attempted illegal entry of which there is visible evidence; a crime in progress; or, in the case of an emergency medical alarm, an actual medical emergency requiring police, fire and/or medical personnel. If doubt exists as to the cause of the false alarm, the Chief of Police or equivalent official or designee shall make a decision regarding the circumstances of the activation.

B. Multiple alarms received by the Police Department, Fire Company or EMS within a 12-hour period shall not be considered a separate false alarm for purposes of this ordinance.

C. False alarms. It also includes the intentional activation of a holdup alarm for other than a holdup in progress, the intentional activation of a burglary alarm for other than a burglary, the intentional activation of a medical alarm for other than a medical emergency or the intentional activation of a fire alarm for other than a fire or hazard.

FIRE COMPANIES

All members and equipment of the Lower Allen Fire Company No. 1 and Lisburn Community Fire Company and assisting or next-due departments.

FIRE EMERGENCY

A fire.

HAZARD EMERGENCY

An explosion or leak of toxic gas liquid or solid or a potential explosion or leak.

INTERMEDIARY

A central station protective system or an answering service as herein defined.

KEY

To use a telephone line and equipment for transmitting a message either directly or indirectly by an automatic dialing device.

MANAGER

The Manager of the Township.

MEDICAL EMERGENCY

An emergency involving the health of a person or persons.

MONITORING AGENCY

A central answering point for receiving alarms that may or may not be associated with an alarm supplier, and which then relays information to a communications center to take appropriate action upon receipt of a signal or message, including the relaying of message, including the relaying of messages to the Communications Center of the Police Department, Fire Companies or EMS.

PERMIT

Written permission duly granted to an applicant by the Township upon payment of the required fee.

PERSON

Any person, group, firm, partnership, association, company, corporation or organization of any kind.

POLICE DEPARTMENT

All members of the Lower Allen Township Police Department.

POLICE EMERGENCY

An incident requiring prompt response by the Police Department.

POLICE, FIRE AND EMS COMMUNICATIONS CENTER

The Cumberland County Department of Public Safety Communications Center.

TELEPHON LINE

Any signal carrier, be it fiber optic, copper, or wireless, that facilitates one-to-one communication between persons or devices. This includes wired and wireless telephones and automated dialing devices.

TOWNSHIP

The Township of Lower Allen.

TRUNK LINE

A telephone line leading into the Communications Centers of the Police Department, Fire Companies or EMS that is for the purpose of handling calls on a person-to-person basis and which is identified by a specific listing among the white pages of the telephone directory issued by the telephone company.

§ 61-4 Alarms without timing mechanisms prohibited.

On and after the effective date of this chapter, the owner or user of an alarm system or audible alarm shall equip such alarm system or audible alarm with a timing mechanism that will disengage the alarm system or audible alarm after a maximum of 15 minutes. An alarm system or audible alarm without such a timing mechanism shall be unlawful in the Township. Where an alarm system or audible alarm is activated and continuously transmits a signal, either through malfunction or defect in the system, a police officer is authorized to direct that a device be discontinued or to disconnect the device until such time as repairs are made or contact the owner or user to disconnect the device until such time as repairs are made. Such disconnection may be made by measures up to and including the severing of wired connections to the speaker or enunciator.

§ 61-5 Direct keying of automatic dialing devices.

All automatic dialing devices that transmit recorded messages directly to the Police Department, Fire Companies or EMS shall be keyed to the Police, Fire and EMS Communications Centers. Alarm systems in multiple occupancies, where activation alerts all units, must have a method of identifying the specific location of the originating alarm.

§ 61-6 Listing of installations.

A. Every alarm supplier who installs or has installed an alarm system in the Township shall furnish to Police, Fire and EMS Communications Center and the Chief of Police or equivalent official on a form provided by the Township the following information:

- (1) The name, home and business address and home and business telephone number, and cellular phone number, if applicable, of the owner or user of the alarm system and the name, address and telephone number of the home and business of the property where the device is installed.
- (2) The name, address and best telephone contact number of at least two persons who are authorized to gain access to the premises where the device is installed.
- (3) The name, home and business address and home and business telephone number of any other person, if any, other than the alarm supplier, who is responsible for maintenance and repair of the system.
- (4) A general written description of the device other than schematics.
- (5) List the alarm monitoring agency if it differs from the alarm supplier and inform the alarm monitoring agency of the licensing requirement for alarm monitoring agencies.
- (6) For installations prior to this amendment date, the alarm supplier shall, upon renewal of the annual license, supply Lower Allen Township with a complete list of alarmed businesses and residences along with the alarm monitoring service for the same alarm if different from the supplier.
- (7) The supplier shall notify Lower Allen Township, in writing, of any changes in ownership of the alarms or any change of alarm monitoring agency.

