

Chapter 60: ALARM SYSTEMS

[HISTORY: Adopted by the Borough Council of the Borough of Kutztown 11-24-1992 as Ord. No. 11-1992. Amendments noted where applicable.]

§ 60-1. Definitions

For the purposes of this chapter the following terms are defined as follows:

ALARM — A communication indicating or warning that a crime, fire or other emergency situation warranting immediate action by the Borough Police, local fire company or local emergency medical services personnel has occurred or is occurring.

ALARM DEVICE — A privately owned and operated or a leased electronic, electrical, mechanical or similar device desired to transmit an alarm by wire, telephone, radio, audible signal (bell, siren or buzzer) or other means to the Borough Police, local fire company, local emergency medical services personnel, any person or firm who or which is instructed to notify the Borough Police, local fire company or emergency medical services personnel, or any person who is within the sound transmitting distance limits of such an audible signal. Notwithstanding the aforesaid, a device designed solely to detect smoke and/or heat and not connected to a central alarm system shall not be deemed to be an "alarm device."

ALARM DEVICE PERMIT — A permit issued by the Borough Police for the installation and/or operation of an alarm device.

BOROUGH — The Borough of Kutztown, Berks County, Pennsylvania.

BOROUGH POLICE — The Police Department of the Borough of Kutztown, Berks County, Pennsylvania or, in the the event of an alarm, the Police Department requested to respond to an alarm device activation.

FALSE ALARM — An alarm to which the Borough Police, local fire company or local emergency services personnel respond, resulting from the activation of an alarm device, when it appears that a crime, fire or other emergency warranting immediate action by the Borough Police, local fire company or local emergency medical services personnel has not occurred at the premises where the alarm was transmitted. Notwithstanding the aforesaid, the activation of an alarm device caused by an interruption or failure of electrical power supplied by the borough or any other utility company shall not be deemed a "false alarm."

FALSE ALARM CHARGE — The charge provided for in § 60-5 of this chapter.

INTENTIONAL FALSE ALARM — An alarm resulting from the intentional activation of an alarm device by an individual under circumstances where the individual had no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Borough Police, local fire company or local emergency medical services personnel has occurred or was occurring.

NEW INSTALLATION — A business or residence at which an alarm device has been installed where an alarm device previously did not exist, or a business or residence which has made a major change to the existing alarm device in respect to sensory devices, control panels, audible signals, transmission devices or any combination of the aforementioned system components, or where the ownership or control of any business operating a preexisting alarm device has changed.

PERMIT HOLDER — A person to whom the Borough Police has issued an alarm device permit.

PERSON — An individual, corporation, partnership, incorporated association, trust or other legal entity.

§ 60-2. Permits required; provisions applicable to permit.

- A. It shall be unlawful for any property owner, lessee of property or any person otherwise occupying premises in the borough to put an alarm device into operation on such person's premises or to allow an alarm device to be put into operation on such person's premises or to permit the operation of an alarm device on such person's premises without first obtaining an alarm device permit from the Borough Police.
- B. In order to apply for an alarm device permit, a person shall submit an application to the Chief of the Borough Police stating the following:
 - (1) The person's name.
 - (2) The person's home address and principal business address and the telephone number for each.

