

ORDINANCE NO. 014 - 2020

AN ORDINANCE
OF THE TOWNSHIP OF HANOVER
AMENDING ORDINANCE NO(s). 005-2008, 005-97, 112-94, and 004-2005;
IMPOSING A FEE FOR FALSE FIRE ALARMS; SETTING FINE AMOUNTS;
and PROVIDING FOR ENFORCEMENT

WHEREAS, the Hanover Township Fire Department has responded and continues to respond to a substantial number of false emergency alarms; and

WHEREAS, such false alarms are nuisances resulting in unnecessary financial expense and wasteful allocation of resources for the Department; and

WHEREAS, said false alarms create risk of injury to the responders and may distract fire personnel from being available to protect the citizens of the Township of Hanover; and

WHEREAS, it is the desire and intent of the Board of Supervisors to encourage the due diligence of businesses within the Township to avoid such false alarms; and

WHEREAS, the Board of Commissioners has previously adopted Fire and Burglar Alarm Ordinances, Nos. 005-2008, 005-97, 112-94; and 004-2005; and

WHEREAS, it is the desire and intent of the Board of Commissioners to amend the said Ordinances to provide more efficient accountability, collection and enforcement procedures in the administration of the said Ordinances.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Hanover, under and by the authority granted by the First-Class Township Code and it is hereby ENACTED AND ORDAINED as follows:

Section I. Definitions:

- A. "Alarm System" shall mean any device designed or used for detection of or for alerting persons to a fire or other such emergency and which is directly connected to an audible alarm or the transmission of a related signal or message which is used to evoke an emergency response by the any Fire Department within the Township.
- B. "False Alarm" shall mean the activation of any such alarm system by inadvertence, negligence, unintentional acts or due to reasons other than for their intended purpose and design except when:

1. The alarm is caused by an Act of God;
 2. The alarm is followed, within three (3) minutes, by a notification to Luzerne County 911 Call Center, the Township Fire Department or the Alarm Company, canceling said alarm or identifying the alarm as false; or
 3. The alarm has been caused by the failure of equipment not located on the premises from which the alarm had been activated.
- C. "Owner" shall include any natural person, corporation, partnership, joint venture; sole proprietorship and any other entity of whatever type utilizing any alarm system. In all cases, the owner of the premises in which the alarm system is installed shall be responsible for the payment of all costs, charges or fees as set forth in the Township of Hanover False Alarm Ordinance.

Section II. Inspections:

The Township shall, if it deems necessary, have the right to inspect the connection, operation and maintenance of the system and impose reasonable charges for such inspections pursuant to the Township Electrical Code and other Ordinances of the Township.

Section III. False Alarm Fees:

A. Fees. Should any alarm system cause a false fire alarm to occur in the Township during any twelve (12) month period, a graduated service charge shall be levied against the owner of said system in accordance with the following schedule:

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|---|--|
| 1. Up to Two (2) False Alarms: | No Penalty |
| 2. Third (3 rd) False Alarm: | Three Hundred Fifty Dollars (\$350.00) |
| 3. Fourth (4 th) or More False Alarms | Five Hundred Dollars (\$500.00) |

Said fees shall be in addition to any fines imposed pursuant to any other Township or State Law. In all cases, the owner of the premises in which the alarm system was installed shall be responsible for payment of applicable license fees and other charges including the within fines and penalties, including reasonable attorney's fees and other costs of prosecution incurred by the Township associated with the collection thereof.

B. Collection Procedure:

Within seventy-two (72) hours of the occurrence of the false alarm, the responding department shall transmit a false alarm report to the owner of the premises from which the false alarm occurred, together with an itemization of the charges imposed pursuant to this Ordinance and an invoice for payment within fifteen (15) days thereof. Should the payment of fees not be remitted, the Township Manager or his/her designee may

commence a civil action in the appropriate court for the collection of the fees and costs imposed pursuant this Ordinance.

C. Enforcement:

Enforcement of this Ordinance shall be supplemental to any enforcement by the Township in a proceeding pursuant to section 7511 of the Pennsylvania Crimes Code (relating to control of alarm devices and automatic dialing devices).

Section IV. Miscellaneous Provisions:

A. Severability.

It is hereby declared to be the intent of this Ordinance that the provisions hereof are severable, and in the event that any section of this Ordinance or part thereof should be declared unlawful or unconstitutional, the balance of this Ordinance shall continue in full force and effect as though said unlawful or unconstitutional provision had been omitted at the original passage of the Ordinance.

B. Repealer.

All ordinances or parts of ordinances irreconcilably inconsistent herewith shall be and the same are hereby repealed.

C. Effective Date.

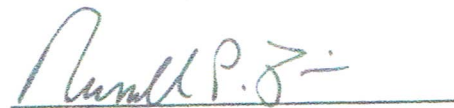
This Ordinance shall be passed at a duly advertised meeting of the Township; and duly advertised in a newspaper of general circulation in therein and shall become effective thirty (30) days after enactment.

ENACTED AND ORDAINED on this 18th day of November, 2020,
by the Board of Commissioners of the Township of Hanover.

ATTEST:


DONNA MAKARCZYK
Township Secretary

BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF HANOVER


RUSSEL P. DAVIS, Chairman
Board of Commissioners