

BILL NO. : 5 OF 2021
INTRODUCED: APRIL 13, 2021
BY: COUNCILMAN DONALD GREGOR
ENACTED: MAY 11, 2021
ORDINANCE NO: 1235

CITY OF MONESSEN

FIRE ALARM REGULATION ORDINANCE

ORDINANCE 1235

AN ORDINANCE OF THE CITY OF MONESSEN,
WESTMORELAND COUNTY, COMMONWEALTH OF
PENNSYLVANIA, ESTABLISHING REGULATIONS FOR
THE INSTALLATION AND MAINTENANCE OF FIRE
ALARMS AND OTHER CERTAIN ALARM SYSTEMS;
ESTABLISHING PENALTIES FOR FALSE ALARMS; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of Monessen finds that it is in the best interest of the City's general welfare and wellbeing to establish regulations and requirements for fire, and other alarm systems within properties located in the City, and;

WHEREAS, the Mayor and Council of the City of Monessen finds that it is in the best interest of the City's general welfare and wellbeing to establish penalties for repeated false alarms and fire alarm malfunctions, and;

WHEREAS, the Mayor and Council of the City of Monessen find it appropriate to establish a means to ensure that persons and property are properly protected in the event of a fire, robbery, or other incident.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City of Monessen and it is hereby ordained and enacted as follows:

Section 1. Short Title.

This Ordinance shall be known as and may be cited as the Monessen "Fire Alarm Regulation Ordinance".

Section 2. Definitions.

As used in this Ordinance certain terms are defined as follows:

1. **ALARM SYSTEMS.** Any device designed for the detection of an unauthorized entry on the premises, unlawful act or any emergency, that when activated transmits a signal, visual, audible or both, or causes to be transmitted a signal.
2. **CITY.** The City of Monessen
3. **FALSE ALARM.** Any alarm signal that alerts a municipal organization, which is not the result of an actual or threatened emergency requiring their immediate response. False alarms shall include, but not be limited to, negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely or accidentally activated to summon police, fire, emergency or EMS services in nonemergency situations and alarm signals for which the actual cause is not determined.
4. **FIRE ALARM MALFUNCTION.** The activation of any alarm which results in the response of the Fire Department caused by mechanical failure, malfunction, improper installation or lack of proper maintenance, or any other response for which the Fire Department personnel are unable to gain access to the premises for any reason or are unable to determine the apparent cause of the alarm activation. False alarms found to be caused by electrical storms shall not be considered to be malfunctions.
5. **FIRE ALARM SYSTEM.** Any mechanical, electrical or radio-controlled device, which is designed to emit a sound or transmit a signal or message when activated because of smoke, heat or fire. Without limiting the generality of the foregoing, alarm systems shall be deemed to include audible alarms at the site of the installation of the detection device, proprietor alarms and automatic telephone digital alarm communicator systems. A single station (residential) smoke detector shall not be deemed to be an alarm system under this Ordinance.
6. **FIRE ALARM TECHNICIAN.** Any person who inspects, installs, repairs or performs maintenance on fire alarm systems.
7. **FIRE DEPARTMENT.** Either one, all, or any combination of the Monessen Bureau of Fire, Monessen Downtown Fire Company 81-1, or Monessen Hilltop Fire Company 81-2.
8. **ENFORCEMENT OFFICIAL.** The Municipal Fire Chief, his designee, and/or the Monessen Code Enforcement Officer.
9. **FEE.** The assessment of a monetary charge payable to the City, authorized pursuant to this Ordinance, to defray the expenses of responding to a false alarm or alarm malfunction.

10. **LOCAL ALARM.** A system that gives a signal, either visual, audible or both, on the exterior portion of the property, but such signal does not leave that structure by wire or radio wave to a control receiving location.

11. **MULTI-PURPOSE ALARM.** A system capable of alerting municipal or other organizations of a variety of emergencies, including but not limited to, unlawful intrusions, fire hazards, medical emergencies or any other dangerous condition.

12. **OPERATIVE ALARM SYSTEMS.** Also called Burglar alarms. Any device designed for the detection of any unauthorized entry on the premises, unlawful act or any emergency that alerts a private security or guard organization, who then alerts the proper municipal authority or which directly alerts a municipal organization of its commission or occurrence and when actuated gives a signal, either visual, audible or both, or transmits or causes to be transmitted a signal.

