

**BOROUGH OF PINE GROVE
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 469

**AN ORDINANCE OF THE BOROUGH OF PINE GROVE, SCHUYLKILL
COUNTY, PENNSYLVANIA, FOR THE PURPOSE OF REGULATING AND
PROVIDING PENALTIES FOR FALSE ALARMS THAT HAVE BEEN
RESPONDED TO BY BOROUGH POLICE AND/OR BOROUGH FIRE
DEPARTMENTS**

The Borough of Pine Grove hereby ordains:

SECTION 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

ALARM - A communication to the police and/or fire department or other emergency service agency that a crime, fire, or other emergency situation warranting immediate action by the police and/or fire department or other emergency service agency has occurred or is occurring.

ALARM DEVICE – Any type of alarm system actuating equipment in the alarm console providing warning of intrusion, fire, smoke, flood or other peril.

FALSE ALARM - An alarm activated in the absence of an emergency, whether willfully or by inadvertence, negligence, or unintentional act, including the malfunction of the alarm system; the intentional activation of a holdup alarm for other than a holdup in progress; the intentional activation of a medical alarm for other than a medical emergency; or the intentional activation of a fire alarm for other than a fire or hazard to which the police or fire department responds. Exceptions are: an alarm caused by the testing or repairing of telephone or electrical lines or equipment outside the premises; acts of God, such as earthquake, flood, windstorm, thunder or lightning; an attempted illegal entry of which there is visible evidence; a crime in progress; or, in the case of an emergency medical alarm, an actual medical emergency requiring police, fire and/or medical personnel.

FIRE DEPARTMENT – Any volunteer and/or paid fire-fighting entity responding to an alarm in the Borough of Pine Grove including the Hose, Hook, and Ladder Fire Company and the North End Fire Company.

PERSON - An individual, corporation, partnership, incorporated association, or other similar entity.

POLICE DEPARTMENT – The Borough of Pine Grove Police Department.

In this ordinance the singular shall include the plural; the plural shall include the singular; the masculine shall include the feminine and the neuter.

SECTION 2. False Alarms.

1. False alarms initiated by or through alarm devices are strictly prohibited. The owner, lessee, and occupant of any premise to which the Borough Police and/or Fire Department or other emergency services agency responds as a result of a false alarm shall be held personally liable for any such false alarm. Each such false alarm shall constitute a separate offense as follows:

- a) First false alarm: verbal/written warning.
- b) Second false alarm: verbal/written warning.
 - a. Upon a second false alarm offense, the owner, lessee, and/or occupant shall be required to obtain an on-site inspection of the alarm device that triggered the false alarm. This inspection shall be conducted by the Borough's Code Official and any and all costs and fees in relation to this inspection shall be borne by the owner, lessee, and/or occupant.
- c) Third false alarm: \$300.00
- d) Fourth false alarm: \$400.00
- e) Fifth false alarm: \$500.00
- f) Each additional false alarm: \$500.00

2. When the fourth and subsequent false alarm occurs, the Police Department shall notify the owner, lessee, and/or occupant of the structure to which the Police and/or Fire Department agency responded that a false alarm charge is due and payable and the amount thereof.

3. A false alarm charge shall be due and payable at the Pine Grove Municipal Building thirty (30) days from the date of the mailing of the notice of assessment of the charge.

4. Failure of the person of said structure to pay a false alarm charge on or before the due date shall constitute a violation of this ordinance and shall subject said person to the penalties set forth in section 5 hereof.

5. If doubt exists as to the cause of the false alarm, the Chief of Police or their designee, shall make a decision regarding the circumstances of the activation.

6. Multiple alarms received before the system can be deactivated within a reasonable period of time or two false alarms activated within a 24-hour period shall be considered a single alarm as determined by the Police Department.

SECTION 3. Administration and Enforcement. Administration and enforcement of this ordinance shall be functions of Pine Grove Borough Council and its Mayor, the Police Department, and the Fire Department, and shall include the following:

1. Authority to order the disconnection of an alarm device for failure to correct any deficiencies in equipment or operation of an alarm device after receipt of due notice from the Borough, Police Department or Fire Department, or not meeting other conditions and specifications of this ordinance.

2. Authority to order the disconnection of an alarm device until such device is made to comply with industry operational standards but only when evidence of failure to comply with said standards may impose a burden upon the Police Department and/or Fire Department as a result of false alarms.

3. Authority, at reasonable times and upon prior written notice, to enter upon any premises within the Borough serviced by a responding Police Department or Fire Department to inspect the operation of an alarm device.

SECTION 4. Right to Appeal. Whenever, under section 3 of this ordinance, the Police Department and/or Fire Department is empowered to make a decision with respect to the installation, operation, or maintenance of any alarm device, any person aggrieved by such decision may, within ten (10) days following the decision, file a written appeal therefrom with Borough Council, whereupon Borough Council shall conduct a hearing within thirty (30) days and affirm, modify, or reverse the decision appealed from. The decision of Borough Council shall be final.

SECTION 5. Violations and Penalties.

1. Should any person fail to pay the false alarm charges, as required under Section 3 of this Ordinance, such failure shall constitute a violation of this ordinance, and such unpaid charges may be collected as fines by suit or summary proceeding brought in the name of the Borough of Pine Grove before any Magisterial District Judge of this Commonwealth having jurisdiction. Such proceedings for such violations and for the collection of such fees

imposed herein and unpaid may be commenced by warrant or by summons, at the discretion of the Magisterial District Judge before whom such proceedings are begun.

2. Any person who commits a violation shall be subject to prosecution in a summary proceeding brought before a Magisterial District Judge having jurisdiction and, upon conviction, shall be liable for a fine of not less than \$100 nor more than \$1,000, plus costs of prosecution, and, in default thereof, may be sentenced and committed to imprisonment for a period not exceeding 30 days. Each day during which failure to comply continues shall constitute a separate violation of the terms of this chapter.

SECTION 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 7. 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.

DULY ENACTED AND ORDAINED this 8th day of June, 2023 by the Borough Council of the Borough of Pine Grove, Schuylkill County, Pennsylvania, in lawful session duly assembled.

ATTEST

BOROUGH OF PINE GROVE

Melissa A. Dyer
Melissa A. Dyer, Borough Secretary

Tom Fickinger
Tom Fickinger, Council President

APPROVED THIS 8th DAY OF June, 2023

Willard Shiffer
Willard Shiffer, Mayor