

West Brandywine Township

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SEP. 16 1993

ORDINANCE NO. 93-03

AN ORDINANCE FOR THE TOWNSHIP OF WEST BRANDYWINE, CHESTER COUNTY, PENNSYLVANIA, ESTABLISHING REGULATION OF BURGLAR, FIRE, AND OTHER EMERGENCY ALARM SYSTEMS AND RELATED FEES.

A. **SHORT TITLE.** This Ordinance shall be known as "The West Brandywine Township Automatic Protection Device Ordinance."

B. **GENERAL PURPOSE.** An increasing number of residents of West Brandywine Township have purchased and installed automatic protection devices in their homes and businesses. An increasing number of false alarms have been reported as a result of these automatic protection devices. Frequently, false alarm signals are sent to the West Brandywine Township Police, as well as to the Chester County Department of Emergency services, resulting in the unnecessary expenditure of public resources and the endangerment of town residents due to the police and fire departments responding to false alarms.

Further, a number of automatic protection devices emit audible alarms which signal indefinitely, thereby creating a nuisance to the owners of properties surrounding the property where the prolonged audible alarm is being transmitted.

C. **DEFINITIONS.** The following definitions shall apply to the interpretation and enforcement of this Ordinance.

AUDIBLE ALARM - Any device, bell, horn or siren, which is attached to the interior or exterior of a building and emits a warning signal audible outside the building and designed to attract attention when activated by a criminal act or other emergency requiring police or fireman to respond.

AUTOMATIC PROTECTION DEVICE - An electrically or battery operated instrument composed of sensory apparatus and related hardware which automatically transmits any form of alarm or signal, including but not limited to, a pre-recorded voice alarm from the premises to the Police Department Radio Network upon receipt of a stimulus from a sensory apparatus that has detected a physical force or condition inherently characteristic of intrusion or fire.

AUTOMATIC PROTECTION DEVICE SUPPLIER - Any person, firm, or corporation who sells or leases, and/or installs automatic protection devices.

FALSE ALARM - Any signal activated by an automatic protection device, any audible alarm or any other kind of direct or indirect signal given to the police or fire department to which police or fireman respond, which is not the result of burglary, fire, robbery, or similar emergency.

KEYED - Any type of alarm that first goes through a township licensed alarm service and then to the appropriate agency of the Chester County Department of Emergency Services by any means such as: automatic dialers, recorded messages, etc.

PERMIT - Written permission, duly granted to an applicant by the Township upon payment of the required fee.

TOWNSHIP - The Township of West Brandywine, Chester County, Pennsylvania.

D. AUDIBLE ALARM RESTRICTIONS.

1. Owners or lessees of audible alarm protection devices shall not key such alarms to the West Brandywine Township Police Radio Network, Chester County Department of Emergency Services, or to the Pennsylvania State Police Radio Network.

2. Audible alarms on location and not keyed to the Department of Emergency Services may be installed by Township residents and businesses so long as they are registered and comply with regulations.

3. Audible alarm protection devices on location must be equipped with a timing device which will disconnect the alarm after a maximum of fifteen (15) minutes. Audible alarms without such a device will be unlawful in the Township and must be disconnected by the owner or lessee.

E. AUTOMATIC PROTECTION DEVICES KEYED TO THE CHESTER COUNTY DEPARTMENT OF EMERGENCY SERVICES.

1. No automatic protection device shall be keyed to the West Brandywine Township Police Radio Network or to the Pennsylvania State Police Radio Network.

2. All existing automatic protection devices that transmit messages to the West Brandywine Township Police Radio Network or the Pennsylvania State Police Radio Network shall be keyed to the Chester County Department of Emergency Services.

3. Automatic protection devices shall be keyed to the Chester County Department of Emergency Services. Such devices, however, must first be keyed to an authorized professional alarm equipment supplier holding a valid permit from the township. Then the alarm is to be keyed to the Department of Emergency Services by the alarm company only.

4. No person or business except an alarm equipment supplier holding a valid permit from the Township shall install any automatic protection device keyed to the Chester County Department of Emergency Services.

F. AUTOMATIC PROTECTION DEVICES KEYED TO RECEIVERS OTHER THAN POLICE RADIO NETWORK. It is permissible for owners or lessees of automatic protection devices to key alarms to a telephone or radio which is available to them or to a private agency so long as they register with the Chief of Police and comply with Township regulations, set forth in this Ordinance.

