

AMENDMENT TO
ORDINANCE NO. 64

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, WESTMORELAND COUNTY, PENNSYLVANIA, TO REGULATE THE USE OF SECURITY ALARMS WITHIN WASHINGTON TOWNSHIP, WESTMORELAND COUNTY, PENNSYLVANIA AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, it has come to the attention of the Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania that certain emergency response services have been delayed or ineffectual because the emergency service personnel have not been able to find the location of the premises of the system owner or subscriber whose alarm system or automatic protection device has activated; and

WHEREAS, it is the desire of the Washington Township Supervisors and the Washington Township emergency response services to respond to all emergency situations properly and promptly; and

WHEREAS, the Washington Township Supervisors deem it necessary to require a system owner or subscriber to complete and file an information card with the Township so that emergency response services can properly and promptly respond to an emergency situation;

NOW, THEREFORE, BE IT ORDAINED and ENACTED by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania, and it is hereby ORDAINED and ENACTED by the authority of the same as follows:

SECTION 2. of Ordinance No. 64 entitled "VOLUNTARY SYSTEM OWNER

OR SUBSCRIBER PARTICIPATION" is hereby amended and from this time forth shall read as follows:

SECTION 2. VOLUNTARY SYSTEM OWNER OR SUBSCRIBER PARTICIPATION.

The Township will provide an information card, available at the Township office, which, when completed, will make important information available to emergency services which are required to respond to alarm system and automatic protection device activations. In the event a system owner or subscriber fails to complete and file the information card with the Township, and in the further event that the system owner's or subscriber's alarm system or automatic protection device is activated and emergency services respond to the activation and in the further event that the responding emergency services cannot find the location of the premises of the system owner or subscriber whose system had activated, the alarm will be recorded as a false alarm and the alarm system or automatic protection device thereafter declared a public nuisance. The information card is not a permit required for the use of an alarm system nor shall any fee be charged to the system owner or subscriber for the completion and filing of the requested information card.

ORDAINED and ENACTED into law by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania at a duly assembled meeting held this 9th day of February, 1989.

TOWNSHIP OF WASHINGTON

Ireland G. Gice

Chairman

Burl Z. Slangerhans

Vice Chairman

ABSENT

Member

ATTEST:

Audrey A. Sappner
Secretary

ORDINANCE NO. 64

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, WESTMORELAND COUNTY, PENNSYLVANIA, TO REGULATE THE USE OF SECURITY ALARMS WITHIN WASHINGTON TOWNSHIP, WESTMORELAND COUNTY, PENNSYLVANIA AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the use of security alarm systems within Washington Township, Westmoreland County, Pennsylvania has become prevalent in recent years both on commercial and residential structures; and

WHEREAS, the Supervisors of Washington Township, Westmoreland County, Pennsylvania desire to promote the health, safety and well-being of the residents of Washington Township and to protect property located within said Township; and

WHEREAS, the Supervisors of Washington Township desire to promote the efficient use of medical emergency services and the Township police and fire departments and to reduce the cost of operation of these departments by reducing the number of false alarms reported to said departments by faulty or malfunctioning security alarm systems,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania, and it is hereby ORDAINED AND ENACTED by the authority of the same as follows:

SECTION 1. DEFINITIONS.

Unless otherwise expressly provided, the following words shall for the purposes of this ordinance have the following meanings:

- (a) "Alarm system" means a device or system designed for the detection

of an unauthorized entry or an attempted unauthorized entry on premises or for alerting others of the commission of an unlawful act, or both, or for the detection of fire, and which, when actuated, emits sound or light or transmits a signal or message.

(b) "Audible alarm" means a device or system which causes an alarm to be sounded in such a manner that it may be heard by a person in or around the premises from which it is transmitted or received.

(c) "Automatic protection device" means a device or system which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency service response. For the purposes of this Ordinance, an automatic protection device is deemed to be an alarm system only if its activation directly results in the response of emergency services.

(d) "Emergency services" means those public services that provide medical assistance, police protection or fire protection.

(e) "False alarm" means:

1. The activation of an alarm system or automatic protection device which indicates the existence of an emergency situation when, in fact, no such emergency exists.
2. An alarm that activates during testing, repair or maintenance if prior notification of the testing, repair or maintenance is not given to the Township prior to beginning such activity.
3. The activation of an alarm system or automatic protection device by natural disasters or severe weather conditions which are unpreventable

activations of the system by the technology of the system itself are not considered false alarms.

4. The activation of an automatic protection device or alarm system which does not directly or indirectly result in the request for emergency services is not considered a false alarm.

(f) "System owner" or "Subscriber" means, user, tenant, lessee, agent, employee, resident or other entity who or which owns or is entitled to possession of any premises on which an alarm system or automatic protection device has been installed.

(g) "Township" means the Board of Supervisors of or the Township of Washington, Westmoreland County, Pennsylvania.

SECTION 2. VOLUNTARY SYSTEM OWNER OR SUBSCRIBER PARTICIPATION.

