

**ORDINANCE NO. 1151
FALSE ALARMS**

AN ORDINANCE OF THE BOROUGH OF TYRONE, A HOME RULE MUNICIPALITY,
TO REDUCE THE FREQUENCY OF FALSE ALARMS BY IMPOSING A CHARGE FOR FALSE
ALARMS AND TO ESTABLISH AN EFFECTIVE DATE.

The Borough of Tyrone hereby ordains:

SECTION 1. TITLE.

This Ordinance shall be known and cited as the Borough of Tyrone False Alarm Ordinance.

SECTION 2. DEFINITIONS.

Alarm - A communication either directly or indirectly to a Fire Agency and/or Police Agency indicating that a crime, fire or other emergency situation warranting immediate action by such agency and/or agencies has occurred or is occurring.

Chief of Police - Chief of the Borough of Tyrone Police Department.

Emergency - A police, fire, hazard or medical emergency.

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 Agency 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 Agency - Any volunteer and/or paid fire fighting entity responding to an alarm.

Fire Chief - The Chief of the fire companies in the Borough of Tyrone or an authorized designee.

Fire Emergency - A fire, smoke or overheating.

Hazard Emergency - An explosion, leak of toxic gas, liquid or solid, or a potential explosion or leak.

Medical Emergency - An emergency involving the health of a person.

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

Police Agency - The Borough of Tyrone Police Department.

Police Emergency - An incident requiring prompt response by the Police Agency.

SECTION 3. FALSE ALARMS.

A. Any person owning a structure in the Borough of Tyrone shall be notified, in writing by the Fire Chief and/or the Chief of Police, of each and every false alarm activated in the absence of an emergency, whether willfully or by inadvertence, negligence or unintentional act, including the malfunction of the alarm system to which the Police or Fire Agency responds to such structure. Each such alarm shall constitute a separate offense as follows:

First Alarm	Written Warning
Second Alarm	Written Warning
Third Alarm	Written Warning
Fourth Alarm	\$100.00
Fifth Alarm	\$200.00
Each Additional Alarm	\$300.00

B. When the fourth and subsequent false alarm occurs, the Fire Chief and/or the Chief of Police shall notify the owner of the structure to which the Police and/or Fire Agency responded that a false alarm charge is due and payable and the amount thereof.

C. A false alarm charge shall be due and payable at the Borough of Tyrone Municipal Building 25 days from the date of the mailing of the notice of assessment of the charge.

D. Failure of the owner 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 4 hereof.

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

F. Multiple alarms received before the system can be deactivated within a reasonable period of time shall be considered a single alarm as determined by the Fire Chief and/or Chief of Police.

SECTION 4. VIOLATIONS AND PENALTIES.

A. 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 Tyrone before any District Justice 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 District Justice before whom such proceedings are begun.

B. Any person who commits a violation shall be subject to prosecution in a summary proceeding brought before a District Justice having jurisdiction and, upon conviction, shall be liable for a fine of not less than \$100.00 nor more than \$1,000.00, 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 ordinance.

SECTION 5. 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 parts of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Tyrone that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

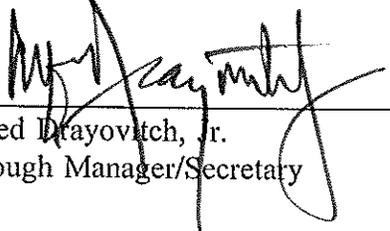
SECTION 6. REPEALER.

All ordinance or resolution or parts thereof inconsistent with the terms of this Ordinance are hereby repealed.

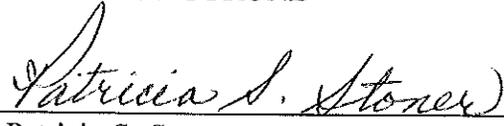
This Ordinance made and adopted this 8th day of March, 1999.

ATTEST:

BOROUGH OF TYRONE



Alfred Drayovitch, Jr.
Borough Manager/Secretary

By: 

Patricia S. Stoner,
Mayor/President of Council