

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 51, Alarms, To Restate The Chapter In Its Entirety By: Providing Definitions; Prohibiting The Use Of Audible Alarm Devices Without A Disengaging Timing Mechanism; Imposing Permit Requirements For The Installation Of Alarm Devices; Imposing Operational Requirements Mandating That Alarm Monitoring Service Companies Attempt To Verify Emergencies Before Notifying And Police Or Fire Departments And Mandating That Contractors Working On A Premises With An Alarm Device Disable The Device Before Performing Work; Requiring Property Owners To Maintain Alarm Devices; Requiring Alarm Installers To Provide Information And Instruction To Alarm Users At The Time Of Installation; Authorizing The Police And Fire Departments To Order The Disconnection Of Malfunctioning Alarm Devices; Requiring Licenses And Permits For Alarm Equipment Suppliers; Requiring Separate Registrations For Users Of Fire Alarms And Security Alarms Together With The Updating Of Information On Those Registrations And Payment Of An Annual Registration Fee; Requiring Alarm Users To Consent To Township Inspection Of Alarm Device Installation And Operation; And Imposing Penalties For Violations Of These Provisions; And Amending Chapter 111, Peace And Good Order To Prohibit Knowingly Making A False Report Of A Crime Or A Misleading Call Or Request For The Services Of The Police Or Fire Departments; And Amending Chapter A167 To Provide A Schedule Of Fees Related To Alarm Systems.

Section 1. The Code of the Township of Lower Merion, Chapter 51, Alarms, is hereby amended in its entirety to provide as follows:

Chapter 51. Alarm Systems

§ 51-1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

ACTIVATION

The setting in motion, whether intended or not, of any Audible Alarm System or Alarm Device or any direct or indirect signal given a Public Safety Agency to which police or firefighters respond.

ALARM

A communication through an Alarm System [BDS1] to a Public Safety Agency indicating that a crime, fire or other emergency warranting immediate action by that Public Safety Agency has occurred or is occurring.

ALARM ACTIVATION REPORT

A written report on a form provided by the Township and completed by or on behalf of an Alarm User in the event of a False Alarm at the Alarm User's premises. The report shall contain an affidavit that any malfunctioning Alarm System that generated the False Alarm has been serviced and repaired.

ALARM DEVICE

A device designed to automatically transmit an Alarm directly to a Public Safety Agency or to a person that is instructed to notify the Public Safety Agency of the alarm.

ALARM EQUIPMENT SUPPLIER

Any person or entity who ~~sells or leases and/or~~ [BDS2] installs Alarm Systems.

ALARM SYSTEM

Any Alarm Device or Audible Alarm System. This chapter recognizes two types of Alarm Systems: a fire alarm system, which is designed to give notice of a fire, and a security alarm system, which is all others.

ALARM USER

Any individual, partnership, unincorporated association, corporation, trust or other legally recognized entity which is the owner, tenant or entity in control of any premises having an Alarm Device or an Audible Alarm System.

ALARM MONITORING SERVICE COMPANY

A person or entity that offers a service whereby trained employees, in attendance at all times, receive emergency messages from Alarm Devices reporting an emergency at a stated location and have the duty to relay immediately any such emergency message to a Public Safety Agency.

AUDIBLE ALARM SYSTEM

A bell, horn, whistle, siren or other noise-making device and its activating components which is attached to the interior or exterior of a structure with three or more residential living units and which emits a warning signal audible outside the structure designed to attract attention to an emergency occurring on the premises requiring the response of a Public Safety Agency. [BDS3]

AUTOMATIC DIALING DEVICE

A device which is interconnected to a telephone line and preprogrammed to transmit the coded signal of an alarm to a dedicated telephone trunk line or to dial a predetermined telephone number to a Public Safety Agency without the use of an Intermediary. [BDS4]

CHIEF FIRE OFFICER

The Chief of the Fire Department of the Township of Lower Merion and Fire Marshal.