B. The owner and user of alarm systems or audible alarms whose device was installed prior to the effective date of this chapter shall, within 90 days after such enactment, supply the Chief of Police or equivalent official with the information specified in § ~~61-6A~~.

C. All information furnished pursuant to this section shall be kept confidential and shall be for the authorized use of the Police Department only. Exceptions include providing necessary information to Township Administration, Fire, and Codes Enforcement officials for the purpose of identifying responsible parties relevant to alarm maintenance and administration.

§ 61-7 Supplier, Installer, and Monitoring Company Licensing.

A. No person except an alarm supplier or alarm monitoring service holding a valid license from the Township shall sell, install, service or monitor any alarm system within the Township.

B. The Manager or designee shall issue an alarm supplier's license or monitor's license to an alarm supplier or alarm monitoring service meeting the requirements of this § ~~61-7~~ upon the filing of the required application and payment of a fee as set forth from time to time by resolution of the Board of Commissioners. Each license shall bear the signature of the Manager or designee and be for a one calendar-year period. A copy of the license shall be physically displayed upon each of the premises using the alarm system and shall be available for inspection solely by the Chief of Police or equivalent official, the Manager or designee.

C. Each alarm supplier and alarm monitoring agency that installs one or more alarm systems in the Township shall make service available directly or through an agent on a twenty-four-hour-per-day basis, seven days a week, to service such devices and to correct malfunctions as they occur. Any person using an alarm system shall make arrangements for service to be available for such device on a twenty-four-hour per day, seven-day-per-week basis.

D. No corporation, sole proprietor, partner, joint venturer, trustee, executor, administrator, employee, fiduciary or stockholder with a five-percent or greater interest in a corporation (except a corporation whose stock is publicly traded and registered with the Securities and Exchange Commission or with a state securities commission) applying for

a license shall have been convicted of a felony or pleaded nolo contendere to any felony charge or indictment.

E. The supplier applicant shall furnish an insurance certificate annually confirming that the applicant has in force general liability insurance coverage in an amount of not less than \$300,000 each occurrence. An applicant who self-insures such coverage shall furnish evidence of financial ability satisfactory to the Manager.

F. The licensee shall pay an annual license fee as set forth from time to time by resolution of the Board of Commissioners.

(1) No alarm supplier or alarm monitoring agency license shall be required:

(a) Where no alarm permit is required; or

(b) When the installation of such alarm system shall be made personally by the owner or occupant of the premises.

(2) A license may be revoked, or renewal denied if:

(a) The licensee fails to meet the requirements necessary to obtain a license.

(b) The license fee is not paid.

(c) The Chief of Police or equivalent official has reason to believe the licensee's or alarm monitoring agency's services are the cause of false alarms.

(d) The licensee fails to provide emergency service as required by this chapter.

(e) The licensee is more than 365 days overdue on payments for false alarm violations pursuant to this ordinance or on fines related to criminal proceedings relevant to false alarms.

§ 61-8 User Permit fee.

A. The user's fee for an alarm system permit shall be \$25 for each alarm system and said permit shall be obtained by or on behalf of the owner or lessee of the premises upon which the alarm system is installed from the Manager or designee prior to the installation of the alarm system. The Manager or designee shall furnish to the user a copy of this chapter.

(1) By arrangement with suppliers, installers, and/or monitoring companies, this fee and/or any other fees or penalties identified in this chapter may be passed on to the supplier, installer, and/or monitoring company and may be invoiced directly upon declaration of this arrangement.

(2) Proof of such arrangement must be furnished, upon request, to the Township Manager or designee.

B. The permit shall bear the signature of the Manager or designee and be valid for the period that the owner owns the premises upon which the alarm system is installed, a new lease assumes occupancy of the premises, or until revoked. The permit shall be physically present upon the premises using the alarm system and shall be available for inspection by the Chief of Police or equivalent official, the Manager or designee.

C. The permit shall contain the address of the property, the name of the business (if applicable), the name of the owner, tenant or agent responsible for the property, the name, address and home and business telephone number of the alarm supplier, alarm monitoring agency or other entity responsible for servicing the system (if applicable), the type of alarm (burglary, holdup, medical), how the alarm signal will be received by the communications center (tape, central station, etc.), at least two alternative telephone numbers of persons to be contacted who are authorized to gain access to the premises and

any additional information as may be determined to be necessary. It shall be the owner's responsibility to notify the Township Manager or designee of any change in the information or usage within 30 days after the change.

