

UPPER LEACOCK TOWNSHIP

ORDINANCE NO. 3 of 1997

**AN ORDINANCE OF THE TOWNSHIP OF UPPER LEACOCK
REGULATING THE CARE, MAINTENANCE AND USE OF
VARIOUS TYPES OF INTRUSION, BURGLAR, AND
OTHER EMERGENCY ALARM DEVICES, ESTABLISHING
A SCHEDULE OF FEES FOR FALSE ALARMS AND SETTING
FORTH PENALTIES**

SECTION 1. PURPOSE AND BACKGROUND. The purpose of this ordinance is to provide standards and regulations for various types of intrusion, burglar, and other emergency alarm devices which require response thereto by the police department or other municipal agencies.

SECTION 2. SCOPE. The provisions of the ordinance shall apply to any person who operates, maintains, or owns any alarm devices, dial-alarms, or local alarm designed to summon the police or other municipal agency to any location in response to any type of alarm signal.

SECTION 3. DEFINITIONS.

ALARM CONSOLE - The console or control panel of alarm devices which produces a visual or audio response or both and located within the confines of Lancaster County-wide Communications or elsewhere.

ALARM DEVICE - Any type of dial alarm, local alarm, other alarm system or any combination thereof which actuates equipment in the alarm console providing warning of intrusion or other peril.

DIAL ALARM - A type of alarm device which uses telephone lines to transmit an alarm directly to Lancaster County-wide Communication, or other approved site.

ENFORCEMENT OFFICER - One or more persons, appointed from time to time by Upper Leacock Township, to provide enforcement and administration of this ordinance.

LOCAL ALARM - Any alarm device which, when actuated, produced a signal not connected to the alarm console, such as a store or home burglar alarm actuating bell or horn device.

PERSON - Any natural person, partnership, corporation, or association.

FALSE ALARM - Any alarm actuated by inadvertence, negligence, lack of proper maintenance, or malfunctions of the alarm device or other relevant equipment. Alarms created by malfunctions of the alarm console at Lancaster County-wide Communications or other alarm monitoring facilities will not be considered a false alarm. Any alarm actuated by severe weather conditions or other unusual circumstances beyond the reasonable control of the owner or occupant of the premises, will not be considered a false alarm. The Police or Other Agency Officer in charge of the response will determine if the alarm is considered false.

SECTION 4. OBLIGATION TO MAINTAIN. Each person who is the owner and/or occupant of premises equipped with an alarm device shall maintain such alarm device in good condition and repair so as to avoid false alarms.

SECTION 5. ENFORCEMENT

FALSE ALARMS - The police, or other agency officer in charge of a response to an alarm device activation shall determine after investigation, if the alarm is a false alarm. All false alarm responses shall be reported to the Enforcement Officer, with a copy of the incident report attached. The Enforcement Officer shall maintain a record of said false alarms on file. For such false alarms the Board of Supervisors prescribes the following administrative fees designated to partially offset the cost of the manpower response necessitated by false alarms:

A. For the third (3rd) false alarm in any given calendar year a warning shall be issued. For the fourth (4th) false alarm in any given calendar year, the Enforcement Officer shall notify the person occupying the premises upon which the alarm device is located that a false alarm has been received and that any further false alarms during the same calendar year will result in penalties as set forth in this ordinance.

B. For the fifth (5th) false alarm received in the same calendar year, an administrative fee of fifty dollars (\$50.00) payable to East Lampeter Township shall be imposed. The administrative fee hereby imposed shall be payable in lieu of a fine hereinafter imposed by this ordinance.

C. For the sixth (6th) and subsequent false alarm which results in a police agency response in the same calendar year, the administrative fee shall be fifty dollars (\$50.00) per false alarm. The administrative fee shall be payable to East Lampeter Township and shall be payable in lieu of a fine hereinafter imposed by this Ordinance.

E. In light of the need to fine tune a new installation, each new alarm device which is installed upon the premises of any person will be entitled to a grace period of thirty (30) days following the date of complete installation or the first use of the alarm device, whichever first occurs, during which time no false alarm shall be charged against such alarm device unless the alarm is determined to be intentional.

F. Upon the thirtieth (30th) false alarm in any given calendar year or upon the failure of the persons responsible to pay any administrative fees required by this ordinance within thirty (30) days of notice of the fee, the police services will not be asked or directed to respond to any alarm indicating a police response on the premises for which the thirtieth (30th) false alarm originated.

SECTION 6. AUDIBLE ALARMS. All alarm devices which, when activated, emit an audible alarm at and near the site of the device shall be equipped with a timing device which will automatically silence the alarm fifteen (15) minutes after actuation of the alarm.

SECTION 7. NOTICES AND WARNINGS. Notices or warnings other than those pertaining to the imposition of administrative fees required by this ordinance shall be given by the Enforcement Officer, or his designee, to the person occupying the premises upon which the alarm device is located by mailing a copy of the notice or warning by first class mail to such person at that address where the alarm device is located. Such notices which pertain to the imposition of administrative fees shall be given by mailing a copy of the notice by certified mail, return receipt requested, to the person occupying the premises upon which the alarm device is located. A notice or warning may also be given by personal service of the notice or warning by handing a copy of the same to the occupant of the premises upon which the alarm device is located or to an adult resident thereof or an employee located thereon. If service is made by personal service, the Enforcement Officer, or his designee, shall file Proof of Service which shall be under oath and which shall designate the person and title upon whom service is made.

SECTION 8. SEVERABILITY. In the event any provision, section, sentence, clause or part of this ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this ordinance.

SECTION 9. PENALTY. Any person found guilty of violating the terms of this ordinance or any person who shall fail to pay the administrative fee for false alarms in excess of four (4) in the same calendar year shall, upon conviction in a summary proceeding, be subject to a fine of not more than three hundred dollars (\$300.00) or imprisonment for a period not to exceed ninety (90) days or both.

SECTION 10. INCONSISTENCES WITH OTHER ENACTMENTS. This

ordinance shall supersede and replace any other ordinance dealing with the imposition of administrative fees for false alarms.

~~June 19~~ ^{July 23} SECTION 11. EFFECTIVE DATE. This ordinance shall be effective ~~June 19~~ ^{July 23}, 1997.

ORDAINED AND ENACTED this 23rd day of ~~June~~ ^{July}, 1997.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF UPPER LEACOCK

By:  ~~(Vice)~~ Chairman

I, Stephen Gabriel, Secretary of the Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Upper Leacock Township held on June 19, 1997, at which meeting a quorum was present and voted in favor thereof.

Stephen Gabriel
Secretary