CONTRACTOR

A person or entity, and any agent thereof, who contracts with an Alarm User to perform work in and about a premises where an Alarm System is installed.

EMERGENCY CONTACT

An individual ~~who may be contacted at any time~~ who is authorized to respond to an alarm activation and open the premises, if requested.

FALSE ALARM

The activation of an Alarm Device or Audible Alarm System to which a Public Safety Agency responds when a crime, fire or other emergency has not occurred.

FIRE DEPARTMENT

The Fire Department of the Township of Lower Merion.

INTERMEDIARY

An Alarm Monitoring Service Company, as herein defined.

PERMIT

Written permission duly granted to an applicant by the Township upon payment of the required fee.

POLICE DEPARTMENT

The Police Department of the Township of Lower Merion.

PUBLIC SAFETY AGENCY

The Montgomery County Emergency Dispatch Center ("911 Center"), the Police Department or the Fire Department.

SECRETARY

The Secretary of the Township of Lower Merion.

SUPERINTENDENT OF POLICE

The Superintendent of the Police Department of the Township of Lower Merion.

TOWNSHIP

The Township of Lower Merion, Montgomery County, Pennsylvania.

§ 51-2. Prohibited Alarm ~~Systems~~ Devices.

- A. Alarm Users of premises equipped with an Audible Alarm System must equip such Audible Alarm System with a timing mechanism that will

disengage the Alarm after a maximum period of 15 minutes [BDS5] and remain disengaged until the Alarm is serviced. Audible Alarm Systems without such a timing mechanism shall be unlawful in the Township and must be disconnected by the Alarm Users of the premises.

- B. ~~No Alarm System shall be equipped with an Automatic Dialing Device~~ [BDS6]:

§ 51-3. Permit requirements.

- A. No Alarm ~~System~~ ~~Device~~ shall be installed in the Township without a Permit being issued to the Alarm User. Application for such Permit shall be filed with the Township Building and Planning Department and must contain the following information:
- (1) The name, address and telephone number at the premises where the device is installed.
 - (2) The name, address and telephone number of the person, firm or corporation, if any, other than the Alarm Equipment Supplier who is responsible for the maintenance and repair of the Alarm Device.
 - (3) A local Emergency Contact name and telephone number for the premises. The Emergency Contact should be able to respond within 30 minutes of being requested.
 - (4) The name and telephone number of the Alarm Monitoring Service Company, if any.
- B. All information furnished pursuant to this section shall be kept confidential and shall be for the use of the Township only.

§ 51-4. Operational requirements.

- A. An Alarm Monitoring Service Company for an Alarm Device, upon notice of an Activation, shall attempt to contact the Alarm User or Emergency Contact to verify an emergency before transmitting a fire Alarm. The failure to do so, with the result that a False Alarm is transmitted to the Fire ~~or Police~~ Department, shall constitute a violation hereunder.
- B. A Contractor must disable any Alarm Device installed at a premises where the Contractor is working prior to commencing any work at the premises. The failure to do so, with the result that a False Alarm is transmitted to the Fire or Police Department, shall constitute a violation hereunder.

§ 51-5. Repair service.

- A. All components comprising an Alarm System must be maintained in good working order -by the Alarm User to assure maximum reliability of operation and to avoid false activations.
- B. At the time of installation of an Alarm Device, an Alarm Equipment Supplier shall:
 - 1. Furnish to the Alarm User written information as to how service may be obtained at any time, including the telephone number of the Alarm Equipment Supplier or agent responsible for service. The Alarm User and the Alarm Equipment Supplier or agent supplying a service shall be responsible for having the device disconnected or repaired within 3 days -after notice that the Alarm Device is not functioning properly.
 - 2. Supply to the Alarm User written instructions indicating how to reset and how to shut off the Alarm System. These instructions shall be in everyday simple language and shall be posted at the alarm panel.

§ 51-6. Disconnection of malfunctioning devices.