13. **OWNER.** Any person who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises.

14. **PREMISES.** Any building, structure or combination of building and structures which serve as dwelling units, single-family or multifamily, or any other area within a building, structure or combination thereof which is used for any purpose other than residential, wherein an alarm system is installed.

15. **REQUIRED OPERATIVE ALARM SYSTEM.** An alarm system which the owner of a premises is required to maintain in an operative condition pursuant to statute, law, ordinance, rule or regulation of any governmental entity.

16. **SERVE.** Hand-delivery by a representative of the Fire Department to the owner or authorized representative who responded to the premises. In the event the owner or authorized representative fails to respond to the premises within 30 minutes, "serve" shall mean placing the form or other matter in the United States mail, postage prepaid, addressed to the owner or authorized representative.

17. **SINGLE-STATION (RESIDENTIAL) SMOKE DETECTOR.** An assembly incorporating the detector, control equipment and alarm-sounding device in one unit operated from a power supply either in the unit or obtained at the point of installation.

18. **SMOKE DETECTOR.** A device, which detects the visible or invisible particles of combustion.

Section 3. Notice of Existence of Fire Alarm Systems.

1. Before any fire alarm system is installed, plans shall be submitted to the Code Enforcement Office for approval before a fire alarm permit would be issued. No fire alarm system is to be installed without approval and the issuance of the fire alarm permit.

2. Every person who installs, owns, leases, possesses or operates any fire alarm system within the City shall notify the Municipal Fire Chief of the existence of

said alarm system prior to the system being activated. It shall be the sole responsibility of the company, which is installing any fire alarm system to provide the system owner with a copy of the most current City false alarm ordinance, a Notice of Existing Alarm Form and a completed copy of an Affidavit of Service/Repair. The Notice of Existing Alarm shall be completed by the owner and forwarded to the Deputy Fire Chief prior to the system being activated. Notice to the Deputy Fire Chief shall include the following information:

- a. The name, address, business and home telephone number of the owner, lessee, operator, manager or person in possession of the premises wherein the alarm system is installed;
- b. The name, address and telephone number of a minimum of two persons who can be notified by the enforcement official in the event of the activation of the alarm system, who shall be capable of responding to the premises within 30 minutes and who are authorized to enter the premises to ascertain the status thereof;
- c. The date of activation of the alarm system;
- d. When any of the information required in Subsection b. hereof has changed, it shall be reported to the enforcement official by the owner within 15 days of such change;
- e. The name, address and telephone number of the company contracted to service the alarm system.

Section 4. Responsibility for Fire Alarm Activation; Owner Response; Fire Alarm Malfunction and Corrective Action.

1. The responsibility for fire alarm activation shall be that of the owner of the premises in which the fire alarm system is installed. A response to alarm activation shall result when any officer or member of the Fire Department shall be dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system(s) by any means whatsoever and responds thereto by traveling to that premises. After responding to alarm activation, the enforcement official shall notify any person identified in the notice required pursuant to of the activation of the alarm system, and such person shall thereupon travel to the premises to ascertain the status thereof. Should the person notified fail to appear at said premises within 30 minutes after being notified to do so, the City may charge the owner of the premises a fee of \$75. The officer or member of the Fire Department who responded to said premises shall serve the owner or authorized representative a Fire Alarm Activation Notice. A Fire Alarm Activation Report detailing the incident will be mailed to the owner or authorized representative.

2. In the event of a fire alarm activation deemed by the fire official to be the result of a fire alarm malfunction, the owner will be served a Fire Alarm Activation Report by an officer of the Fire Department, indicating that the activation was deemed to be the result of a fire alarm malfunction. This would require the owner to return a completed Affidavit of Service/Repair within 21 calendar days of said alarm activation which can verify, to the satisfaction of the

enforcement official, that the fire alarm system in question has actually been examined by a fire alarm technician and that a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the fire alarm malfunction. Failure to return an Affidavit of Service/Repair within said twenty-one-day period, which is satisfactory to the Municipal Fire Chief, will result in assessment against the owner of a fee of \$200 for the fire alarm malfunction.

