

Note: \$25.00 fee per
registering alarms each
year

ORDINANCE NO. 2003-10

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING BOROUGH OF MALVERN CODE BY REPLACING SECTION 10-3001 – 10-3008 WITH A NEW SECTION RELATED TO AUTOMATIC PROTECTION DEVICES, FALSE ALARMS, REQUIREMENTS OF THE DEVICES AND PENALTIES FOR VIOLATION OF ORDINANCE REQUIREMENTS

WHEREAS, the Borough of Malvern is desirous of establishing procedures for installation and maintenance of automatic protection devices and penalties for false alarm; and,

WHEREAS, the Borough Council is authorized under 53 P.S. §46006(3) to enact ordinances for the health, safety and welfare of the Borough;

THEREFORE, it is hereby **ORDAINED** that the provisions of this Ordinance shall become and be made part of the Malvern Borough Code, replacing the existing Sections 10-3001-10-3008 as follows:

SECTION 10-3001 SHORT TITLE

This chapter shall be known as the "Malvern Borough Automatic Protection Device and Alarm Ordinance."

SECTION 10-3002 DEFINITIONS

ALARM SUPPLIER- The business of any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any automatic protection device or alarm system, or causing such system to be sold, leased, maintained, serviced, repaired, replaced, moved or installed in or on any building, structure or facility. This definition specifically includes the answering service or centralized protection service which monitors alarms for the automatic protection device.

AUTOMATIC PROTECTION DEVICE- any assembly of equipment, mechanical, electrical or battery operated arranged to signal the occurrence of a police, fire, hazard or medical emergency requiring urgent attention and to which police or fire units are expected to respond.

AUDIBLE ALARM- any device, bell, horn or siren which is attached to the interior or exterior of a building, structure or facility and emits a warning signal audible

outside the building, structure or facility and is designated to attract attention when activated by a criminal act or other emergency requiring Police or Fire Department response.

FALSE ALARM-

A. An alarm activated in the absence of an emergency, whether willfully or by inadvertence, negligent or unintentional act, including the malfunction of the alarm system, to which the Malvern Borough Police, Fire or other emergency Department responds. This definition excludes alarms caused by testing or repairing of telephone or electrical lines or equipment outside the premises; acts of nature, such as earthquake, flood, windstorm, thunder or lightening; 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 or medical personnel. If doubt exists as to the cause of the false alarm, the Chief of Police or his/her designee shall make the decision regarding the circumstances of the activation.

B. Multiple alarms reported to the Police Department or Fire Department before the system can be deactivated within a reasonable period of time shall be considered a single alarm

KEY- to use a telephone line and equipment for transmitting a message, either directly or indirectly, by automatic dialing devices.

PERSON- shall include and be construed to mean any person, persons, corporation or any other entity of any nature whatsoever.

SECTION 10-3003 AUTOMATIC PROTECTION DEVICES WITHOUT TIMING MECHANISMS PROHIBITED

On and after the effective date of this Ordinance, owners or users of audible alarms must equip such audible alarms with a timing mechanism that will disengage the audible alarm after a maximum of fifteen (15) minutes.

SECTION 10-3004 DEVICES KEYED TO ALARM SUPPLIER

All automatic protection devices must be keyed to an alarm supplier, as defined herein.

SECTION 10-3005 CONFORMANCE WITH INSTALLATION, INSPECTION AND TESTING STANDARDS

Every alarm supplier selling, leasing, or furnishing to any user, or a user who privately installs an alarm system which is located on premises within the Borough, shall:

- 1 Be permitted to install only equipment that is electronically safe and meets

all Borough requirements under this and any other applicable ordinances. Wiring for the alarm system must conform to all applicable Borough ordinances.

2. Be required to cause each alarm system installed to be provided with standby battery power which shall automatically and immediately take over in the event of a power failure.
3. Be required to install equipment in such a way as to neutralize electric surges on the alarm system.
4. Be required to deactivate any alarm system within a reasonable period of time when multiple false alarms are received.

SECTION 10-3006 FALSE ALARMS

Every user of an automatic protection device will do whatever possible to prevent false alarms of their automatic protection devices which cause a response by the Police and/or the Fire Departments or any other Borough Emergency department.

A. Consent to Pay Costs

For the purposes of defraying the costs to the Police, Fire and other emergency departments of responding to false alarms, the owner, lessee or user of any automatic protection device which sends a signal to an alarm supplier who, in turn, notifies the Police, Fire or other emergency departments, shall pay the Borough for all false alarms upon the following schedule for each false alarm originating from the owner's, lessee's or user's premises.

a.	First False Alarm per calendar year:	WARNING
b.	Second False Alarm per calendar year:	\$25.00
c.	Third and Fourth Alarm per calendar year:	\$100.00
d.	All Subsequent False Alarms:	\$150.00

These penalties are the sole responsibility of the owner, user or lessee of The automatic protection device.

SECTION 10-3007 PENALTIES FOR VIOLATIONS OF THIS ORDINANCE

Violations of the provisions of this Ordinance shall constitute an offense punishable by a fine of not more than three hundred dollars (\$300.00), plus any and all costs of prosecution. Such fines and costs shall be collectible before any District Justice as like fines and penalties are now collected.

SECTION 10-3008 REGISTRATION

Within ninety (90) days from the effective date of this chapter, every user, owner or lessee or any other person occupying a premises having an automatic protection

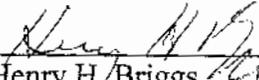
device, shall furnish to the Chief of Police of the Borough of Malvern, the following information:

1. The name, address and telephone number of the owner, lessee, or user.
2. The address where the device is installed and the telephone number at that address.
3. The name, address and telephone number of the alarm supplier or any other person or firm who is authorized to respond to an emergency and gain access to the address where the device is installed.
4. The name and telephone number of any person, firm or corporation, other than the alarm supplier, who is responsible for maintenance and repair of the system
5. The type of system, i.e., burglary, fire, medical or other emergency.

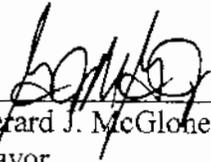
Owners will be required to pay an annual fee to the Borough in the amount of Twenty-five dollars (\$25.00) for the registration of the automatic protection device.

All information furnished pursuant to this section shall be kept confidential and shall be for the authorized use of the Police Department only.

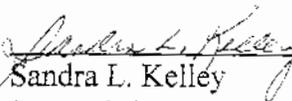
ORDAINED by Borough Council this 21st day of May, 2003


Henry H. Briggs
President, Borough Council

APPROVED by the Mayor, this 21st day of May, 2003


Gerard J. McGlone, Jr.
Mayor

ENACTED this 21st day of May, 2003


Sandra L. Kelley
Borough Secretary

MALVERN POLICE DEPARTMENT

Premise Information

Business ___ Resident ___

Name: _____

Location: _____ Telephone: _____

Owner: _____

Address: _____ City: _____

State: _____ Zip: _____ Telephone: _____

Contact: _____ Telephone: _____

Contact: _____ Telephone: _____

Contact: _____ Telephone: _____

Contact: _____ Telephone: _____

Burglar ___; Fire ___; Panic ___; Hold Up ___; Perimeter ___; Motion ___;

Alarm(s) Audible - YES ___; NO ___ Describe: _____

Company: _____ Telephone: _____

Address: _____

Comments: