

UPPER LEACOCK TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2011 - 01

AN ORDINANCE REGULATING THE INSTALLATION AND OPERATION BY ANY PERSON OF AUTOMATIC PROTECTION DEVICES COMMONLY REFERRED TO AS FIRE ALARM SYSTEMS WITHIN THE TOWNSHIP OF UPPER LEACOCK THROUGH THE ISSUANCE OF PERMITS; FIXING THE FEES FOR PERMITS TO BE ISSUED; REQUIRING INSTALLATION OF KEY LOCK/BOXES; AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS

As used in this ordinance, the following words, terms, and phrases shall have the following meanings unless it is apparent from the context that a different meaning is intended:

A. **ALARM AGENT** - Any person who is self-employed in or employed by an alarm business, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure or facility, any automatic protection device/alarm system.

Exemption: This definition does not include a person who engages in the manufacture or sale of an automatic protection device/alarm system from a fixed location and who neither visits the location where the automatic protection device/alarm system is to be installed, nor designs the scheme for physical location and installation of the automatic protection device/alarm system in a specific location.

B. **ALARM BUSINESS** - Any business operated by any individual, including a person self-employed, partnership, corporation or other entity of: selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any automatic protection device/alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any automatic protection device/alarm system in or on any building, structure or facility, or employing alarm agent(s).

Exemption: This definition does not include a person who engages in the manufacture or sale of an automatic protection device/alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.

C. APPLICANT - Any person, firm or corporation who or which files an application for a new or renewal permit as provided in this Ordinance.

D. AUTOMATIC PROTECTION DEVICE /ALARM SYSTEM - Any mechanical or electrically operated instrument composed of sensory apparatus and related hardware which is designed or used for detection of fire or smoke in a building, structure or facility or for alerting others of the detection of fire or smoke within a building, structure or facility or both, and which either emits a sound or which transmits a signal or message when activated, resulting in a communication to Lancaster County Wide Communications and the dispatching of a fire company to the source of the alarm. Automatic Protection Devices/Alarm Systems include, but are not limited to, audible alarms, automatic devices or alarm systems connected directly or indirectly to communication centers and proprietor alarms. Automatic Protection Devices/Alarm Systems shall hereinafter be referred to as APD(s).

Exemption: The following devices shall not be included under the definition of APD(s):

(1) Devices which are not designed or used to register alarms that are audible, visible, or perceptible outside of the protected building, structure or facility, such as those systems designed for the detection of equipment malfunctions.

(2) Devices which are designed for the notification of a condition of fire only to occupants of industries, institutions, and other similar premises where the alarm system is installed, to provide for the evacuation of the occupants of those industries, institutions, and other similar premises; or devices designed to signal the flow of water in an automatic fire sprinkler system; and where no communication or message is transmitted to Lancaster County Wide Communications and no fire company is dispatched to the site.

E. COMMUNICATION CENTER - Lancaster County Wide Communications or any other public fire control agency or unit; and the Township of Upper Leacock.

F. FALSE ALARM - An activation of an APD signal, necessitating response by any fire company or fire department of any municipality where an emergency condition does not exist.

G. FIRE ALARM OFFICER - The person duly appointed by the Board of Supervisors of Upper Leacock Township, from time to time, to administer and enforce this Ordinance

H. NOTICE - A written notice, given by personal service upon the addressee, or given by the United States mail, postage prepaid, addressed to the person to be notified at his last known address, return receipt requested. Service of such notice shall be effective upon the completion of personal service, or upon delivery by the United States Postal Service.

I. PERMIT - Written permission, duly granted to the applicant by the Upper Leacock Township Fire Alarm Officer, upon the payment of the required fees. Permits are sub-classified as:

Alarm User Permits:

(a) Regular - A permit issued for all newly installed and approved APD(s). The permit period shall commence July 1 of the calendar year in which the permit is issued and shall extend a maximum of three (3) years thereafter. Upon expiration a new permit must be obtained.

(b) Interim - A permit issued for not more than six (6) months authorizing the continued use of an APD following the suspension or revocation of a regular or previously issued interim permit.

