

ORDINANCE NO. 7 -88

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, REGULATING
THE OPERATION OF AUTOMATIC PROTECTION
DEVICES COMMONLY REFERRED TO AS BURGLAR,
ROBBERY, FIRE OR SMOKE ALARM SYTEMS, OR ANY
COMBINATION THEREOF, WITHIN THE TOWNSHIP,
AND PROVIDING PENALTIES FOR VIOLATION
THEREOF

BE AND IT IS HEREBY ENACTED AND ORDAINED by the Board of
Township Supervisors in and for Middlesex Township, Cumberland
County, Pennsylvania, and it is hereby enacted and ordained by
the authority of same:

SECTION 1:

DEFINITIONS: As used in this Ordinance, the following
words, terms and phrases shall have the following meanings
unless it is apparent from the context that a different meaning
is intended.

AUTOMATIC PROTECTION DEVICE - (ALARM SYSTEM): Any
mechanical or electrically operated device or instrument
composed of sensory apparatus and related hardware which is
designed or used for the detection of an unauthorized entry into
a building, structure or facility, or an attempt thereof, or
designed or used for alerting others of the commission or
attempted commission of an unlawful act within a building,
structure or facility or designed or used for the detection of
fire, flames or smoke within a building, structure or facility,
or any combination thereof; and which emits a sound or transmits
a signal or message when activated. Automatic Protection
Devices include, but are not limited to: audible alarms,
automatic dialing devices, alarms connected directly to a
communications center, alarms relayed through any private
central station and proprietary alarms. Exemption: The
following devices shall not be included under the foregoing
definition:

- A. Devices which are not designed or used to
register alarms that are audible, visible or
perceptible outside of the protected building,

structure or facility, such as those systems designed for the detection of equipment malfunctions.

- B. Devices which are designed, used or provided for the sole purpose of evacuation of occupants of industries, institutions and other similar premises.
- C. Devices which are designed for and installed upon motorized vehicles or trailers.
- D. Devices maintained and/or operated by the Middlesex Township Police Department and/or any Fire Company used for the detection of unlawful acts or for demonstration purposes.

COMMUNICATION CENTER: The Cumberland County Communications Center, the Middlesex Township Police Department headquarters, any base used by any volunteer fire company providing fire protection service in Middlesex Township, or any other specifically authorized location.

FALSE ALARM: Any activation of an Automatic Protection Device signal or notification of such activation by any means, resulting in or expecting the response of the Middlesex Township Police Department and/or Fire Company where an emergency situation does not or did not exist at the time of such activation. The term does not include alarms caused by hurricanes, tornados, earthquakes, floods or other violent acts or acts of God. A rainstorm or thunderstorm does not constitute a violent act or an act of God.

FIRE COMPANY: Any volunteer fire company providing fire protection services in Middlesex Township.

PERSON: Any person, group, firm, partnership, association, corporation, company, or organization of any kind.

POLICE CHIEF: The Chief of Police of the Middlesex Township Police Department or his designated representative.

POLICE OR POLICE DEPARTMENT: All members of the Middlesex Township Police Department.

RECORDS: The reports, incidents, statistics or files of the Middlesex Township Police Department and/or any Fire Company.

TROUBLE ALARM: A condition whereby an Automatic Protection Device is in a pre-alarm condition, commonly referred

to as a "trouble setting," and a Communications Center receives notification of such a condition. In the absence of an actual emergency, a Trouble Alarm shall be considered a False Alarm.

SECTION 2. PROHIBITED ACTIVITIES:

A. FALSE ALARMS LIMITED: Except as otherwise provided in this Ordinance, it shall be prohibited for any person to accumulate more than five (5) False Alarms in a period of twelve (12) months. A twelve (12) month period shall run from January 1 to December 31 inclusive, on any given year. The number of False Alarms during any twelve (12) month period shall be ascertained from the records of the Police Department or Fire Department or both.

1. When a person has accumulated two (2) False Alarms, the Police Chief shall send a letter to said person stating such. The letter shall also inform the person that the Police Chief can schedule a physical examination of the Alarm System by the Police or by a member of a Fire Company, as the case may be, if the person desires such service. Also, the person will be permitted to furnish proof, to the satisfaction of the Police Chief, that said person is taking steps to correct the False Alarm problem. If such person requests the Alarm System examination or shows proof of corrective action, the Police Chief may exempt such person from the requirements of this Ordinance for a period not to exceed twenty (20) days to allow for the repair and/or improvement of the Alarm System. Only one (1) such exemption shall be granted during a twelve (12) month period.
2. When a person has accumulated three (3) False Alarms, the Police Chief shall send a letter to said person stating such. The Board of Township Supervisors or its designated representative may require said person to appear at an administrative hearing, the date, time and location of the hearing to be set by the Board. The purpose of the hearing will be to determine if said person is making attempts to correct the False Alarm problem. If the Board is satisfied that measures are being taken by said person to correct the problem, the Board may exempt such person from the requirements of this Ordinance for a period not to exceed forty (40) days to allow for the repair and/or improvement of the Alarm System. Only one (1) such exemption shall be granted during a twelve (12) month period.

