

**ORDINANCE NO: 798-09
THE BOROUGH OF ZELIENOPLE
BUTLER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF ZELIENOPLE, BUTLER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 10, PART 3, SECTION 206 TO PROVIDE PENALTIES FOR FALSE ALARMS AND AT CHAPTER 13 TO INCLUDE THE ADDITION OF “PART 2 – ALARM SYSTEM PERMITS.”

WHEREAS, in order to promote and protect the health, safety and welfare of the residents of the Borough of Zelienople, Butler County, Pennsylvania, the Borough Council has determined it necessary to amend the Code of Ordinances to provide penalties for false alarms and require permits for all alarm systems.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF ZELIENOPLE, BUTLER COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY AND WITH THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION ONE: FALSE ALARMS

The Borough of Zelienople’s Code of Ordinances Chapter 10, Part 3, Section 306 shall be deleted in its entirety and replaced with the following provisions:

§ 306. FALSE ALARMS.

1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

EMERGENCY SERVICES - The police and/or fire services of the Borough of Zelienople or of the the Commonwealth of Pennsylvania.

FALSE ALARM - Any activation of an alarm system by inadvertence, negligence or intentional or unintentional acts or means, to which emergency services of the Borough of Zelienople respond and where it is determined that the alarm was not the result of a crime in progress, fire, medical or other emergency necessitating a response by emergency services, excepting those alarms which are caused solely by weather extremes or inadvertent utility interruptions.

2. False Alarms Prohibited.

It shall be unlawful for the property owner, lessee or any person occupying, in control of or otherwise on any premises within the Borough of Zeligonople, to make or cause to be made, a false alarm, directly or indirectly to any fire department or emergency services agency responding to alarms within the Borough.

3. False Alarm Service Fees.

(a) The status of an alarm is to be determined by the police department, fire company, or other affected emergency response agency, and the decision shall be final.

(b) Upon notification of a first false alarm within a calendar year, a written report shall be made within fourteen (14) days by the owner or lessee of the property to the affected emergency response agency and Chief of Police and shall contain what steps have been taken to eliminate future false alarms.

(c) Service fees for false alarms shall be assessed by and paid to the Borough of Zeligonople as follows:

1. A Second false alarm in any one calendar year shall require a written final warning to the property owner or responsible party of the penalties of this ordinance.
2. A Third false alarm in any one calendar year shall be subject to a service fee of One Hundred (\$100.00) Dollars.
3. A Fourth false alarm in any one calendar year shall be subject to a service fee of Three Hundred (\$300.00) Dollars.
4. A Fifth and all subsequent false alarms in any one calendar year shall be subject to a service fee of Five Hundred (\$500.00) Dollars, plus prosecution in accordance with Part 4 herein.

(d) The Borough's Chief of Police or his designees shall be responsible for administering the terms of this Ordinance.

4. Penalties and Remedies for Violations.

(a) In the event a violation of this Ordinance occurs, in addition to such other remedies as may be available under existing law, the Borough of Zeligonople may institute an action in equity to prevent, restrain, correct, abate or enjoin such violation.

(b) Any person, whether as principal or agent, who violates this Ordinance or assigns or abets its violation, shall upon conviction thereof, before any Magistrate, be sentenced to pay a fine not less than One Hundred (\$100.00) Dollars, not more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of the payment of said fine and costs, shall

be committed to the County jail for a period not exceeding thirty (30) days, in addition to the service fees imposed under Part 3 herein.

SECTION TWO: ALARM SYSTEM PERMIT

The Borough of Zelienople's Code of Ordinances, Chapter 13, shall be amended to include the following:

PART 2

ALARM SYSTEM PERMIT

- §201 Permit Required
- §202 Application for Permit
- §203 Amendment to Permit
- §204 Term of Permit
- §205 Fees
- §206 Nontransferable

§201. PERMIT REQUIRED

- a. No person shall operate, cause to be operated, or allow the operation of an alarm system unless a valid permit has been issued by the Zelienople Police Department. Any persons who operate, cause to be operated, or allow the operation of an alarm system without a valid permit shall be subject to criminal prosecution and imposition of fines, response fees and other costs as may be determined.
- b. The issuance of a permit authorizing the use of an alarm system is not intended to, nor shall it create a contract, either express or implied, creating a duty or guarantee of response from the Borough of Zelienople Police Department, the Zelienople Volunteer Fire Department, or any other agency of the Borough of Zelienople.

§202. APPLICATION FOR PERMIT

- a. The application for a permit is to be made by any person or entity responsible for the property upon which the alarm system is installed. That includes, but is not limited to, a person or entity which owns, leases, rents, uses, resides at or manages the property upon which the alarm system is installed.
- b. Said application shall state:
 - a. The name, address, telephone number(s), Driver's License number and email address of the permit applicant or intended permit holder;
 - b. The street address of the property on which the alarm system is installed or is intended to be installed, including any apartment number or suite number;

- c. Any business name used for the property upon which the alarm system is located;
 - d. The name, address and telephone number of the business which installed the alarm system;
 - e. A description of the type or types of alarm system used including the name and model number of the manufacturer;
 - f. The name and address of the person or company who is to be contacted in the event of an alarm activation;
 - g. The names and telephone numbers of two (2) local persons, at least 18 years of age, which have agreed to:
 - i. Receive notification of an alarm;
 - ii. Come to the site upon notification and provide access to the site;
 - iii. Assist response personnel.
 - h. Any other information as shall be determined by the Borough.
- c. Such application shall be signed by the applicant and/or permit holder acknowledging the accuracy of the information provided on the permit.

§203. AMENDMENT TO PERMIT

In the event any of the information contained on the Alarm Permit changes, the applicant shall supply corrected information within five (5) days of the change.

§204. TERM OF PERMIT

Each permit issued pursuant to this Ordinance shall be valid until there is a change in ownership, renter, lessee, responsible party, property manager or other such individual or company.

§205. PENALTY

In the event it is determined that an alarm system is in place and an alarm permit has not been secured, a \$50 fine shall be imposed upon the responsible party.

§206. NONTRANSFERABLE

Each alarm permit issued shall not be transferable from one individual or entity to another, or from one location or premises to another. The permit shall be valid only for the alarm site permitted. In the event that the premises in which the alarm system has been installed is to be conveyed or transferred to another individual or entity, a new permit must be applied for in accordance with these rules.

SECTION THREE: GRACE PERIOD

The fines implemented in this Ordinance shall not be imposed for a period of six (6) months. The six (6) month grace period shall begin on the effective date of this Ordinance. At the completion of the six (6) month grace period, any violation of this Ordinance shall be enforced by all available procedures.

SECTION FOUR: CONFLICT

Any Ordinance, Resolution or part thereof in conflict herewith, is hereby repealed to the extent of said conflict.

Nothing in this section is intended to prohibit the prosecution of false alarms pursuant to 18 Pa.C.S.A. §7511, as may be amended, by the public service agency responding to the false alarm or by the Borough.

SECTION FIVE: AUTHORIZATION

The Borough Council of the Borough of Zelienville is hereby authorized and directed to execute any and all documents necessary to effectuate the purposes of this Ordinance.

ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF ZELIENOPLE THIS _____ DAY OF _____, 200__.

ATTEST

BOROUGH OF ZELIENOPLE

Donald Pepe
Manager

By: _____
Charles Underwood
Council President

EXAMINED AND APPROVED BY ME THIS _____ DAY OF _____, 200__.

Thomas Oliverio
Mayor