

Chapter 100

ALARM DEVICES

§ 100-1. Definitions.

§ 100-2. Permits.

§ 100-3. Operational standards.

§ 100-4. Service charge and enforcement provisions.

§ 100-5. Change in location of the Intergovernmental Communications Organization.

§ 100-6. Liability of Intergovernmental Communications Organization.

§ 100-7. Appeal.

[HISTORY: Adopted by the Borough Council of the Borough of East Washington 1984 by Ord. No. 398. Amendments noted where applicable.]

§ 100-1. Definitions.

For purposes of this chapter, the following terms are defined as follows:

ALARM — A communication to the Intergovernmental Communications Organization (ICO) or to the Fire Department or the Police Department directly, indicating that a crime, fire or other emergency situation warranting immediate action by the Police or Fire Department has occurred or is occurring. **[Amended 5-2-2005 by Ord. No. 478]**

ALARM DEVICE — A mechanical device designed to automatically transmit an emergency alarm by wire, telephone, radio or other means to the Intergovernmental Communications Organization (ICO) Control Center, the Fire Department or the Police Department. **[Amended 5-2-2005 by Ord. No. 478]**

CONTROL CENTER — The control panel or communication system installed in the Intergovernmental Control Center for the purpose of giving visual or audio response to direct alarm devices

DIRECT ALARM DEVICE — An alarm device that is directly tied into the Control Center of the Intergovernmental Communications Organization (ICO), the Fire Department or the Police Department. **[Amended 5-2-2005 by Ord. No. 478]**

FALSE ALARM — Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which the Department responds, except that the following shall not be considered false alarms: **[Amended 5-2-2005 by Ord. No. 478]**

- A. When the Police or Fire Department determines that an alarm has been caused by the malfunction of the indicator at the Department.
- B. When the Police or Fire Department determines that an alarm has been caused by damage, testing or repair of telephone or cable equipment or lines by the telephone or cable company.
- C. When an alarm is caused by an attempted and unauthorized or illegal entry, of which there is visible evidence.

- D. When an alarm is intentionally caused by the resident acting under a reasonable belief that a need exists to call the ICO or the Department.
- E. When an alarm is followed by a call to the ICO or the Department cancelling the alarm by giving proper information, and the Department does not arrive at the source of the alarm.
- F. When an alarm is activated by a malfunction of the alarm system.
- G. When an alarm is activated by the normal and regular use of the subject premises.

FIRE DEPARTMENT — The fire department of any municipality belonging to the Intergovernmental Communications Organization.

INDIRECT ALARM DEVICE — An alarm device that transmits an alarm to a person who is instructed to notify the control center of the Intergovernmental Communication Organization.¹

INTERGOVERNMENTAL COMMUNICATIONS ORGANIZATION (ICO) — An organization comprised of various municipalities in Washington County which has established an emergency communication system to facilitate and centralize all emergency calls and transmit them to the appropriate public unit, which system is manned 24 hours per day, serving a large portion of the County of Washington and the municipalities therein, including the Borough of East Washington, through an emergency exchange number (9-1-1). [Added 5-2-2005 by Ord. No. 478]

PERMIT HOLDER — A person, company, or corporation to whom the Intergovernmental Communications Organization has issued an alarm device installation, operation, vendor registration fee or vendor annual renewal fee.

POLICE DEPARTMENT — The police department of any municipality belonging to the Intergovernmental Communications Organization.

§ 100-2. Permits.

- A. After the first day of June 1984, it shall be unlawful for a property owner, lessee of property or a person otherwise occupying a premise within a municipality which is a member of the Intergovernmental Communications Organization system to put an alarm device into operation on his or her premises or to allow an alarm device to be put into operation on his or her premises without first obtaining the proper alarm device permit from the Intergovernmental Communications Organization that terminates with and/or interfaces with the Intergovernmental Communications Organization alarm console or control panel.
- B. In order to apply for the proper alarm device permit, a person, company or corporation must submit an application to the Intergovernmental Communications Organization stating the following:

1. Editor's Note: The former definition of "intentional false alarm," which immediately followed this definition, was repealed 5-2-2005 by Ord. No. 478.

- (1) His or her name(s).
- (2) Company or corporate name(s).
- (3) His or her home and/or business address and telephone number(s) of each.
- (4) Company or corporate address and telephone number(s).
- (5) The location(s) at which the alarm device will be installed and operated.
- (6) The names, addresses and telephone numbers of at least two individuals who have keys to the premises at which the alarm device is located and who are authorized to enter the premises at any time, but who do not reside at the location of the alarm device.
- (7) A complete description of the alarm device.
- (8) If the alarm device is to be leased or rented from or is to be serviced pursuant to a service agreement by a person other than the person making application for an alarm device permit, the name, address, and telephone number of that person. In addition, each person submitting an application for an alarm device permit shall submit a signed statement in the following form:

"I/We, the undersigned Applicant(s) for an alarm device permit, intending to be legally bound hereby, state that neither I/We, nor anyone claiming by, through or under me/us, shall make any claim against Intergovernmental Communications Organization for any damage caused to the premises at which the alarm device which is the subject of this application is or will be located, if such damage is caused by a forced entry to said premises by employees of Intergovernmental Communications Organization in order to answer an alarm from said alarm device at a time when said premises are or appear to be unattended or when, in the discretion of said employees, circumstances appear to warrant a forced entry. Further, I/We hereby agree that, periodically and upon five days' written notice, representatives of the Intergovernmental Communications Organization shall be allowed to enter my/our premises between the hours of 10:00 a.m. and 5:00 p.m. on weekdays for the purpose of inspecting my/our alarm device installation in order to determine whether or not it is in accordance with the operational standards set forth in § 100-3 of this chapter.

- (9) The Intergovernmental Communications Organization shall furnish forms upon which any person wishing to apply for an alarm device permit may submit his application.
- C. The Intergovernmental Communications Organization shall, within 14 weekdays from receipt of an application for the proper alarm device permit, either grant an alarm device permit to the applicant or notify the applicant in writing that his or her application has been denied and the reason(s) why it has been denied.
- D. An application for an alarm device permit may only be denied for the following reasons:

- (1) The application submitted by the applicant does not conform with § 100-2B of this chapter.
 - (2) The applicant's alarm device does not conform with the operational standards set forth in § 100-3 of this chapter.
- E. After June 1, 1984, it shall be unlawful for anyone to canvass, sell, take orders for, or deliver to anyone in the ICO an alarm device without first having applied for and obtained a permit to do so as hereinafter provided.
- F. Upon application and payment of a permit fee and an annual renewal fee, the ICO will issue an alarm device permit under the rules and regulations promulgated by the organization to each owner or installer or vendor of an automatic alarm system.
- G. Permit fees for subscribers shall be as follows:

Type of Permit	Fee
Installation permit, residential	\$15
Installation permit, nonresidential	\$50
Annual operation permit, residential	\$15
Annual operation permit, nonresidential	\$25
Vendor/distributor registration fee	\$25
Vendor/distributor annual renewal fee	\$100
The fee for the Demco alarm system shall be as follows:	
Installation fee	\$100
Annual renewal fee	\$150

- H. After June 1, 1984, any person, canvasser, seller, vendor, or distributor possessing or installing an automatic alarm system that terminates with and/or interfaces with ICO communications systems without securing a permit or payment of the fees herein provided, upon conviction before a magistrate, shall be sentenced to pay a fine up to \$50 for each day the automatic alarm system is connected to the emergency number, 9-1-1, or sold by a dealer, vendor, or distributor without a permit.
- I. If the annual renewal fee is not paid by December 31 of each calendar year, there will be charged, as a late fee, the amount of \$50.
- J. The provisions of this Chapter 100 shall be enforced and administered by any police officer of a municipality which is a member of the ICO.
- K. Notwithstanding the language contained in § 100-2A of this chapter, it shall not be unlawful for a person to continue to operate an alarm device on his premises without an alarm device permit for a period of 90 days after the effective date of this chapter, provided that said alarm device was in operation on the effective date of this chapter.
- L. The ICO shall have the power to revoke an alarm device permit. An alarm device permit shall be revoked by notifying the permit holder in writing that his alarm device permit

has been revoked and the reason or reasons why it has been revoked. Said written notice shall be:

- (1) Delivered personally to the permit holder, in which case the revocation shall be effective immediately upon delivery; or
- (2) Mailed to the permit holder at his last known address by regular mail, postage prepaid, in which case the revocation shall be effective three days after mailing.

