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**FALSE ALARMS
TOWNSHIP OF WEST MAHANAY
ORDINANCE #2010-2**

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

This ordinance shall be known and cited as **West Mahanoy Township False Alarm Ordinance**.

WHEREAS, The West Mahanoy Township Supervisors are concerned with the safety to the general public at large; and,

WHEREAS, The West Mahanoy Township Supervisors are aware that there is a significant increase in the risk to the general public when an emergency vehicle is responding with emergency lights and sirens to an emergency alarm; and,

WHEREAS, The West Mahanoy Township Supervisors realize that the fire department personnel are all volunteer and use their personal vehicles, gas and give their time when responding to aid the Township; and,

WHEREAS, The West Mahanoy Township Supervisors realize that the fire department, police department and other affected emergency response personnel use Township resources including use of emergency vehicles, gas, and time when responding to emergency alarms; and,

WHEREAS, The West Mahanoy Township Supervisors are concerned with the ever increasing cost of fuel, vehicle maintenance and replacement costs for the fire apparatus,

**NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP OF WEST MAHANAY
BOARD OF SUPERVISORS AS FOLLOWS:**

ARTICLE 1: 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.

ARTICLE 2: FALSE ALARMS PROHIBITED

It shall be unlawful for the property owner lessee or any person occupying or otherwise on any premises within the Township of West Mahanoy, 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.

ARTICLE 3: FALSE ALARM SERVICE FEES

(a) 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.

(b) 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.

(c) Service fees for false alarms shall be assessed by the Township as follows:

1. First false alarm in any one calendar year shall be subject to a written notice explaining the monetary service fee that will be implemented for future false alarms.
2. Second false alarm in any one calendar year shall be subject to a service fee not to exceed Five Hundred Dollars (\$500.00).
3. Third false alarm in any one calendar year shall be subject to a service fee not to exceed Seven Hundred and Fifty Dollars (\$750.00).
4. Fourth false alarm in any one calendar year shall be subject to a service fee not to exceed One Thousand Dollars (\$1,000.00).

ARTICLE 4: PENALTIES AND REMEDIED FOR VIOLATIONS

(a) 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.

(b) Any owner, lessee or person, whether as principal or agent, who violates this Ordinance or assists or abets its violation, shall upon conviction thereof, before any Magisterial district Judge, be sentenced to pay a fine of not less than Two Hundred and Fifty Dollars (\$250.00), nor more than One Thousand Dollars (\$1,000.00), together with the costs of prosecution, and in default of the payment of said fine and costs, shall be committed to the Schuylkill County Prison for a period not exceeding thirty (30) days. Each violation shall constitute a separate offence, for which a summary conviction may be sought.

ARTICLE 5: APPEAL

The appeals process for a violation hereunder shall follow the International Property Maintenance Code, Section 111 Means of Appeal.

ARTICLE 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 a legislative intent of the Township of West Mahanoy that this Ordinance would have been amended as if such unconstitutional illegal or invalid provision or provisions had not been included herein.

ARTICLE 7: REPEALER

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


ARTICLE 8: EFFECTIVE DATE

This ordinance shall become effective five (5) days after enactment by the board of supervisors.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of West Mahanoy, Schuylkill County, Pennsylvania this 16 th day of February, 2010.

Attest:

West Mahanoy Township Board of Supervisors


Michael Michalik, Secretary

By: 
Christopher M. Malou, Chairperson


Ronald A. Kozak, Supervisor


Maryann Wisniewsky, Supervisor