



BILL NO. 5

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NO. 6, 2012

CITY OF CHESTER

DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE

AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, CREATING ARTICLE 931- "CITY ALARM SYSTEMS" TO REQUIRE THE REGISTRATION OF ALARM SYSTEMS; ALLOWING FOR THE TRANSFER OF SAID REGISTRATIONS; PROHIBITING FALSE ALARMS; DEFINING VIOLATIONS; AND PROVIDING FOR FINES AND ADMINISTRATION THEREOF; AND CREATING ARTICLE 933 - "SERVICE COST RECOVERY" AUTHORIZING THE CITY OF CHESTER TO SEEK RECOVERY OF DEFINED SERVICES COSTS INCURRED; SETTING REQUIREMENTS TO PAY FOR REASONABLE COSTS; PROVIDING FOR ADMINISTRATION OF SAID ARTICLE 1565, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

BE IT ENACTED and it is hereby enacted and ordained by the Council of the City of Chester, Delaware County, Pennsylvania, as follows:

Section 1. New Article 931 Entitled "City Alarm Systems." The Code of the City of Chester is hereby amended by adding the following new Article 931 entitled "City Alarm Systems:"

ARTICLE 931

CITY ALARM SYSTEMS

SECTION 1: TITLE.

This Ordinance shall be known as the "Chester City Alarm Systems Ordinance.

- Directly to a public safety agency; or
- To a person that is instructed to notify the public safety agency of the alarm.

Alarm System - shall mean any device, or group of devices, electrical or battery-operated, designed or used for detection of intrusion into a building, structure or facility or for alerting persons of the attempt or commission of a crime or an emergency situation involving potential death or serious injury and which is directly connected to an audible alarm or the transmission, by any technology, of a related signal or message which is used to evoke an emergency response by any public safety agency to any address or separate component of any system.

Audible Alarm - any device including, but not limited to, a bell, horn or siren which is attached to the interior or exterior of the building, structure or facility and emits a warning signal audible outside the building, structure, or facility and is designed to attract attention when activated by a criminal act or other emergency requiring police, emergency medical services (EMS) or fire department response.

Emergency - a sudden unexpected happening, the occurrence or condition requiring immediate action by police, fire, hazard or medical services personnel to protect the health, safety and welfare of those affected by the happening, occurrence or condition.

False Alarm - Any signal activated by manual or an automatic protection device, any audible alarm or any other kind of direct or indirect signal given, to which the police, the fire department or other public safety 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.

- The definition of a false alarm also includes the malicious or intentional activation of a burglar alarm when there is no burglary in progress, the malicious or intentional activation of a fire alarm when there is no fire or hazard condition, or the malicious or intentional activation of a medical alarm for other than a medical emergency.
- Multiple alarms received by the Police Department or any fire department before the system can be deactivated within a reasonable period of time shall be considered a single alarm, unless such multiple alarms are caused by the act of any person.
- Any activation of an alarm system caused by any malfunction caused by violent natural catastrophic condition including electrical storms or power outages or conditions beyond the control of the permittee will not constitute a false alarm.

Fire Department - Chester City Fire Department or other fire company or department operating within the City of Chester, Delaware County, Pennsylvania.

Owner - the individual, who actually operates, activates, de-activates, arms or disarms the alarm system and is accountable or responsible for the alarm systems proper on-site day-to-day use.

Person - an individual, corporation, partnership, association, firm, syndicate, company, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties..

Police Department - the Chester City Police Department.

Public Safety Agency - is defined to mean any municipal agency including police, fire, and any other duly constituted municipal authority, including, but not limited to, the Delaware County Communications (911) Center.

SECTION 3: ADOPTION AND AUTHORITY.

- A. The Chester City Council, by authority granted to them as specified in the Pennsylvania Third Class City Code, 53 Pa. C.S.A. §35101 et seq., as amended, and the Home Rule Charter of the City of Chester, hereby adopts the herein Article I, which shall be supplemental to enforcement under the Pennsylvania Crimes Code Section 7511 (18 Pa. C.S.A. §7511 (1998)).

SECTION 4: PURPOSE AND INTENT.

- A. The Chester City Council finds and declares that:
- 1) Many of the emergency alarms to which Chester City Police, Fire Department and other emergency personnel respond are false. False alarms are herewith deemed to be unacceptable events resulting in a waste of municipal manpower and creating the potential for serious injury to police officers, fire department personnel, and other emergency personnel responding to a false alarm. Further, when the said personnel are responding to false alarms, they are not available for the genuine protection of residents and the general public of Chester City.
 - 2) The increased risk and danger created by emergency responses from false alarms is unnecessary, hazardous and cannot be tolerated.
 - 3) False alarms have created conditions causing danger and annoyance to the general public.
 - 4) The unnecessary waste of public revenue and the dangerous situations created through responses to false alarms should be eliminated.
 - 5) The registration of all alarm systems within the City of Chester will assist the members of the Chester Police Department and the Chester Fire Department. With their understanding and identification of the systems during their responses in the event of an emergency, and provide rapid alarm system contact information.