- A. When a representative of the Fire Department or the Police Department concludes that an Alarm Device has activated as the result of a malfunction, the Alarm User will be notified to repair the device. This notification may take the form of an Alarm Activation Report. Upon receipt of that report, the Alarm User shall provide for an authorized repair person to repair the malfunction and disable the Alarm Device until such repairs are completed. Within 15 days of receipt of such notification, the Alarm User shall submit proof that the Alarm Device has either been repaired or disabled. If the Alarm User has received an Alarm Activation Report, -proof of repair shall take the form of an "Affidavit of Service Repair" as set forth on the Alarm Activation Report. Failure to submit such proof to the notifying agency within the said 15-day period shall constitute a violation hereof.
- B. When a representative of the Fire Department or the Police Department concludes that a malfunctioning Alarm Device should be disconnected in order to relieve the particular Department of the burden of responding to False Alarms, the representative is authorized to demand that the Alarm User -of the device or his representative disconnect the device until it is made to comply with operational requirements. If disconnection of the defective device is not accomplished promptly with the result that the device sends a further False Alarm or alarms without any intermittent valid alarms, the representative may then take any steps necessary to

disconnect the defective Alarm Device. The failure of an alarm user to disconnect a malfunctioning Alarm Device promptly when ordered to do so shall constitute a violation of this chapter.

§ 51-7. License, Permit and registration requirements.

A. Alarm Equipment Suppliers license and Permit requirement.

- (1) Alarm Equipment Suppliers must conform to the requirements contained in the Electrical Code and the Fire Code of the Township of Lower Merion.
- (2) Any person engaging in an alarm business in the Township of Lower Merion within 30 days after the effective date of this section shall apply to the Township of Lower Merion Building and Planning Department for a license to operate within the Township and shall provide the following information:
 - (a) The name, address and telephone number of the Alarm Equipment Supplier.
 - (b) Certification that within 30 days after the effective date of this section or upon the receipt of notice of approval of a license application, whichever date occurs later, the Alarm Equipment Supplier shall maintain a description of the alarm systems and devices offered for sale or lease to the public and a description of any services related to Alarm Devices offered to the public.
 - (c) A certificate of insurance evidencing policies of insurance, maintained at the expense of the applicant, for public liability, property damage, products and liability and completed operations, each of which must have a single occurrence limit of at least \$300,000. Each certificate must contain a provision that coverages afforded under the policy will not be canceled until at least 15 days' prior written notice of such cancellation has been given to the Township. All types and limits of insurance for which certificates are presented at the time of application, and based upon which a license is issued, shall be maintained throughout the license year, or the license will be suspended or revoked.

- (d) An electrical contractor who is licensed by the Township of Lower Merion and has passed an examination in the National Electrical Code or a similar code, as approved by the Lower Merion Building and Planning Department, and has at least two years' experience as an electrical contractor is not required to obtain a separate license to supply alarm equipment; however, the electrical contractor is required to submit the information set forth above to the Township of Lower Merion Building and Planning Department.
- (3) Applicants who have applied for a license and who are already doing business in the Township on the effective date of this section may continue to do business while their license applications are being processed. An applicant not previously doing business in the Township on the effective date of this section shall not commence doing business until his application is approved.
- (4) In addition to any penalties which may be imposed for violation of this chapter, the Township may revoke the license of an Alarm Equipment Supplier for any of the following reasons:
 - (a) Fraud or willful and knowing misrepresentation or false statement made in an application for a license.
 - (b) Fraud or willful and knowing misrepresentation or false statement made in the conduct of the alarm equipment supply business.
 - (c) Failure to correct any deficiencies in equipment or operation within five days after receipt of notice of the same from the Superintendent of Police or the Chief Fire Officer.
 - (d) Conviction of a business employee or principal of the business of a crime in connection with the activities of the business, which crime reflects on the honesty or integrity of such employee or principal so long as that employee or principal remains affiliated with the business.
 - (e) Failure to comply with the provisions of this chapter.

