

ORDINANCE NO. 364

AN ORDINANCE OF MARSHALL TOWNSHIP AMENDING ITS REGULATIONS REGARDING FALSE FIRE AND POLICE EMERGENCY ALARMS AND ALARM DEVICES BY AMENDING CHAPTER 40 "ALARM SYSTEMS" OF THE CODIFIED ORDINANCES OF MARSHALL TOWNSHIP, AND ORDAINING NEW REGULATIONS AS FOLLOWS: PROVIDING FOR DEFINITIONS OF TERMS; MAKING UNLAWFUL THE STARTING OR SPREADING OF ANY FALSE ALARM OF FIRE AND/OR POLICE ALARM, INCLUDING FALSE ALARMS CAUSED BY IMPROPERLY MAINTAINED OR DEFECTIVE ALARM SYSTEMS OR DEVICES WITHIN MARSHALL TOWNSHIP, OR OTHERWISE REPORTED TO MARSHALL TOWNSHIP; REQUIRING THE ISSUANCE OF PERMITS FOR AND THE REGULATION OF ALARM SYSTEMS; ESTABLISHING CHARGES IMPOSED UPON PERSONS CAUSING OR REPORTING FALSE ALARMS; ESTABLISHING PROCEDURES FOR TESTING OF ALARM SYSTEMS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND/OR RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Marshall Township and the providers of emergency fire and police services within its boundaries receive certain emergency fire and police alarms through the County of Allegheny's "911" Dispatch Center; and

WHEREAS, many false fire and/or police alarms are received as the result of improperly maintained or defective alarm systems or devices and, also, as the result of persons otherwise improperly placing such alarms; the result of which is that fire and police personnel and equipment are often unnecessarily called out, to the detriment of the citizens and residents of Marshall Township; and

WHEREAS, in an effort to eliminate or reduce the aforementioned problems created by false fire and/or police alarms, Marshall Township did enact Ordinance No.219, Ordinance No. 314 and Ordinance 344, thereby making unlawful the starting or spreading of any false alarm of fire and/or police alarm, including such false alarms caused by improperly maintained or defective alarm systems or devices; and

WHEREAS, the provisions of the aforementioned ordinance(s) were also thereafter amended from time to time as deemed necessary; and

WHEREAS, Marshall Township has experienced and continues to experience false fire and/or police alarms and the problems associated therewith, and has therefore determined that the provisions of the aforesaid ordinance(s) should be again amended and revised, so as to attempt to further reduce or eliminate such false fire and/or police alarms and the aforementioned problems associated therewith.

NOW, THEREFORE, BE IT ORDAINED and ENACTED by the Board of Supervisors of Marshall Township, Allegheny County, Pennsylvania as follows:

SECTION 1. The existing provisions of Chapter 40, Alarm Systems, are hereby repealed in their entirety and the following stated provisions of this Ordinance are duly enacted in their place and stead:

SECTION 2. Chapter 40-1, Definitions and word usage.

- A. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ALARM — A communication to the Police or Fire Departments which serve the Township of Marshall indicating that a crime or fire or other emergency situation warranting immediate action by such Police or Fire Departments has occurred or is occurring.

ALARM DEVICE — A self-contained device present inside a building and which is designed to detect the presence of smoke, heat, carbon monoxide or motion and to then emit a sound audible within the building to warn persons therein of such presence.

ALARM SYSTEM — A system designed to automatically transmit an alarm, by wire, telephone, radio or other means, to the County of Allegheny's "911" Dispatch Center or to a person who is instructed to so notify the County of Allegheny's "911" Dispatch Center of the alarm or to activate a bell or other sounding device to be heard outside a

building and which is intended to alert the police or others to the existence of a crime or fire or other emergency situation warranting police or fire action.

FALSE ALARM — An alarm to which the Fire Department and/or Police Department serving Marshall Township responds and which results from the activation of an alarm system or alarm device when a crime, fire or other emergency warranting immediate action by such Police Department or Fire Department has not in fact occurred.

PERSON — An individual, corporation, partnership, unincorporated association or other similar entity.

YEAR — Calendar year.

- B. In this chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

SECTION 3. Chapter 40-2, Permit required; fee; system requirements.

- A. It shall be unlawful for a property owner, lessee of property or a person otherwise occupying premises within the Township of Marshall to put an alarm system into operation on his premises or to allow an alarm system to be put into operation on his premises without first obtaining a permit from the Township of Marshall. There shall be no fee imposed by the Township of Marshall for the issuance of such permit.
- B. Application.
- (1) In order to obtain a permit for an alarm system, a person must submit an application to the Township of Marshall stating:
- (a) His name.
 - (b) His home and business addresses and the telephone number of each.
 - (c) The location at which the alarm system will be installed and operated.
 - (d) The names, addresses and telephone numbers of two other individuals who have keys to the premises at which the alarm system is located and who are authorized to enter the premises at any time, but who do not reside at the premises at which the alarm system is located.
 - (e) A general written description of the system other than schematics.
 - (f) The name of the alarm company.
- (2) Alarm system requirements. All alarm systems shall:
- (a) Comply with ICC International Building Code 2003 or current edition.

