

TOWNSHIP OF POTTER
ORDINANCE NO. 02 OF 2023

**AN ORDINANCE PROVIDING FOR PENALTIES FOR FALSE FIRE ALARMS
CAUSED BY FAULTY EQUIPMENT, NEGLIGENCE, OR DELIBERATE ACTION
WITHIN POTTER TOWNSHIP**

Background

WHEREAS, the Township of Potter has the authority to adopt ordinances necessary for the safety and general welfare of its citizens; and

WHEREAS, false fire alarms within the Township have necessitated a response from public safety personnel on numerous occasions, causing unnecessary expenditures of resources, effort, and time on the part of first responders, and potentially impacting the availability of emergency service personnel for response to true emergencies; and

WHEREAS, the Board of Supervisors has determined it to be in the best interests of the Township and its citizens to encourage appropriate alarm use, installation, and maintenance practices to prevent or minimize false alarms requiring a response from public safety personnel; and

WHEREAS, the Board of Supervisors has determined it to be in the best interests of the Township and its citizens to provide for penalties to principal owners, operators, tenants, agents, or other individuals responsible for false alarms resulting in a response by public safety personnel.

NOW THEREFORE, be it enacted and ordained as follows:

SECTION 1: The Background above is incorporated by reference herein.

SECTION 2: This Ordinance shall be known as the Potter Township False Alarm Ordinance.

SECTION 3: As used in the article, the following terms shall have the meanings as indicated:

ALARM

A communication to fire, police, or emergency services departments responsible for responding to alarms within the Township, indicating that a fire, crime, or other emergency warranting immediate action by fire, police, or emergency services units has occurred, or is occurring.

ALARM SYSTEM USER

The person who occupies or has the right of possession for the premises on which the alarm device is operated.

ALARM SYSTEM

Any device which communicates or transmits an alarm by telephone, radio, or other means directly to the Centre County Emergency Communications Center or any fire, police or emergency services department, or that activates a bell or other sounding device which is intended to alert the Department or others to the existence of a crime, fire, or other emergency situation warranting action.

FALSE ALARM

An alarm or activation of an alarm system to which fire, police, or emergency services departments respond when a fire, crime, or other emergency has not occurred. This definition shall not include alarms caused by interruption of utility services caused outside the premises; the testing or repairing of telephone or electric lines or equipment outside the premises; acts of God such as weather conditions, electrical storms, lightening, or other power fluctuations or surges beyond the control of an alarm system user; a crime in progress on the premises; a fire on the premises; or an actual emergency requiring fire, police, or other emergency services personnel.

PERSON

An individual, firm, partnership, association, corporation, company, business, asylum, group home, or charity of any kind.

SECTION 4: It shall be unlawful for any person to make, permit, or cause to be made, directly or indirectly, a false alarm to any fire, police, or emergency services department responsible for responding to alarms within the Township.

SECTION 5: The Centre Hall Fire Company shall be responsible for determining whether an alarm qualifies as a false alarm under the definition of "False Alarm" in §3 above, and such decision shall be final.

SECTION 6:

- A. Any person knowingly causing a false alarm for any reason shall pay to the Centre Hall Fire Company a false alarm fee, of \$100.00 Dollars.

- B. Any alarm system user from whose system a false alarm originates shall pay to the Centre Hall Fire Company a false alarm fee, which shall be assessed by the Centre Hall Fire Company as follows:
1. No fine shall be levied for the first three false alarms occurring within a given calendar year.
 2. For the fourth false alarm in any calendar year, the alarm system user shall be subject to a false alarm fee not to exceed \$150.00 Dollars.
 3. For the fifth and subsequent false alarms in any calendar year, the alarm system user shall be subject to a false alarm fee not to exceed Three Hundred Dollars (\$300.00).
- C. The Centre Hall Fire Company shall notify the Township and the alarm system owner of each false alarm, and shall invoice any person who knowingly caused a false alarm and the alarm system user for each false alarm made which is subject to a false alarm fee. Such notice or invoice shall be in writing, and mailed to the alarm system owner at the last known address by regular mail, postage prepaid.
- D. The false alarm fee shall be due and payable to Centre Hall Fire Company within sixty (60) days from the date of mailing of the notice, and failure to pay a false alarm fee shall subject the alarm system owner to the penalty provision of this article.

SECTION 7:

- A. Any person, whether as a principal or agent, who violates, or who assists or abets a violation of this Article, shall upon conviction thereof before any Magistrate, be sentenced to pay a fine of not less than \$100.00 Dollars, nor more than \$300.00 Dollars, together with the costs of prosecution and any fines assessed under §6 hereof, and in default of the said fine and costs, shall be imprisoned for a period not exceeding thirty (30) days. Each violation shall constitute a separate offense, for which a summary conviction may be sought.
- B. In addition to such other remedies as may be available under existing law, nothing herein contained shall prevent the Township from instituting an action in equity to prevent, restrain, correct, abate, or enjoin a violation of this article.

SECTION 8: If any sentence, clause, section, or part of this article shall be declared unconstitutional, illegal, or invalid, such decision shall not affect or impair any of the remaining provisions. It is hereby declared as the legislative intent of the Township that this article would have been amended as if such unconstitutional, illegal, or invalid provision or provisions had not been included herein.

SECTION 9: All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance hereby adopted are hereby repealed, provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township of Potter which is not in conflict with the provisions hereof shall be deemed to remain in full force and effect.

ENACTED AND ORDAINED this 20th day of November, 2023, by the Board of Supervisors of Potter Township.

ATTEST:


Secretary

POTTER TOWNSHIP SUPERVISORS:

Chairman




