

CENTRE TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO 2019 - 163

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, REQUIRING THE REGISTRATION AND PERMITTING OF ALARM DEVICES AND AUTHORIZING CHARGES FOR FALSE ALARMS

WHEREAS, Centre Township is a second class township in the Commonwealth of Pennsylvania; and

WHEREAS, as a second class township Centre Township is governed by the Second Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. § 65101 et seq.; and

WHEREAS, under Section 1606 of the Second Class Township Code, 53 P.S. §66506, the Board of Supervisors may adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens; and

WHEREAS, per Section 1527 of the Second Class Township Code, 53 P.S. §66527, the Board of Supervisors may enact ordinances to secure the safety of persons within the Township; and

WHEREAS, pursuant to Section 1601 of the Second Class Township Code, 53 P.S. § 66601, the Board of Supervisors may enact ordinances in which general or specific powers of the Township may be exercised; and

WHEREAS, the Township Board of Supervisors deems it in the best interest of Centre Township to license and regulate alarm devices in the Township, require a fee for a license and assessments of a charge for false alarms.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania as follows:

SECTION 1. Title.

This Ordinance shall be known as the Centre Township Alarm Ordinance.

SECTION 2. Definitions.

The following terms, when used in this Ordinance, shall have the following meanings:

ALARM — a communication indicating or warning that a crime, fire or other emergency situation warranting immediate action by the police or local fire companies has occurred or is occurring.

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 police, any person or firm who or which is instructed to notify

the police or any person who is within the sound transmission distance limits of such audible signal.

FALSE ALARM — an alarm (excluding those operated by internal alarm devices) to which the 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 police or local fire companies has not occurred at the premises where the alarm was transmitted.

PERMIT HOLDER — a person to whom the Township of Centre has issued an alarm device permit.

PERSON — an individual, corporation, partnership, incorporated association or other legal entity.

SECTION 3. Permits.

1. It shall be unlawful for a property owner, lessee of property or a person otherwise occupying a premises in the Township to put an alarm device into operation on his or its premises without first obtaining an alarm device permit from the Township Secretary.

2. In order to apply for an alarm device permit, a person shall submit an application to the Township of Centre stating the following:

A. His or its name.

B. His or its home address and/or principal business address and the telephone number of each.

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 location of the alarm device, or in lieu thereof, the name, address and telephone number of a security service company which provides alarm services at the premises and which has on file with it the names of such authorized key holder.

E. A complete description of the alarm device, including a copy of operating instruction and whether same is coordinated with any other antipersonnel device(s); or, in lieu thereof, the name, address and telephone number of a security service company which has in its possession knowledge or data describing the alarm device and its operation instructions.

F. If the alarm device is to be leased or rented from, or is to be serviced pursuant to a service agreement, 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 for any damage caused to the premises at which the alarm device, which is subject to this application, is or will be located if such damage is caused by a forced entry to said premises by employees of the Township in order to answer an alarm from said alarm device at a time which said premises are or appear to be unattended or when, in the discretion of said employees, 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 or Fire Department 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 purposes 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 this Ordinance of the Township of Centre.

The Township of Centre shall furnish forms upon which any person wishing to apply for an alarm device permit may submit his application.

3. A person applying for an alarm device permit shall submit a fee, which shall be in an amount as established by resolution, from time to time, by the Township Supervisors, along with his application to cover the cost of issuing the permit.

4. The Township and/or Fire 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.

5. An application for an alarm device permit may only be denied for the following reasons:

A. The application submitted by the applicant does not conform with Subsection 1 and 2 above.

B. The applicant’s alarm device does not conform with the operational standards set forth in this Ordinance. Notwithstanding the language contained in Subsection 1 above, it shall not be unlawful for a person to continue to operate an alarm device on his premises without an alarm device permit for a period of ninety (90) days after the effective date of this Ordinance, provided that said alarm device was in operation on the effective date of this Ordinance. Thereafter the provisions of this section shall apply.

7. The Township shall have the power to revoke an alarm device permit. An alarm device permit shall be revoked by notifying the permit holder in writing that his alarm device permit has been revoked and the reason or reasons why it has been revoked. Said written notice shall be:

A. Delivered personally to the permit holder, in which case the revocation shall be effective immediately upon delivery.

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

8. An alarm device permit may only be revoked for the following reasons:

A. Failure of an alarm device to conform with the operational standards set forth in this Ordinance.

B. Failure of a permit holder to pay a false alarm charge assessed to him by the Township and/or fire company under the provisions of this Ordinance within thirty (30) days of the mailing to him of a notice of the assessment of a false alarm charge.