- B. TESTING PROHIBITED WITHOUT PERMISSION: It shall be prohibited for any person to conduct any test or demonstration of any Automatic Protection Device designed to make direct connection to the Communications Center at any time without first obtaining the express permission of the Communications Center or the Police. Such permission is not required where the device to be tested or demonstrated is not connected to a Communications Center and the receipt of the alarm or signal is not relayed to the Police or Fire Department by any means.
- C. AUTOMATIC DIALING SERVICE: It shall be prohibited for any person to authorize and/or connect or interconnect an automatic dialing device to a Communications Center telephone line not designated for such connections. Connections to designated telephone lines shall not be made without the express permission of the Communications Center involved.
- D. SUSPENSION OR REVOCATION: It shall be prohibited for any person to operate or maintain an Automatic Protection Device at any time when their privilege to do so has been suspended or revoked, in accordance with the provisions of this Ordinance.

SECTION 3. AUTHORITY AND RESPONSIBILITIES OF POLICE:

- A. The enforcement and administration of this Ordinance shall be the responsibility of the Police Department, through the authority of the Chief of Police or his designated representative.
- B. The Chief of Police may promulgate such rules as are necessary for administration and enforcement of this Ordinance. Any such rules shall be approved by a duly approved resolution of the Board of Township Supervisors and shall be available for public inspection.
- C. Where an Automatic Protection Device which is directly connected to a Communications Center is activated and continuously transmits a signal, either through malfunction or defect in the system, the Police are authorized to disconnect the Automatic Protection Device until such time as repairs are made.

SECTION 4. LIABILITY OF TOWNSHIP LIMITED:

When the Police disconnect an Automatic Protection Device under Section 3-C of this Ordinance, no liability shall incur to the Township of Middlesex or any of its employees through such action.

SECTION 5. DUTIES AND RESPONSIBILITIES OF PERSONS:

- A. Any person possessing and using an Automatic Protection Device shall maintain such device in good working order.
- B. Any person possessing and using an Automatic Protection Device shall, upon request, furnish information to the Police concerning emergency contact in case of system malfunctions. The Police shall provide forms for the recording of this information.
- C. Any person who has had an Automatic Protection Device disconnected under Section 3-C of this Ordinance shall not reconnect the device without the permission of the Police. Such permission shall not be withheld when proof of repair is shown.
- D. Any person who has had an Automatic Protection Device disconnected under Section 3-C of this Ordinance shall be deemed to have his privilege to operate or maintain such device suspended or revoked. Such suspension or revocation shall remain in full force and effect until the conditions of Section 5-C of this Ordinance are met.
- E. Where an Automatic Protection Device is installed or attached to a business, warehouse, institution or other similar premises, the person having the greatest administrative or operations power shall be held responsible for that False Alarm when a False Alarm is received by the Police or Fire Department. In the event that the identity of such person is not ascertained or if the business, warehouse, institution or other similar premises is closed, the owner or manager or any administrative personnel may be held responsible for a False Alarm.

SECTION 6. CONFIDENTIALITY:

The information furnished and secured pursuant to this Ordinance shall be confidential in nature and shall not be subject to public inspection, and shall be kept so that the contents thereof shall not be known, except to those persons charged with the administration of this Ordinance.

SECTION 7. SEVERABILITY:

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any court of law, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force

and effect and such declaration shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. PENALTIES:

- A. Any person violating Section 2-D of this Ordinance shall, upon conviction, pay a fine of not less than \$100.00 nor more than \$300.00, and the costs of prosecution.
- B. Any person violating any of the other provisions of this Ordinance shall, upon conviction in a summary proceeding, be sentenced to pay a fine to the Township of Middlesex of not less than \$25.00 nor more than \$300.00 for each offense, costs of prosecution, and in default of payment, shall undergo imprisonment not exceeding 90 days.

SECTION 9:

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

ENACTED AND ORDAINED this 2nd day of November , 1988.

ATTEST:

TOWNSHIP OF MIDDLESEX

R.E. Preston
Township Secretary

BY Robert M. Brown
Chairman, Board of Township
Supervisors

(Township Seal)