B. Alarm user registration requirements.

- (1) It shall be unlawful for a property owner, lessee of a property or a person otherwise occupying any premises within the Township of Lower Merion to put an Alarm Device ~~or Audible Alarm System~~ ^[BDS7] into operation on his premises or to allow an Alarm Device or Audible Alarm System to be put into or remain in operation on his premises without first registering such equipment with the Township, paying an annual registration fee as set forth herein, and obtaining written approval to use the Alarm Device or Audible Alarm System.
- (2) Registration information. The Alarm User registering as required in Subsection B(1) of this section shall complete the registration form provided by the Township, which shall include the alarm user's name; the address of the residence or business or businesses in or upon which the alarm system has or will be installed; all relevant facts concerning the design and layout of the premises to be protected; the Alarm User's telephone number; the type of alarm system; the Alarm Equipment Supplier who is selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system; and the name and telephone number of at least one other person or, in the case of a business alarm user, at least two other emergency contacts who can be reached at any time, who are authorized to respond to an alarm system within 30 minutes and who can open the premises in which the system is installed.
- (3) Certification. Any Alarm User who installs an Alarm System ~~or Audible Alarm System~~ ^[BDS8] shall submit with the registration application a certificate from a licensed Alarm Equipment Supplier stating that, in the opinion of such Alarm Equipment Supplier, the Alarm System has been installed in compliance with this chapter.
- (4) Maintenance of registration. Any Alarm User who has registered under this section shall promptly notify the Township of any change in the information supplied on the alarm user registration and shall pay the annual registration fee as set forth below.
- (5) The Chief Fire Officer or the Superintendent of Police may refuse, revoke or suspend the approval granted under Subsection (B)(1) of this section if either determines any of the following:
 - (a) The request for approval contains a statement of material fact which is false.
 - (b) The Alarm User failed to comply with the registration requirements set forth in this section.

- (c) The Alarm User has outstanding, unappealed and unappealable fines and penalties imposed pursuant to §51-10.

C. Alarm User annual registration and administrative fees.

- (1) Registration fee. Every Alarm User is hereby assessed and shall pay a registration fee for each alarm system, as set forth in Chapter A167, for each calendar year, or part thereof, that the Alarm System(s) is(are) in use.
- (2) False Alarm administrative fee. Registered Alarm Users will not be subject to § 51-10(B)(1) of this chapter, Violations and penalties, False Alarm Violations, in the event of a False Alarm so long as there is no charge for any registration fee as provided for herein remaining outstanding and unpaid for a period of 30 days of billing. Instead, registered alarm users with no outstanding and unpaid registration fee billings will be Permitted three false fire alarms and three false security alarms in any consecutive twelve-month period. Should more than three False Alarms occur, such alarm users will be charged an administrative fee for the fourth False Alarm during such twelve-month period, which fee shall increase incrementally for each successive False Alarm during such twelve-month period, as provided in Chapter A167.
- (3) Unregistered or delinquent Alarm Users. Unregistered Alarm Users and those who are delinquent by more than 30 days in the payment of the registration fees provided for herein, shall be subject to the penalty provisions set forth in § 51-10(A) hereof for the failure to pay the annual registration fees and for the failure to pay an administrative fee within 30 days of billing. Unregistered or delinquent Alarm Users will be required to pay any delinquent charges at the time of registration or reregistration. At the option of the Finance Director, the Township may collect charges which remain delinquent more than 90 days by the filing of a municipal claim therefor.
- (4) Any Alarm User objecting to the billing of a registration fee may, within 30 days of the initial billing therefor, request that the charge be collected and a determination made concerning the propriety of the registration fee by the Township proceeding under the civil collection procedures provided in § 51-10, rather than proceeding as set forth in this subsection.

§ 51-8. Inspections.

