

ORDINANCE NO. 98, 2002

AN ORDINANCE OF THE TOWNSHIP OF CENTRE,
BERKS COUNTY, PENNSYLVANIA ESTABLISHING
STANDARDS AND REGULATING THE MAINTENANCE
AND OPERATION OF ALARM DEVICES PRESENTLY
EXISTING OR HEREAFTER INSTALLED OR
TERMINATED IN THE TOWNSHIP AND ESTABLISHING
PENALTIES FOR USING ALARM DEVICES TO
INTENTIONALLY CAUSE FALSE ALARMS OR FOR
OTHER VIOLATIONS

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Centre, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Definitions. For purposes of this Ordinance, the following terms are defined as follows:

(a) Alarm. A communication indicating or warning that a crime, fire or other emergency situation warranting immediate action by the Township Police or local fire companies has occurred or is occurring.

(b) Alarm Device. A privately owned and operated electronic, electrical, mechanical or similar device designed to transmit an alarm by wire, telephone, radio, audible signal (bell, siren or buzzer) or other means to the Township Police, Fire Department or any person or firm who or which is instructed to notify the Township Police or Fire Department or any person who is within the sound transmission distance limits of such an audible signal.

(c) Automatic Dialing Device. A device which is interconnected to a telephone line and preprogrammed to transmit the coded signal of an alarm to a dedicated telephone trunk line or to dial a predetermined telephone number to an alarm to a public safety agency.

(d) Dedicated Telephone Trunk Line. A telephone line or lines which serve a public safety agency which is dedicated to receiving transmissions from an automatic dialing device.

(e) False Alarm. An alarm (excluding those operated by internal alarm devices) to which the Township Police or local fire companies respond, resulting from the

activation of an alarm device when it appears that a crime, fire or other emergency warranting immediate action by the Township Police or local fire companies has not occurred at the premises where the alarm was transmitted.

(f) Intentionally False Alarm. A false alarm resulting from the intentional activation of an alarm device by an individual under circumstances where the individual had no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Township Police or local fire companies has occurred or was occurring.

(g) Permit Holder. A person to whom the alarm device permit has been issued.

(h) Person. An individual, corporation, partnership, incorporated association or other similar entity.

(i) Public Safety Agency. The Township Police or any fire department serving the Township.

(j) Township. The Township of Centre, Berks County, Pennsylvania.

Section 2. Permits.

(a) It shall be unlawful for a property owner, lessee of property or a person otherwise occupying a premises in the Township to attach or use an alarm device on his or its premises or to allow an alarm device to be attached or used on his or its premises without first obtaining an alarm device permit from the Township Police Department.

(b) In order to apply for an alarm device permit, a person shall submit a written application to the Township Police Department stating the following:

- (1) his or its name;
- (2) his or its home and business addresses and the telephone number of each;
- (3) the location at which the alarm device will be installed and operated;
- (4) the names, addresses and telephone numbers of at least two (2) 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 location of the alarm device;

(5) a complete description of the alarm device, including a copy of the operating instructions, and all relevant facts concerning the design and layout of the premises to be protected by the alarm device;

(6) if the alarm device is to be leased or rented from, or is to be served 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. In addition, each person submitting an application for an alarm device permit 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, state that neither I(we), nor anyone claiming by, through or under me(us), shall make any claim against the Township of Centre or against a public safety agency for any damage 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, members or representatives of the Township or a public safety agency in order to answer an alarm from said alarm device at a time when said premises is or appears to be unattended or when in the discretion of said employees, members or representatives, circumstances appear to warrant a forced entry.

Further, I(we) hereby agree that, periodically and upon five (5) days' written notice, representatives of the Township Enforcement Officer or his designee shall be allowed to enter my(our) premises between the hours of 10:00 a.m. and 5:00 p.m. on weekdays for the purpose of inspecting my(our) alarm device installation in order to determine whether or not it is in accordance with the operational standards set forth in Section 3 of this Ordinance.

Further, I(we) hereby agree that I(we) will inform the Township Police Department in writing of any change in the information contained in this application as soon as practicable."

The Township Police Department shall furnish forms upon which any person wishing to apply for an alarm device permit may submit his or its application.

(c) A person applying for an alarm device permit shall submit a fee of Ten Dollars (\$10.00) along with his or its application, to cover the cost of issuing the permit.

(d) The Township Police Department shall, within ten (10) weekdays from receipt of an application for a burglar alarm device permit, either grant an alarm device permit to the applicant or notify the applicant in writing that his or its application has been denied and the reason or reasons why it has been denied.

(e) The Township Police Department shall, within ten (10) weekdays from receipt of an application for an alarm device permit, either grant an alarm device permit

to the applicant or notify the applicant in writing that his or its application has been denied and the reason or reasons why it has been denied.

(f) An application for an alarm device permit may only be denied for the following reasons:

(1) The application submitted by the applicant contains a statement of material fact which is false.

(2) The application submitted by the applicant does not conform with subsection (b) or (c) of this Section.

(3) The applicant's alarm device does not conform with the operational standards set forth in Section 3 of this Ordinance.

(g) The Township Police Department shall have the power to revoke or suspend an alarm device permit. An alarm device permit shall be revoked or suspended by notifying the permit holder in writing that his or its alarm device permit has been revoked or suspended and the reason or reasons why it has been revoked or suspended. Said written notice shall be:

(1) delivered personally to the permit holder, in which case the revocation shall be effective immediately upon delivery, or

(2) mailed to the permit holder at his or its last known address by regular mail, postage prepaid, in which case the revocation shall be effective three (3) days after mailing.

