

ORDINANCE 2-94

ALARM DEVICE ORDINANCE

SECTION I

Short Title. This Ordinance shall be known and may be cited as the West Caln Township Alarm Device Ordinance.

SECTION 2

Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ALARM DEVICE - A mechanical device designed to automatically transmit an alarm by wire, telephone, radio or any other means (1) directly to the police department; (2) to a person who is instructed to notify the police department of the alarm, or (3) to activate a bell or other sounding device to be heard outside a building which is intended to alert the police or others to the existence of a crime, fire or other emergency situation warranting police or other emergency personnel action.

ALARM - A communication to the police department or other emergency personnel indicating that a crime, fire or other emergency situation warranting immediate action by the police department or other emergency personnel has occurred or is occurring.

FALSE ALARM - An alarm to which the police department or other emergency personnel responds resulting from the activation of an alarm device when a crime, fire or other emergency warranting immediate action by such police department or emergency personnel has not in fact occurred.

PERSON - An individual, corporation, partnership, incorporated association or similar entity.

SECTION 3

A. **Permits Required.** It shall be unlawful for a property owner, lessee of property or a person otherwise occupying a premises within West Caln Township to put an alarm device into operation on such premises without first obtaining an alarm device permit from the Board of Supervisors.

B. **Application for Permit.** In order to apply for an alarm device permit, a person must submit an application to the Township Secretary signed by the Applicant stating:

- (1) The name of the applicant.
- (2) The applicant's house and business address and the telephone number of each.
- (3) The location at which the alarm device will be installed and operated.
- (4) 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 premises at which the alarm device is located; and

- (5) A general written description of the device other than schematics.
- (6) The name, address and telephone number of any person servicing the alarm device pursuant to a service agreement, if any.

C. **Indemnity.** Each person submitted an application for an alarm device permit shall submit a signed statement in the following form:

"The undersigned applicant(s) for an alarm device permit, intending to be legally bound by this statement, agree(s) with West Caln Township that I (we), nor anyone claiming through me (us) shall make any claims against West Caln Township or its officials or its agents for any damages to the premises at which the alarm device which is the subject of this application is or will be located if the damage is caused by a forced entry to the premises by employees of West Caln Township in order to answer an alarm from the alarm device at a time when in the discretion of such employees the circumstances appear to warrant a forced entry."

D. **Permit Fee.** A person applying for an alarm device permit shall submit the required fee together with such person's application. The fee shall be fixed from time to time by resolution of the Board of Supervisors.

E. **Prior Alarm Device.** It shall not be unlawful for a person to continue to operate an alarm device on such person's

premises without an alarm device permit for a period of (90) days after the effective date of this Ordinance provided, such alarm device was in operation on the effective date of this Ordinance.

SECTION 4

Evidence of False Alarm. If at the time of arrival of emergency personnel or while they are on the premises in response to a call requested by an alarm device, it shall become apparent upon investigation that there does not then exist a condition upon the premises for which such response by emergency personnel would be required and there are no signs upon the premises such as signs of forcible entry or attempt thereof or sign of fire or other such cause, which are the types of emergencies or conditions for which the alarm device is designed to call for such assistance, then and in such event there shall be a presumption that the alarm was a false alarm, and the burden shall be upon the alarm user to prove that the alarm was not a false alarm, as herein defined.

SECTION 5

Violations and Penalties.

A. Any person who shall violate any provisions of this Ordinance shall, upon summary conviction before any issuing authority having jurisdiction thereof, be punished by a fine of no less than twenty-five (\$25) plus costs of prosecution for violation; provided, however, that the first false alarm by a person within a twelve-month period shall not be deemed a violation nor subject such user to such fine or prosecution. Each false alarm shall

constitute separate offense which shall be punishable as herein described.

B. Any violator, upon notification of the same by the Township and in the manner prescribed by law, may pay a fine of twenty-five dollars (\$25) per violation, provided that the same is paid within seven (7) days of such notification. Failure to pay the aforesaid fine within the aforesaid seven (7) days shall result in the summary proceedings as set forth above.

C. In determining the number of prior offenses, only those within the immediately preceding twelve (12) months or subsequent to the effective date of this Ordinance, whichever is the shorter period, shall be included in such computation.

SECTION 6

Civil Proceedings. In addition to the penalties provided in Section 5 such person shall be liable in a civil proceeding for the cost to the Township or other local municipality or volunteer agency of answering the false alarm.

SECTION 7

Action taken on unsatisfactory alarm systems. Whenever any police or emergency personnel respond to a false alarm, they shall record the type, model, brand and manufacturer of the alarm system and shall also record a full report of the circumstances and findings concerning the false alarm, the response to such false alarm and the costs of responding to the false alarm, if determinable. Upon the occurrence within the Township of five (5) false alarms from the same type, model, brand or manufacturer of an

alarm device within a period of twelve (12) successive months, they shall report the same to the Township Manager, who shall thereupon notify the manufacturer or distributor thereof that in the event of two (2) more such occurrences the Board of Supervisors of West Caln Township may declare the type, brand, model or manufacturer to be unsatisfactory. Upon the occurrence of two (2) more such incidents, the same shall be reported to the Township Manger, who shall transmit such report to the Board of Supervisors, together with all reports incident thereto. The Board of Supervisors may thereupon at a public meeting declare such model, type, brand or manufacturer to be unsatisfactory, whereupon all users, distributors and the manufacturer shall be so notified and that alarm device shall thereupon be removed from the premises of all alarm users within the Township. Any person aggrieved by the declaration of the Board of Supervisors that such model, brand, type or manufacturer is unsatisfactory may appeal within thirty (30) days of such declaration to the Board of Supervisors who shall hear and determine such appeal under the Local Agency Law.

SECTION 8

Miscellaneous

A. **Repealer.** All Ordinance or parts of Ordinances which are inconsistent with this Ordinance are repealed.

B. **Severability.** If any sentence, clause, section or part of this Ordinance is found to be illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not impair

or affect any of the remaining provisions or parts of this Ordinance.

Effective Date. This Ordinance shall become effective five (5) days after final passage and approval by the Board of Supervisors.

ORDAINED AND ENACTED finally into law by the Board of Supervisors of the Township of West Caln this *8th* day of *August* A.D., 1994.

BOARD OF SUPERVISORS
TOWNSHIP OF WEST CALN
Chester County, Pennsylvania

Attest:

Patricia M. Johnson
Secretary

Ray E. [Signature]
Chairman

[Signature]
Supervisor

Supervisor