

ORDINANCE NO. HR-365

Tredyffrin Township
Chester County, Pennsylvania

**AN ORDINANCE AMENDING CHAPTER 68, ALARM SYSTEMS,
MAKING CHANGES TO FALSE ALARM FEES AND PROGRAMS
REGARDING FALSE ALARMS.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tredyffrin Township as follows:

SECTION I: Section 1, False Alarms, of Chapter 68, Alarm Systems, of the General Laws of the Township of Tredyffrin is hereby amended to add the following definitions:

COMMERCIAL PROPERTY: Any structure intended to be used wholly or in part for the purposes of carrying on a trade, business, or profession; any structure intended to be used wholly or in part for educational, religious, charitable, or public uses; and/or any structure that is used as an apartment building with three or more apartments included.

RESIDENTIAL PROPERTY: Any structure intended for use primarily as a single-family residence or apartment building with two or fewer apartments included.

SECTION II: Section 13, False Alarms, of Chapter 68, Alarm Systems, of the General Laws of the Township of Tredyffrin is hereby amended to read as follows:

A. Consent to pay costs; schedule of costs.

- (1) For the purposes of defraying the costs to the Police and Fire Departments of responding to false alarms and avoiding danger to citizens and personnel of the Police and Fire Departments caused by responding to false alarms, the owner, lessee or user of any alarm system, persons using the services of an intermediary, users of audible alarms and users of any other kind of alarm systems or any other kind of direct or indirect connection with the police or fire communications center (collectively, the "alarm user"), except persons using the two-way live voice communication by telephone, shall, as a condition to installation and continued operation of such equipment or service, execute a consent in such form as may be prescribed by Tredyffrin Township (the "Township") that such alarm user shall pay the Township for all false alarms upon the following schedule for each false alarm originating from the alarm user's premises: for each false alarm, a warning or fine as set from time to time by resolution of the Board of Supervisors.
- (2) False alarms committed by users without a permit from Tredyffrin Township are subject to fines two times of those set by resolution in Chapter 68§13.A(1).

- B. Failure to comply. Any such alarm user who fails to execute the consent described in Subsection A(1) within ninety (90) days from the effective date of this chapter shall, within the ninety (90) day period, disconnect the alarm system.
- C. Any alarm user may revoke or refuse to consent as set forth in Subsection A(1) above only by disconnecting the alarm system. With respect to such systems installed at the effective date of this chapter, the alarm user can refuse or revoke the aforesaid consent by disconnecting such alarm system within ninety (90) days from the effective date of this chapter.
- D. Penalties provided for false alarms that are relayed or transmitted by an intermediary shall be the responsibility of the alarm user.
- E. Any police officer or firefighter responding to an alarm which is determined to be false shall promptly notify the Superintendent of Police or a designee (the "Superintendent") of such false alarm in writing. Within ten (10) business days of such notification, the Superintendent shall have written notification of the false alarm deposited at the location to whose name the alarm is registered or delivered via first class mail, postage pre-paid, to the alarm user.
- F. By submitting an application for a permit for the installation of an emergency medical alarm system and the subsequent installation of such a system or by the continuation of the use of an alarm system already installed at the effective date of this chapter, the alarm user thereof shall agree that such permit application constitutes a waiver by such person of the right to bring or file any action, claim or complaint whatsoever against any police officer or firefighter who makes a forced entry in response to such an alarm into the premises on which such an alarm is installed as a result of entry into the subject premises. In the event that the owner of such premises is a person other than the permit applicant, as in the instance of a lessee or other user not the owner of the premises on which the alarm is installed, such permit application shall constitute an indemnification agreement by the applicant to hold harmless any such police officer or firefighter, the Township, the Police Department and the Fire Department, as appropriate, from any and all damages whatsoever claimed by the lessor or owner of the premises on which the alarm is installed.
- G. Any alarm user which has four or more false alarms within a calendar year shall be subject to permit revocation, subject to the following:
 - (1) The Superintendent shall notify the alarm user of the permit revocation and direct that the user submit a report to the Superintendent within fifteen (15) days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.
 - (2) If the alarm user submits a report as directed, the Superintendent shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms. If the Superintendent determines that the action will substantially reduce the likelihood of false alarms, the Superintendent shall notify the alarm user in writing that his permit will not

be revoked at this time, but that if one more false alarm occurs within the permit year, the user's permit may be revoked without further proceedings and without any further notice.

- (3) If no report is submitted or if the Superintendent determines that the action taken or to be taken will not substantially reduce the likelihood of false alarms, the Superintendent shall give notice by first-class mail, postage prepaid, to the alarm user that the permit will be revoked without further notice if the user does not file within ten (10) days a written request for a hearing.
 - (4) If a hearing is requested, written notice of the time and place of the hearing shall be served on the alarm user by the Superintendent by first-class mail, postage prepaid, at least 10 days prior to the date set for the hearing, which date shall not be more than thirty (30) nor less than fifteen (15) days after the filing of the request for hearing.
 - (5) The hearing shall be before a hearing officer designated by the Superintendent. The Township's solicitor or other Township designee will present evidence regarding the false alarms. The alarm user shall have the right to counsel, the right to present written or oral evidence, and the right of cross-examination. The rules of evidence shall not apply to such a hearing. The burden of proof shall be a preponderance of the evidence and the burden of proof shall be on the alarm user. If the hearing officer determines that four or more false alarms have occurred and that the user has not taken action which substantially reduces the likelihood of false alarms, he shall issue written findings to that effect and an order revoking the alarm user's permit. If the alarm user's permit is revoked, such alarm user shall be liable to the Township for all costs and attorney's fees associated with the hearing.
 - (6) The Superintendent shall notify the alarm user via hand delivery or first class mail, postage prepaid, within thirty (30) days of an order revoking the user's permit. An alarm user shall immediately discontinue use of his alarm system upon being notified of the revocation of his permit.
 - (7) No earlier than ninety (90) days after revocation of an alarm user's permit, such alarm user may apply for a probationary user's permit. The Superintendent shall not be required to issue a probationary user's permit unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Superintendent may impose reasonable restrictions and conditions upon the user before issuing a probationary user's permit, which restrictions and conditions shall be written on the permit. A probationary user's permit shall be issued for a one-year period. If the alarm user does not have four or more new false alarms during that period, the alarm user may apply for a permanent permit under the provisions of § 68-4.
- H. Any alarm user which has four or more false alarms within a calendar year is required to attend a Township-sponsored false alarm awareness program. The Superintendent shall administer this program. Such an alarm user must complete this program within thirty (30) days of the fourth false alarm. Completion of this program shall be a pre-requisite to the

issuance of a probationary or permanent permit for the alarm user. Participants in the program on behalf of the alarm user shall include the property owner (or highest ranking corporate executive or officer if the alarm user is a corporation or business entity); the person who activated the false alarm; and the building manager for any commercial property. The scope of the program shall be at the discretion of the Superintendent.

SECTION III: All other sections, parts and provisions of the Alarm Ordinance of Tredyffrin Township shall remain unchanged.

SECTION IV: Date of Effect

This Ordinance shall become effective thirty-one (31) days from enactment.

ENACTED and **ORDAINED** this 3rd day of December, 2007, by the Board of Supervisors of Tredyffrin Township.

ATTEST:

BOARD OF SUPERVISORS
TREDYFFRIN TOWNSHIP

Manager

Chairman