

Chapter 46

FALSE ALARMS

§ 46-1. Definitions.

§ 46-2. False alarms prohibited.

§ 46-3. False alarm procedure and service fees.

§ 46-4. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 11-6-1995 by Ord. No. 3-95. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 51.

§ 46-1. Definitions.

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

FALSE ALARM — Any signal activated by an automatic protection device, any audible alarm or any other kind of direct or indirect signal given to which the fire company and/or department or emergency response agencies respond which is not the result of an attempted fire, medical or other similar emergency, excluding weather extremes and utility interruptions, which activates a protection device.

FIRE COMPANY — Includes the Pennsburg Borough Fire Company known as "Pennsburg Fire Company No. 1" and any other emergency response agency situate within the Borough of Pennsburg, e.g., ambulance, fire and rescue.

§ 46-2. False alarms prohibited.

It shall be unlawful for the property owner, lessee or any person occupying or otherwise on any premises within the Borough of Pennsburg to make or cause to be made a false fire alarm, directly or indirectly, to any fire company or other emergency response agency responding to alarms within the Borough of Pennsburg when the false alarm is caused by faulty detection of alarm equipment or by the negligence of said property owner, lessee or person.

§ 46-3. False alarm procedure and service fees.

- A. The status of an alarm is to be determined by the Chief of the Pennsburg Fire Company, or other affected emergency response agency, and the decision shall be final.
- B. Within 15 days' receipt by the Secretary of the Borough of Pennsburg of a report of a false alarm by the Pennsburg Borough Fire Company and/or the emergency response agency, the Borough of Pennsburg will forward a notice of the false alarm to the record titled owner or lessee of the property, whereat the false alarm owner or lessee of the

property whereat the false alarm occurred and advise said property owner or lessee of the obligations of the owner or lessee to correct the alarm system and the possible penalties that could result from multiple false alarms as hereinafter set forth; a copy of this chapter shall constitute sufficient notice to a property owner or lessee that fines and penalties, as set forth hereinafter, will be imposed, as well as be sufficient to inform the property owner or lessee of his, her or their responsibility to correct the alarm system.

- C. Upon notification of a false alarm, a written report shall be made within 14 days by the owner or lessee to the affected emergency response agency and shall contain what steps have been taken to eliminate future false alarms.
- D. Service fees for false alarms shall be assessed by the Borough of Pennsburg as follows: **[Amended 5-2-2005 by Ord. No. 2-05]**
- (1) There shall be no service fee for the first two false alarms in any one calendar year. Thereafter, the service fees will be as follows:
 - (a) Third false alarm: \$250.
 - (b) Fourth false alarm: \$500.
 - (c) Fifth false alarm: \$750.
 - (d) Sixth and subsequent false alarms: \$1,000.
 - (2) The false alarm service fees shall be paid to the Borough within 30 days of mailing of the notice of the false alarm service fee. Failure to pay the amount due within 30 days will result in a ten-percent penalty and interest being collected at a rate of 6% per annum until collection.

§ 46-4. Violations and penalties.

- A. In the event that a violation of this chapter occurs, in addition to such other remedies as may be available under existing law, the Borough of Pennsburg 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 chapter or assists or abets its violation shall, upon conviction thereof before any Magistrate, be sentenced to pay a fine of not less than \$50 nor more than \$600, together with the costs of prosecution, and in default of the payment of said fine and costs shall be committed to the Montgomery County Prison for a period not exceeding 30 days. Each violation shall constitute a separate offense, for which a summary conviction may be sought. **[Amended 5-2-2005 by Ord. No. 2-05]**