

ORDINANCE NO. 304

**AN ORDINANCE OF DELAWARE TOWNSHIP, PIKE COUNTY,
PENNSYLVANIA,
PROVIDING FOR PENALTIES FOR FALSE FIRE ALARMS CAUSED BY
FAULTY FIRE DETECTION, ALARM EQUIPMENT OR NEGLIGENCE**

**This Ordinance shall be known and cited as the
“DELAWARE TOWNSHIP FALSE FIRE ALARM ORDINANCE”**

WHEREAS, pursuant to the Second Class Township Code, 53 P.S 66506, entitled “General Powers”, the Township Board of Supervisors is authorized to make and adopt Ordinances necessary for the proper management, care and control of the Township, and the maintenance of the health and welfare of the Township and its citizens;

WHEREAS, the Township Board of Supervisors desires to prevent the number of times the fire department is dispatched and traveling to an event that is without cause, yet still puts personnel and equipment at risk by the necessity to physically confirm through response that no hazards to life, safety and/or property exist;

WHEREAS, the Township Board of Supervisors desires to ensure that property owners take the appropriate actions after a malfunction and/or other false alarm as defined herein, to properly maintain the fire alarm system and all components as designed during an actual fire and/or other emergency.

Article I- Definition:

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 police departments, fire department or emergency response agencies respond which is not the result of an attempted illegal entry, burglary, intrusion, fire, medical or other similar emergency, excluding weather extremes and utility interruptions, which activates a protection device which results in the transmission of a signal to a central station monitoring company and the subsequent dispatch by Pike County 911 of the departments or agencies listed above to the alarm location.

A false alarm shall include, but not be limited to, any signal activated directly or indirectly resulting from the maintenance being performed on any system described above or any component of any automatic protection device.

Single station or interconnected, hard wired and battery operated residential smoke and heat detectors, gas alarms and “local/proprietary” commercial fire alarm systems which only directly alert the occupants of the premises are specifically exempted from the provisions of this Ordinance.

AUTOMATIC PROTECTION DEVICE- Any device designed to automatically suppress or prevent a fire, medical or other similar emergency and shall include, but not be limited to, smoke detectors, heat detectors, automatic sprinkler system devices, range hood suppression systems, combustible or toxic gas detectors, and all system components of the above.

Article II- False Fire Alarms Prohibited:

It shall be unlawful for the property owner, lessee or any person occupying or otherwise on any premises protected by an automatic protection device within Delaware Township, to make or cause to be made, a false fire alarm, directly or indirectly to any fire department responding to alarms within the Township, when the false fire alarm is caused by faulty detection or alarm equipment or by the negligence of said property owner, lessee or person.

Fire alarms incurred inadvertently, accidentally and/or as the result of work on or around the automatic protection device shall not be exempt from the enforcement provisions of this Ordinance.

Article III- False Fire Alarm Service Fees

(a) The status of an alarm is to be determined by the Delaware Township Volunteer Fire Company ("DTVFC") Fire Chief, or in the absence of the Chief, the Officer In Charge at the time of the alarm and response. The decision shall be final.

(b) Upon notification of a false fire alarm, a written report shall be made within fourteen (14) days by the owner or lessee to the fire department and shall contain what steps have been taken to eliminate future false fire alarms.

(c) Service fees for false fire alarms shall be assessed by the Township as follows:

1. First, second, and third false fire alarm(s) in any one calendar year shall be subject to a written warning from the fire department, who shall keep such warning(s) on file with the affected fire department and shall be kept on file with the affected fire department for a period of three (3) years from the date of the false fire alarm.

2. Within twenty-four (24) hours of the alarm, the DTVFC Fire Chief shall be responsible to provide notification in writing to the Township for action by the Code Enforcement Officer or other authority designated by the Township. The notification, at a minimum, shall consist of a copy of the fire report detailing the nature, location and extent of the alarm and the reason the alarm is being classified as false. Within seven (7) days of receipt of the notification, the Code Enforcement Officer or other authority designated by the Township shall send a written warning to the property owner(s) and/or lessee(s) by certified mail of the provisions of the Ordinance and the possibility of fines for continued failure to properly

maintain the automatic protection device or take such other appropriate action to prevent successive false fire alarms.

3. Upon receipt of the written warning from the Township, the property owner(s) or lessee(s) shall provide documentation in writing to the Township and the DTVFC of the corrective action taken to prevent successive false fire alarms, including but not limited to any repairs made to the automatic protection device. If a certified fire alarm contractor performed the repairs, a copy of the service report shall be included. Said documentation shall be provided to the Township within fourteen (14) days of receipt of the written warning.

4. Fourth false fire alarm in any one calendar year shall be subject to a service fee not to exceed One Hundred Dollars (\$100.00); and/or legal action by the Township.

5. Fifth and subsequent false fire alarms in any one calendar year, shall be subject to a service fee not to exceed Two Hundred Dollars (\$200.00); and/or legal action by the Township.

Article IV- Penalties and Remedies for Violations

(a) In the event a violation of this Ordinance occurs, in addition to such other remedies as may be available under existing law, the Township 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 Ordinance or assists or abets its violation, shall upon conviction thereof, before any Magistrate, be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution or other court of competent jurisdiction.

(c) For the purposes of this Ordinance, the responsibility for the activation shall rest with the property owner of the premises from which the false fire alarm originated.

Article V- Cooperation

The officers of the department and/or agency agree that in support of enforcement of the provisions of this Ordinance, they will agree to appear in court as necessary, provided that reasonable accommodations and/or notice be made to allow for their work schedules.

Article VI- Severability

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of

the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

Article VII- Repealer

All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

Article VIII- Effective Date

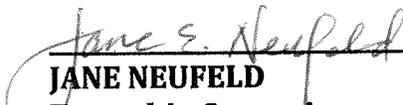
This Ordinance shall become effective five (5) days from the date hereof.

ENACTED AND ORDAINED THIS 24 DAY OF January, 2018.

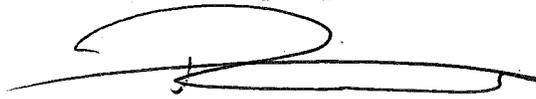
**DELAWARE TOWNSHIP, PIKE COUNTY,
PENNSYLVANIA
BOARD OF SUPERVISORS:**



**JOHN HENDERSON,
Chairman**



**JANE NEUFELD
Township Supervisor**



**RICK KOEHLER
Township Supervisor**

ATTEST:



**KRISTA N. PREDMORE
Township Administrator**