D. Exception. An alarm user who is over the age of 65 and is the primary occupant of a residence, and if no business is conducted at the residence, may obtain a user's permit from the Township without paying the above-stated fee.

E. Users who fail to obtain a permit within 60 days after the alarm system is activated shall be liable to pay a late charge penalty of \$20 for each calendar year that the permit is not obtained.

F. All locations in the Township equipped with alarm systems, except as stated in this chapter, must secure and possess a valid permit for each alarm system.

§ 61-9 Certain audible alarm systems; no permit required.

A. A battery-powered (9-volt, 12.2-volt or similar voltage) audible alarm system or any electrically energized audible alarm system whose sole purpose is to notify the occupants of that location of an emergency situation shall be exempt from the permit requirements of this chapter if all of the following conditions exist:

(1) The alarm is not connected to any mechanical, electrical, or wireless device that automatically notifies a person or agency outside that location, other than the owner or occupants of that location, that the alarm system is activated.

(2) That the audible alarm does not sound outside the location (no external speakers).

(3) The audible signal emitted by the audible alarm does not exceed 90 decibels.

(4) The audible alarm does not cause undue annoyance or alarm to occupants of adjoining premises.

B. Alarm users who are not required to pay a fee or who are exempt from obtaining an alarm user's permit as stated above shall nevertheless be subject to the penalty provisions described in this chapter.

C. No one except an alarm supplier or alarm monitoring agency holding a valid license from the Township shall install or service any alarm system on the property of another within the confines of the Township.

§ 61-10 Technical information to be provided.

Each alarm supplier and alarm monitoring agency, who after the effective date of this amended chapter, sells or leases in the Township an alarm system shall furnish operating instructions and a manual to the buyer or lessee.

§ 61-11 Inspection of devices.

A. The public safety requires that the incidence of false alarms and malfunctioning automatic dialing devices be kept to a minimum so as to reduce unnecessary calls to the Police Department, EMS Department, and Fire Companies and to increase the effectiveness of properly functioning alarm systems. In order to enforce this and to reduce the incidence of false alarms and malfunctioning alarm systems, it is necessary that appropriate Township officials have the right to inspect the installation and operation of any alarm system installed in the Township.

B. Application for a permit for the installation of an alarm system and subsequent installation of such a system pursuant to a permit issued or the continuance of the use of any alarm system already installed at the effective date of this chapter shall constitute by the owner or lessee thereof an authorization for the inspection of any such installation and/or operation by the Chief of Police or equivalent official, the Manager or designee.

C. All such entries upon the premises where an alarm system is installed, and all such inspections of the installation and operation of alarm systems shall be at reasonable times and upon reasonable notice, except in emergency situations.

§ 61-12 Conformance with installation, inspection and testing standards.

A. Every alarm supplier selling, leasing or furnishing to any user or a user who privately installs an alarm system which is located on premises within the Township shall be:

- (1) Permitted to install only equipment that is listed by Underwriter's Laboratories, Inc., as being electrically safe and meeting the Township requirements for the alarm system. Wiring for the alarm system must conform within all applicable Township codes.
- (2) Required to cause each alarm system installed to be provided with standby battery power which shall automatically and immediately take over in the event of a power failure.
- (3) Required to install equipment in such a way as to neutralize electrical surges on the alarm system.
- (4) Required to deactivate any alarm system within a reasonable period of time when multiple false alarms are received.

B. Every alarm monitoring agency providing a monitoring service on an alarm system which is located on premises within the Township shall be:

- (1) Required to recommend deactivation within a reasonable period of time, to the alarm supplier, for any alarm system when multiple false alarms are received.
- (2) Permitted to monitor only equipment that has been inspected and found to meet all conditions of Subsection A above.
- (3) Prohibited from monitoring any alarm system that has not been properly registered within the Township, permitted by the Township and correctly installed by a Township-licensed supplier or installer.

§ 61-13 Notification preceding testing device.

No person shall conduct any test or demonstration of any alarm system without first notifying the shift supervisor of the Township Police, Fire or EMS radio network, as applicable.

§ 61-14 Alarm reporting.

A. Any police officer or fireman responding to an alarm which is determined to be false shall promptly notify the Chief of Police or equivalent official of such alarm, in writing, and the Chief of Police or equivalent official or designee shall, not less than quarterly, have notification of such false alarm sent via United States mail to the person(s) in whose name(s) the alarm(s) is(are) registered.