J. PERMITTEE - Any person, firm, partnership, association, corporation, company or organization who or which shall be granted a permit as provided herein, and his or its agents and representatives.

K. PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

L. PROPRIETARY ALARM - Any alarm system which sounds within the protected premises or control center under the supervision of the proprietor of the protected building, structure or facility. If fire company response is expected or is a result of that proprietary alarm signal or message, it thereby becomes an APD as defined by this Ordinance.

M. SUBSCRIBER - (ALARM USER) - A person who has an APD installed on realty in which the person has an interest or who is applying for the installation of an APD.

N. TOWNSHIP - Upper Leacock Township, Lancaster County, Pennsylvania.

SECTION 2. UNLAWFUL ACTIVITIES

A. ALARM USER PERMIT REQUIRED - It is unlawful for the owner of any building, structure or facility, or an occupant or tenant in said building, structure or facility, to use an APD at any time within the limits of the Township of Upper Leacock without first applying for and receiving an alarm user permit in accordance with the provisions of this

Ordinance and to have that permit on the premises where the system is located and to produce such permit to any police officer, or the Fire Alarm Officer, upon request.

Exemption: The owner of a single-family home, used primarily for residential purposes, shall be exempt from the permitting requirements of this section.

All residential false alarms must be reported by the Fire Chiefs to the staff at Upper Leacock Township and, in such instances, the Fire Alarm Officer shall send the homeowner a letter stating how many false alarms are allowed and any other relevant information regarding the false alarm. Residential false alarms shall be subject to the regulations set forth in paragraph 7B.

B. SUSPENSION OR REVOCATION - It is unlawful for any person to possess and use an APD requiring a permit under this Ordinance or engage in, conduct or operate in a manner requiring a permit under this Ordinance at any time within the limits of the Township of Upper Leacock, when the permit and their privilege to do so has been suspended or revoked in accordance with the provisions of this Ordinance.

C. AUTOMATIC DIALING SERVICE - It is unlawful for any person to authorize and/or interconnect an automatic dialing device to a communication center telephone line without authorization of the owner or lessee of said telephone line.

D. ALTERING PERMIT - It is unlawful for any person to modify, alter or change a permit or have in their possession a permit which has been modified, altered or changed, except for personnel of Upper Leacock Township in implementing or enforcing the provisions of this Ordinance.

E. INSTALLATION OF APD WITHOUT PERMIT - It is unlawful for a person engaged in the Alarm Business to install an APD within the limits of the Township of Upper Leacock unless and until an Alarm User Permit for said Alarm System has first been issued to the subscriber (Alarm User).

SECTION 3. APPLICATION FOR PERMITS

A. Every individual or person desiring to use or install an APD in any building, structure or facility as referred to in Section 2 A above, must obtain a permit from the Fire Alarm Officer.

B. To obtain a permit, individuals or persons must complete a written application which shall contain such information as is reasonably required by the Township. At the time of the initial application, the applicant shall receive, at their cost, a key lock/box as required by Section 5 of this Ordinance which shall be installed in accordance with the requirements therein set forth. No permit shall be issued by the Fire Alarm Officer until the required key lock/box has

been installed by the applicant. Applications for renewals of permits shall be processed in a similar manner.

C. Applicants shall agree in writing and as a condition for receiving and keeping permits, to notify the Township in writing within ten (10) days of any changes in the application currently on file, i.e. ownership, management or persons to be notified in the event of an alarm activation.

D. Following the completion of the application and payment of the appropriate application fee as indicated in Section 4, the Fire Alarm Officer shall have fifteen (15) working days to investigate the applicant, process the application, and to grant or deny a permit.

