

TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 128

AN ORDINANCE

AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF LOWER NAZARETH, NORTHAMPTON COUNTY, PENNSYLVANIA RELATING TO ALARM SYSTEMS AND/OR AUTOMATIC PROTECTION DEVICES, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SUCH SYSTEMS AND NOTIFICATION OF SAME, REQUIRING THE REGISTRATION BY PROPERTY OWNERS AND TENANTS WITH THE TOWNSHIP OF INSTALLATION OF ALARM SYSTEMS AND/OR AUTOMATIC PROTECTION DEVICES IN THEIR BUILDINGS OR STRUCTURES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF LOWER NAZARETH TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA ("TOWNSHIP"), and it is hereby enacted and ordained by authority of the same, prusuant to the authority created by law, as follows:

CHAPTER 6. PUBLIC SAFETY AND CONDUCT

SECTION 6.80: PURPOSE

A. The purpose of this Ordinance is to provide standards and regulations for police, fire and other emergency alarm and protection devices, whether by direct line, radio, telephone or other means actuating a device requiring a response by police, fire department, ambulance or other governmental agencies. The Board of Supervisors of the Township finds and declares that:

1. The majority of emergency alarms to which police and emergency personnel respond are false. Such false alarms are

nuisances resulting in a waste of manpower and could cause serious injury to those police officers and other emergency personnel who may be responding to a false alarm. While responding to false alarms they are not available to protect the citizens of the Township.

2. The dangers to citizens through emergency responses created by false alarms is unnecessary and hazardous.

3. False alarms have created conditions causing danger and annoyance to the general public.

4. Tax dollars are wasted through responses to false alarms.

SECTION 6.82 DEFINITIONS

A. "ALARM SYSTEM" shall mean any device designed or used for detection of fire, smoke, carbon dioxide, gas or of intrusion into a building, property, structure or facility or for alerting any person in the attempt or commission of a crime or any emergency situation involving potential death or injury or any other device which summons any Emergency Service Agencies and which is directly connected to an audible alarm or the transmission of a related signal or message which is used to evoke an emergency response by Emergency service Agencies to any address or separate component of any system.

B. "FALSE ALARM" shall mean the activation of an Alarm System due to other than the purpose for which the alarm system is designed. Any activation of an Alarm System due to any

malfunction caused by a violent, natural catastrophic condition including electrical storms or power outages, or conditions beyond the control of the Permittee will not constitute a false alarm. A false alarm shall also include the accidental activation of alarms by employees, Permittees, cleaning services or any other persons permitted on the property by the Permittee.

C. "PERMIT(S)" shall mean written permission duly granted to an applicant by the Township, upon payment of the required fee.

D. "PERMITTEE(S)" shall mean an individual and/or entity who has secured a Permit in accordance with this Ordinance.

E. "POLICE" shall mean the Colonial Regional Police Department.

F. "EMERGENCY SERVICE AGENCIES" shall mean the Hecktown Volunteer Fire Company, Ambulance Service and Police.

SECTION 6.83 APPLICATION FOR ALARM PERMIT

A. Every applicant for a Permit shall file with the Secretary of the Township, on forms provided by the Township, a written Application stating the name, address and telephone number of the applicant; a description of the property or properties where the proposed alarm system shall be installed; the location, road, name of development including the office or industrial complex and location within the office or industrial complex and name which is conspicuously displayed on the house, building or mailbox of the premises, a description of the type or types of Alarm System

to be used including name and model number of the manufacturer; the name of the person or company who will install the Alarm System at the location; the name, address and telephone number of any person or company who will be available to be contacted in the event of an alarm activation; and, such other information as shall be determined appropriate by the Township. In the case of more than one building site in which the Alarm System shall be installed, the applicant must provide the Township with information concerning how the alarm for each building shall be distinguishable from the other alarms in said buildings.

B. In the event the name, mailing address or telephone number of the person to be contacted changes, the applicant shall supply corrected information to the Township within five (5) days of the change. If requested by the TOWNSHIP or its duly authorized representative including but not limited to the Police, the persons listed shall be required to be present at the alarm location within a reasonable length of time after being advised that the Police or other emergency departments have received any signal or message of an alarm activation.

SECTION 6.84 PERMITS - TRANSFER

A. Permits shall not be transferable from one individual and/or entity to another, or from one location to another, without the express written authorization from the TOWNSHIP. In the event that the premises in which the Alarm System has been installed is to be conveyed or transferred to another individual and/or entity,

it shall be the responsibility of the Permittee to notify the TOWNSHIP of the name and telephone number of the other person to be contacted in case of the alarm activation.