B. By submitting an application for a permit for the installation of an alarm system and the subsequent installation of such a system or by the continuation of the use of an alarm system already installed at the effective date of this chapter, the owner, lessee or user thereof shall agree that such permit application constitutes a waiver by such person of the right to bring or file any action, claim or complaint whatsoever against any police officer or fireman who makes a forced entry in response to such an alarm into the premises on which such an alarm is installed as a result of entry into the subject premises or a disconnection of an alarm. In the event that the owner of such premises is a person other than a permit applicant, as in the instance of a lessee or other user not the owner of the premises on which the alarm is installed, such permit application shall constitute an indemnification agreement by the applicant to hold harmless any such police officer, EMT or fireman, the Township, its officials or agents, the Police Department, the EMS Department and the Fire Companies, as appropriate, from any and all damages

whatsoever claimed by the lessor or owner of the premises on which the alarm is installed.

C. Any alarm system which has ten or more false alarms within a calendar year may be subject to enhanced financial penalties, criminal prosecution, and/or permit revocation.

(1) The Chief of Police or equivalent official or designee shall notify the alarm user and the alarm supplier providing the service or inspection to the user by first class postage prepaid, certified mail, of such fact and direct that the user submit a report to the Chief of Police or equivalent official or designee within 15 days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.

(2) If the alarm user submits a report as directed, the Chief of Police or equivalent official or designee shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms. If he determines that the action will substantially reduce the likelihood of false alarms, he shall notify the alarm user, in writing, that his permit will not be revoked at this time and that if three more false alarms occur within the permit year, the user's permit may be revoked.

(3) If no report is submitted, or if the Chief of Police or equivalent official or designee determines that the action taken or to be taken will not substantially reduce the likelihood of false alarms, the Chief of Police or equivalent official or designee shall give notice by first class postage prepaid, certified mail, to the user that the permit will be revoked without further notice, if the user does not file within 10 days a written request for a hearing.

(4) If a hearing is requested, the Township Manager shall provide written notice of the time and place of the hearing to the appellant, the Chief of Police or equivalent official or designee, and any required witnesses via interoffice mail for Township employees or by first class postage prepaid, certified mail to non-employees, at least 10 days prior to the date set for the hearing.

(5) The hearing shall be before the Board of Commissioners of the Township. If the Board of Commissioners determines that ten or more false alarms have occurred, and that the user has not taken action which substantially reduces the likelihood of false alarms, it shall issue an order revoking the user's permit.

(6) An alarm user shall immediately discontinue use of this alarm system upon being notified by first class postage prepaid, certified mail, of the revocation of his permit.

(7) An alarm user whose permit has been revoked may apply for a probationary user's permit. The Manager shall not be required to issue a probationary user's permit, unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Manager may impose reasonable restrictions and conditions upon the user, before issuing a probationary user's permit, which restrictions and conditions shall be written on the permit. A probationary user's permit shall be issued for only a one-year period. If the alarm user does not have three or more false alarms during that period, they may apply for a permanent permit under the provisions of § **61-8**.

§ 61-15 **False alarms.**

A. For the purpose of defraying the costs to the Police Department and Fire Companies of responding to false alarms, the owner, lessee or user of any alarm system, person using the service of an intermediary, user of audible alarms and user of any other kind of alarm systems or any other kind of direct or indirect connections with the Police, Fire or EMS Communications Centers, except a person using the two-way live voice communication by telephone, shall, as a condition to installation and continued operation of such equipment or service, execute a consent in such form as may be prescribed by the

Manager that such owner, lessee or user shall pay the Township for all false alarms upon the following schedule for each false alarm originating from the owner's, lessee's or user's premises.

(1) First three false alarms, per calendar year: warning.

(2) Fourth false alarm, per calendar year: \$25.

(3) Fifth and subsequent false alarm per calendar year: \$100 each alarm.

(4) Following the sixth and each subsequent false alarm per calendar year, it will be at the discretion of the alarm officer to issue a nontraffic citation under Title 18, Section 7511 or continue with fees under (3) above.

B. Any such owner, lessee or user who fails to execute the consent described in § **61-15A** within 90 days of the installation of an alarm shall, within the ninety-day period, disconnect the alarm system.

C. Any owner, lessee or user of an alarm system may revoke or refuse to consent as set forth in § **61-15A** above only by disconnecting the alarm system.

D. Violation of any provision of this chapter other than § **61-15** shall constitute a summary offense punishable by a fine of not less than \$100 and not more than \$300 and costs of prosecution.

SECTION II

The provisions of this Ordinance, as far as they are the same as those of Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending, or to be instituted to enforce any right or penalty, or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

SECTION III

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

SECTION IV

This **Ordinance** shall take effect immediately.

ENACTED AND ORDAINED THIS _____ DAY OF _____ 2018.

Attest:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

(Assistant Secretary)

(Vice) President