E. Permits to any applicant shall be denied if:

(1) The applicant does not agree to comply or fails to comply with the requirements of this Ordinance and rules and regulations adopted pursuant to this Ordinance; or

(2) The applicant has knowingly made any false, misleading, or fraudulent statements of a material fact in the application or in any report required to be filed with the Township; or

(3) The applicant has had a similar type permit previously revoked for a good cause in the past, unless the applicant can show a material change in the circumstances since the date of revocation through acceptable conduct under an Interim Permit, in that no false alarms were received during said six (6) month period; or

(4) The applicant fails to pay all due or past due response assessment fees, fines, costs or other charges owed, which were related to any previously issued permit(s); or

(5) The applicant fails to pay the appropriate application fees established.

F. When an application for a permit is denied, the applicant shall be notified in writing of the denial with the basis thereof. If the reason(s) for denial are correctable, the applicant will be so advised with suggestions on how these corrections can be made and what time limit has been set for making said corrections. The notice of denial shall inform the applicant that appeals may be made in the manner outlined in Section 7 of this Ordinance. After expiration of appeals time limit, any portion of permit fee to which a person is entitled will be returned because of a denial.

G. When an application for any permit is approved, the Fire Alarm Officer is authorized to sign and issue the appropriate permit.

H. If a building, structure or facility has an APD by requirement or choice and the building structure or facility is divided into multiple units/users, the owner shall provide verification that each unit is identified on the alarm/enunciator panel.

SECTION 4. PERMIT FEES

A. ALARM USER REGULAR PERMIT - A fee of \$20.00 for a maximum three (3) year period to expire June 30th of a calendar year and shall not be prorated.

B. ALARM USER INTERIM PERMIT - Issued for a six (6) month period, the fees shall be as follows:

- 1st Interim Permit - \$100.00
- 2nd Consecutive Interim Permit - \$200.00
- 3rd Consecutive or Additional Interim Permit thereafter, \$50.00 higher than the previous Interim Permit held. Double thereafter.

C. RENEWAL FEES - Renewals of Alarm User Regular Permits shall be subject to the appropriate fee established in Section 4 A above.

D. EXEMPTIONS FROM FEES -

(1) The United States Government, the Commonwealth of Pennsylvania, Counties, Municipal Corporations, Department thereof and other government entities are exempt from fees required in this Ordinance.

SECTION 5. KEY LOCK/BOX REQUIREMENTS

A. All structures, buildings, facilities and occupied space served by an APD, having a connection to a communication center or having an audible alarm system designed to register an alarm that is audible outside of the protected facility, shall be provided with a lock/box, of a type approved and provided by the Township, but paid for by the owner of the building or other facility to be protected. This provision shall not apply to the fire houses of Volunteer Fire Companies.

B. The lock/box shall be located:

(1) At or near the recognized public entrance on the exterior of the structure; unless other factors suggest an alternate location, in the sole discretion of the Fire Alarm Officer, in which case the Fire Alarm Officer shall designate the location.

(2) No less than five (5) feet above grade below the box; and

(3) No higher than seven (7) feet above grade below the box.

C. The box shall be electrically supervised, connected to the fire alarm control panel and shall indicate no less than a trouble alarm. The lock/box's tamper switch shall be hooked to the alarm system but shall produce a tamper signal that can be distinguished from a fire alarm.

D. BOX CONTENTS - The box shall contain the keys for:

- (1) The Main Entrance Door;
- (2) The Alarm Room; and
- (3) All other rooms or areas as specified by the Fire Alarm Officer during the application process.

All keys shall be clearly marked as to what door, room, area or lock they serve. When electronic door locks are employed, the lock/box shall contain a copy of the appropriate digital code that provides access.

The owner of the building, structure or facility using an APD shall immediately notify the Fire Code Officer and the Fire Chiefs and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the box.

SECTION 6. REPAIRS AND MAINTENANCE

A. GENERAL - All fire alarm systems, automatic protection devices, alarm systems, devices, and service equipment installed in or on any building or structure in Upper Leacock Township, including single family residences, shall be maintained in an operative condition at all times. It shall be unlawful for any person(s) to reduce or interfere with the operational effectiveness of a fire alarm system, automatic protection device, or alarm system.