For the purpose of enforcing this chapter and as a condition to installing and maintaining an Alarm ~~System~~~~Device~~, an Alarm User shall execute a consent, in such form as may be prescribed by the Secretary, which will authorize the Township to enter upon the Alarm User's premises within the Township, at reasonable times and upon reasonable notice, to inspect the installation and operation of an Alarm ~~System~~~~Device~~.

§ 51-9. Furnishing of copies of chapter to owners or users of equipment.

Alarm Equipment Suppliers, installers and intermediaries of Alarm Systems ~~shall~~ furnish at or prior to the time of contracting and at their expense a copy of this chapter to prospective Alarm Users.

§ 51-10. Violations and penalties.

A. Registration violations. Any Alarm User who:

- (1) Fails to obtain written approval for their Alarm System by registering it and providing the disclosure information required by such registration shall violate this chapter and be subject to a fine or penalty of not less than \$25 nor more than \$300 for the first offense and a fine of \$300 for each subsequent offense. Use of an Alarm System ~~which~~ has never been registered shall be conclusive evidence that a "subsequent offense" has occurred. Such fine or penalty shall be collected as like fines or penalties are now by law collected.
- (2) Fails to maintain such registration by annually renewing it, updating/confirming the disclosure information required by such registration, and paying the annual registration fee, ~~shall~~ violate this chapter, be subject to a fine or penalty of not less than \$25 nor more than \$300 for the first offense, a fine of \$300 for each subsequent offense, and to the revocation or suspension of any approval granted for the attachment or use of the alarm system. Use of the Alarm System during such period of revocation or suspension shall be a further violation of this chapter and subject the Alarm User to a fine or penalty of \$300. Such fine or penalty shall be collected as like fines or penalties are now by law collected.

B. False Alarm violations.

- (1) Alarm User. Any unregistered Alarm User whose Alarm System activates, causing three ~~False Alarms~~~~false fire alarms or three false security alarms~~ to occur in a consecutive twelve-month period, may not cause or permit a subsequent ~~such~~ False Alarm to occur in

the same consecutive twelve-month period. Each such False Alarm subsequent to three such False Alarms in the same consecutive twelve-month period shall constitute a separate ~~summary~~ offense, and subject the Alarm User, ~~upon conviction, shall be sentenced to pay~~ to payment of a fine or penalty of \$300. Such fine or penalty shall be collected as like fines or penalties are now by law collected.

- (2) Alarm Monitoring Service Company. Any Alarm Monitoring Service Company for an Alarm Device that fails to attempt contact with the Alarm User or Emergency Contact to verify an emergency and erroneously transmits a False Alarm to the Public Safety Agency ~~Fire or Police Department~~ resulting in the dispatch of fire ~~or police~~ personnel, shall constitute a ~~summary~~ separate offense for each such False Alarm and ~~upon conviction, shall be sentenced to pay~~ subject the Alarm Monitoring Service Company to payment of a fine or penalty of \$200 for the first violation, \$400 for the second violation and \$600 for each subsequent violation. Such fine or penalty shall be collected as like fines or penalties are now by law collected.
- (3) Contractor. The failure of a contractor to provide for an Alarm Device to be disabled before engaging in work in or about a premises where an Alarm Device is installed with the result that a False Alarm is transmitted to the Fire or Police Department shall constitute a ~~summary~~ separate offense for each such False Alarm and, ~~upon conviction, shall be sentenced~~ subject the Contractor to pay payment of a fine or penalty of \$200 for the first violation, \$400 for the second violation and \$600 for each subsequent violation. Such fine or penalty shall be collected as like fines or penalties are now by law collected. Where both an Alarm User and a Contractor are assessed a fine or penalty for the same False Alarm, the payment of the fine or penalty by either shall satisfy the assessment of the fine or penalty against the other.

Editors note: Knowingly making or causing to be made any misleading call for the services of the police or fire department is prohibited by Article V, §111-5.

