

ARTICLE 755
Police and Fire Alarms

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CROSS REFERENCES

False alarms - see 18 C.P.S.A. §4905

False reports - see 18 C.P.S.A. §4906

755.01 PURPOSE.

Council finds it to be in the interest of the residents of the City and the general public to prevent and deter the installation, maintenance and use of police and fire alarms that provide repetitious false alarms. (Ord. 13-1979 §1. Passed 8-21-79.)

755.02 DEFINITIONS.

(a) "Owner" means the person or persons, corporation, business entity, tenant or tenants, occupants of a building, or person or persons in control or possession of the building which receive the direct benefit of protection from such alarm, and furthermore shall include any person or persons, corporation or business entity which has a contract for the express purpose of monitoring the police alarm, fire alarm, smoke detector or any other type of alarm.

(b) "Police Alarm" includes alarms commonly referred to as "burglar alarms" and "hold-up alarms". (Ord. 2-1990 §1. Passed 3-20-90.)

755.03 DECLARED A PUBLIC NUISANCE.

The use of police or fire alarms, whether audible or direct-line type of alarms, are expressly permitted subject to the following conditions:

- (a) Direct-line radio or other electronic police or fire alarms shall be installed by competent workmen so that such devices shall not emit false alarms.
- (b) Any alarm system that produces false alarms shall constitute a public nuisance if such system activates more than one false alarm in any thirty day period, or two false alarms in any ninety day period, or three false alarms in any 180 day period, or four false alarms in any 365 day period.
- (c) Any police officer or fire fighter who responds to a false alarm shall report the same to the Police Commissioner/Chief of Police or Fire Chief as appropriate, who shall monitor and maintain records concerning such false alarms.
- (d) When any alarm system shall constitute a public nuisance as set forth hereunder, the Police Commissioner/Chief of Police or Fire Chief, as the case may be, shall notify the owner of the system that it has activated more false alarms than is permissible hereunder and that any future false alarms shall result in the prosecution for violation of this article.

- (e) Notice as required by this article shall be given by the Police Commissioner/Chief of Police or Fire Chief by mailing a certified letter with return receipt requested, or by personal service of such notice by handing a copy of the same to the owner of the subject property, or to an adult representative thereof. If service is made in person, the Police Commissioner/Chief of Police or Fire Chief, or his or her designee, shall file a proof of service which shall be under oath and which shall designate the person upon whom service was made.
- (f) For the purpose of this article the owner of real estate on which an alarm system is placed and used shall be considered the owner and the person responsible for its proper maintenance and use.
- (g) In addition to any penalty provided hereunder, upon notifying the owner that the police or fire alarm system constitutes a public nuisance, the Police Commissioner/ Chief of Police or Fire Chief, as the case may be, shall also notify the York County Emergency Operations Center and any other agency handling the system that the system has been declared a public nuisance and that the system should be disconnected and no longer used.
(Ord. 13-1979 §1. Passed 8-21-79.)

755.04 UNLAWFUL TO USE ALARM DECLARED A PUBLIC NUISANCE.

It shall be unlawful for any owner of property or persons in charge of real property to use or permit to be used any burglar or fire alarm system that has previously been declared a public nuisance as provided herein. If any false alarms shall be given by such system following the date of receipt of notice as set forth herein, the false alarm shall be unlawful and constitute a violation of this article. (Ord. 13-1979 §1. Passed 8-21-79.)

755.05 OUTDOOR AUDIBLE ALARMS.

All outdoor audible alarms that are activated falsely shall be subject to the same conditions applicable to direct-line radio or other electronic calls that result in false alarms. (Ord. 13-1979 §1. Passed 8-21-79.)

755.06 CORRECTION OF DEFICIENCIES.

Following notice by the Police Commissioner/Chief of Police or Fire Chief that a police or fire alarm system constitutes a public nuisance, the owner of such system may file an affidavit with the Police Commissioner/Chief of Police or Fire Chief as appropriate indicating under oath that the false alarms previously caused by such system were caused by a known mechanical or other defect within the system, not to include improper use. Such owner may verify and shall include a statement by competent workmen or repairmen in the field that such system was defective and such deficiency has been corrected. Upon the filing of such affidavit with appropriate exhibits, the false alarm history concerning the premises shall be considered void and of no legal effect. (Ord. 13-1979 §1. Passed 8-21-79.)

755.07 NEGLIGENT USE.

Where false alarms have originated from negligent use or a combination of negligent use and a defective system, in order to terminate the finding that the system is a public nuisance an owner shall comply with the provisions of Section 755.06 and in addition file an affidavit explaining the steps that have been taken to correct the negligent use which has resulted in false alarms. Upon acceptance of such affidavits by the Police Commissioner/Chief of Police or Fire Chief the declaration of the alarm system as a public nuisance shall be considered void and of no legal effect.

Subject, nevertheless, that should such a system be declared a public nuisance as provided in Section 755.03 within a period of one year following reinstatement under this section or Section 755.06, use of such system shall terminate for a period of one year before this section shall be used to reinstate service. (Ord. 13-1979 §1. Passed 8-21-79.)

755.08 ALARM SYSTEMS CONNECTED TO COUNTY CONTROL.

Any alarm system whereby police officers or fire fighters are directly dispatched as a result of an alarm which automatically signals or calls the York County Emergency Operations Center, or any audible signal, once declared to be a nuisance shall require the prior consent of the Police Commissioner/Chief of Police or Fire Chief before it may be utilized. (Ord. 13-1979 §1. Passed 8-21-79.)

755.09 PERMISSION TO INSTALL.

Any permission to install a police or fire alarm system granted by the Police Commissioner/Chief of Police or Fire Chief shall be predicated upon the specific condition that should such system prove to constitute a public nuisance as defined hereunder, then the alarm system shall be terminated also as provided herein. (Ord. 13-1979 §1. Passed 8-21-79.)

755.10 FALSE ALARM RESPONSE CHARGE.

(a) Any owner of a police alarm, fire alarm, smoke detector or other type of alarm, and which alarm makes noise on the outside of a building, or has a direct or indirect connection which calls for a response from the Police or Fire Department, shall be charged a response charge for each false alarm, after the third false alarm responded to by the Police or Fire Departments within a calendar year. Failure to pay the response charge within thirty days of written notice from the responding department shall result in prosecution as prescribed in Section 755.99. (Ord. 15-1995 §1. Passed 11-8-95.)

(b) The false alarm response charge fee shall be established by resolution of Council. (Ord. 19-97. Passed 12-2-97.)

755.99 PENALTY.

Any person, corporation or business entity who violates any of the provisions of this article shall, in a summary proceeding before the District Magistrate in which the violation occurred, be required to pay a fine not exceeding one thousand dollars (\$1,000) for each false alarm received after notice is provided as prescribed in Section 755.03. In addition, each false alarm received after notice is provided shall constitute a separate offense and upon a second offense the fine shall be not less than one hundred dollars nor more than one thousand dollars (\$1,000). For any third and successive offense occurring within one year the fine shall be not less than two hundred and fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000). Any other violations of this article shall result in the payment of a fine not exceeding one thousand dollars (\$1,000) together with cost of suit. In any case where the Police Commissioner/Chief of Police or Fire Chief has declared an alarm system to be a public nuisance, the City Solicitor may bring legal proceedings in equity or otherwise to prohibit the continued use of such system and to collect any and all damages on behalf of the City resulting from the use of such system. (Ord. 1-2009. Passed 1-6-09.)