

ORDINANCE NO. 186

AN ORDINANCE OF HEIDELBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING DEFINITIONS, STANDARDS FOR OPERATING ALARM DEVICES, FALSE ALARM CHARGES, AND PENALTIES.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Heidelberg Township, Berk County, Pennsylvania, (the "Township") and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

1. Short Title. This Ordinance shall be commonly known as and may be cited as the "Heidelberg Township Alarm Ordinance."

2. Purpose. The purpose of this Ordinance is to provide standards and regulations for various types of burglar, fire and other emergency alarm devices which require response by any police department which provides police or protective services to the Township and/or local fire companies.

3. Scope. The provisions of this Ordinance shall apply to any alarm device designed to summon any police department which provides police or protective services to the Township and/or local fire companies to any location within the Township in response to any type of alarm signal.

4. Definitions.

- A. **Alarm:** A communication indicating or warning that a crime, fire or other emergency situation has occurred or is occurring warranting immediate action by any police department which provides police or protective services to the Township and/or local fire companies.
- B. **Alarm Device:** A privately owned or rented and operated electronic, electrical, mechanical or similar device designed to transmit an alarm by wire, telephone, radio, audible signal (bell, buzzer, horn, siren, etc.) or other means to any police department which provides police or protective services to the Township, local fire companies or to any person or firm who or which is instructed to notify any police department which provides police or protective services to the Township and/or local fire companies, or to any person who is within the sound transmission distance of such audible signal.
- C. **False Alarm:** Any alarm wherein the responding officer(s) or firefighter(s) finds no such evidence of a criminal offense, attempted criminal offense, or fire after having completed a timely investigation of the site emitting the alarm. False alarms include alarms caused by inadvertence, negligence, or the unintentional act(s) of any person, and shall also include alarms caused by the malfunctioning of an alarm device or other relevant system. This term

shall not include an alarm device set off due to weather extremes, such as electrical storms, and utility interruptions, including the testing or repairing of telephone or electrical lines, over which the person having an alarm device under this Ordinance has no control.

- D. **Intentional False Alarm:** A false alarm resulting from the intentional activation of an alarm device by a person under circumstances where the person has no reasonable basis to believe that a crime, fire or other emergency has occurred or is occurring warranting immediate action by any police department which provides police or protective services to the Township and/or local fire companies
- E. **Person:** Any individual, partnership, corporation, association, institution, cooperative enterprise, agency or any legal entity, whatsoever, which is recognized by law.

5. Operational Standards.

- A. Any alarm device installed in any premises within the Township, or operating in any premises within the Township, must be maintained in good working order to assure reliability of such alarm device.
- B. If an alarm device is designed to cause an exterior bell, horn, siren or other sounding device to be activated on or near the premises on which the alarm device is installed at the time it gives an alarm, said alarm device shall be designed to deactivate the bell, horn, siren or other sounding device after twenty (20) minutes of operation.
- C. All alarm devices shall meet the applicable standards of the Underwriters Laboratories and/or National Fire Protection Association and/or other recognized industry standards.
- D. If the alarm device is designed to transmit a recorded message, the contents of said message shall be intelligible.
- E. The sensory mechanism used in connection with an alarm device must be adjusted to suppress false indications of fire or intrusion, so that the alarm device will not be activated by impulse due to transient pressure change in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noises adjacent to the premises, or other forces unrelated to genuine alarm situations.
- F. After three (3) false alarms within one (1) calendar year, the Owner or lessee of an alarm device must, entirely at their own expense, have a properly licensed alarm company modify the alarm device to be more resistant to false

alarms and/or provide additional user training as may be appropriate. Proof of these actions must be sent to the police department thirty (30) business days after the third (3rd) false alarm occurred. Failure to provide such proof to the police department within thirty (30) business days will result in the police department issuing a charge of One Hundred Fifty Dollars (\$150) to the Owner or lessee of the alarm device by regular mail at the address where the false alarm occurred. This charge will be due to the police department thirty (30) business days after the date of mailing.

6. False Alarm. No alarm device shall cause a false alarm. If an alarm device causes a false alarm, the Owner or lessee of the device shall be subject to the charges provided for in Part Eight (8).

7. Intentional False Alarm. It shall be unlawful for any person to cause an intentional false alarm. Any person violating this Ordinance shall be subject to the penalties hereinafter provided for in Part Ten (10).

8. False Alarm Charges.

- A. For the first (1st), second (2nd), and third (3rd) false alarms emanating from an alarm device in any calendar year, no action will be taken against the Owner or lessee of the alarm device.
- B. After the third (3rd) false alarm in any calendar year, the Owner or lessee of the alarm device will be subject to the charges noted below. Whenever a false alarm occurs that subjects an Owner or lessee of an alarm device to a false alarm charge, the fire company shall notify the police department within fifteen business (15) days after the false alarm occurred. The police department shall file a citation for this ordinance violation against the Owner or lessee of the alarm device within thirty business (30) days after the false alarm occurred. Each false alarm is considered a separate violation, and, as such, the police department should file a citation for each false alarm.
- C. All false alarm charges shall be due and payable to the police department thirty (30) business days from the date of the mailing of the notice of assessment of the false alarm charge. All false alarm fines collected shall be split evenly between the fire companies that provide primary coverage to the Township.
- D. Upon the fourth (4th) false alarm in any calendar year, there will be a One Hundred Dollar (\$100) charge for the false alarm.
- E. Upon the fifth (5th) and sixth (6th) false alarm in any calendar year, there will be a Two Hundred Fifty Dollar (\$250) charge for each false alarm.

F. Upon the 7th (seventh) or more false alarm in any calendar year, there will be a Four Hundred Dollar (\$400) charge for each false alarm.

9. Liability of Township. The Township does not accept any liability or responsibility to maintain any alarm device, or to answer alarms from alarm devices, or for any other responsibility in connection therewith.

10. Penalty. Any person who violates Section seven (7) of this Ordinance, or refuses to pay any charge provided for in this Ordinance, shall upon conviction, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) dollars, plus costs, or imprisonment, or both, for each offense.

11. Severance Clause. In the event any part, provision, sentence, or clause of any part of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, and shall remain in full force and effect.

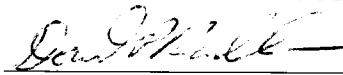
12. Conflicting Ordinances. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

13. Effective Date. This Ordinance shall become effective five (5) days after enactment.

14. The Code of Ordinances of Heidelberg Township, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of Heidelberg Township, Berks County, Pennsylvania, as amended, upon adoption.

DULY ENACTED AND ORDAINED this 26th day of January, 2022.

**HEIDELBERG TOWNSHIP
BOARD OF SUPERVISORS**



(Vice) Chairman

Attest: 

Nicole Werner, Secretary