

**BOARD OF SUPERVISORS OF
THE TOWNSHIP OF MIDDLE SMITHFIELD
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 238

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MIDDLE SMITHFIELD TOWNSHIP BY ADDING A NEW CHAPTER 80, ALARM SYSTEMS, ESTABLISHING REQUIREMENTS FOR THE OPERATION OF ALARM SYSTEMS, PAYMENTS FOR FALSE ALARMS AND PROVISIONS FOR VIOLATIONS AND PENALTIES RELATED THERETO.

WHEREAS, the Board of Supervisors of Middle Smithfield Township believes that it is in the best interest of the Township and the residents of the Township to amend the Code of Ordinances of the Township of Middle Smithfield by adding a new Chapter 80, Alarm Systems, as set forth herein; and,

WHEREAS, the Board of Supervisors of Middle Smithfield Township is authorized to institute regulations and penalties for false alarms in accordance with 18 Pa. C.S.A. §7511; and,

WHEREAS, the Board of Supervisors of Middle Smithfield Township feels that it is important to hold property owners accountable for false alarms and to ensure such owners and/or users help defray the cost to the Township and responding emergency service providers for responding to such false alarms.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, that the Middle Smithfield Township Code of Ordinances is hereby amended by adding a new Chapter 80, Alarm Systems, to read as follows:

ARTICLE I.

The Middle Smithfield Township Code of Ordinances is hereby amended by adding a new Chapter 80, Alarm Systems, to read as follows:

**Chapter 80
Alarm Systems**

§80-1. False Alarms.

A false alarm is the activation of an alarm system and/or alarm device to which firefighters, police and/or other public safety and/or emergency services agency responds when a crime, fire or other emergency situation has not occurred.

§80-2. Violation of False Alarms.

For the purpose of defraying the costs associated with responding to false alarms, the owners, lessees, occupants and users of an alarm system shall be subject to the following schedule of fines. False alarms are deemed a violation of this Chapter and shall be subject to the following fines for each violation per calendar year:

A. Residential.

(1) First and second false alarm each year:

(i) Fire department response: no charge.

(2) Third false alarm and thereafter:

(ii) Fire department response: One Hundred (\$100.00) Dollars per false alarm.

B. Commercial and industrial.

(1) First and second false alarm each year:

(i) Fire department response: no charge.

(2) Third false alarm and thereafter:

(ii) Fire department response: One Hundred Fifty (\$150.00) Dollars per false alarm.

C. The Board of Supervisors is hereby authorized to modify all false alarm fines by resolution on an annual basis.

§80-3. Notification and Citation for False Alarms.

When a false alarm occurs, the responding fire department and/or emergency service provider shall record the date and time of such false alarm and the location of each false alarm and forward immediately to the Township. The Township shall, within thirty (30) working days of such false alarm, send a written notice to the owner of the property upon which such alarm is installed for the purpose of notification of the false alarm. Such notice by the Township to the property owner from which the false alarm emanated shall be in writing and mailed to the owner of said alarm at his/her/its last known mailing address as shown in the Monroe County Tax Records. Included with this written notice shall be a bill in the prescribed amount as outlined above should a false alarm charge be due. Failure on the part of the Township to issue such notice to the owner of the alarm system, within thirty (30) working days after the date of such false alarm, shall not preclude the Township from assessing a false alarm charge for said false alarm and issuing a citation. The false alarm charge shall be due and payable at the Township

Office ten (10) days from the date of mailing such notice of assessment of a charge for the violation of this Chapter.

§80-4. Violations and Failure to Pay the Amount Due for False Alarms.

Failure of the owner of property with an alarm system having caused a false alarm or of a person, other than the owner, causing a false alarm, to pay a false alarm charge on or before the date due shall cause the Township to issue a summary offense citation for violation of this Chapter. Any person, firm or corporation who shall violate or fail to meet any of the provisions of this Chapter shall, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be punishable by and sentenced to pay a fine of not less than \$100.00 nor more than \$1,000.00, together with the costs of prosecution, and in default thereof shall undergo imprisonment for a period not to exceed thirty (30) days. Each day that a violation of this Chapter continues or each section of this Chapter which shall be found to have been violated shall constitute a separate offense.

§80-5. Intentional False Alarms.

No Person shall create an intentional false alarm. In addition to criminal sanctions established by 18 Pa. C.S.A. §7511, it shall be a violation of this Ordinance to create an intentional false alarm and such violation shall be a summary offense and, upon conviction before a Magisterial District Judge, be punishable with a fine of not less than \$100.00 nor more than \$1,000.00, together with the costs of prosecution, and in default thereof shall undergo imprisonment for a period not to exceed thirty (30) days. Each day that a violation of this Chapter continues or each section of this Chapter which shall be found to have been violated shall constitute a separate offense.

§80-6. Authorization of Further Action.

The proper officers of the Township are hereby authorized and directed to take all such actions, execute, deliver, file, and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance insofar as the transaction contemplated by this Chapter, in the name and on behalf of the Township.

§ 80-7. Exceptions.

The provisions of this Chapter shall not apply to the general alerting alarms that may be used by fire companies, ambulance squads, or civil defense agencies to summon response of their members. The provisions of this Chapter shall not apply to alarm systems that are affixed to motor vehicles.

§80-8. Disclaimer.

Nothing in this Chapter shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any permit issued or any cause of action existing under the ordinances of the Township prior to enactment of this Chapter.

ARTICLE II. SEVERABILITY.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

ARTICLE III. REPEALER.

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


ARTICLE IV. EFFECTIVE DATE.


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

DULY ENACTED AND ORDAINED this 11th day of May 2023, by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, in lawful session duly assembled.

Board of Supervisors of Middle Smithfield
Township

By: 
Annette Atkinson, Chair

By: 
Mark Oney, Vice-Chair

By: 
Michael J. Dwyer, Supervisor

ATTEST: 
Township Secretary

[TOWNSHIP SEAL]

ATTEST:

I do hereby certify that this is a true and correct copy of the proposed alarm system ordinance for Middle Smithfield Township, being advertised for enactment by the Middle Smithfield Township Board of Supervisors on May 11, 2023.

A handwritten signature in black ink, appearing to be 'P. M. Armstrong', written over a horizontal line.

Patrick M. Armstrong, Esquire
Township Solicitor