

BOROUGH OF MILLERSBURG

Dauphin County, Pennsylvania

ORDINANCE NO. 5-11

**ORDINANCE DEALING WITH FALSE FIRE ALARMS
TO BE CODIFIED IN CHAPTER 7
OF THE CODE OF THE BOROUGH OF MILLERSBURG**

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Millersburg, Dauphin County, Pennsylvania, as follows:

Short Title

This ordinance shall be known and be cited as the “Millersburg Borough False Fire Alarm Ordinance.”

Definitions

The following definition shall apply in the interpretation and enforcement of this ordinance:

False Alarm: Any signal activated by an automatic protection device or audible alarm, or any other kind of direct or indirect signal, to which the police department, fire department, or emergency response agencies respond, when there is no reasonable belief that a fire is occurring or imminent and when the signal is caused by the negligence of the property owner, lessee, or any other person occupying or otherwise on any premises within Millersburg Borough. This term excludes an attempted illegal entry, burglary, intrusion, fire, medical or other similar emergency, weather extremes, utility interruptions, or activation of an alarm by a person who reasonably believes a fire is taking place.

Prohibition

It shall be a violation of this ordinance for a property owner, lessee, or any person occupying or otherwise in control of any premises within Millersburg Borough to make or cause to be made a false fire alarm.

Duty to Maintain Alarm Systems

The owner or manager of premises located within Millersburg Borough that are protected by an alarm system shall ensure that all alarm systems are inspected and tested at least once per year, and that all alarm systems are periodically maintained per manufacturer’s specifications.

Enforcement

The Millersburg Borough Council hereby appoints or designates the Borough Manager of Millersburg Borough to monitor and enforce this ordinance. The Borough Manager shall send written notice of any violation of this part to the person(s) responsible for the violation.

The Borough Council, as it deems necessary, may appoint an individual or individuals to assist the Borough Manager in monitoring and enforcing this ordinance.

Determination of False Fire Alarm

The police department, fire department or other emergency response agency that responds to a fire alarm shall be responsible for advising the Millersburg Borough whether the action constituted a false alarm. The Millersburg Borough Manager shall make the final decision regarding the determination of a false fire alarm within Millersburg Borough.

False Fire Alarm Service Fee

Any person or entity deemed negligent and responsible for the false alarm shall be assessed a service fee. The amount of the fee to be charged is to be established by separate resolution by the Millersburg Borough Council and shall be paid within 30 days of billing.

Penalties and Remedies for Failure to Pay Service Fee

Any person or entity, whether as principal or agent, who violates this ordinance or assists or abets its violation, and fails to pay the service fee, shall upon conviction thereof, before a Magisterial District Judge, be sentenced to pay a fine or not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), together with the costs of prosecutions. If a person or entity is in default of payment of said fines and costs, such person or entity shall be committed to undergo imprisonment of not more than thirty (30) days. Each violation shall constitute a separate offense, for which a summary conviction may be sought.

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

Severability

If any section or clause of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable there from.

Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Effective Date

This ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED THIS 9th DAY OF NOVEMBER, 2011.

ATTEST:

BOROUGH OF MILLERSBURG

Ann Bowman Jackson
Borough Secretary

Christopher J. [Signature]
President of Council

APPROVED THIS 9th DAY OF NOVEMBER, 2011.

Richard D. Helgeson
Mayor