

**ROBINSON TOWNSHIP  
WASHINGTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 7-2015**

**AN ORDINANCE OF THE TOWNSHIP OF ROBINSON, WASHINGTON COUNTY, PENNSYLVANIA, PROVIDING FOR SERVICE CHARGES AND ENFORCEMENT PROVISIONS FOR FALSE ALARMS WHICH GOVERN OWNERS OF ALARM SYSTEMS LOCATED IN THE TOWNSHIP OF ROBINSON.**

WHEREAS, the Board of Supervisors of the Township of Robinson (the "Board"), desires to enact an Ordinance to provide for service charges and enforcement provisions for the response to false alarms, it being the intent that false alarms should be reduced inasmuch as false alarms result in an unnecessary expense/cost to Robinson Township, and therefore, the citizens of Robinson Township and because the Board believe that the response to alarms which are false in nature create possible unsafe situations and conditions for those responding to said false alarms and to the citizens of Robinson Township.

**NOW THEREFORE**, it is hereby **ORDAINED** and **ENACTED** as follows:

**SECTION 1: DEFINITIONS**

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

**ALARM** – a communication to the Central Dispatch or Control Center, which results in a communication to the McDonald Police Department or the McDonald Volunteer Fire Department or Midway Volunteer Fire Department indicating that a crime, fire or other emergency situation requiring action by the Police or Fire Department has occurred or is occurring.

**ALARM SYSTEM** – any mechanical or electrical device which is designed to be activated manually or automatically upon the detections of any unauthorized entry, intrusion, fire, smoke,

or other emergency in or on any building, structure, facility or a signal or message, including the use of a telephone, to any control center or department.

**ALARM USER** – any homeowner, tenant, resident, business organization, nonprofit organization, or charitable institution who uses an alarm system to protect any building, structure, facility or premises.

**BUSINESS ORGANIZATION** – any proprietorship, partnership, corporation or any other form of business organization whatsoever, including but not limited to for profit business, nonprofit businesses and/or charitable institutions, doing business in the Township of Robinson.

**CHIEF OF POLICE** – the Chief of Police of the McDonald Police Department.

**FIRE CHIEF** – the Fire Chief of the McDonald Volunteer Fire Department and/or the Midway Volunteer Fire Department.

**CONTROL CENTER** – the control panel or communication system installed at the Central Control System for Washington County for the purpose of giving visual or audio response to a direct alarm communication and/or telephonic or radio communications to the Police Department or Fire Department.

**FALSE ALARM** – any activation of an alarm system intentionally, or by inadvertence, negligence or unintentional act which causes a direct, radio or telephonic communication to the Police Department or Fire Department, to which said departments respond by initiating dispatch personnel or units to the alarm user, except that the following shall not be considered false alarms:

1. When the Police or Fire Department determines that an alarm has been caused by the malfunction of the indicator at the Control Center.
2. When the Police Department or Fire Department determines that an alarm has been caused by damage, testing or repair of telephone equipment or lines by the telephone company.
3. When an alarm is caused by an attempted and unauthorized or illegal entry, of which there is visible evidence.
4. When an alarm is intentionally caused by the resident acting under a reasonable belief that a need exists to call the Police Department or Fire Department.
5. When an alarm is followed by a call to the Police Department or Fire Department cancelling the alarm by giving proper information and the Police Department or Fire Department does not arrive at the source of the alarm.

**FIRE DEPARTMENT** – the McDonald Volunteer Fire Department and/or the Midway Volunteer Fire Department.

**HOMEOWNER** – any person, corporation, partnership, proprietorship or any other form of business organization which owns a building in the Township of Robinson, designed or used exclusively as living quarters for one or more families.