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

9. A person who has had his alarm device permit revoked under this Ordinance may reapply for an alarm device permit 45 days after the effective date of such revocation; provided, however, that if a person's alarm device permit was revoked for nonpayment of a false alarm charge, the Township shall deny said application unless such charge or fee, or both, have been paid. Notwithstanding the foregoing, a person who has had his alarm device permit twice revoked on the basis of an occurrence of an intentional false alarm may not reapply for the alarm device permit for one (1) year from the effective date of the second revocation.

SECTION 4. Operational Standards.

1. 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 form approved by the Township and/or Township fire company representatives.

2. 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.

3. 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.

4. At the time of installation, all alarm devices shall be listed and approved for use per manufacturing instructions by a nationally recognized testing laboratory (e.g. UL - Underwriters Laboratories), in full compliance with applicable codes and the National Fire Protection Association standards. The applicant for a permit may be required to submit evidence of the reliability and suitability of the alarm device.

5. 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 noise such as the

rattling or vibrating of doors or windows, vehicular noises adjacent to the premises or other forces unrelated to genuine alarm situations.

6. The alarm device must be maintained by the permit holder in good repair to assure reliability of operation.

7. Representatives of the Township and/or Fire Company shall, periodically and upon five (5) days' written notice, have the authority to enter the premises at which an alarm device is located between the hours of 10:00 a.m. and 5:00 p.m. on weekdays 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 representatives may require the repairs be made whenever he has determined that such are necessary to assure proper operation.

SECTION 5. Intentional False Alarms.

It shall be unlawful to cause an intentional false alarm.

SECTION 6. False Alarm Charges.

1. A permit holder shall pay the Township a charge for false alarms emanating from his alarm device during any calendar year pursuant to a resolution established from time to time, by the Township Supervisors.

2. When a false alarm occurs and a fee imposed pursuant to the fee resolution, the Township, within ten (10) days from the date of each false alarm, shall notify the permit holder 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 permit holder at his last known address by regular mail, postage prepaid. Failure of the Township to mail notice of assessment of a false alarm charge within ten (10) days from the occurrence of a false alarm shall preclude the Township from assessing a false alarm charge for said false alarm.

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

4. Failure of a permit holder to pay a false alarm charge on or before the due date shall subject such permit holder to revocation under this Ordinance.

5. In the case of a new installation of an alarm device, a thirty (30) day testing period shall apply to allow the security service company and the applicant to adjust the system as necessary to prevent a false alarm. During this thirty (30) day period, a false alarm charge shall not be assessed.

SECTION 7. Liability of Township.

The issuance of any permit shall not constitute acceptance by Township of any liability to maintain any equipment, to answer alarms or for any other responsibility in connection therewith.

SECTION 8. Right to Appeal.

Whenever, under the provisions of this Ordinance, the Township Code Official is empowered to make a decision with respect to the installation, operation, maintenance or abuse of use 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 Board of Supervisors of Centre Township, whereupon said Board of Supervisors shall promptly conduct a hearing and affirm, modify or reverse the decision appealed from. The decision of the Board of Supervisors of Centre Township shall be final.

SECTION 9. Penalties.

Any person, firm or corporation who shall commit an unlawful act under this Ordinance, upon conviction thereof in an action brought before a District Justice 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. Each day that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

SECTION 10. Enforcement.

The Code Official of the Township of Centre shall be authorized to enforce this Ordinance.

SECTION 11. Repealer

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

SECTION 12. Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause or provision had not been included herein.

SECTION 13. Effective Date

This Ordinance shall become effective five (5) days after enactment, as provided by law.

SIGNATURES ON NEXT PAGE

ENACTED AND ORDAINED as an Ordinance of Centre Township, Berks County, Pennsylvania, this 22nd day of January, 2019.

**BOARD OF SUPERVISORS OF
CENTRE TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA**


Chairman


Vice Chairman


Member

ATTEST:


Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2019 -163 adopted by the Board of Supervisors of Centre Township, Berks County, Pennsylvania at a public meeting held on January 22, 2019, pursuant to notice as required by law.

Dated: Jan 22, 2019

Cheryl A. Haus
Township Secretary