Section 5. Disconnection of alarm system.

1. Except for premises protected by a required operative alarm system, Fire Department officials are authorized to order the disconnecting or deactivation of any alarm system, by written notice to the owner of premises wherein an alarm system is installed, for any of the following reasons:

- a. Failure to meet all requirements or pay the fees provided for in this Ordinance within 15 days of the charging of the fee;
- b. Failure of the owner to provide a written Affidavit of Service/Repair required by this chapter;
- c. A third false alarm or alarm malfunction at a premises for which a fee is charged pursuant to this Ordinance as the result of the failure of the owner to take corrective action to eliminate the cause of the false alarm; or
- d. The failure of a person notified pursuant to this Ordinance to appear within 30 minutes after being notified to respond, if such failure to timely appear occurs four or more times within a calendar year.

2. The written notice to disconnect or deactivate shall be mailed to the owner and shall specify the date on which the owner shall be required to disconnect or deactivate the alarm system. This date shall be at least 15 days following the date of the notice. The owner may appeal the order of the Fire Department official pursuant to Section 7 of this Ordinance.

Section 6. Reconnection of alarm systems.

1. Any order to disconnect or deactivate an alarm system may be rescinded by the Fire Department enforcement official upon a finding by said enforcement official that the owner of the premises has taken corrective action to remedy the cause of the false alarms or alarm malfunctions at the premises. In making a request for such a rescission, the owner shall have the burden to show what corrective action has been taken and that same is sufficient to support a finding that the cause of the false alarms or alarm malfunctions has been remedied. The enforcement official shall have the right to inspect the alarm system and test same prior to rescinding the order to disconnect or deactivate. Before any reconnection of an alarm system, after the order to disconnect said system, the permits shall be issued and the fees paid. The enforcement official shall not rescind an order to disconnect or deactivate if the owner has failed to pay any fee charged the owner pursuant to this Ordinance.

Section 7. Appeals.

1. An owner to whom a notice to disconnect or deactivate an alarm system was mailed pursuant to Section 5 of this Ordinance, shall be entitled to appeal the order of the enforcement official to the Fire Chief or his designee. An appeal shall be in writing, stating the reasons why the order to disconnect or deactivate should be withdrawn, and shall be made within 15 days of the date receipt of the notice to disconnect. The Municipal Fire Chief or his designee shall review the facts and circumstances and shall determine whether the owner has shown good cause why the order should be withdrawn. In the event that the Municipal Fire Chief or his designee affirms the order to disconnect or deactivate an alarm system, the owner shall have five days following mailing receipt of the written rescission of the Municipal Fire Chief or his designee within which to comply with the order. The appeal of an order to disconnect or deactivate shall suspend the effective date of the order until the appeal has been acted upon by the Municipal Fire Chief or his designee.

Section 8. Failure to disconnect or unauthorized reconnection of alarm system.

It shall be unlawful for any person to fail to disconnect or deactivate an alarm system which has been ordered disconnected or deactivated pursuant to Section 5 of this Ordinance, including those situations in which the Municipal Fire Chief or his designee affirmed the order to disconnect or deactivate, and it shall be unlawful for any person to reconnect an alarm system which has been disconnected or deactivated pursuant to the order of the enforcement official, unless reconnection of the alarm system is authorized pursuant herein. Any person violating the provisions of this section shall receive a penalty and other administrative remedies provided for in this Ordinance.

Section 9. System Requirements.

1. All operative alarm systems shall be equipped with batteries or some other alternate power system in case of power failure.
2. Persons having local alarms shall have some type of device attached to the alarm that will automatically shut the alarm off after thirty (30) minutes or have some other sure means of turning the alarm off.

Section 10. Repeating False Alarms.

1. No person owning, using or possessing an alarm system shall cause or permit the giving of repeated false alarms, whether intentional, accidental or otherwise.

Section 11. False Alarm Penalty (Fire Alarms); Fee Charges; Multiple Fire Alarm Malfunctions for False Fire Alarms.

1. For the first three (3) false fire alarms or fire alarm malfunctions at the same premises responded to by the Fire Department during each calendar year. Thereafter, the following fees shall be paid by the owner for each false fire alarm responded to by the Fire Department at the same premises during said calendar year.

