

DAMASCUS TOWNSHIP, WAYNE COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 2022-02

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

TITLE

This ordinance shall be known and cited as the "**DAMASCUS TOWNSHIP FALSE ALARM
ORDINANCE**"

PURPOSE

To provide for penalties to principal owners, operators, tenants, and other individuals responsible for false alarms resulting in a dispatch and/or response by emergency service personnel; To encourage the use of appropriate alarm installation practices to prevent or minimize false alarms that require the dispatch and/or response of public safety personnel.

ARTICLE I: DEFINITIONS

Words used in the present tense shall include the future. The singular shall include the plural, and the plural the singular. The word "person" includes a corporation and unincorporated association. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

ALARM — a communication to the police, fire, or emergency medical service departments indicating that a crime, fire, or other emergency situation warranting immediate action by the police, fire, or emergency medical service departments has occurred or is occurring.

ALARM AGENT — any firm, corporation or person who conducts the business of owning, operating, maintaining, installing, leasing, or selling automatic protection devices and whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, or installing in or on any building place or premises any automatic protection device, as defined in this part, within Damascus Township.

ALARM SYSTEM — any electrically operated instrument composed of sensors and related hardware that automatically signals by wire, telephone, radio signal, or other means to a person who, in turn, notifies the Wayne County Communications Center of the alarm. Alarm systems also include equipment to activate a bell or sounding device to be heard outside a building which is intended to alert the police or others to the existence of a crime, fire, or other emergency situation warranting action by emergency services, upon receipt of a stimulus from a sensor that has detected a physical force or condition characteristic of a fire, intrusion, or other emergency.

AUDIBLE ALARM — 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, which signal is designed to attract attention when activated by an intrusion or other emergency requiring police or other emergency service response.

CENTRAL STATION SYSTEM — any protective system or group of systems operated privately for customers by an alarm agent; a firm; or a corporation that accepts messages or signals from alarm systems at a central station having operators in attendance at all times who have the duty to take appropriate action upon receipt of a signal or message, including the relaying of messages by designated or direct trunk line to the Wayne County Communications Center.

EMERGENCY RESPONSE – Upon notification and/or dispatch by the Wayne County Communications Center (9-1-1) for any emergency response agency responding with personnel and/or apparatus to a reported incident, event or emergency.

EMERGENCY RESPONDER(S) – Any Department, Company, Agency and/or personnel duly authorized and expected to respond to an emergency upon dispatch, including mutual aid dispatch and/or elevated response teams.

FALSE ALARM — an alarm to which police, fire, or other emergency service personnel are dispatched and/or respond resulting from the activation of an alarm device when a crime, fire, or other emergency warranting immediate action has not in fact occurred.

FALSE REPORTING – Any person either directly communicating with any emergency communication system or emergency operator or causing communication in which the person falsely reports an incident or falsely reports the extent of an incident or injury.

INADVERTENT FALSE ALARM — an alarm system activated in the absence of an emergency, whether by inadvertence, negligence, or unintentional act, including any mechanical or electrical malfunction of the alarm system, to which any emergency responders are dispatched to respond.

INTENTIONAL FALSE ALARM — a false alarm resulting from the intentional activation of an alarm device by an individual under circumstances where that individual has no reasonable basis to believe that a crime, fire, or other emergency warranting immediate action has occurred or is occurring.

SILENT ALARM — a protective system that does not emit an audible signal or tone when activated at a protected site and is monitored by a central station system.

ARTICLE II: AUDIBLE ALARMS

Audible alarms, other than fire alarms, shall be equipped with a timing mechanism which will disengage the audible alarm after a maximum period of 10 minutes if the system activates on or near the premises. Exceptions shall be made for certified systems requiring longer sounding alarms for insurance purposes, providing that certification and policy requirements are documented with the Township, and further providing that these devices are equipped with timers to disengage the audible alarm after the minimum time required for certification.

ARTICLE III: FALSE ALARMS PROHIBITED

1. It shall be unlawful for the property owner, lessee or any person occupying or otherwise on any premises within Damascus Township, to make or cause to be made, a false fire, medical, 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.
2. No person shall conduct or test any alarm device without first notifying the alarm agent to ensure that the alarm or signal is not relayed to the Wayne County Communications Center. The sensory mechanism used in conjunction 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 impulses due to transient pressure changes in water lines, short flashes of light, wind effects such as rattling or vibration of doors or windows, vehicular noises adjacent to the premises, or other forces unrelated to genuine alarm situations.
3. The alarm device must be maintained in good repair to assure reliable operation.
4. Exception: Emergency service responders in the course of conducting a drill within their response area advising Wayne County 9-1-1 that a drill will be forthcoming will not be considered as a false alarm.

ARTICLE IV: MUNICIPAL ACTION FOR FALSE ALARMS

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. Damascus Township shall take enforcement action after:
 - a. the inadvertent third false alarm within twelve (12) consecutive months, or
 - b. any intentional false alarm
3. Notice shall be in writing and mailed to the last known address by regular mail of the principal owner, operator, tenant or other individual responsible for the alarm system in addition to personal delivery and/or on-site posting of the notice.
4. Upon notification of a false alarm, in addition to payment of fees, a written report shall be made within fourteen (14) days by the owner or lessee to the Township and shall contain what steps have been taken to eliminate future false alarms.

ARTICLE V: 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 pay a fee of One Hundred (\$100.00) Dollars after three inadvertent false alarms, and a fee of Two Hundred (\$200.00) Dollars after the fourth inadvertent false alarm, and a fee of Five Hundred (\$500.00) Dollars for the fifth and each subsequent inadvertent false alarms within twelve (12) consecutive months.
3. Any person, whether as principal or agent, who violates this Ordinance or assists or abets its violation by making or causing an intentional false alarm, shall pay a fee of Five Hundred (\$500.00) Dollars for each intentional false alarm.
4. A false alarm charge shall be due and payable to the Township 30 days from the date of the notice of the charge. If the amount is not paid within the 30 day period, a certified letter shall be sent by the Damascus Township Code Enforcement Officer or assignee to

the principal owner, operator, tenant, or other individual responsible for the alarm system of the alarmed facility demanding payment within 30 days. If payment is still not made, the Code Enforcement officer shall file a criminal complaint with the district judge.

5. Any person, firm, partnership, or corporation who shall violate any provision of this ordinance or who shall fail to pay a charge for a false alarm, upon conviction thereof in an action brought before a district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$500.00 and not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this part continues or each section of this part which shall be found to have been violated shall constitute a separate offense.

ARTICLE VI: 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 a 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.

ARTICLE VII: REPEALER

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

ARTICLE VIII: EFFECTIVE DATE

This Ordinance shall take effect immediately upon enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Damascus Township, Wayne County, Pennsylvania, this 21 day of MARCH, 2022.




Joseph Canfield, Chairman

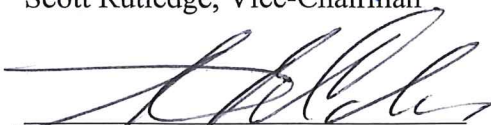
Attest:



Scott Rutledge, Vice-Chairman



Melissa Haviland, Secretary



Steven Adams, Supervisor