

TOWNSHIP OF WAYNE
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 5-2023

AN ORDINANCE OF THE TOWNSHIP OF
WAYNE SETTING FEES
FOR FALSE ALARMS

BE IT ENACTED and Ordained by the Board of Supervisors of the Township of Wayne, Schuylkill County, Pennsylvania, in lawful session duly assembled, and it is hereby enacted and ordained by the authority of the same, as follows:

SECTION 1. PURPOSE AND SCOPE

- A. The purpose of this Ordinance is to protect the emergency services of the community from misuse.
- B. This Ordinance governs all fire alarm systems, establishes fees, provides for punishment of violations and establishes a system of administration.

SECTION 2. DEFINITIONS

As used in this Ordinance the following terms shall have the meaning indicated:

AUTOMATIC DIALING SERVICE- A device which is interconnected to a telephone line and is programmed to transmit by voice message or code signal to a line indicating a need for emergency response.

CONTRACTING FIRE COMPANY- Any fire company contracting to perform fire protection services for Wayne Township.

FIRE ALARM- An emergency alarm activated by inadvertence, negligence or unintentional acts to which a contracted fire company responds, including malfunction of their alarm system. The definition excludes alarms caused by testing or repairing of telephone equipment or lines; acts of God, such as earthquakes, floods, windstorms, thunder or lightning; the user acting under a sincere belief that a need exists to call a contracting fire company; a contracting fire company or emergency communications center

canceling the alarm by giving property identification number, prior to arrival of the contracting fire company. If a doubt exists as to the cause of a “false alarm”, the responding fire department shall resolve it in favor of the alarm user. Multiple alarms received by the contracting fire department(s) before the system can be deactivated within a reasonable period of time shall be considered a single alarm.

INTERCONNECT- To connect an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

SECTION 3. INSTRUCTION: cutoff; notification of tests.

- A. Every fire alarm business selling, leasing or furnishing to any user a fire alarm system which is installed on premises located within the Township shall furnish that user with instruction that provide information to enable the user to operate the alarm system property and to locate and obtain service for the fire alarm system at any time.
- B. Every fire alarm business or user shall be required to notify the Schuylkill County Communications Center prior to conducting any tests upon any fire alarm system whereupon such tests would cause emergency information to be received by the Township contracting fire companies.

SECTION 4. LIABILITY: false alarm.

A. The Township of Wayne shall be held harmless for any damage or breakage caused by the Township's contracting fire companies while making forced entry to answer a fire alarm, whether false or authentic.

B. False alarms.

(1) Each subscriber or user shall be required to pay the following charges for false or accidental alarms where contracting fire companies respond:

(a) One (1) false or accidental alarm within any twelve-month period; no charge.

(b) Two (2) false or accidental alarms within any twelve-month period; a charge of Five Hundred (\$500.00) Dollars for each false or accidental alarm.

(c) Three (3) false or accidental alarms within any twelve-month period; a charge of One Thousand (\$1000.00) Dollars for each false or accidental alarm.

(d) Four (4) or more false or accidental alarms within any twelve-month period; a charge of Two Thousand (\$2000.00) Dollars for each false or accidental alarm.

(2) The charges are to be assessed for each alarm received or reported.

SECTION 5. TIME PERIOD.

A. The twelve-month period for subsequent false alarms shall be kept on a rolling basis. Each false alarm shall expire and for the purposes of counting subsequent false alarms One (1) calendar year from the date of the alarm.

SECTION 6. NOTICE OF FALSE ALARMS.

A. Upon receipt of a false or accidental alarm within a twelve-month period to which contracting fire companies respond, the Township shall notify, in writing, the

subscriber or user at his/her last known address, and advise that future false alarms or accidental alarms shall bear a false alarm fee.

B. Upon receipt of a false or accidental alarm in excess of two to which contracting fire companies respond, the Township shall notify, in writing, the subscriber or user, stating:

(1) The number of false or accidental alarms received during the current twelve-month period; and

(2) The amount of the penalty fee assessed to the subscriber or user in accordance with Section 5 of this Ordinance.

C. The subscriber or user shall have thirty (30) days upon receipt of notice to pay the assessed false alarm fee to the Township.

D. Failure to the subscriber and/or user to respond to notice sent or refusal to pay the fee required to the township shall constitute a violation of this chapter, subject to the penalties provided in Section 7.

E. It shall be unlawful to intentionally activate a holdup alarm to summon firefighters except for the reporting of the specific occurrence intended by the alarm.

SECTION 7. DUTIES OF RESPONDING FIRE COMPANIES AND WAYNE TOWNSHIP.

A. It shall be the duty of each contracting fire company and/or municipality as the case may be, to report to Wayne Township in writing informing the Township secretarial staff of any false fire alarms that have occurred within the month in which the false fire alarm occurred.

B. The Township shall keep a record of the notices of false fire alarms which it receives from the contracting fire companies and/or municipalities and shall bill the individual/company where the false fire alarm occurred and take all such other action necessary to enforce this Ordinance.

SECTION 8. NONLIABILITY OF TOWNSHIP.

This chapter or any agreement resulting therefore shall not constitute acceptance by Wayne Township for any liability to maintain any equipment, to answer any alarm or other occurrence in connection therewith.

SECTION 9. VIOLATIONS AND PENALTIES.

Any person who violates any of the provisions of this Ordinance shall, upon conviction in a summary proceeding, be punishable by a fine of not more than Two Thousand (\$2000.00) Dollars and costs of prosecution for each and every offense or by imprisonment of a period not to exceed ninety (90) days, or both. Each day that such violation is continued shall constitute a new and separate offense, punishable by like fine, penalty or imprisonment.

SECTION 10. AMENDMENTS

The user charges for false or accidental activation of fire alarm(s) may be amended or modified by resolution from time to time by the Board of Supervisors as it deems necessary.

SECTION 11. DISTRIBUTION OF FUNDS

The Township shall deposit all fees/fines received as a result of a violation of this Ordinance in the Township accounts and shall treat such funds as part of the funds to be distributed to contracting fire companies/municipalities of the year in which said funds are received. Funds received as a result of violations shall be distributed to the contracting fire companies/municipalities in equal amounts.

SECTION 12. PRIOR ORDINANCES

All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are consistent herewith, be in the same hereby are repealed.


SECTION 13. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Wayne Township that this Ordinance would have been adopted

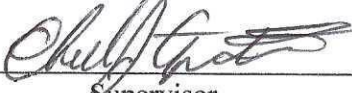
has such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

DULY ENACTED AND ORDAINED into an ordinance this 11 day of October, 2023 by the Board of Supervisors of Wayne Township, Schuylkill County, Pennsylvania, in lawful session duly assembled.

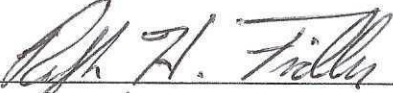
BOARD OF SUPERVISORS OF
WAYNE TOWNSHIP



Chairman



Supervisor



Supervisor

ATTEST:



Township Secretary