

**HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PA  
ORDINANCE # ~~194~~2018**

**AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK  
AMENDING THE CODE OF ORDINANCES OF HONEY BROOK  
TOWNSHIP, CHAPTER 6 ENTITLED "CONDUCT", TO ESTABLISH A  
PART 2 ENTITLED "FALSE ALARMS", TO PROVIDE PENALTIES  
FOR FALSE ALARMS.**

**WHEREAS**, in order to promote and protect the health, safety and welfare of residents of Honey Brook Township, and to conserve the resources allocated by the Township to the provision of emergency services within the Township, the Board of Supervisors of Honey Brook Township has determined it necessary to amend the Township's Code of Ordinances to provide penalties for false alarms; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, pursuant to the authority conferred by the Second Class Township Code, that the following be and is hereby enacted:

**SECTION 1. AMENDMENT.**

The Code of the Township of Honey Brook, Chapter 6 entitled "Conduct", is hereby amended to establish a new Part 2 entitled "False Alarms", to read as follows:

**§6-201. False Alarms**

1. Definitions. For the purpose of this Part, the following words, terms and phrases shall have the meanings indicated herein:

**ALARM** - a communication indicating or warning that a crime, fire or other emergency situation warranting immediate action by an emergency services provider has occurred or is occurring.

**ALARM SYSTEM** - any electrically operated instrument composed of sensors and related hardware that automatically signals by wire, telephone, radio signal, or other means to a person who, in turn, notifies the Chester County 9-1-1 Center or other emergency services coordination agency of the alarm. Alarm systems also include equipment to activate a bell or sounding device to be heard outside a building which is intended to alert the police or others to the existence of a crime, fire, or other emergency situation warranting action by emergency services, upon receipt of a stimulus from a sensor that has detected a physical force or condition characteristic of a fire, intrusion, or other emergency.

**EMERGENCY SERVICES** - The services provided by the Honey Brook Fire Company and/or any emergency agency or provider operating within the Township of Honey Brook or the Commonwealth of Pennsylvania.

**FALSE ALARM** - Any activation of an alarm system by inadvertence, negligence or intentional or unintentional acts or means, to which emergency services of the Honey Brook Fire Company and/or other emergency services agency or provider respond and where it is determined that the

alarm was not the result of a crime in progress, fire, medical or other emergency necessitating a response by emergency services, excepting those alarms which are caused solely by weather extremes or inadvertent utility interruptions.

2. False Alarms Prohibited. It shall be unlawful for the property owner, lessee, or any person occupying, in control of, or otherwise on or in any premises within Honey Brook Township, to make or cause to be made, a false alarm, directly or indirectly to any emergency services agency or provider responding to alarms within the Township.
3. False Alarm Service Fees.
  - A. Whether an alarm is a false alarm as defined herein is to be determined by the Honey Brook Fire Department or other affected emergency services agency or provider. The decision shall be final.
  - B. Upon notification to Honey Brook Township of a first false alarm within a calendar year, the Township shall send a written warning to the owner, lessee, and/or occupant of the premises notifying said person or persons of this Ordinance, and directing that a written report be made within fourteen (14) days by said owner, lessee, or occupant of the property to the Honey Brook Fire Department, and/or other emergency service agency or provider, setting forth what steps have been taken to eliminate future false alarms.
  - C. Service fees for false alarms, other than the first false alarm within a calendar year, shall be assessed by and paid to Honey Brook Township, in amounts as may be set by resolution of the Board of Supervisors from time to time.
  - D. The service fees imposed by this Part in conjunction with the fee schedule shall not apply in the following circumstances.
    - (1) The false alarm is due to weather conditions.
    - (2) For new installations, documentation has been provided that the alarm system was initially installed within six months prior to the false alarm, no more than three false alarms have occurred since the installation, and the false alarm is due to a system malfunction.
    - (3) For installations more than six months old, the false alarm is the first reported at the subject address during the calendar year.
    - (4) An event occurred on the alarmed premises that could not have been anticipated, and the alarm system detected the occurrence. Examples might be a ceiling tile falling, a water pipe bursting, or a repairman causing an inadvertent false alarm. Leaving a pet loose or a fan on in a room protected by motion detection would not be events that would be excused.
    - (5) Multiple alarms emanating from an alarmed facility in a twelve-hour period shall be treated as a single alarm.
4. Penalties and Remedies for Violations.

- A. In the event a violation of this Ordinance occurs, in addition to such other remedies as may be available under existing law, Honey Brook Township may institute an action in equity to prevent, restrain, correct, abate or enjoin such violation.
- B. Any person, firm or corporation who shall violate any provision of the ordinance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

**SECTION 2. FULL FORCE AND EFFECT.** All other articles, sections, parts and provisions of the Ordinances of the Township of Honey Brook shall remain in full force and effect as previously enacted and amended.

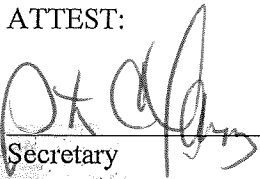
**SECTION 3. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

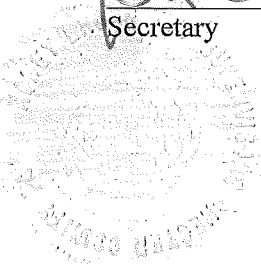
**SECTION 4. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance. Nothing in this Ordinance is intended to prohibit the prosecution of false alarms pursuant to 18 Pa.C.S.A. §7511, as may be amended, by the emergency service agency or provider responding to the false alarm or by Honey Brook Township.

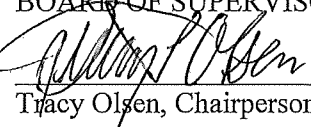
**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective five days after enactment as provided by law.

SO IT IS ENACTED AND ORDAINED this 13<sup>th</sup> day of June, 2018.

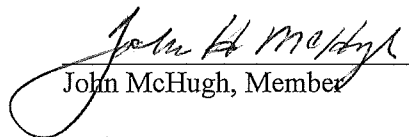
ATTEST:

  
Secretary



HONEY BROOK TOWNSHIP  
BOARD OF SUPERVISORS  
  
Tracy Olsen, Chairperson

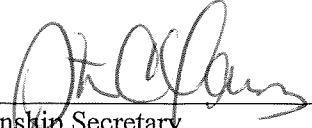
Travis Stacey, Vice-Chairperson

  
John McHugh, Member

**CERTIFICATE OF ENACTMENT**

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 183-2018 enacted by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania at a regular meeting held on JUNE 13, 2018, pursuant to notice as required by law.

Dated: JUNE 13 2018

  
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Township Secretary.