

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 93-11

AN ORDINANCE PROVIDING FOR PENALTIES FOR
FALSE FIRE ALARMS CAUSED BY FAULTY FIRE
DETECTION, ALARM EQUIPMENT OR NEGLIGENCE

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of South Middleton Township, Cumberland County, Pennsylvania, as follows:

SECTION 1 - TITLE

This Ordinance shall be known and cited as the "South Middleton Township False Alarm Ordinance."

SECTION 2 - DEFINITIONS

The following definition shall apply in the interpretation and enforcement of this Ordinance:

FALSE ALARM - Any signal activated by an automatic protection device, any audible alarm or any other kind of direct or indirect signal given to which police, fire department or emergency response agencies respond which is not the result of an attempted illegal entry, burglary, intrusion, fire, medical or other similar emergency, excluding weather extremes and utility interruptions, which activates a protection device.

SECTION 3 - FALSE ALARMS PROHIBITED

It shall be unlawful for the property owner, lessee or any person occupying or otherwise on any premises within South Middleton Township to make or cause to be made a false fire or security alarm, directly or indirectly to any fire department or emergency response agency responding to alarms within the Township, when the false alarm is caused by faulty detection or alarm equipment or by the negligence of said property owner, lessee or person.

SECTION 4 - FALSE ALARM SERVICE FEES

1. The status of an alarm is to be determined by the police department, fire company or other affected emergency response agency, and the decision shall be final.
2. Upon notification of a false alarm, a written report shall be made within fourteen (14) days by the owner or lessee to the affected emergency response agency and shall contain what steps have been taken to eliminate future false alarms.
3. Service fees for false alarms shall be assessed by the Township as follows:

a. Third false alarm in any one calendar year shall be subject to a service fee not to exceed Fifty (\$50.00) Dollars;

b. Fourth false alarm in any one calendar year shall be subject to a service fee not to exceed One Hundred (\$100.00) Dollars;

c. Fifth and subsequent false alarms in any one calendar year shall be subject to a service fee not to exceed Two Hundred (\$200.00) Dollars.

SECTION 5 - PENALTIES AND REMEDIES FOR VIOLATIONS

1. In the event a violation of this Ordinance occurs, in addition to such other remedies as may be available under existing law, the Township may institute an action in equity to prevent, restrain, correct, abate or enjoin such violation.

2. Any person, whether as principal or agent, who violates this Ordinance or assists or abets its violation shall, upon conviction thereof before any magistrate, be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of the payment of said fine and costs shall be committed to an appropriate correctional facility for a period not to exceed thirty (30) days. Each violation shall constitute a separate offense, for which a summary conviction may be sought.

SECTION 6 - SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

SECTION 7 - REPEALER

All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

ENACTED AND ORDAINED this 24th day of November, 1993.

BOARD OF SUPERVISORS
Mary C. Lehman, Chair

ATTEST:
BARBARA A. WILSON, Secretary