

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF TOBYHANNA, MONROE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 49, ALARM SYSTEMS, OF THE CODE OF ORDINANCES, REQUIRING THE REGISTRATION OF ALARM DEVICES FOR CRIME, FIRE OR OTHER EMERGENCY PURPOSES AND REGULATING THE OPERATION, MAINTENANCE AND TESTING THEREOF; PROVIDING THE ASSESSMENT OF FINES FOR FALSE ALARMS; AUTHORIZING THE ADMINISTRATION AND ENFORCEMENT OF THESE REGULATIONS AND APPEALS; AND PRESCRIBING PENALTIES FOR VIOLATIONS

The Tobyhanna Township Board of Supervisors does hereby ENACT and ORDAIN, as follows:

SECTION I.

Chapter 49, Alarm Systems, of the Tobyhanna Township Code of Ordinances is hereby amended and revised in its entirety to read as follows:

**CHAPTER 49
ALARM SYSTEMS**

§49-1. TITLE.

This Chapter shall be known as the “Tobyhanna Township Alarm Ordinance.”

§49-2. PURPOSE.

The purpose of this Chapter is to regulate and control burglar, panic, hold-up, fire and other alarm businesses, systems and users. The health, public safety and welfare of the Township of Tobyhanna are placed in jeopardy due to the high number of false alarms that require both manpower and emergency equipment to be unnecessarily utilized. Therefore, a need exists to enact reasonable rules and regulations to control these alarm systems and limit the number of false alarms.

§49-3. DEFINITIONS.

1. As used in this Chapter, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

ACCIDENTAL FALSE ALARM - an alarm activated when there is no intrusion, crime, fire or other emergency actually occurring and not an intentional false alarm as defined herein.

ALARM - a communication to the Police Department, Fire Department and/or other municipal agency indicating that a crime, fire or other emergency situation warranting immediate action by the Police Department, Fire Department and/or other municipal agency has occurred or is occurring.

ALARM DEVICE - a mechanical device designed to automatically transmit an alarm by wire, telephone, radio or other means directly to a person or security company that is instructed to notify the Police Department, Fire Department and/or other municipal agency of the alarm, or to activate a bell or sounding device to be heard outside a building which is intended to alert the police or others to the existence of a crime, fire or other emergency situation warranting police or other municipal agency action.

FALSE ALARM - an alarm to which the Police Department, Fire Department and/or other municipal agency responds resulting from the activation of an alarm device when a crime, fire or other emergency warranting immediate action by the Police Department, Fire Department and/or other municipal agency has not in fact occurred.

FIRE DEPARTMENT – any fire department recognized by Tobyhanna Township and providing fire protection services within the Township.

INTENTIONAL FALSE ALARM - a false alarm resulting from the intentional activation of an alarm device by an individual under circumstances where that individual has no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Police Department, Fire Department and/or other municipal agency has occurred or is occurring.

PERSON - an individual, corporation, partnership, incorporated association or other similar entity.

POLICE DEPARTMENT – the Pocono Mountain Regional Police Department.

2. In this Chapter the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

§49-4. REGISTRATION REQUIRED.

1. It shall be unlawful for a property owner, lessee of property or a person otherwise occupying a premise within the Township to put an alarm device into operation on the premises or to allow an alarm device to be put into operation on the premises without first registering the alarm with the Police Department.

2. In order to register an alarm, a person must submit an application to the Police Department with the following information:
 - A. Name of user/subscriber.
 - B. Home and business addresses and the telephone number of each for each user/subscriber.
 - C. The location at which the alarm device will be installed and operated.
 - D. The names, addresses and telephone numbers of at least two individuals who have keys to the premises at which the alarm device is located, and who are authorized to enter the premises at any time, but who do not reside at the premises at which the alarm device is located.
 - E. Name, address, telephone number of alarm equipment supplier and person responsible for maintenance and repair of the alarm device.
 - F. If the device is to be leased or rented from, or is to be serviced pursuant to a service agreement by a person other than the person making application for an alarm device permit, the name, address and telephone number of that person must be stated in the application.
 - G. Each person registering an alarm device shall submit a signed statement in the following form:

"I (We), the undersigned applicant(s) for an alarm device permit, intending to be legally bound hereby, agree with the Township that neither I (We), nor anyone claiming by, through or under me (us), shall make any claim against the Township, its officials or agents, for any damages caused to the premises at which the alarm device, which is the subject of this application, is or will be located, if such damage is caused by a forced entry to said premises by employees of the Township, Police Department, Fire Department and/or other municipal agency in order to answer an alarm from said alarm device at a time when said premises are or appear to be unattended or when in the discretion of said employees the circumstances appear to warrant a forced entry."
 - H. The Police Department shall furnish forms upon which any person required to register their alarm shall complete.
 - I. The Police Department may require additional information and/or documentation deemed necessary for such registration.