The Township will provide an information card, available at the Township office, which, when completed, will make important information available to emergency services which are required to respond to alarm system and automatic protection device activations. In the event a system owner or subscriber fails to complete and file the information card with the Township, and in the further event that the system owner's or subscriber's alarm system or automatic protection device is activated and emergency services respond to the activation and in the further event that the responding emergency services cannot find the location of the premises of the system owner or subscriber whose system has activated, the alarm will be recorded as a false alarm. The information card is not a permit required for the use of an alarm system nor shall any fee be charged to the system owner or subscriber for the completion and filing of the requested information card.

SECTION 3. DUTY TO REPORT.

Any emergency services officer who responds to a false alarm shall report the same to the Township and to the Washington Township Chief of Police who shall monitor and maintain records concerning such false alarms.

SECTION 4. DECLARING AN ALARM SYSTEM OR AUTOMATIC PROTECTION DEVICE A PUBLIC NUISANCE.

(a) Any alarm system or automatic protection device which produces false alarms shall constitute a public nuisance if such system or device activates more than one false alarm in any 30 day period or more than two false alarms in any 90 day period or more than three false alarms in any 180 day period or more than four false alarms in any 365 day period.

(b) Any alarm system or automatic protection device which is activated by an individual without proper cause, as opposed to being activated by a defect of the system itself, and which either directly or indirectly causes a response by emergency services shall be declared a public nuisance.

(c) In the event that any testing, repair or maintenance of an alarm system or automatic protection device is not completed within twelve hours from the time of the beginning of the testing, repair or maintenance of the system or in the event that notification of the completion of the testing, repair or maintenance of the system is not given to the Township, the system shall be considered a public nuisance.

SECTION 5. NOTIFICATION OF PUBLIC NUISANCE.

(a) When any alarm system or automatic protection device shall constitute a public nuisance as set forth herein, the Chief of Police shall notify the system owner or subscriber that the system has been declared

a public nuisance and shall notify the system owner or subscriber the reason therefore. The Chief of Police shall also notify the system owner or subscriber that any future false alarms shall result in prosecution for violation of this Ordinance.

(b) The notice required by this section shall be given by the Chief of Police or his designee, to the system owner or subscriber by certified mail, return receipt requested, or by personal service by handing a copy of the notice to the system owner or subscriber or to an adult individual found on the premises. If personal service is made, the Chief of Police, or his designee, shall file a proof of service with the Township which proof shall be under oath and which proof shall designate the person upon whom service was made, together with the time, date, place and manner of service.

SECTION 6. ABATEMENT OF NUISANCE.

(a) Upon the system owner or subscriber being notified that his alarm system or automatic protection device has been declared a public nuisance, the system owner or subscriber shall have four days, starting at midnight of the day notified, to abate the nuisance and any additional false alarms occurring within the four days shall not subject the system owner or subscriber to penalties under this Ordinance.

(b) Following receipt of notice by the Chief of Police or his designee that an alarm system or automatic protection device constitutes a public nuisance, and prior to any additional false alarms occurring more than four days after said notification, the system owner or subscriber shall, if he elects to continue operation of the system, file an affidavit with the Chief of Police indicating under oath that the false alarms previously caused were

caused by a known mechanical or technical defect within the system. There shall be attached to the affidavit a statement or work order from a competent repair person who is qualified to perform maintenance and repair work on that particular alarm system or automatic protection device indicating that the system was defective and that any and all defects have been remedied.

(c) The system owner or subscriber may elect to disconnect his alarm system or automatic protection device. If the system owner or subscriber shall so elect, neither the Township, its agent, servants or employees nor any emergency services, their agents, volunteers or employees shall be liable in any way to the system owner or subscriber upon any cause of action whatsoever, legal or equitable as a result of said system owner's or subscriber's election to disconnect.

SECTION 7. PENALTIES.

(a) Any system owner or subscriber who shall fail to file the affidavit required by Section 6. (b) of this Ordinance shall, upon a summary conviction before a district magistrate, be sentenced to pay a fine of not less than Twenty-five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars plus costs of prosecution.

(b) Any system owner or subscriber whose alarm system or automatic protection device causes a false alarm after said system has been declared a public nuisance and after said system owner or subscriber has received notice thereof, shall, upon a summary conviction before a district magistrate, be sentenced to pay a fine of not less than Twenty-five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars plus costs, provided

additionally however, that beginning with the second false alarm after the system has been declared a public nuisance and after notice thereof has been given to the system owner or subscriber, the minimum fine shall be increased by Twenty-five (\$25.00) Dollars for the second and each successive offense, not to exceed Three Hundred (\$300.00) Dollars per offense.

SECTION 8. EXEMPTION.

The Washington Township Volunteer Fire Company buildings and offices are hereby exempt from the operation of this Ordinance.

ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania at a duly assembled meeting held this 13th day of August, 1987.

TOWNSHIP OF WASHINGTON

Ireland T. Gille
Chairman

Burl Z. Slungenhanst
Vice Chairman

H. Hugh Joyner
Member

TOWNSHIP OF WASHINGTON
ATTEST:
WESTMORELAND
COUNTY, PA.

Madry A. Sopher
Secretary