- (3) The location at which the alarm device will be installed and operated.
 - (4) If the alarm device is at a business, the names, addresses and telephone numbers of at least two (2) other individuals who have keys to the premises at which the alarm device is located and who are authorized to enter the premises at any time; or in lieu thereof, the name, address and telephone number of a security service company which provides alarm services at the premises and which has on file with it the names of such authorized key holders, so long as such security service company can be contacted twenty-four (24) hours each and every day of the year.
 - (5) If the alarm device is at a residence, the name, address and telephone number of at least one (1) other individual who has keys to the premises and is authorized to enter the premises at any time, along with that individual's place of employment and its telephone number.
 - (6) A complete description of the alarm device, including information indicating if the alarm device is coordinated with any other type of antipersonnel, smoke, fire or personal safety device.
 - (7) If the alarm device is to be leased or rented from or is to be serviced pursuant to a service agreement by a person other than the person making application for an alarm device permit, the name, address and telephone number of that person.
 - (8) Such other information as may be requested by the Borough Police pertaining to the alarm device and/or the premises in which the alarm device is to be located.
- C. The Borough Police shall furnish forms upon which any person wishing to apply for an alarm device permit shall submit his application.
- D. Each alarm device permit issued shall be valid for a period of one (1) year from the date of issuance. Permits may be renewed annually upon reapplication in the manner prescribed by this chapter for an initial application.
- E. The fee for the initial issuance of an alarm device permit shall be set from time to time by resolution of the Borough Council, *Editor's Note: See Ch. A231, Fees.* and there shall be no fee for each annual renewal by the same person or the spouse of such person. The fee for the initial issuance of an alarm device permit shall be waived for any alarm device in service on the effective date of this chapter, provided that application for the alarm device permit is made within thirty (30) days after the effective date of this chapter. *Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.*
- F. The Chief of the Borough Police shall, upon receipt of an application for an alarm device permit, either grant an alarm device permit to the applicant or notify the applicant in writing that his, her or its application has been denied stating the reason or reasons why it has been denied.
- G. The Chief of the Borough Police is authorized to revoke the alarm device permit of any permit holder found to be in violation of this chapter and, upon written notification thereof, said permit holder shall surrender such alarm device permit to the Borough Police. Failure, when so requested, to surrender such alarm device permit so revoked shall constitute a violation of this chapter.
- H. Upon application for an alarm device permit, the applicant shall furnish proof that the alarm device meets the operational standards as set forth in § 60-3 of this chapter by submitting a form, furnished with the application, completed by the security service company or the applicant, which verifies that the operational standards of this chapter have been met. Such form shall be signed by the person completing said form.
- I. An application for an alarm device permit may only be denied or revoked for the following reasons:
- (1) The application submitted does not conform with the requirements of this section.
 - (2) The application contains false or incorrect information.
 - (3) The alarm device does not conform with the operational standards set forth in this chapter.
 - (4) Delinquency of payment of any false alarm charge by more than ninety (90) days.
- J. In the event of a new installation, an application for an alarm device permit shall be made within thirty (30) days from the date that an alarm device has been placed into service or, in the event of a preexisting alarm device in service on the effective date of this chapter, within thirty (30) days from the effective date of this chapter.

§ 60-3. Operational standards.

- A. If the alarm device is designed to transmit a recorded message, the contents of said message shall be intelligible.
- B. If the alarm device is designed to cause an exterior bell, siren or other sound which is designed to be audible on or near the premises on which the alarm device is installed at the time it gives an alarm, said alarm device shall be designed to deactivate the bell, siren or other sound-making device after a maximum of twenty (20) minutes following the activation of the alarm.
- C. The sensory mechanisms used in connection with an alarm device must be installed and adjusted to suppress false indications of fire, smoke, intrusion or other emergency.
- D. The permit holder shall ensure that the alarm device is maintained in good repair to assure reliability of operation.

§ 60-4. Intentional false alarms.

It shall be unlawful to cause or knowingly permit an intentional false alarm.

§ 60-5. False alarm charges.

- A. In the case of new installations, a thirty-day testing period shall apply to allow the security service company and/or the applicant the opportunity to adjust the system as necessary to prevent false alarm indications. During this thirty-day period, false alarm charges shall not be assessed.
- B. A permit holder shall pay to the borough a charge for each false alarm emanating from his alarm device during any calendar month. The fee shall be set from time to time by resolution of the Borough Council.
Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. See Ch. A231, Fees.
- C. When a false alarm occurs, the borough shall notify the permit holder of the permit for the alarm device from which the false alarm emanated that a false alarm charge is due and the amount thereof payable at the office of the Borough Secretary. Such notice shall be in writing and mailed to the permit holder at his last known address by certified mail, postage prepaid.
- D. A false alarm charge shall be due and payable at the office of the borough no later than thirty (30) days from the date of the notice of the false alarm charge.
- E. Failure of a permit holder to pay a false alarm charge on or before the due date shall subject such permit holder to the penalties provided for in § 60-6 of this chapter.

§ 60-6. Violations and penalties. *Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.*

Any person who shall violate any of the terms or provisions of this chapter shall, upon conviction before any District Justice, be fined an amount not less than fifty dollars (\$50.) nor more than six hundred dollars (\$600.), and in default of payment of such fine, be imprisoned for not more than thirty (30) days.