B. MAINTENANCE - It shall be the duty of the building owner(s) to install, test, repair and maintain: automatic protection devices (including smoke and heat detectors), alarm systems, automatic fire detection devices, automatic fire sprinkler systems including fire pumps and standpipes, automatic fire suppression systems, and central station monitoring, when such systems and/or devices are required by Upper Leacock Township ordinances.

It shall be the duty of a tenant or lessee to maintain all required automatic protection devices, alarm systems, automatic fire detection devices, and/or related components noted above, when so required as part of a written lease agreement or a written maintenance agreement.

SECTION 7. SUSPENSION OR REVOCATION OF PERMIT

A. Any permit issued may be suspended or revoked by the Fire Alarm Officer for any of the reasons below:

- (1) The violation of any of the provisions of this Ordinance; or
- (2) The failure to comply with rules and regulations adopted pursuant to this Ordinance; or

(3) Where an APD (Alarm System) actuates three (3) false alarms within a twelve (12) month period while operating under an Alarm User Permit; or

(4) The failure to pay any other fees, fines, costs or other charges owed, which were related to any previously issued permits; or

(5) Where the applicant or permittee has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit, or in any report to be filed with any Township agency.

B. VIOLATION AND/OR REVOCATION PROCEDURE

(1) A written notice for each and every false alarm activation to which a fire company responds shall be issued in the name of and served upon the permittee or upon any person connected with said APD (Alarm System). On newly installed or recently modified APD(s) (Alarm Systems), the Fire Alarm Officer may grant up to a thirty (30) day grace period, for user familiarization and/or adjustment of mechanical malfunctions, during which time the false alarm activation will not be counted.

After a third false alarm, the Fire Alarm Officer shall notify the Building Code Enforcement Officer of the false alarm history for said property. The Building Code Enforcement Officer shall inspect the alarm system and determine whether the fire protection system is being maintained in an operable condition as required under the International Fire Code and the International Property Maintenance Code. Should the Building Code Enforcement Officer be required to make such an inspection, the property owner shall be responsible for paying a fee for the Building Code Enforcement Officer's inspection services with such fee being established annually by the Board of Supervisors by resolution.

(2) Upon receipt of the third (3rd) false alarm within a twelve (12) month period under an Alarm User Permit, or for violations of any other provisions of this Ordinance, the permittee shall be sent notice of the suspension of his/her permit by the Fire Alarm Officer. Such notice shall contain the reason for such suspension.

(3) Upon receipt of notice of violation, an individual has five (5) working days to:

(a) Appeal the decision of the Fire Alarm Officer; and

(b) Make application for an Interim Permit and surrender the suspended permit.

(4) Five (5) working days after receipt of an order of suspension, the suspension automatically becomes a revocation and an individual is prohibited from using an APD requiring a permit and shall cease all operations conducted under the authority of the revoked permit.

(5) When an appeal is filed, the order of suspension shall be stayed pending determination. The suspension becomes a revocation if the suspension is upheld on appeal.

(6) Once revoked, permittee shall surrender the permit to the Fire Alarm Officer.

SECTION 8. APPEAL PROCEDURE

A. Any person aggrieved by denial of an application for a permit or renewal of a permit or suspension of a permit shall have the right of appeal.

B. Appeal must be filed within five (5) working days after receipt of a notice of suspension from the Fire Alarm Officer by filing with the Secretary of the Board of Township Supervisors, a letter of appeal briefly stating therein the basis of the appeal together with a filing fee in the amount of \$50.00.

C. Failure to file a letter of appeal within said five (5) working days shall constitute a waiver of applicant's right to a hearing; however, the Supervisors upon good cause shown in a written request by the applicant may nevertheless grant such a hearing.

D. A hearing by the Township Supervisors will be set no more than fifteen (15) days after receipt of a letter of appeal, with five (5) days' advance notice of the time and date of the hearing to be sent to the applicant.

E. At the hearing, the appellant and any other interested party shall be given a reasonable opportunity to be heard in order to show cause why the determination of the Fire Alarm Officer should not be upheld. In all cases, the burden of proof shall be upon the appellant to show that there was no substantial evidence to support the decision of the Fire Alarm Officer.