G. CURRENT LIST OF INSTALLATIONS REQUIRED.

1. Every automatic protection device supplier who has keyed an automatic protection device in the Township to a Police Radio Network shall furnish to the Chief of Police a current list of such installations which shall include the following information:

a. The name, address, and telephone number of the owner or lessee.

b. The name and address where the device is installed and the telephone number of that address.

c. The name, address, and telephone number of a central station protective system or any other person or firm who is authorized to respond to an emergency and gain access to the address where the device is installed.

d. The name and telephone number of any person, firm, or corporation, if any, other than the alarm equipment supplier who is responsible for maintenance and repair of the automatic protection device.

2. By the fifth working day of each month following the submission of the initial list, every automatic protection device supplier shall furnish the Chief of Police with a supplemental list of any additional Township installations he has keyed to the Chester County Police Radio Network, along with any corrections or deletions from lists previously furnished. An automatic protection device supplier who enters into the business shall furnish a list containing the information specified in section F(1) by the fifth working day of the month following a first installation and shall thereafter furnish supplemental lists as required by this section.

3. All information furnished pursuant to these sections shall be kept confidential and shall be for the use of the Township.

H. OPERATIONAL REQUIREMENTS. Automatic protection devices installed in the Township that are keyed to the Chester County Department of Emergency Services shall meet the following requirements:

1. The type and content of recorded messages must be intelligible and in a format approved, prior to the installation, by the Chief of Police.

2. No more than one (1) call shall be made to the Chester County Department of Emergency Services as a result of a single activation of the automatic protection device.

3. The time for transmitting each recorded message shall not exceed fifteen (15) seconds.

4. Recorded messages may be repeated during one call, but the interval between each recorded message shall be no less than eight (8) seconds nor more than twelve (12) seconds.

5. The sensory mechanism used in connection with an automatic protection device must be adjusted to suppress false indications of fire or intrusion, so that the device will not be actuated by impulses due to fleeting pressure changes in water pipes, short flashes of light, the rattling or vibrations of doors and windows, vibrations to the premises caused by the passing of vehicles or any other force not related to genuine alarms.

6. All components comprising such a device must be maintained by the owner or lessee in good repair to assure maximum reliability of operation.

I. TECHNICAL INFORMATION.

1. Each automatic protection device supplier who sells or leases an alarm in the Township which is keyed to the Chester County Department of Emergency Services shall furnish operating instructions, a circuit diagram, and maintenance manual to the buyer or lessee.

2. Each automatic protection device supplier, referred to in H(1), shall furnish operating instruction, circuit diagram, and maintenance manual for each type of automatic protection device he deals in and installs in the Township to Township officials. If the instructions are not clear, the automatic protection device supplier may be required to revise the instructions to said Township officials and to the buyer or lessee of the automatic protection device.

J. REPAIR SERVICE.

1. Each automatic protection device supplier who sells or leases an automatic protection device in the Township which is keyed to the Chester County Department of Emergency Services shall make service available directly or through an agent on a twenty-four (24) hour per day basis, seven (7) days a week, to repair such device or to correct any malfunction that may occur. Such service shall be made available for any person using an automatic protection device supplied at such user's selection and expense.

2. At the time of installation, any automatic protection device supplier shall furnish to any buyer or lessee using a repair service, written information as to how service may be obtained at any time including the telephone number of the automatic protection device supplier or agent responsible for the service. The buyer or lessee and the automatic protection device supplier or agency supplying a service shall be responsible for having the device disconnected or repaired as quickly as possible after the notice that the automatic protection device is not functioning properly.

K. DISCONNECTING. When messages evidencing failure to comply with the operational requirements set forth in Section G are received by the Township and the Township concludes that the automatic protection device sending such messages should be disconnected in order to relieve the Township Police Department of the burden of responding to false alarms, it is authorized to demand that the owner or lessee of the device, or his representative disconnect the device until it is made to comply with the operational requirements.

L. INSPECTIONS. Automatic protection device suppliers must conform to the requirements contained in the National Electrical Code as it pertains to inspections and tests.

M. AUTHORITY TO INSPECT. For the purpose of enforcing this Ordinance and as a condition to installing and maintaining an automatic protection device, the owner or lessee thereof shall execute a consent in such form as may be prescribed by the Township, which will authorize the Police Chief and/or Township Fire Marshal to enter upon a lessee's or owner's premises within the Township at such reasonable times and upon reasonable notice, to inspect the installation and operation of an automatic protection device.

N. AUTHORITY TO ENTER. For the purpose of assuring the safety of police officers and/or fire fighters who answer alarms and for the purpose of maintaining an element of surprise, the owner or lessee thereof shall authorize police officers and/or fire fighters of the Township to enter upon a lessee's or owner's

premises within the Township in whatever manner necessary, including forcible entry, when answering an alarm only.

