

ORDINANCE NO. 2013-~~1509~~ *1509 DMHearl*
NEWTOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING CHAPTER 55 [ALARM DEVICES] SECTION 55-14 [FALSE ALARMS; LIABILITY OF OWNERS; FAILURE TO COMPLY] AND 55-15 [VIOLATIONS AND PENALTIES] OF THE CODE OF NEWTOWN TOWNSHIP, DELAWARE COUNTY

WHEREAS, the Newtown Township Board of Supervisors has determined that certain changes are appropriate to Chapter 55 "Alarm Devices", Section 55-14 "False Alarms, Liability of Owners, Failure to Comply" and Section 55-15 "Violations and Penalties", to discourage false alarms and minimize the impact of false alarms on the general revenues of the Township.

NOW THEREFORE, the Township of Newtown hereby **ORDAINS** that:

Section 1. The Code of Newtown Township, Chapter 55, Alarm Devices, Section 55-14, entitled "False Alarms, Liability of Owners; Failure to Comply" is amended by adding and deleting portions of the Code as follows:

Section 55-14 False Alarms; Liability of Owners; Failure to Comply

A. For the purpose of defraying the costs to the Township of responding to a false alarm, the owner or lessee of an automatic protection device and persons using the services of intermediaries and users of audible alarms and users of any other kind of direct or indirect connection with the police or fire communication centers, except persons using two-way live voice communications by telephone, shall, as a condition to installation and continued operation of such equipment or service, execute a consent in such form as may be prescribed by the Township regarding the payment of fees to the Township for false alarms originating from the owner's premises. This sum shall be a civil claim by the Township and does not affect the penalty provisions prescribed by § 55-15. Such amount shall be billed by the Township to the property owner or lessee and shall be paid within 60 days from the date of the bill. Interest on delinquent bills shall accrue at the rate of 6% per year, and the amount due plus accrued interest may be filed as a municipal lien upon the property owner or lessee and collected as provided by the Pennsylvania Municipal Claims Act.

B. The procedure for imposing the aforementioned fees shall be as follows:

1) The determination as to whether an alarm is a false alarm shall be made by the Chief of Police, whose determination shall be final.

2) Following a determination of a false alarm, the Township will mail a written notice of the false alarm to the record title owner, lessee or other entity in control of the premises as indicated on the consent form, of the property where the false alarm occurred, notifying said

property owner, lessee or user to take corrective action to prevent further false alarms and that future fees and penalties may result from future false alarms.

3) Such owner, lessee or user will pay a fee for each subsequent false alarm in a one year period, in amount to be determined from time to time by resolution of the Board of Supervisors. For purposes of this consent, the one year period shall be counted from the date of the first false alarm in that one year period if there are no subsequent false alarms in the one year period, and if there are any subsequent false alarms in that one year period, from the date of any subsequent false alarm.

C Any such owner, lessee or user who fails to execute the consent described in Subsection A above within 60 days from the effective date of this section shall, within the sixty-day period, disconnect the alarm, automatic protection device or any other kind of direct or indirect connection with the police or fire communications center and shall discontinue using the services of any intermediaries. Continued use after the sixty day period without executing the consent shall be a violation of this Chapter subject to the penalties of Section 55-15.

Section 2. The Code of the Township of Newtown Chapter 55, Alarm Devices, Section 55-15 Violations and Penalties is amended by adding and deleting portions of the Code, as follows:

Section 55-15 Violations and Penalties.

A. Notice violations. Failure to comply with the requirements of written notice of a violation of any provision hereof within five days of receipt of such notice, exclusive of Saturdays, Sundays and holidays, shall constitute an offense punishable by a fine of not more than \$1,000. Costs of prosecution are to be collectible before any Magisterial District Judge as like fines and penalties are now by law collectible. Such notice shall continue in force and effect until full compliance with the requirements stated herein, and each and every failure to comply with such notice within 24 hours after the five days allowed for compliance shall constitute a separate offense.

B. Intentional false alarm violations. Any person found guilty of misuse, or intentional or deliberate fake or false activation shall be liable for a fine of not more than \$1,000, plus costs of prosecution, for each and every such activation, to be collectible before any Magisterial District Judge as like fines or penalties are now by law collectible.

C. Continual accidental activation. Any person found guilty of continual accidental activation shall be liable for a fine of not more than \$300, plus costs of prosecution for each and every occurrence, to be collectible before any Magisterial District Judge as like fines and penalties are now by law collectible. Continual accidental activation shall mean any subsequent accidental activation after three false alarms or activations, whether intentional or accidental, within the same consecutive 12 month period.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by The Township of Newtown.

Section 4. Repealer. All ordinances, resolutions or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled to the extent of such inconsistency.

Enacted by the Board of Supervisors of the Township of Newtown, Delaware County, Pennsylvania this 15th day of, October, 2013.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF NEWTOWN

Attest:



Michael T. Trio, Secretary/Township Manager

By:



Joseph V. Catania, Chairman