

ORDINANCE NO. 165

EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF EAST NORRITON TO PROVIDE FOR THE PREVENTION AND CONTROL OF FALSE ALARMS, FOR FIRE AND POLICE PROTECTION AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, a number of Township residents have installed one way recorded telephone message delivering devices to report an emergency to the Police or Fire Department; and

WHEREAS, the experience of the Township Police Department and Norriton Fire Engine Company, with messages sent by such equipment, demonstrate that a high percentage of such messages are false alarms that take both manpower and equipment out of service, thereby unnecessarily alarming and endangering the community.

NOW, THEREFORE, the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, do hereby enact and ordain as follows:

Section 1. Definitions. The following words, terms and phrases, as used in this Section, shall have the following meanings given herein, unless the context specifically and clearly indicates otherwise:

A. Words used in the singular include the plural; words in the plural include the singular; and words used in the present tense include the future.

B. The word "shall" is always mandatory.

C. "Audible Alarm" shall mean any device, bell, horn or siren which is attached to the interior or exterior of a building and emits a warning signal audible outside the building and designed to attract attention when activated by a criminal act or other emergency requiring police and/or fire personnel to respond.

D. "Automatic Protection Device" shall mean an electrically operated instrument composed of sensory apparatus and related hardware which automatically transmits a pre-recorded voice alarm over regular telephone line by direct or indirect connection to the

Police and/or Fire Department, upon receipt of a stimulus from a sensory apparatus that has detected a physical force or condition inherently characteristic of a fire or intrusion.

E. "False Alarm" shall mean any signal activated by an automatic protection device, any audible alarm or any other kind of direct or indirect signal given the Police and/or Fire Communications Center to which Police and/or Fire Company respond, which is not the result of a fire, burglary, robbery or attempted burglary or robbery or similar emergency.

F. "Fire Department" shall mean the Norriton Fire Engine Company or any other fire company responding pursuant to any mutual aid agreement.

G. "Person" shall mean any person or persons, male or female, corporation, partnership, association, company, individual, owner, occupant, lessee or any agency, organization or other entity recognized by law as the subject of rights and duties.

H. "Police Department" shall mean the Township of East Norriton Police Department or any other police department responding pursuant to an intermunicipal police agreement.

I. "Township" shall mean the Township of East Norriton, Montgomery County, Pennsylvania.

Section 2. Alarm Prohibited. After the enactment of this Ordinance, persons must equip audible alarms with a timing mechanism that will disengage the audible alarm after a maximum period of fifteen (15) minutes. Audible alarms without such a timing mechanism shall be unlawful in the Township and must be disconnected by the persons within 60 days from the effective date of this Ordinance. Excepted from this requirement are fire suppression systems with audible alarms activated by the flow of water.

Section 3. Testing. No person shall conduct any test or demonstration of an automatic protection device without first obtaining permission from the Police and Fire Departments. Where the equipment is keyed through an intermediary, no such permission is necessary unless the alarm or signal is to be relayed to the Police and/or Fire Department.

Section 4. False Alarms.

A. Any person who installs or permits to be installed, in any building, used or occupied for any purpose, any answering device, audible alarm, automatic protection device and/or central station protective system, and which equipment is so poorly designed, constructed, regulated or installed, as a result whereof false alarms

are transmitted to the Township Police Department, the Norriton Fire Engine Company or any other municipal office or officer shall be in violation of this Ordinance.

B. Any person who owns, leases or occupies a building which has an answering service, audible alarm, automatic protection device and/or central station protective system installed, and such equipment results in continual accidental activation, then in such case, said person shall be in violation of this Ordinance. For the purposes of this section, "continual accidental activation" shall be defined to mean three (3) accidental activations within a six (6) month period with respect to calls to the Police Department and two (2) accidental activations within a six (6) month period with respect to calls to the Fire Company.

Section 5. Penalties. Any person who violates any of the provisions of this Ordinance shall upon being adjudged guilty thereof in any proceeding brought by virtue hereof before the District Justice in and for the said Township shall be sentenced to pay a fine as follows:

A. For the first offense, a written warning shall be issued by the Chief of Police or the Fire Marshal.

B. For the second offense, a fine in the amount of \$25.00 plus costs.

C. For the third offense, a fine in the amount of \$50.00 plus costs.

D. For the fourth and any subsequent offense, a fine in the amount of \$100.00 plus costs.

Offenses shall be accumulated on a moving twelve month basis. Any offense more than one year old shall not be considered in determining whether an offense is a first or subsequent offense. In the event that the false alarms have been caused by malfunctions of the system rather than by user error, then the person responsible must demonstrate after the first offense that corrective measures have been taken. Failure to so demonstrate corrective measures shall result in a doubling of the appropriate fine.

In default of paying any fine plus costs, the offender shall be committed to the County jail for a period not exceeding thirty (30) days.

Section 6. All Ordinances or resolutions or parts of Ordinances or resolutions insofar as they are inconsistent herewith, be and the same are hereby repealed. This Ordinance shall, however, in no way modify, alter or diminish the requirements pursuant to any other township or state ordinance, statute or regulation with respect to the installation, maintenance, permitting or licensing of fire protection systems.

Section 7. If any sentence, clause, section or part of this Ordinance is for any reason held to be unconstitutional, illegal or invalid, by any Court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted, had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not been included therein.

DULY ORDAINED AND ENACTED this 19th day of October 1981.

BOARD OF SUPERVISORS OF
EAST NORRITON TOWNSHIP

By: Alan R. Jaydeh
Chairman

Attest:

1. Kenneth J. Pasquale
Secretary