If the 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 must be stated in the application. 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, agree with West Brandywine Township that neither I (We), nor anyone claiming by, through, or under me (us) shall make any claim against West Brandywine Township, its officials, or agents, for any damages 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 forced entry to said premises by employees of West Brandywine Township 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 the circumstances appear to warrant a forced entry."

The police department shall furnish forms which any person wishing to apply for an alarm device permit shall submit with his application.

O. TESTING. No person shall conduct any tests or demonstrations of an automatic protection device without first obtaining permission from the Township. Where the equipment is not keyed to the Chester County Department of Emergency Services, no such permission is necessary.

P. SUPPLIERS OF EQUIPMENT AND SERVICES TO FURNISH COPIES OF THIS ORDINANCE. Automatic protection device suppliers and installers shall furnish at or prior to the time of contracting, and at their expense, a copy of this Ordinance to owners, lessees, or users of the equipment or services to be supplied.

Q. FALSE ALARMS - RESPONSIBILITY FOR COSTS.

1. For the purpose of defraying unnecessary costs to the Township of responding to a false alarm, the owner or lessee of an automatic protection device which is keyed to the Chester County Department of Emergency Services shall, as a condition to installation and continued operation of such equipment or service, execute a consent in such a form as will be prescribed by the Township that the owner or lessee shall pay the Township as follows:

a. Intentional False Alarms. No permit holder or person shall create an intentional false alarm.

b. Accidental False Alarms. Any person or permit holder causing accidental false alarms for any reason shall pay to West Brandywine Township a charge for each and every false alarm to which the police and/or fire departments respond, in each calendar year, as follows: (Example)

RESIDENTIAL:

Alarms sounded after first month of installation:

First to second alarm each year	No charge
Third to tenth alarm each year	\$ 25.00 per alarm
For each alarm thereafter add	\$ 50.00 per alarm

BUSINESS:

Alarms sounded after first month of installation:

First to second alarm each year	No charge
Third to tenth alarm each year	\$ 50.00 per alarm
For each alarm thereafter add	\$100.00 per alarm

c. When a false alarm occurs, the police department, within ten (10) days from the date of the false alarm, shall notify the permit holder of the alarm device from which the false alarm emanated 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 to the permit holder or person causing said false alarm at this last known address by regular mail, postage prepaid.

This sum shall be a civil claim by the Township and does not affect the penalty provisions prescribed by Section R hereof.

2. Any such owner, lessee, or user who fails to execute the consent described in Section P(1) shall, within the ninety day period, disconnect the automatic protection device from the Chester County Department of Emergency Services.

R. PENALTIES. Any person, firm, or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than five hundred dollars (\$500), together with costs of prosecution, or to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Ordinance, Section Q, Part 1 continues shall constitute a separate offense.

West Brandywine Township

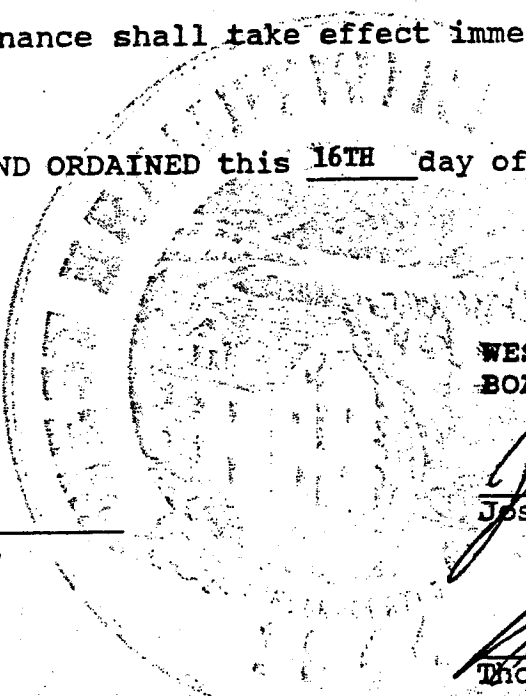
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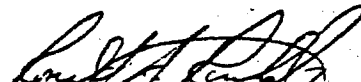
BOARD OF SUPERVISORS

This Ordinance shall take effect immediately upon enactment.

ENACTED AND ORDAINED this 16TH day of SEPTEMBER, 1993.

WEST BRANDYWINE TOWNSHIP
BOARD OF SUPERVISORS







Ronald A. Rambo, Jr.
Township Manager



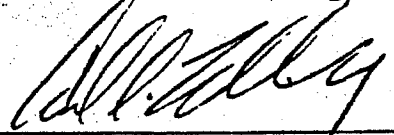
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Carl S. Lindborg, Member

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