B. Any individual and/or entity who obtains title and/or possession of premises in which an Alarm System has been installed and a Permit has been issued by the TOWNSHIP, shall notify the TOWNSHIP and make application for registration specifying all information necessary for the Police or other emergency departments to respond to the alarm activation.

SECTION 6.85 PERMITS - FEES

A. Every individual and/or entity applying for a Permit under the provisions of this Ordinance shall pay a fee of Ten (\$10.00) Dollars to obtain a Permit prior to the installation of the new Alarm System on the premises.

B. Any individual and/or entity who owns or obtains a title or possession to premises in which an Alarm System has already been installed shall pay the fee of Ten (\$10.00) Dollars to register their name, address, telephone number and individual to be contacted in case of the activation of the Alarm System in accordance with the provisions of this Ordinance.

C. All fees shall be payable to the TOWNSHIP, and the fees described above may be revised from time to time by Resolution of the Board of Supervisors of the TOWNSHIP.

SECTION 6:86 CIVIL PENALTIES

A. Any individual and/or entity who fails to make application or register with the TOWNSHIP prior to the installation of an Alarm System on the premises shall pay to the TOWNSHIP a Civil Penalty in the amount of One Hundred (\$100.00) Dollars plus costs of legal proceedings.

B. Any individual or entity who owns or acquires title and/or possession to premises in which an Alarm System has already been installed and fails to register with the TOWNSHIP shall pay to the TOWNSHIP a Civil Penalty in the amount of One Hundred (\$100.00) Dollars plus costs of Legal Proceedings for the first offense, and for the second and any subsequent offenses, a Civil Penalty in the amount of Five Hundred (\$500.00) Dollars and costs of Legal Proceedings.

C. Any individual and/or entity who, after receiving notice from the TOWNSHIP, that Emergency Service Agencies have responded to three false alarms as defined in this Ordinance during the term of any sixty (60) days, shall pay a Civil Penalty of Three Hundred (\$300.00) Dollars per false alarm thereafter plus costs of Legal Proceedings.

D. Any individual and/or entity who continues to operate an Alarm System one than five (5) days after the date of mailing of notice of suspension, pursuant to 6.87A, shall be subject to a Civil Penalty in the amount of Five Hundred (\$500.00) Dollars plus costs of Legal Proceedings. For each

occasion on which a false alarm is activated after notice of suspension and pending restoration of the suspended Permit, Permittee shall pay a Civil Penalty in the amount of Five Hundred (\$500.00) Dollars plus costs of Legal Proceedings.

SECTION 6.87. SUSPENSION OF PERMIT

A. In addition to any penalties which may be imposed for violation of certain provisions of this Ordinance, the TOWNSHIP may, pursuant to the provisions of this Section, suspend the Permit of any Permittee for failure to correct any deficiencies in equipment or operation within thirty (30) days after receipt of written notice of same from the TOWNSHIP ("Permit Suspension"). Such Permit Suspension shall continue until the Permittee shall give satisfactory proof to the TOWNSHIP that the Alarm System has been properly repaired and/or persons have been trained in the proper use of the Alarm System, and that no future false alarms will be activated.

B. A suspended Permit shall be restored upon satisfactory proof to the TOWNSHIP that the Alarm System has been properly repaired and/or persons have been trained in the proper use of the Alarm System and that no further false alarms will be activated.

SECTION 6.88 CONFIDENTIALITY

The information furnished and secured pursuant to this Ordinance shall be confidential in character and shall not be subject to public inspection, and shall be so kept in order that the contents thereof shall not be known except to TOWNSHIP and Police Officials charged with the administration of this Ordinance.

SECTION 6.89 REPEALER, SEVERABILITY, AND EFFECTIVE

All Ordinances and parts of Ordinances inconsistent herewith, be and the same are hereby repealed.

The provisions of this Ordinance shall be severable and if any provisions thereof 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 enacted had such unconstitutional illegal or invalid provision not been included herein.

This Ordinance shall become effective five (5) days from the date of its adoption. Persons and/or entities who are owners of such Alarm Systems existing at the time of the adoption of this Ordinance shall have a period of sixty (60) days from the effective date of this Ordinance to comply with all provisions hereof.

DULY ENACTED AND ORDAINED This 8th day of

May, 1996.

LOWER NAZARETH TOWNSHIP, NORTHAMPTON
COUNTY, PENNSYLVANIA

ATTEST:

BY: Mary Ann McCarthy
MARY ANN MCCARTHY, SECRETARY

BY: Peter E. Tamburini
PETER TAMBURINI, CHAIRMAN OF
BOARD OF SUPERVISORS