- J. The application shall include the requisite registration fee to be made payable to the Police Department.
3. It shall be unlawful for a person to operate an alarm device on his premises without first registering it with the Police Department.

§49-5. OPERATIONAL STANDARDS.

1. An alarm device need not contain a delay service which causes a delay to occur between the time the alarm device receives a triggering stimulus and the time the alarm device transmits an alarm.
2. If an alarm device is designed to cause a bell, siren or sound-making device to be activated on or near the premises on which the alarm device is installed at the time it gives an alarm, said alarm device shall be designed to deactivate the bell, siren or other sound-making device after eight (8) minutes of operation. Pre-existing units must be modified for an eight (8) minute device unless said unit cannot be modified without replacement.
3. All alarm devices shall meet the applicable standards of the Underwriters Laboratories and/or the National Fire Protection Association, and/or other recognized industry standards, and shall be permitted under this Chapter if in conformity thereto. An alarm device which does not meet any of the above standards or for which there is no recognized industry standard, shall require the applicant for a permit to submit evidence of the reliability or suitability of the alarm device.
4. The sensory mechanism used in connection with an alarm device must be adjusted to suppress false indications of fire or intrusion, so that the alarm device will not be activated by impulses due to transient pressure change in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the premises, or other forces unrelated to genuine alarm situations.
5. The alarm device must be maintained by the property owner in good repair to assure reliability of operation.

§49-6. FALSE ALARMS.

1. Intentional False Alarms. No person shall create an intentional false alarm. A person who creates an intentional false alarm shall be subject to the penalties of §49-12 of this Chapter.
2. Accidental False Alarms. Any person causing accidental false alarms for any reason shall pay a charge for each and every false alarm to which the Police Department, Fire Department and/or other municipal agency responds, in each calendar year, pursuant to a schedule of charges established by resolution of the Township Board of Supervisors.

3. A false alarm charge shall be due and payable at the office of the Police Department 30 days from the date of the mailing of the notice of assessment of the charge.
4. Failure of a person to pay a false alarm charge on or before the date due shall constitute a violation of this Chapter and subject said person to the penalties set forth in §49-12 of this Chapter.

§49-7. LIABILITY OF TOWNSHIP.

The registration of an alarm system shall not constitute acceptance by the Township of any liability to maintain any equipment, to answer alarms, nor otherwise render the Township liable to any person for any loss or damage relating to the alarm system or procedure.

§49-8. ADMINISTRATION AND ENFORCEMENT.

Administration and enforcement of this Chapter shall be the function of the Township and/or Police Department and shall include the following:

- A. Authority to order the disconnection of an alarm device until such device is made to comply with operational standards set forth herein, but only when evidence of failure to comply with said standards imposes a burden upon the Township, Police Department, Fire Department and/or other municipal agency as a result of false alarms.
- B. Authority, at reasonable times and upon written notice, to enter upon any premises within the Township to inspect the installation and operation of an alarm device.

§49-9. FALSE ALARM CHARGES.

Each subscriber/user who has registered with the Police Department as provided in this Chapter shall be subject to the following charges for false or accidental activation of alarms where police or firefighters respond:

- A. One false or accidental alarm in a 12- month period: No charge.
- B. Second false or accidental alarm in a 12-month period: No charge.
- C. Each false or accidental alarm after two in a 12-month period: \$100.00 charge for each false or accidental alarm.
- D. Charges for false alarms as set forth in the foregoing paragraphs may be revised from time to time by separate resolution of the Board of Supervisors.

- E. Such charges for false alarms shall be due and payable at the office of the Police Department 30 days from the date of the mailing of the notice of assessment of the charge.

§49-10. OPERATION OF ALARM BUSINESS.

1. It shall be unlawful for any person operating an alarm business to represent to any customer, user or subscriber that the Police Department endorses, recommends or otherwise approves of his service or equipment. It shall be unlawful to represent that the Police Department furnished the name, address or other information to said alarm business or agent.
2. It shall be unlawful to conduct a test or demonstration of any equipment already installed or being installed without notification to the Police Department. No notice is required unless the alarm or signal may cause the response of the Police Department, Fire Department and/or other municipal agency.

§49-11. FEES.

All users and subscribers shall pay a registration fee with the application as established from time to time by separate resolution of the Board of Supervisors. Such registration fee shall be due and payable at the Police Department at the time of application.

§49-12. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Chapter, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000, plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days.

SECTION II.

Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION III.

Severability. If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

SECTION IV.

Effective Date. This Ordinance shall become effective five (5) days after final enactment.

ENACTED AND ORDAINED this _____ day of _____.

TOBYHANNA TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

John J. Holahan III

Anne M. Lamberton

John E. Kerrick

Heidi A. Pickard

Donald J. Moyer