- C. Installation violations. Any Alarm User who has installed or who has permitted to be installed or any Alarm Equipment Supplier who has installed an Alarm System in violation of any of the provisions of this chapter shall ~~constitute a summary offense and, upon conviction, shall be sentenced to pay~~ subject to payment of a fine or penalty of not less than \$25 nor more than \$600, together with the costs of prosecution. Such fine or penalty shall be collected as like fines or penalties are now by law

collected. Each day that a violation continues after due notice has been given constitutes a separate offense.

D. Other violations. All other violations of the provisions of this chapter shall ~~constitute a summary offense and, upon conviction, the alarm user shall be sentenced~~ subject the Alarm User to pay a payment of a fine or penalty of not less than \$25 nor more than \$600, together with the costs of prosecution. Such fine or penalty shall be collected as like fines or penalties are now by law collected. Each day that a violation continues after due notice has been given constitutes a separate offense.

E. Exceptions.

- (1) The Police Department or the Fire Department, or the designee of either, shall have authority to issue notices of violations for False Alarm activations in an amount equal to 50% of the fine or penalty otherwise provided for in § ~~51-10(B)~~ 51-7(c)(2) above.
- (2) In any case where notice of a violation of this chapter has been given to an Alarm User, an Alarm Service Monitoring Company or a Contractor by either handing the notice to such person or the representative thereof (collectively "Notice Recipient) or by first class mail sent to the address on file for such person or entity, on which notice is set forth the time, place and nature of the violation charged, may, within 30 days after the time such notice is transmitted, settle such violation by making payment of the amount set forth in the notice either by mail or at police/fire headquarters, as a guilty plea and as a penalty for and in satisfaction of each such violation.
- (3) Failure of such Notice Recipient to make such payment within said 30 day period shall result in the issuance of a citation or a complaint and prosecution before a Magisterial District Judge.

Section 2. The Code of the Township of Lower Merion, Chapter 111 thereof, Peace and Good Order, Article V, False Reports, §111-5. False reports of crime or calls for service prohibited, shall be amended to provide as follows:

ARTICLE V. False Reports

§ 111-5. False reports of crime or calls for service prohibited. No person shall knowingly make or cause to be made any false report of a crime, nor shall any person knowingly make or cause to be made any misleading call or request for the services of the Police Department or the Fire Department.

Section 3. The Code of the Township of Lower Merion, Chapter A167 thereof, Fee Schedule, Chapter 51, Alarm Systems, shall be amended to provide as follows:

Chapter 51, Alarm Systems

License – Alarm Installer (new license or annual renewal)	
Alarm Equipment Supplier license	\$50
Journeyman	\$7
Annual security alarm registration fee	
Residential	\$67
Commercial	\$106
<u>Annual fire alarm registration fee</u>	
<u>Residential</u>	<u>\$67</u>
<u>Commercial</u>	<u>\$106</u>
<u>Annual combination fire and security alarm registration fee</u>	
<u>Residential</u>	<u>\$67</u>
<u>Commercial</u>	<u>\$106</u>
Administration fees – registered alarm users	
False fire alarm	\$100
Incremental fee for each additional false alarm beyond the fourth	\$100 up to a \$300 maximum
False security alarm	\$50
Incremental fee for each additional false alarm beyond the fourth	\$50 up to a \$300 maximum
Permit – Alarm Installation	
Commercial – up to \$10,000	\$250
Each additional \$1000	\$7
Residential	7 ^{BDS91} <u>\$67</u>

For a new alarm the installation permit fee shall satisfy the initial alarm registration fee providing the appropriate registration form is completed.

Section 4. Nothing in this Ordinance or in Chapter 51 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any Permit issued, or any cause or causes of action existing under the said Chapter -51 prior to the adoption of this amendment.

Section 5. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 6 This Ordinance shall take effect and be in force from and after its approval as required by law. However, the requirement to register fire alarm systems shall be effective as of January 1, 2017.

Approved by the Board this day of , 2016.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Paul A. McElhaney, President

ATTEST:

Jody L. Kelley, Secretary