BOROUGH OF EAST ROCHESTER
BEAVER COUNTY, PENNSYLVANIA

ORDINANCE NO. 343

AN ORDINANCE OF THE BOROUGH OF EAST ROCHESTER, COUNTY OF BEAVER AND COMMONWEALTH OF PENNSYLVANIA, PERTAINING TO THE REGULATION OF FALSE FIRE ALARMS IN THE BOROUGH

WHEREAS, response to false alarms places an undue burden on public safety, reduces the preparedness of the East Rochester Borough public safety to respond to actual emergencies, and presents significant health, safety and welfare hazards to the citizens and guests of East Rochester Borough by diverting limited public safety resources from legitimate requests for such assistance. Those who utilize faulty alarm systems which repeatedly generate false alarms that necessitate public safety response are misusing available public safety resources; and

WHEREAS, it is the desire of East Rochester Borough to provide a method of regulation of the incidences of false alarms and provide penalties for chronic offenders, to encourage alarm users to maintain the operational reliability and proper use of alarm systems in order to reduce unnecessary public safety responses to false alarms.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of East Rochester, County of Beaver and Commonwealth of Pennsylvania, as follows:

SECTION 1: DEFINITIONS.

A. "False Fire Alarm" means the activation of a fire or other similar alarm system through inadvertence, electronical or mechanical failure, malfunction, improper installation, improper maintenance or the negligence of the owner, lessee or anyone otherwise in control of the system, or of his/her employees or agents, resulting in a response by East Rochester Borough safety personnel. This does not include alarms caused by unusually violent conditions of nature, other extraordinary circumstances beyond the control of the alarm user or by unauthorized tampering with an alarm system by anyone other than the alarm user or his agent(s). An alarm is false when, upon determination of the responding public safety official(s), there is no evidence of the existence of the condition or activity the alarm was designed to detect when the alarm activated, and no evidence of violent conditions or other extraordinary circumstances as noted above.

B. "Alarm System" means any single device or assembly of equipment and devices, mechanical or electrical, designed for the detection of fire or of unauthorized entry on or into any premises, or for alerting others of the commission of an unlawful act, and when activated causes an audible and/or visible signal and/or transmits a signal or message to which public safety

personnel are expected to respond or which would imply to a reasonable person that public safety personnel are needed at the alarm source to address a potential public safety concern.

C. "Alarm User" means a person, firm, partnership, company, association, corporation, other legal entity, or owner, tenant, lessee or occupant, or their agent(s) owning, leasing or operating an alarm system, or who is/are in control of any building, structure or facility where an alarm system is present. Two (2) alarm users and their contact information must be provided to the Borough under this Ordinance.

D. "Response" means the dispatch of public safety personnel to the premises where an alarm system has been activated.

E. "Year" means a 12-month period beginning with January 1 and ending on December 31 of each year.

SECTION 2: DUTIES OF AN ALARM USER.

A. To ensure the proper installation and functioning of alarms and alarms systems;

B. To maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms;

C. To respond or cause a representative or other responsible party to respond to the alarm system's location within thirty (30) minutes upon notification from public safety officials of the need to deactivate a malfunctioning alarm system;

D. To ensure that an alarm is not manually activated by the alarm user or any other person for any reason other than an occurrence of an event that the alarm system was intended to report.

SECTION 3: FALSE ALARM PROCEDURE.

A. Whenever the East Rochester Borough public safety personnel respond to an activated alarm system, the official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report and communicate that fact to dispatch to be noted in dispatch records.

B. The Fire Chief and Police Chief or designee shall regularly review incident reports to monitor the activation of false alarms at any one location and forward any violation to the Code Enforcement Department and Borough Office. When two (2) false alarms have occurred at the same location within one (1) year, East Rochester Borough Code Enforcement or designee shall notify the alarm user by letter, citing the location and date of each false alarm. The letter shall recommend that appropriate action be taken on the part of the alarm user to alleviate the causes

of false alarms and shall include a statement that an activation of more than two (2) false alarms within a year shall result in violation of this Section.

C. There is no charge for the first two (2) false alarms within a year; however, the following charges will be applicable for subsequent false alarms:

1. Third false alarm - $50
2. Fourth and fifth false alarm - $100 each
3. Sixth and each false alarm thereafter within a calendar year - $500

SECTION 4: EVIDENCE OF REPAIR ACCEPTED IN LIEU OF FEE.

An alarm user may submit, within ten (10) days of the date of notification of an infraction, evidence that a malfunctioning system has been repaired in lieu of paying the infraction fine. Evidence such as a receipt from a licensed alarm business with a statement of repairs made to the system is acceptable. If satisfactory to the Borough, the fine may be waived. Only one such waiver may be granted within a year.

SECTION 5: PAYMENTS.

Individuals and businesses shall have thirty (30) days to pay an invoice generated as a result of a false alarm. Invoices not paid within thirty (30) days are subject to a Twenty-Five and 00/100 ($25.00) Dollar additional late fee for each outstanding invoice and also subject to written citation for non-payment.

SECTION 6: PENALTY.

Anyone violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction, shall be subject to a fine of not more than Six Hundred and 00/100 ($600.00) Dollars for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative. In addition, the Borough may pursue any other action provided for under Federal and State law.

SECTION 7: SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this Ordinance is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 8: REPEALER

The provisions of all prior ordinances which are inconsistent with the terms of this Ordinance, to the extent of such inconsistency, are hereby repealed.

SECTION 9: EFFECTIVE DATE.

This Ordinance shall be effective upon enactment.

ORDAINED AND ENACTED this 4th day of October, 2023.

ATTEST:

Secretary

BOROUGH OF EAST ROCHESTER

By: _____
President of Council

READ AND APPROVED by me this 4th day of October, 2023.

_____
Mayor