

**EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 129-J-09 _

**AN ORDINANCE OF EAST GOSHEN TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA, AMENDING THE
CODE OF EAST GOSHEN TOWNSHIP, CHAPTER 81,
TITLED, "ALARM SYSTEMS ".**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township as follows:

SECTION 1. Chapter 81 of the East Goshen Township Code, titled, "Alarm Systems" shall be amended to read as follows:

**Chapter 81
ALARM SYSTEMS**

§ 81-1. Short title.

This chapter shall be known as the "East Goshen Township Alarm Ordinance."

§ 81-2. Definitions.

The following definitions shall apply to the interpretation and enforcement of this chapter.

ALARM MONITORING COMPANY -- Any person, firm or corporation that monitors one or more Alarm System(s), and upon the receipt of a signal from an Alarm System notifies the Chester County 9-1-1 of the emergency.

ALARM SYSTEM -- Any assembly of equipment composed of sensory apparatus and related hardware which transmits a signal from the premises to an Alarm Monitoring Company advising them of an emergency. Smoke alarms, carbon monoxide detectors, etc., that are not connected to an Alarm Monitoring Company and whose sole purpose is to notify the occupants of the property of an emergency shall not be considered an "Alarm System" for the purpose of this chapter.

ALARM SYSTEM SUPPLIER -- Any person, firm or corporation who sells or leases and/or installs Alarm Systems.

AUDIBLE ALARM -- Any device, bell, horn or siren which is attached to the exterior of a building and emits a warning signal audible outside the building and that is designed to attract attention when activated.

CHESTER COUNTY 9-1-1 -- The 9-1-1 Emergency Call Center operated by the Chester County Department of Emergency Services.

FALSE ALARM- An alarm received by Chester County 9-1-1 activated by inadvertence, negligence, or an unintentional act including the malfunction of the Alarm System; the intentional activation of a hold up alarm for other than a hold up in progress; the intentional activation of a burglary alarm for other than a burglary in progress; the activation of a fire alarm for other than an actual fire; or the intentional activation of a medical alarm for other than a medical emergency. A false alarm shall not include alarms which are activated as a result of acts of God, such as earthquakes, floods, windstorms, thunder or lightning, or as a result of the testing or repairing of telephone or electrical lines or equipment outside of the premises.

FIRE DEPARTMENT -- The Goshen Fire Company or Malvern Fire Company, or their respective successor fire companies who provide fire protection services to the Township.

KEY BOX- A secure, tamperproof device with a lock operable only by a Fire Department master key which contains building entry keys and other keys that may be required for access in an emergency. Also known as a "Knox Box".

KEYED -- To use a telephone, radio or any other equipment to transmit (send) a message from an Alarm System to the Alarm Monitoring Company.

PERSON -- The term "person" appearing herein shall include and be construed to mean any person, firm, corporation or other entity.

POLICE DEPARTMENT -- The Police Department operating under the direction of the Westtown-East Goshen Police Commission.

TOWNSHIP -- The Township of East Goshen, Chester County, Pennsylvania.

§ 81-3. Permit required for new Alarm System.

A. Installation. Any owner, lessee or user of property, or their authorized agent, who intends to install a new or replacement Alarm System shall first make application to the Township and obtain the required permit prior to the installation of the new or replacement Alarm System. The application shall be made on forms provided by the Township and shall include the following information:

- (1) Property Owner's name, address and phone number;
- (2) Address and description of the property where the Alarm System is proposed to be installed;
- (3) Make and model of the Alarm System;

- (4) Name, address and phone number of the contractor or person who will install the Alarm System.
- B. Permit Fee. The application shall be accompanied by the permit fee. The permit fee shall be established from time to time by resolution of the Board of Supervisors.
- C. Exemptions. A permit is not required for the installation of smoke detectors, carbon monoxide detectors, or similar detectors which are installed for the purpose of notifying the occupants of that location of an emergency condition, provided that all of the following conditions are met:
 - (1) The alarm is not connected to an Alarm Monitoring Company;
 - (2) The alarm does not sound outside the location (no external speakers); and
 - (3) The internal signal by the alarm does not exceed 90 decibels.

§ 81-4. Audible alarm restrictions.

- A. All Audible Alarms shall be equipped with a timing device which will shut off the Audible Alarm after a maximum period of 15 minutes.
- B. Audible Alarms without such a timing device will be unlawful in the Township and must be disconnected by the owner, lessee or user within 60 days from the effective date of this Ordinance.

§ 81-5. Alarm Systems to be Keyed.

All Alarm Systems must be Keyed to an Alarm Monitoring Company.

§ 81-6. Operational Requirements.