SECTION 5: ALARM SYSTEM REGISTRATION.

- A. Upon the effective date of this Article, every owner of an alarm system, whether newly installed or existing at the time of the effective date of this Article, or later installed in compliance with this Section A, must provide the required information for their system or systems to be registered with the City of Chester; a copy of said registration information will be maintained in a file with the City of Chester. The required information must be recorded on a registration form provided by the City of Chester, stating the name, address, and telephone number of the owner/applicant; a description of the property or properties where the proposed alarm system is installed or shall be installed; the location, and a name and/or number which is conspicuously displayed on the property or mailbox of the property; a description of the type or types of alarm system or systems being used or to be used, including name and model number of the manufacturer; the name of the person or company who has installed or will install the alarm system at the location; The business information and telephone numbers of any monitoring service contracted to monitor the system or systems; the name, and the address and telephone number of any person or company who will be available to be contacted in the event of an alarm activation.
- B. In the case of more than one building site in which the alarm system components are installed or are to be installed, the owner/registrant must provide Chester City with the necessary information concerning how the alarm system for each building shall be distinguishable from the alarms in any of the other buildings, in the event of an alarm condition occurrence.

- C. In the event the name, mailing address or telephone number of the person to be contacted changes, the owner/registrant shall supply corrected information to the Chester City within five (5) days of any changes. If requested by Chester City, the persons listed shall be required to be present at the alarm location within a reasonable length of time (not more than ninety (90) minutes) after being notified that the Police, Fire Department or other emergency department have received any signal or message of an alarm activation.
- D. All audible alarms should have a maximum ten (10) minute cut off time.

SECTION 6: ALARM REGISTRATION – TRANSFER.

- A. Alarm system registrations shall not be transferable from one owner/registrant to another or from one location to another, without express written authorization from Chester City. In the event that the premises in which the alarm system will be installed or has been installed is to be leased, conveyed, or transferred, it shall be the responsibility of the then owner/registrant to notify Chester City of the name and telephone number of the new owner or lessees and the name of the person to be contacted in case of the alarm activation.
- B. Any subsequent individual or other type of entity that obtains title or occupies real property in which an alarm system has been installed and registered by Chester City shall notify Chester City within five (5) days of taking possession of said property and make application for registration specifying all information necessary for the police department or other emergency departments to respond to any alarm activation.

SECTION 7: ALARM REGISTRATION – NO FEE.

- A. In order to promote full compliance with the registration process of all alarm systems in the City of Chester, the City Council hereby declares the registration of all and every alarm system within the City of Chester to be a service of the City of Chester that will be provided at no cost to the system owner/registrants

SECTION 8: FALSE ALARMS PROHIBITED.

- A. No person shall misuse, purposely, knowingly or recklessly, activate falsely, or continually activate accidentally, any alarm system.
- B. The determination of the conditional status of an alarm on the premises or site shall be made by the Chester Police Department, Chester Fire Department, or other affected public safety agency, and this determinative site-based decision as to the existence of a false alarm

SECTION 9: VIOLATIONS AND PENALTIES.

- A. Any person who shall fail to register any alarm system with Chester City prior to the installation or transfer of an alarm system on any premises shall, upon conviction thereof, be sentenced to pay a fine of not less than fifty dollars (\$50.00), plus the costs of prosecution, but not more than three hundred dollars (\$300.00), plus costs of prosecution.
- B. Owners of alarm systems existing at the time of the adoption of this Article, who have not heretofore filed the necessary registration information, shall have a period of sixty (60) days to comply with all provisions of this Article. Should said owners default or fail to obtain said registration as herein mandated, the owner of said alarm system shall be in violation of this Article, and upon conviction thereof shall be subject to a fine of not less than fifty dollars

(\$50.00), plus the costs of prosecution, not to exceed three hundred dollars (\$300.00), plus the costs of prosecution, for each day that said violation shall continue.