- (b) Have equipment listed or approved by Underwriters' Laboratories, Inc. and a monitoring/receiving Central Station Signaling System Certificate (Underwriters' Laboratories, Inc. Standard, U.L. No. 827, 1996)
- (c) Have yearly maintenance agreement and yearly instruction to homeowner; twenty-four-hour repair service available.
- (d) Have standby backup power supply capable of operating the system.
- (e) Have any carbon monoxide detector set at a level to preclude false alarms.
- (f) Have a five-minute reset if an external audible alarm is present.

SECTION 4. Chapter 40-3, False alarms; charges.

A. Any person causing or reporting accidental false alarms for any reason or the permit holder of an alarm system that transmits a false alarm for any reason shall pay to the Police Department and/or Fire Departments which serve Marshall Township a charge for each and every false alarm to which such Police and/or Fire Departments responds, in each calendar year, as follows:

(1) Police false alarm:

- (a) First false alarm from an alarm system, each calendar year: \$50 or proof of yearly maintenance contract in effect.
- (b) Second false alarm, each calendar year: \$50.
- (c) Third false alarm, each calendar year: \$75.
- (d) Fourth false alarm, each calendar year: \$100.
- (e) Each false alarm in excess of four, each calendar year: the amount of the charge assessed for the immediately preceding false alarm during that calendar year, plus an additional \$25.

(2) Fire false alarm.

- (a) First false alarm from an alarm system, each year: \$100 or proof of yearly maintenance contract in effect.
- (b) First false alarm from an alarm device, each year: \$100 or proof, acceptable to Marshall Township and submitted within thirty (30) days from the date of the notification described in Subsection B of this section, of the repair or replacement of the alarm device from which the false

alarm originated.

- (c) All other false alarms each year: three hundred dollars (\$300.) per false alarm.
- B. When a false alarm occurs, the Police Department which serves Marshall Township shall, within forty-five (45) days from the date of the false alarm, notify the permit holder for the alarm system or owner of the alarm device from which the false alarm originated or other person causing said false alarm that a false alarm charge is due and the amount thereof. Such notice shall be in writing and mailed by regular mail, postage paid, to the last known address of the permit holder or other person causing said false alarm.
- C. A false alarm charge shall be due and payable at the headquarters of the Police Department which serves Marshall Township (230 Pearce Mill Road) thirty (30) days from the date of the mailing of the notice of assessment of the charge.

SECTION 5. Chapter 40-4, Testing by permission only.

No person shall conduct or test any alarm device without first obtaining permission from the Police Department which serves Marshall Township. Where the equipment is keyed through an intermediary, no such permission is necessary unless the alarm or signal is to be relayed to the central receiving station.

SECTION 6. Chapter 40-5, Nonliability of municipality.

The issuance of a permit for an alarm system shall not constitute acceptance by Marshall Township of any liability to maintain any such equipment, to answer alarms nor otherwise render Marshall Township liable to any person for any loss or damage relating to the alarm system or procedure.

SECTION 7. Chapter 40-6, Administration and enforcement.

Administration and enforcement of this chapter shall be the functions of Marshall Township and the Police Department which serves it.

SECTION 8. Chapter 40-7, Violations and penalties.

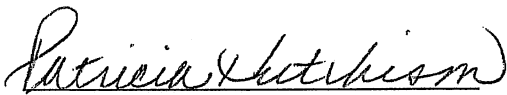
Any person, firm or corporation who shall violate any provision of this chapter or who shall fail to pay a charge for a false alarm shall, upon conviction, before the District Magistrate thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.), and/or to imprisonment for a term not to exceed ninety (90) days.

SECTION 9. All prior Ordinances and Resolutions of Marshall Township which are inconsistent with the provisions of the within Ordinance are hereby repealed to the extent of such inconsistency.

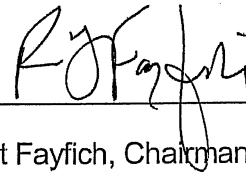
SECTION 10. If a decision of a court of competent jurisdiction holds any individual provision of this Ordinance or the application of any individual provision of this Ordinance to any circumstances to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such provision to other circumstances shall remain in full force and effect. The intention of the Board of Supervisors of Marshall Township is that the provisions of this Ordinance shall be severable and that this Ordinance would have been adopted if any such illegal or unconstitutional provision had not been included.

ORDAINED and ENACTED into law this 13 day of February 2006 by the Marshall Township Board of Supervisors.

ATTEST:



Secretary



Robert Fayfich, Chairman