§ 100-3. Operational standards.

- A. A direct alarm device shall be designed so that it interfaces with the central receiving station maintained by the Intergovernmental Communications Organization.
- B. If an alarm device is designed to cause a bell, siren or sound-making device to be activated on or near the premises on which the alarm device is installed at the time it gives an alarm, said alarm device shall be designed to deactivate the bell, siren or other sound-making device after 15 minutes of operation.
- C. All alarm devices shall meet the applicable standards of the Underwriters Laboratories and/or the National Fire Protection Associations, and/or other recognized industry standards. The applicant for a permit may be required to submit evidence of the reliability and suitability of the alarm device.
- D. The sensory mechanism used in connecting with an alarm device must adjust to suppress false indications of fire or intrusion, so that the alarm device will not be activated by impulses due to transient pressure change in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noises adjacent to the premises, or other forces unrelated to genuine alarm situations.
- E. The alarm device must be maintained by the permit holder in good repair to assure reliability of operation.

§ 100-4. Service charge and enforcement provisions. [Added 5-2-2005 by Ord. No. 478]

- A. Upon determination by the Chief of Police or Fire Chief that a false alarm has occurred, said Department shall send a notice to the alarm user notifying the alarm user of the determination and directing payment of the applicable service charge within 30 days.
- B. The Department shall cancel any notice of service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in § 100-1.
- C. Should the alarm user disagree with the determination of the Chief of Police or Fire Chief as set forth in § 100-4A of this chapter, said alarm user shall have the right to appeal said determination within 30 days from the date of the applicable notice to the District Justice of the Magisterial District for the Borough of East Washington. The hearing on said appeal shall be held in accordance with the laws of the Commonwealth of Pennsylvania governing hearings before the District Magistrate and shall constitute an appeal of the application of the service charge by the Borough of East Washington.

- D. At the hearing of the appeal, pursuant to § 100-4C of this chapter, the alarm user is deemed to be legally responsible and liable under this chapter for all false alarms which occur at the premises of the alarm user, and the alarm user shall have the burden of proving that the subject false alarm is within the exceptions enumerated in § 100-1 of this chapter.
- E. An alarm user found guilty of violation of this chapter after a hearing with the Magistrate shall pay to the Borough of East Washington the applicable service charge pursuant to subject notice, plus costs.
- F. Any party aggrieved by the decision of the Magistrate as outlined herein shall have the right to appeal to the Court of Common Pleas within 30 days of the date of the Magistrate's decision.
- G. The Borough of East Washington shall have all rights and remedies at law to collect subject service charge upon failure of the alarm user to appeal the Magistrate's decision to the Court of Common Pleas.
- H. All false alarms within a twelve-month period, commencing with the first false alarm, to which the Police Department or the Fire Department responds shall result in a service charge as follows:

1st to 3rd false alarm	No charge
4th to 6th false alarm	\$50
7th to 10th false alarm	\$75
11th to 15th false alarm	\$100
Over 15 false alarms	\$250

§ 100-5. Change in location of the Intergovernmental Communications Organization.

If the location of the headquarters of the Intergovernmental Communications Organization should change at any time, the Intergovernmental Communications Organization shall not be responsible for any cost incurred by permit holders or other persons in the relocation of alarm devices because of said change in location.

§ 100-6. Liability of Intergovernmental Communications Organization.

The issuance of any permit shall not constitute acceptance by the Intergovernmental Communications Organization of any liability to maintain any equipment to answer alarms or anything in connection therewith.

§ 100-7. Appeal.

Whenever under the provisions of this chapter the Intergovernmental Communications Organization is empowered to make a decision with respect to the installation, operation or maintenance of any alarm device, or with respect to the denial or revocation of any permit

relating thereto, any applicant for a permit or permit holder aggrieved by said decision may, within 10 days following said decision, file a written appeal therefrom with the Board of the Intergovernmental Communications Organization, whereupon the Intergovernmental Communications Organization shall promptly conduct a hearing and affirm, modify or reverse the decision appealed from. The decision of the Intergovernmental Communications Organization shall be final.