- C. Any person who, when having caused or having failed to prevent a false alarm that as a result of their on-site investigations, is determined by the Chester Police Department, the Chester Fire Department or other affected public safety agency, to have been malicious in nature (known as a "Malicious Pull"), upon conviction thereof shall be subject to a fine of not less than five hundred dollars (\$500.00), plus the cost of prosecution.
- D. Any person who, after receiving notice, written or oral, from the Chester City Police, the Chester City Fire Department or other affected public safety agency that Police Officers, Emergency Personnel or other municipal officials, have responded to THREE (3) false alarms as defined in this Article, at the same location, during a consecutive twelve (12) month period, and then when having caused or permitted a FOURTH (4th) or subsequent false alarm condition in that same consecutive twelve (12) month period, and at that same location shall, upon conviction thereof, be sentenced to pay a fine of not less than three hundred dollars (\$300.00), plus costs of prosecution, for each false alarm occurring after the third false alarm in said consecutive twelve-month period.
- E. For the purpose of determining the total number of false alarms: repeated alarms in a twenty-four (24) hour period, (a calendar day) at the same location, shall be deemed as one (1) false alarm.

Section 2. New Article 933 Entitled "Service Cost Recovery." The Code of the City of Chester is hereby amended by adding the following new Article 933 entitled "Service Cost Recovery:"

ARTICLE 933

SERVICE COST RECOVERY

SECTION 1: FINDINGS AND INTENT

- A. Findings - The City of Chester recognizes that the duties of the Chester Fire Department require the use of specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment, and hazardous abatement materials during their emergency responses. The City of Chester also recognizes that the costs of the maintenance and replacement of this equipment added to the replacement costs of damaged or expended materials places an increasing financial burden on the City of Chester .
- B. City Council Intent – It is intended to grant the City of Chester the authority to seek recovery of all reasonable costs of responding to such emergency incidents, as allowed by applicable law.

SECTION 2: DEFINITIONS. As used in this Article, the following words and phrases shall have the meanings given to them in this section:

Reasonable Costs – The reasonable costs incurred by the City pursuant to the Rate Schedule for recovery of costs for the Chester City Fire Department.

SECTION 3: RECOVERY OF COSTS

- A. The City of Chester is hereby authorized to recover reasonable costs of the use of emergency rescue tools, equipment and materials; hazardous material abatement tools and equipment, hazardous abatement materials; and personnel hours involving any hazardous material, environmental, fire safety, and/or rescue incident or operation, including vehicular accidents.
- B. A Rate Schedule of reasonable costs, for the aforementioned tools, equipment, materials and hourly rates for personnel, shall be set by the Chester Fire Department from time to time, and shall only be applied to the recovery of costs arising out of incidents that occurred subsequent to the setting of the rate schedule. A copy of this rate schedule shall be on file for review at the business offices of Chester City.
- C. The reasonable costs outlined above may be recovered from any identified insurance carrier or person or persons, directly by the City or by an attorney, or through a third-party billing service acting as a contracted authorized agent for the collection of such costs. In addition to the reasonable costs as set forth in the above-mentioned Rate Schedule, the City, or an attorney, or the third-party billing service shall hereby be authorized to collect, in addition to the reasonable costs, reasonable interest and administration fees for collecting the said costs and fees.
- D. In the event that any insurance carrier or person or persons should fail to pay any bill or invoice within thirty (30) days of the mailing or delivery of such notice of charges, the City, or an attorney, or the third-party billing service who mailed or delivered the bill or invoice may enforce the provisions of this Article by filing a civil action at law in a court of competent jurisdiction for the collection of any amounts due to the City, together with statutory interest, court costs, collection fees and associated reasonable attorney's fees.

SECTION 4: REQUIREMENTS TO PAY FOR REASONABLE COSTS

- A. Any insurance carrier or person shall be liable for the reimbursement of reasonable costs incurred by the City, as outlined in this Article, unless that person has paid to the City of Chester a tax which funds, at least in part, the services which the Chester Fire Department provides
- B. The City shall not be obligated to pursue collection efforts against any insurance company or person in the event that the City's reasonably determines that collection efforts will not be successful or that the costs of collection will exceed the amount due hereunder..

Section 3. **EFFECTIVE DATE.** This Article shall be effective immediately upon its adoption.

Section 4. **SEVERABILITY.** Should any section, subsection, sentence, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance in its entirety or any part thereof, other than that so declared invalid.

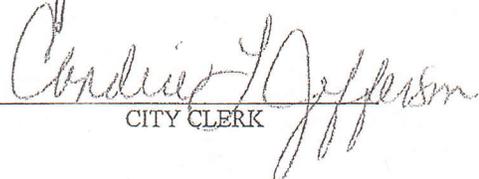
Section 5. **REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ENACTED AND ORDAINED THIS ___ DAY OF _____, 2012.

WE HEREBY CERTIFY that this Ordinance passed Council this ___ day of _____, A.D.
2012.



MAYOR

Attest: 

CITY CLERK