**POLICE DEPARTMENT** – the McDonald Police Department.

**SECTION 2: SERVICE CHARGES AND ENFORCEMENT PROVISIONS.**

1. All false alarms to which the Police Department or the Fire Department respond shall result in the following service charges:
  - a. 1 - 3 alarms - No Charge
  - b. 4 - 6 alarms - \$50.00/call

- c. 7 - 10 alarms - \$75.00/call
  - d. 11 - 15 alarms - \$100.00/call
  - e. Over 15 alarms - \$500.00/call
2. False alarms shall be calculated over a period of twelve (12) months. At the end of twelve (12) months from the date of the first false alarm response, the number of false alarm responses shall be returned to "0".
  3. Upon a determination by the Chief of Police or Fire Chief that a false alarm has occurred, the Chief of Police or Fire Chief shall direct his/her department to send written notice to the alarm user notifying the alarm user of the determination that a false alarm has occurred. The written notice shall direct the alarm use to pay the applicable service charge to Robinson Township within thirty (30) days from the date of the applicable written notice.
  4. 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 Section 1.
  5. Should the alarm user disagree with the determination of the Chief of Police or the Fire Chief, as set forth in this Ordinance, said alarm user shall have the right to appeal said determination within thirty (30) days from the date of the applicable written notice, to the District Justice of the Magisterial District for the Township of Robinson. The hearing on said appeal shall be held in accordance with the laws of the Commonwealth of Pennsylvania governing hearings before the District Justice and shall constitute an appeal of the application of the service charge by the Township of Robinson.
  6. At the hearing on the appeal, pursuant to this Ordinance, the alarm user is deemed to be legally responsible and liable under this Ordinance 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 this Ordinance.

7. An alarm user found guilty of a violation(s) of this Ordinance after a hearing with the District Justice, shall pay to Robinson Township the applicable service charge pursuant to the applicable written notice, plus all costs and fees incurred by the Township, including reasonable attorneys' fees.
8. Any party aggrieved by the decision for the District Justice, as outlined herein, shall have the right to appeal to the Court of Common Pleas within thirty (30) days of the date of the District Justice's decision.
9. The Township shall have all rights and remedies at law to collect subject service charge upon failure of the alarm user to appeal a service charge to the District Justice, or appeal the District Justice's decision to the Court of Common Pleas, or otherwise upon a non appealable determination by a Court of the Commonwealth of Pennsylvania having jurisdiction of an action brought pursuant to this Ordinance.

### **SECTION 3: SEVERABILITY**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid or illegal, this decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional, invalid or illegal. It is hereby declared that it is the intent of the Board that this Ordinance would have been adopted had such unconstitutional, illegal or invalid section or provision not been included therein.

**SECTION 4: REPEALER**

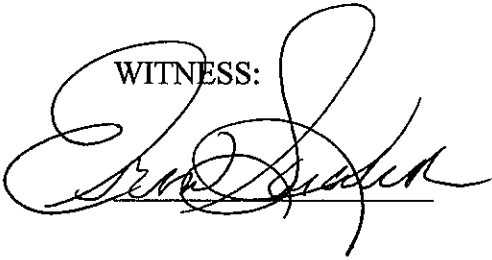
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 5: EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after adoption.

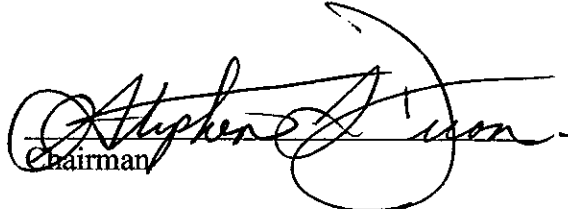
ORDAINED AND ENACTED this 14<sup>th</sup> day of September, 2015.

WITNESS:



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TOWNSHIP OF ROBINSON  
BOARD OF SUPERVISORS



A handwritten signature in cursive script, appearing to read "Stephen J. Mason", written over a horizontal line.

Chairman



A handwritten signature in cursive script, appearing to read "Rodney Marshall", written over a horizontal line.

Vice Chairman

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Supervisor