F. The hearing may be recorded by tape or other mechanical means, a brief summary of the evidence considered, findings of fact and final decision reached by the Supervisors shall be prepared. The decision of the Supervisors shall be binding on all parties.

SECTION 9. AUTHORITY AND RESPONSIBILITIES OF FIRE ALARM OFFICER

A. Enforcement and administration of this Ordinance shall be the responsibility of the Fire Alarm Officer.

B. The Fire Alarm Officer may promulgate such rules as are necessary for administration and enforcement of this Ordinance. Any such rules promulgated shall be approved by the Township Supervisors and shall be available for public inspection.

C. Where an APD which is directly connected to a communication center is activated and continues to transmit a signal either through malfunction or defect in the system, the Fire Alarm Officer or his or her agent are authorized to disconnect the APD until such time as repairs are made.

D. The Fire Alarm Officer shall notify the Building Code Enforcement Officer after the third (3rd) false alarm and/or any alarm being taken out of service.

SECTION 10. LIABILITY OF TOWNSHIP LIMITED

When the Fire Alarm Officer, or his or her agent, disconnect an APD under Section 9.C. above, no liability shall incur to the Township or its employees through such action.

SECTION 11. CONFIDENTIALITY

The information furnished and secured pursuant to the Ordinance shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of the Ordinance.

SECTION 12. PENALTIES

A. Any person violating any of the provisions of the Ordinance shall, upon conviction in a summary proceeding before a magistrate, be sentenced to pay a fine to the Township of Upper Leacock of not less than \$25.00 nor more than \$300.00 for each offense, and costs of prosecution, and in default of payment, to undergo imprisonment not exceeding ninety (90) days except that the minimum fine for violation of Section 2 B (Suspension or Revocation) shall be \$100.00.

B. The payment of any fees required shall not be a bar against prosecution for any violations under this Ordinance. Each incident constitutes a separate offense.

SECTION 13. SEVERABILITY

Should any section, paragraph, sentence, clause, or phrase of the Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect and the same shall not affect the validity of the remaining portions of the Ordinance.


SECTION 14. EFFECTIVE DATE

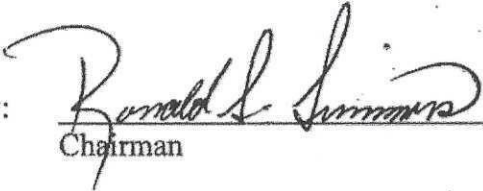
This Ordinance shall be in full force and effect ten (10) days from the date of its passage, approval, and publication except that there exists a ninety (90) day grace period from effective date for existing APD installations to comply and apply for a permit, and for automatic dialing services interconnected to other than a designated telephone line to be disconnected and properly connected to a designated line. Applicants engaged in alarm businesses within the Township prior to effective date of this Ordinance are permitted to continue to do business while their application is being processed.

ENACTED AND ORDAINED THIS 3rd day of January, 2011.

**UPPER LEACOCK TOWNSHIP
BOARD OF SUPERVISORS**

Attest:


Secretary

By:  (SEAL)
Chairman

RESOLUTION 2011 - 01

Approval of Rules and Regulations Promulgated by

Fire Alarm Officer for Administration and Enforcement

of

Ordinance No. 2011 - 01

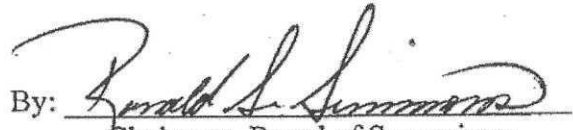
WHEREAS Ordinance 2011 - 01 authorizes the Fire Alarm Officer to promulgate such rules as are necessary for the administration and enforcement of that Ordinance.

and

WHEREAS The Fire Alarm Officer has proposed for approval the rules and regulations set forth in this Resolution.

BE IT RESOLVED by the Supervisors of Upper Leacock Township that these rules and regulations are approved and adopted as submitted.

Resolved this 3rd day of January, 2011.

By: 
Chairman, Board of Supervisors

Attest:


Secretary