(h) An alarm device permit may only be revoked or suspended for the following reasons:

(1) The alarm device application submitted by the permit holder contains a statement of material fact which is false.

(2) Failure of an alarm device to conform with the operational standards set forth in Section 3 of this Ordinance.

(3) Failure of a permit holder to pay a fine imposed to him under the provisions of Section 6 of this Ordinance within thirty (30) days of imposition thereof.

(4) The occurrence of more than four (4) false alarms from an alarm device during any consecutive twelve (12) month period.

(5) The occurrence of an intentional false alarm caused by the permit holder or by an individual over the age of fifteen (15) years who resides on the premises where the alarm device is located.

(i) A person who has had his alarm device permit revoked or suspended under subsections (f) or (g) of this Section may reapply for an alarm device permit forty-five (45) days after the effective date of such revocation or suspension; provided, however, that if a person's alarm device permit was revoked or suspended for non-payment of a fine, the Township Police Department shall deny said application unless such fine and any costs required to be paid in connection with said fine has been paid. Notwithstanding the foregoing, a person who has had his alarm device permit twice revoked or suspended on the basis of an occurrence of an intentional false alarm may not reapply for an alarm device permit for one (1) year from the effective date of the second revocation or suspension.

Section 3. Operational Standards.

(a) If an alarm device is designed to transmit a recorded message, the duration of such recorded message shall not exceed fifteen (15) seconds. The contents of said message shall be intelligible and in a format approved by the public safety agency.

(b) Except in the case of fire, smoke and personal safety alarm devices, an alarm device shall be designed so that a thirty (30) second delay occurs between the time the alarm device receives a triggering stimulus and the time the alarm device transmits an alarm.

(c) If an alarm device is designed to cause an exterior 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 twenty (20) minutes of operation.

(d) At the time of installation 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. The applicant for a permit may be required to submit evidence of the reliability and suitability of the alarm device.

(e) 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 noises adjacent to the premises, or other forces unrelated to genuine alarm situations.

(f) The alarm device must be maintained by the owner or lessee in good repair to assure reliability of operation, and to fail to do so is unlawful and shall constitute violation of this Ordinance, subject to the penalties set forth herein.

(g) The Township Chief of Police or his designee shall, periodically and upon five (5) days' written notice, have the authority to enter the premises at which an alarm device is located at reasonable times for the purpose of inspecting the alarm device installation in order to determine whether or not it is in accordance with the operational standards set forth in this section. Said representative may require the repairs be made whenever he has determined that such are necessary to assure proper operation.

Section 4. Regulation of Installers. Any person who installs alarm devices in the Township shall be licensed to perform services as an electrical contractor in the Township.

Section 5. Intentional False Alarm. It shall be unlawful to cause an intentional false alarm and to do so shall constitute a violation of this Ordinance subject to the penalties set forth herein.

Section 6. False Alarm Charges.

(a) The owner of an alarm device shall pay to the Township a charge for each false alarm emanating from his alarm device as follows:

First through Fourth False Alarm during a one year period	No charge
Fifth False Alarm during a one year period	\$25.00
Sixth or Subsequent False Alarm during a one year period	\$50.00

(b) When a false alarm occurs, the Township Police Chief, within ten (10) days from the date of each false alarm, shall notify the owner or lessee of the alarm device from which the false alarm emanated that a false alarm charge is due and the amount thereof, if any. Such notice shall be in writing and mailed to the owner or lessee at his last known address by regular mail, postage prepaid. Failure of the Township Police Chief to mail notice of assessment of a false alarm charge within ten (10) days from the occurrence of a false alarm shall preclude Township from assessing a false alarm charge for said false alarm.

(c) A false alarm charge shall be due and payable at the office of the Township clerk thirty (30) days from the date of the mailing of the notice of assessment of the false alarm charge.

(d) Failure of an owner or lessee to pay a false alarm charge on or before the due date shall constitute a violation of this Ordinance, subject to the penalties set forth herein.

Section 7. Liability of Township/Public Safety Agency. The issuance of any permit shall not constitute acceptance by Township of any liability to maintain any equipment, to answer alarms or for anything in connection therewith. A public safety agency shall not be responsible for any costs of the installation and maintenance of any dedicated telephone line or equipment associated with the alarm termination.

Section 8. Right to Appeal. Whenever under the provisions of this Ordinance, the Township Police Department is empowered to make a decision with respect to the installation, operation or maintenance of any alarm device, or with respect to the denial or revocation of any permit relating thereto, any applicant for a permit or permit holder aggrieved by said decision may, within ten (10) days following said decision, file a written appeal therefrom with the Township Board of Supervisors, whereupon the Township Board of Supervisors shall promptly conduct a hearing and affirm, modify or reverse the decision appealed from. The decision of the Township Board of Supervisors shall be final.

Section 8. Penalties.

(a) Any person who violates Section 6 of this Ordinance commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00), plus costs, for each offense.

(b) Any person who has committed an unlawful act under any other Section of this Ordinance shall, upon conviction, be subject to a fine of not more than Six Hundred Dollars (\$600.00), plus costs, for each offense.

Section 9. Severability. 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 Board of Supervisors of the Township of Centre that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 7. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 8. Effective Date. This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this 14th day of January, 2002.

TOWNSHIP OF CENTRE



Ronald E. Knepp, Chairman




Clair Miller



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Attest:



Secretary

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