

EAST PROSPECT BOROUGH  
YORK COUNTY, PENNSYLVANIA

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ORDINANCE NO. 1987 - 7

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AN ORDINANCE

OF EAST PROSPECT BOROUGH, YORK COUNTY, PENNSYLVANIA, MAKING IT UNLAWFUL TO CAUSE, OR ALLOW, THE EMISSION OR TRANSMISSION OF FALSE ALARMS BY ALARM SYSTEMS; REQUIRING THE REGISTRATION OF ALARM SYSTEMS; PLACING THE OBLIGATION OF MAINTENANCE OF ALARM SYSTEMS ON THE ALARM USER; AND PROVIDING PENALTIES FOR VIOLATIONS.

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The Borough Council of the Borough of East Prospect, York County, Pennsylvania, does hereby enact and ordain as follows, to wit:

SECTION 1. TITLE. This ordinance shall be known, cited, and referred to as the "East Prospect Borough False Alarm Ordinance", herein referred to as "this ordinance."

SECTION 2. PURPOSE AND SCOPE. The intent of this ordinance is to:

- A. Protect the emergency services of the Borough from misuse and to provide for the maximum possible efficiency of service to alarm system users.

- B. Encourage the proper maintenance, care and management of alarm systems within the Borough.
- C. Promote the general peace, health, welfare and safety of the community.

SECTION 3. DEFINITIONS.

"alarm system" means and includes any apparatus, mechanism, device, equipment or combination of the foregoing, designed to be used, or capable of being used, to emit or transmit a signal or message of the sort to which emergency personnel respond, whether or not said signal or message reaches emergency personnel directly, or first reaches others who relay the signal or message to the emergency personnel. Automobile alarm devices shall not be considered an alarm system under the terms of this ordinance.

"alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility situate within the limits of East Prospect Borough wherein an alarm system is maintained.

"borough" Borough of East Prospect, York County, Pennsylvania.

"emergency personnel" means duly authorized Borough police, fire or medical employees or employee.

"false alarm" means the emission or transmission of a signal or message by an alarm system of the sort to which emergency personnel respond, when a situation requiring emergency response does not, in fact, exist, including by way of example and not limitation, signals or messages emitted or transmitted:

- i. during a test of an alarm system without prior notice to the respective emergency personnel to which the alarm is directed;
- ii. in a test of the response time of the emergency personnel except with the prior permission of the respective emergency personnel; and
- iii. by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence of the owner or lessee of an alarm system or of his/her employees or agents.

SECTION 4. PROHIBITED CONDUCT. It shall be unlawful:

- A. For any person to cause the emission or transmission of a false alarm, except, however, if the person causing the emission or transmission reasonably believes that a situation exists which requires an emergency response; it shall be the burden of such person to establish the existence of such reasonable belief; or

- B. For any alarm user to allow the emission or transmission of a false alarm, except, however, if such emission or transmission shall have been caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are beyond the control of the alarm user; it shall be the burden of the alarm user to establish such cause.

SECTION 5. REGISTRATION OF ALARM SYSTEMS.

- A. Every alarm user shall register the alarm system with the Borough Secretary within sixty (60) days of the date of enactment of this ordinance in the case of existing alarm systems, or within sixty (60) days of the installation of the alarm system in the case of those installed after the date hereof, or within sixty (60) days of the replacement or substantial modification of the alarm system.
- B. Every person, firm, partnership, association, corporation, company or organization who shall become in control of any building, structure or facility wherein an alarm system is located shall register that fact with the Borough Secretary within sixty (60) days after becoming in control.

C. Registration under A., or B., above, shall be accomplished by the filing of a written statement on such form as prescribed by the Borough Council, executed by the alarm user, setting forth:

- i. The name and address of the alarm user;
- ii. The owner of the property, if different;
- iii. The address of the property;
- iv. The location and a description of the alarm system;
- v. Such other information as the form may require.

D. The Borough Secretary shall furnish copies of the registration forms to the emergency personnel.

SECTION 6. OBLIGATION. The obligation for maintenance, repair and upkeep of emergency alarm equipment shall be the full responsibility of the person who shall from time to time have control of the building, structure or facility where the same is located.

SECTION 7. CONFIDENTIALITY.

A. Except as provided in 5., D., above, all information submitted in compliance with this ordinance shall be held in confidence and shall be deemed a confidential record exempt from discovery to the extent permitted by law.

B. Subject to requirements of confidentiality, the Borough and the emergency personnel may develop and maintain statistics for the purpose of ongoing alarm systems evaluation.

SECTION 8. PENALTIES.

A. Any person, firm, partnership, association, corporation, company or organization who shall violate the provisions of SECTION 4 shall, upon conviction in a proceeding according to the practice in summary convictions, be sentenced to pay a fine of fifty dollars [\$50.00] for a first offense, one hundred dollars [\$100.00] for a second offense, one hundred fifty dollars [\$150.00] for a third offense, two hundred dollars [\$200.00], two hundred fifty dollars [\$250.00] and three hundred dollars [\$300.00] for each subsequent offense; upon default of the payment of the fine imposed and costs, may be sentenced to the county jail for a period not exceeding thirty (30) days.

B. Any person, firm, partnership, association, corporation, company or organization who shall violate the provisions of SECTION 5 shall, upon conviction in a proceeding according to the practice in summary convictions, be sentenced to

pay a fine of not less than three hundred dollars [\$300.00]; upon default of the payment of the fine imposed and costs, may be sentenced to the county jail for a period not exceeding thirty (30) days.

ENACTED AND ORDAINED this 1<sup>st</sup> day of December, 1987.

ATTEST:

EAST PROSPECT BOROUGH COUNCIL

Marie C. Kelly  
SECRETARY

BY: Gary E. Miller  
PRESIDENT

APPROVED this 1<sup>st</sup> day of December, 1987.  
[Signature]  
MAYOR