

CHAPTER II

ALARMS AND ALARM SYSTEMS

- Section 101. Short Title
- Section 102. Purpose
- Section 103. Scope
- Section 104. Definitions
- Section 105. Registration
- Section 106. Operational Standards
- Section 107. Intentional False Alarm
- Section 108. False Alarm Administrative Fees
- Section 109. Liability of Township
- Section 110. Penalty
- Section 111. Severance Clause

AK2541

Section 101. Short Title. This Chapter shall be commonly known and may be cited as the "Township of Spring Alarm Ordinance." (Ordinance No. 210, September 11, 1989, Section 1)

Section 102. Purpose. The purpose of this Chapter is to provide standards and regulations for various types of burglar, fire and other emergency alarm devices which require response by the Township police and/or local fire companies. (Ordinance No. 210, September 11, 1989, Section 2)

Section 103. Scope. The provisions of this Chapter shall apply to any person who operates, maintains, owns or rents any alarm device designed to summon the Township police and/or local fire companies to any location within the Township in response to any type of alarm signal. (Ordinance No. 210, September 11, 1989, Section 3)

Section 104. Definitions. For the purpose of this Chapter the following terms are defined as follows:

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.

Alarm Device - a privately owned or rented and operated electronic, electrical, mechanical or similar device designed to transmit an alarm by wire, telephone, radio, audible signal (bell, horn, siren, etc.) or other means to the Township police, local fire companies or to any person or firm who or which is instructed to notify the Township police or local fire companies, or to any person who is within the sound transmission distance limits of such audible signal. This term shall not include "smoke detectors," normally installed in private residences, when such audible signal does not transmit to the outside of such private residence.

False Alarm - any alarm actuated by inadvertence, negligence, or unintentional act of any person, and shall include alarms caused by malfunctioning of the alarm device or other relevant system. This term shall not include an alarm device set off due to electrical storms, or like circumstances, over which the person having an alarm device under this Chapter has no control.

False Alarm Administrative Fee - the fee payable to the Township resulting from false alarms which require response by the Township police and/or local fire companies.

Intentional False Alarm - a false alarm resulting from the intentional

activation of an alarm device by a person under circumstances where the person has 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 is occurring.

Person - any individual, partnership, corporation, association, institution, cooperative enterprise, agency or any legal entity, whatsoever, which is recognized by law as the subject of rights and duties. The singular shall include the plural, and the masculine, the feminine and the neuter.

Registrant - a person causing registration of an alarm device or a person having an alarm device registered under this Chapter with the Township police.

Registration - any person having a presently existing alarm device, or installing an alarm device in any premises in the Township, shall submit the information, hereinafter specified, to the Township police, which will document such alarm device with the Township police.

Township - the Township of Spring, Berks County, Pennsylvania.

(Ordinance No. 210, September 11, 1989, Section 4)

Section 105. Registration.

(A) It shall be unlawful for any person owning, leasing, maintaining property, or a person otherwise occupying a premises in the Township, to put an alarm device into operation on his or its premises, or to allow an alarm device to be put into operation on his or its premises, without first causing registration of such alarm device with the Township Police.

(B) In order to cause registration of such alarm device, a person shall submit the following information to the Township police:

- (1) His, her or its name.
- (2) His, her or its home address and/or principal business address and the telephone number of each.
- (3) The location at which the alarm device is or will be installed or operated; and type of alarm.

(4) The names and 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; or in lieu thereof, the name and address and phone number of the company which provides alarm service at the premises and which has on file with it, the names and telephone numbers of such authorized key holders.

(C) Any person having caused registration of an alarm device with the Township police shall keep all information required with the original registration up to date. In case of any change in the original registration, notice of such change shall be made to the Township police within five (5) days from such change. Notification shall be made in person or by mail.

