

ORDINANCE NO. 174

AN ORDINANCE: REQUIRING THE OBTAINING OF A PERMIT FOR ALL
AUTOMATIC PROTECTION DEVICES AND IMPOSING
FINES, UNDER CERTAIN CIRCUMSTANCES, FOR
FALSE ALARMS.

BE IT ORDAINED AND ENACTED by the Township of Washington,
Northampton County, Pennsylvania, through its Board of Supervisors,
assembled under and by virtue of the laws of the Commonwealth of
Pennsylvania, it is hereby enacted and ordained as follows:

WHEREAS, the Supervisors of the Township of Washington have
determined that the occurrence of false alarms caused by malfunctioning
of automatic protection devices creates a considerable risk of harm to
firemen, policemen and the general public due to the necessity to
respond to such alarms; and

WHEREAS, the Supervisors of the Township of Washington have
determined that the issuance of permits for the operation of automatic
protection devices within the Township and the issuance of fines for
false alarms generated due to a malfunction of an automatic protection
device will reduce the volume and frequency of false fire and burglar
alarms generated by automatic protection devices and thus be in the
best interest of the Township.

NOW, THEREFORE, this 12th day of December, 1990, be it
ordained and it is hereby ordained that the

Section 1. Title.

This Ordinance shall be known as and may be cited as the
"Automatic Protection Device Ordinance."

Section 2. Policy.

The Supervisors of the Township of Washington have determined that the receipt of false fire and burglar alarms indicating that emergencies exist is detrimental to the health, safety and welfare of the citizens of the Township of Washington, to the Volunteer Fire Department, and to the Washington Township Police Department and it is hereby declared to be the policy of the Township of Washington to safeguard and protect the residents of said Township and the personnel of the Police and Volunteer Fire Department from such hazards and risks.

Section 3. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AUTOMATIC PROTECTION DEVICE - An electronically operated or mechanically controlled instrument or system, composed of sensory apparatus, related hardware and circuitry, which when it detects a stimulus characteristic of fire, heat, smoke, movement or entry in and to a dwelling, building or structure automatically transmits an alarm or signal intended to result in an emergency response by the Fire and/or Police Department.

"BMCC" - Blue Mountain Control Center.

FALSE ALARM - Any alarm or signal, activated by an automatic protection device which causes the Fire or Police Department to respond, but which is not the result of a fire or other emergency and which is caused by a condition within the control of the person in possession of the premises where the device is located.

FIRE DEPARTMENT - The Washington Township Volunteer Fire Company.

POLICE DEPARTMENT - The Police Department of Washington Township.

LOCAL ALARM SYSTEM - One which produces a signal only at the premises protected.

PERMIT - The annual permit, required by this Ordinance, for automatic protection devices.

PERSON - A natural person, corporation, firm, partnership, association, organization, any other group acting as a unit or an executor, administrator, trustee, receiver or other representative appointed according to law, in any section of this Ordinance which prescribes a penalty, fine or service charge; whenever the word "person" is used, as to partnerships or associations, the word shall mean the partners or members thereof, and as to corporations, shall mean the officer, agents or members thereof who are responsible for any violation of such section.

Section 4. Permit required; charge.

A. A permit shall be obtained by the person in possession of the premises for the installation of any automatic protection device other than a local alarm system.

B. The person in possession of the premises where an automatic protection device is in use must, each year, apply for and receive a permit to operate the device.

C. The person in possession of the premises where an automatic protection device is operated must apply for the annual permit no later than January 31 of the year during which the device is to be operated.

D. The charge for a permit shall be Five and 00/100 (\$5.00) Dollars and the charge for an annual renewal permit shall be One and 00/100 (\$1.00) Dollars. The permit fee shall not be required for those who, at the time of enactment of this Ordinance, have previously installed and are operating any alarm devices covered by this Ordinance.

E. All permit applications are available from the Township Secretary and completed applications and payment of the permit fee shall be made with the Township Secretary.

F. All applications must set forth the actual location of the subject property. Registration by P.O. Box Number is not permitted.

G. The Supervisors may, from time to time, change the permit and/or application fee by resolution.

Section 5. Violations and penalties.

A. Failure To Apply For A Permit: Any person in possession of a premises where an automatic protection device is operated, who intentionally does not apply for the annual permit required by this Article, shall be in violation of this Article and shall be liable for a penalty of One Hundred and 00/100 (\$100.00) Dollars for each such violation. The Fire or Police Chief shall issue a summons subjecting the person in possession of the premises to the fine of One Hundred and 00/100 (\$100.00) Dollars.

B. Fines For False Alarms: In the event that false alarms are transmitted to the Fire or Police Department by an automatic protection device, the Fire or Police Chief shall issue a summons subjecting the person in possession of the premises where an automatic protection device is in use to the following fines:

<u>Number of False Alarms per 12 month period (calendar year or any part thereof)</u>	<u>Fine</u>
1st False Alarm	No fine-warning issued
2nd False Alarm	\$ 50.00
3rd False Alarm	\$100.00
4th False Alarm	\$200.00
For each additional False Alarm, add	\$100.00

All fines and costs, if any, as imposed and collected shall be recorded by the Township Secretary.

Section 6. Fire and Police Department's authority to enter.

When the Fire or Police Department responds to an alarm transmitted by an automatic protection device, which alarm indicates a fire or other emergency in a building or premises where no one is available to provide access, the Departments are hereby authorized to enter said building or premises by any means reasonably necessary to conduct an investigation as to the cause of the alarm.

Section 7. Operation.

A. The sensory mechanism of an automatic protection device shall be equipped and adjusted so as to suppress false indications of fire and entry so that the device will not be activated by impulses due to normal pressure changes in water pipes, variations in voltage due to electrical storms and power failure or any other forces not related to actual fire conditions or unlawful entry.

B. False alarms, transmitted from automatic protection devices, are unlawful.

Section 8. Exclusion.

The violations and penalties set forth in Section 5 above shall not apply where the owner proves to the satisfaction of the Fire or Police Chief that the false alarm was a direct result of a power failure or power outage beyond the control of the owner of the premises.

Section 9. Testing.

A. No person shall conduct any test or demonstration of any automatic protection device without first notifying their alarm company and the BMCC.

B. Any test or demonstration of any automatic protection device resulting in a false alarm due to the failure of the person conducting such test or demonstration to notify and obtain permission from the Alarm Company and BMCC, shall be subject to a service charge of Two Hundred and 00/100 (\$200.00) Dollars for each infraction which will be assessed against the person responsible for the test or demonstration.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

This Ordinance shall take effect five (5) days after its enactment.

ATTEST:

TOWNSHIP OF WASHINGTON

Barbara J. Hallet
Barbara J. Hallet, Secretary

By: Richard Lane
Richard Lane, Chairman

Clayton D. Rutt
Clayton D. Rutt, Vice-Chairman

Ignatz Klausz, Jr.
Ignatz Klausz, Jr., Supervisor

Dated: Dec. 12, 1990