- a. Third Response\$100.00
- b. Fourth Response\$150.00
- c. Fifth Response\$200.00
- d. Sixth Response and Above, each\$400.00

2. As to all fire alarm malfunctions responded to by the Fire Department, the owner shall be assessed a fee of \$200, unless there is returned to the Fire Department an Affidavit of Service/Repair deemed satisfactory by the Municipal Fire Chief. In those cases in which the owner provided the Municipal Fire Chief with a satisfactory Affidavit of Service/Repair, \$200.00 fee will be waived.

3. False fire alarms triggered by any components (such as pull stations, smoke detectors, heat detectors, water-flow alarms, tamper alarms, etc.) connected to the fire alarm system shall be counted in computing the total number of false alarms for purposes of this section.

4. In the event a violation of this Ordinance occurs, in addition to such other remedies as may be available under existing law, the City may institute an action in equity to prevent, restrain, correct, abate, or enjoin such violation.

5. Any person who violates any provision of this Ordinance, including failure to pay the required fees, shall be subject to the following penalties:

- a. First violation in any calendar year: A fine of \$500 or 30 days' imprisonment, or both; to be assessed along with the appropriate unpaid fees which are to be paid to the City.
- b. Second violation in any calendar year for the same type violation: A fine of \$750 or 45 days' imprisonment, or both; to be assessed along with the appropriate unpaid fees which are to be paid to the City.
- c. Third violation in any calendar year for the same type violation: A fine of \$1,000 or 60 days' imprisonment, or both; to be assessed along with the appropriate unpaid fees which are to be paid to the City.

Section 12. Newly Installed Alarm Systems.

1. The provisions of this Ordinance shall not apply to any newly installed alarm system for a period of 60 days from the date of the installation of that alarm system but shall apply from and after the expiration of the initial sixty-day period following installation.

Section 13. Existing Alarm Systems.

1. The provisions of this Ordinance shall not apply to any existing fire alarm system for a period of 60 days from the date of adoption of this Ordinance.

Section 14. Alarm System Operations.

1. The City, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned alarm system, those duties or responsibilities being solely those of the owner of the premises. Additionally, it shall be the responsibility of the owner of the premises to silence an activated alarm and thereafter reset same.

Section 15. Government Immunity.

1. Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an alarm system, the alarm user acknowledges that police response may be based on factors such as availability of police units, priority of call, weather conditions, traffic conditions, emergency conditions, and staffing levels.

Section 16. Violations and Penalties; Remedies for Violations.

1. False Alarms Prohibited. Title 18, Pennsylvania Crimes Code, Section 7511(c), establishes precedence for regulation of false alarms and reads, in part, "A person that owns, uses, or possesses an alarm device . . . may not, after causing or permitting three false alarms to occur in a consecutive twelve-month period, cause or permit a subsequent false alarm to occur in the same consecutive twelve-month period. A person that violates this paragraph commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300." All false alarm violations will be charged under provisions of 18 Pa.C.S.A. § 7511.
2. Other violations. All persons who violate any other section of this Ordinance not covered above will, upon conviction, be guilty of a summary offense, and be sentenced to pay a fine of not more than \$300. Each day that a violation continues shall constitute a separate offense.
3. In the event a violation of this Ordinance occurs, in addition to such other remedies as may be available under existing law, the City may institute an action in equity to prevent, restrain, correct, abate or enjoin such violation.
4. This section shall not pertain to audible alarms installed in motor vehicles.

Section 18. Repealer.

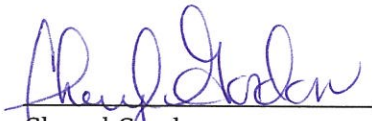
All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.


Section 19. Effective Date.

This Ordinance shall come into effect immediately upon enactment, since it pertains to the health, safety, and common welfare of the public.

ORDAINED AND ENACTED this 11th day of MAY, 2021, by the Council of the City of Monessen, in lawful session duly assembled.

ATTEST:


Cheryl Gordon
City Clerk


Matthew T. Shorraw
Mayor and President of Council

[SEAL]



[

[

2019

[