(D) Notwithstanding the language contained in Section 105(A) of this Chapter, it shall not be unlawful for a person to continue to operate an alarm device on his premises without registering such alarm device with the Township police, after the effective date of this Chapter, provided that said alarm device was in operation before the effective date of this Chapter, until such time as the Township police or local fire companies respond to an alarm resulting from the activation of such alarm device, whereafter such person shall have five (5) days within which to cause registration of such alarm device, as required by this Chapter. Failure of such person to cause registration within the required five (5) days, shall subject such person to the penalties as hereinafter provided for.

(Ordinance No. 210, September 11, 1989, Section 5)

Section 106. Operational Standards.

(A) Any alarm device installed in any premises within the Township, or operating in any premises within the Township must be maintained in good working order to assure reliability of such alarm device.

(B) If an alarm device is designed to cause an exterior bell, horn, siren or other sounding 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, horn, siren or other sounding device after twenty (20) minutes of operation. All alarm devices shall meet the applicable standards of the Underwriters Laboratories and/or National Fire Protection Association, and/or other recognized industry standards.

(C) The Township police may require that repairs be made whenever it has been determined that such repairs are necessary to assure proper operation of an alarm device. Any person failing to make such required repairs within a period of seven (7) days, following notification to make such repairs, shall be liable to the penalties hereinafter provided for.

(Ordinance No. 210, September 11, 1989, Section 6)

Section 107. Intentional False Alarm. It shall be unlawful for any person to cause an intentional false alarm. Any person violating this Section shall be subject to the penalties hereinafter provided for. (Ordinance 210, September 11, 1989, Section 7)

Section 108. False Alarm Administrative Fees.

(A) For the first (1st) through third (3rd) false alarms, emanating from an alarm device in any calendar year, no action will be taken against the registrant. Upon the third (3rd) false alarm received in any calendar year, the Chief of Police of the Township, or his/her designee shall notify the registrant by regular mail or personal notice, within five (5) days after the third (3rd) false alarm was received, that any further false alarm emanating from his alarm device within that calendar year, shall subject the registrant to the administrative fee, or upon failure to pay the administrative fee, a penalty as herein provided for.

(B) For the fourth (4th) through sixth (6th) false alarms emanating from an alarm device within the same calendar year, an administrative fee of Fifty Dollars (\$50.00) shall be imposed on the registrant for each offense.

(C) For the seventh (7th) and subsequent false alarms emanating from an alarm device, an administrative fee of One Hundred Dollars (\$100.00) shall be imposed for each offense.

(D) When a fourth (4th) or subsequent false alarm has occurred, the Chief of Police of Township or his/her designee, shall notify the registrant of the alarm device from which the false alarm emanated, within ten (10) days, after such false alarm has occurred, that an administrative fee is due and the amount thereof. Such notice shall also include that such administrative fee is payable to the Township, and shall be paid at the business office of the Township within fifteen (15) days, after receipt of the notice, and that failure to pay the administrative fee shall subject such person to the penalties as hereinafter provided for. Such notice shall be made by certified mail, or by personal service on the registrant, or an adult member of the registrant's family or an adult employee located at the address of the registrant.

(Ordinance No. 210, September 11, 1989, Section 8; amended by Ordinance No. 293, January 27, 2003, Section 1 and Section 2,)

Section 109. Liability of Township. The registration of an alarm device within the Township shall not constitute acceptance by the Township of any liability to maintain such alarm device, or to answer alarms or for any other responsibility in connection therewith. (Ordinance No. 210, September 11, 1989, Section 9)

Section 110. Penalty. Any person who violates any provision of this Chapter, or refuses to pay an imposed false alarm administrative fee, shall upon conviction thereof before the proper District Justice of the Peace, or in the event of an appeal before the Court of Common Pleas of Berks County, Pennsylvania, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars and court costs as provided by law, or suffer imprisonment for a period not exceeding thirty (30) days, or both. (Ordinance No. 210, September 11, 1989, Section 10)

Section 111. Severance Clause. In the event any provision, section, sentence, clause of any part of this Chapter shall be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby, and shall remain in full force and effect. (Ordinance No. 210, September 11, 1989, Section 11)