- A. The sensory apparatus used in connection with an Alarm System must be adjusted to suppress false indications of intrusion, so that the device will not be actuated by changing pressure in the water pipes, short flashes of light, the rattling or vibrations to the premises caused by the passing of vehicles or any other force not related to a genuine alarm.
- B. All components comprising an Alarm System must be maintained in good repair to assure maximum reliability of operation.

§81-7. Disconnection due to malfunctioning.

- A. When alarm messages are received by Chester County 9-1-1 evidencing failure to comply with the aforementioned operational requirements, and the Township concludes that the Alarm System is malfunctioning, the Township is authorized to demand that the owner, lessee or user of the Alarm System disconnect the Alarm System until it is brought into compliance with the operational requirements.
- B. If disconnection of the defective Alarm System is not accomplished within 48 hours of notification by the Township, this shall be considered a violation of this chapter. The Township shall notify the Chester County 9-1-1 that the Alarm System is malfunctioning. In addition the Township may then take appropriate action to disconnect the defective Alarm System. This remedy shall be in addition to and shall not affect the penalty provisions prescribed in §81-13. For purposes of this provision, two or more false alarms within any thirty-day period shall be sufficient evidence for the Township to determine that the Alarm System is malfunctioning.

§ 81-8. Conformance with National Electrical Code.

Alarm Systems must conform to the requirements contained in the National Electrical Code.

§ 81-9. Inspections.

For the purpose of enforcing this chapter, the Police Chief, Fire Marshal and/or the Township Manager or their duly authorized designees are hereby authorized to enter upon an owner's, lessee's or user's premises at a reasonable time upon written notice, or in the event of an emergency, at any time, to make inspections of installation and/or operation of an Alarm System.

§ 81-10. Testing and Maintenance.

- A. No person shall conduct any test, demonstration or perform any maintenance of an Alarm System installed pursuant to this chapter without first notifying the Alarm Monitoring Company.
- B. Prior to conducting any testing, demonstration or maintenance of an Alarm System, the contractor or technician who performs the testing, demonstration or maintenance shall notify the Alarm Monitoring Company and request that the Alarm System be placed in "test condition" and that no response is necessary to an alarm.
- C. Upon completion of the testing, demonstration or maintenance the contractor or technician who performs the testing, demonstration or maintenance shall notify the Alarm Monitoring Company that the Alarm

System is back in service and that a response is necessary in the event of an alarm.

- D. Any owner, lessee or user, or their designated contractor or technician, who performs maintenance or testing on an Alarm System without first notifying the Alarm Monitoring Company prior to performing maintenance or testing, which then results in a False Alarm, may be subject to the false alarm fee established in this chapter.

§ 81-11. Notification of Ordinance.

The Township will provide a copy of this Ordinance to the owners, lessees, and users of property which have been issued a permit for a new Alarm System.

§ 81-12. False alarm fee schedules.

- A. Establishment of False Alarm fees. For the purpose of defraying the costs to the Police Department and/or Fire Department of responding to false alarms, a false alarm fee shall be imposed in the amount specified herein.
- B. False Alarm Fee Schedule.
 - (1) For the first false alarm, per rolling twelve months: a warning will be issued.
 - (2) For the second false alarm, per rolling twelve months: a warning will be issued.
 - (3) For the third through the fourth false alarm in any rolling twelve months: \$100 for each false alarm.
 - (4) For the fifth through the sixth false alarm in any rolling twelve months: \$200 for each false alarm.
 - (5) For the seventh false alarm and for each false alarm thereafter in any rolling twelve months: \$500 for each false alarm.
- C. Each such payment provided for in §81-12A shall be a civil claim by the Township and is in addition to and shall not affect the penalty provisions prescribed in §81-13.
- D. If the owner, lessee or user of any Alarm System fails to pay the false alarm fee within 30 days after receiving an invoice from the Township, the Township shall enforce such fee, together with interest at the legal rate and court costs, in a civil enforcement proceeding brought before a District Justice. Proceedings for collection thereof shall not affect or impair the Township's enforcement of this chapter pursuant to the penalty provisions of § 81-13 hereof.

- D. Violation. It shall be a violation of this chapter for any person to activate or cause to be activated an Alarm System with the intent or for the purpose of sending a false alarm.

§ 89-13. Violations and penalties.

- A. Any person who violates or permits the violation of any provision of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less than \$100 and not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- B. Any person found liable of misuse, false activation or continual activation of an Alarm System shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less than \$100 and not more than \$600, plus all court costs, including reasonable attorneys fees, incurred by the Township. No judgment shall be imposed until the date of determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

SECTION 2. Severability. 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 hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective five days after its enactment as law provides.

ENACTED AND ORDAINED this 6TH day of OCTOBER, 2009.

ATTEST:

EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS

Secretary

E. Martin Shane, Chairman

Carmen R. Battavio, Vice Chairman

Thomas Clapper, Ph.D., Member

Joseph M. McDonough, Member

Donald McConathy, Member