

FILE OF COUNCIL

NO. 21 of 2014

Presented in City Council on December 4, 2014

AN ORDINANCE

OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "EMERGENCY ALARM SYSTEMS" BY REPEALING ARTICLE II. ENTITLED "BURGLAR ALARM SYSTEMS" AND REPLACING IT WITH AN AMENDED ARTICLE II. ENTITLED "ALARMS AND ALARM SYSTEMS."

WHEREAS, the Wilkes-Barre City Police and Fire Departments receive certain emergency police, fire and EMS alarms through the Luzerne County 911 Center; and

WHEREAS, false police or fire alarms are periodically received as a result of improperly maintained or defective alarm systems and also as a result of persons improperly placing such alarms, the result of which is that City police, fire or EMS personnel and equipment is unnecessarily called out to the detriment and expense of the citizens of the City of Wilkes-Barre.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT ARTICLE II. OF CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "BURGLAR ALARM SYSTEMS" IS HEREBY REPEALED AND REPLACED WITH THE FOLLOWING:

CHAPTER 9. EMERGENCY ALARM SYSTEMS

Article II. Alarms and Alarm Systems

Sec. 9-31. Definitions and interpretation.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future; words in the plural include the singular number; words in the singular shall include the plural; and words in the masculine shall include the feminine and the neuter.

Alarm. Communication to the Police Department or Fire Department indicating that a crime, fire or other emergency situation warranting immediate action by the Police Department or Fire Department has occurred or is occurring.

Alarm Device. Any device designated to automatically transmit an alarm by wire, telephone, radio or other means:

- A. Directly to the Police Department or Fire Department;
- B. To a person who is instructed to notify the Police Department or Fire Department of the alarm; or
- C. To activate a bell or sounding device to be heard outside the building which is intended to alert the Police Department or Fire Department or others to the existence of a crime or other emergency situation warranting Police action and/or Fire Department action.

City. The City of Wilkes-Barre.

Entity. An individual, corporation, partnership, incorporated association or other similar entity.

False Alarm. The activation of an alarm device by inadvertence, negligence, or intentional or unintentional acts, to which the Wilkes-Barre Police Department or Fire Department responds, including alarms caused by malfunction of the alarm device.

Sec. 9-32. False Alarms.

- A. Any Entity causing false alarm(s) for any reason shall pay to the City a charge for each and every false alarm to which the Police Department or Fire Department responds, in each calendar year, pursuant to section 9-33, below.
- B. False alarm totals shall be calculated within fifteen (15) days of the end of each month by the Police Department and Fire Department. Those totals shall be forwarded to the City Finance Officer (or other appropriate City designee) to be processed into bills. The entity should receive written notice of the billing at its last known address by regular mail within thirty (30) days of the monthly cycle. Within sixty (60) days of January 1, a bill shall be sent to all entities reflecting any unpaid balances due from the preceding year. Failure by the City of Wilkes-Barre to mail notice of assessment of a false alarm charge within one (1) year from the date of occurrence of the false alarm shall preclude the City of Wilkes-Barre from assessing a false alarm charge.
- C. A false alarm charge shall be due and payable to the City of Wilkes-Barre within thirty (30) days from the date of the mailing of the written notice of assessment.
- D. Failure of an entity causing a false alarm to pay a false alarm charge on or before the date due shall constitute a violation of this article and shall subject said

entity to the penalties set forth herein. The Wilkes-Barre Police Department or Fire Department (or other appropriate City designee) shall be responsible for filing the appropriate legal complaint with the District Judge within whose jurisdiction the property is located.

Sec. 9-33. Service charges.

Should any alarm device described in this article cause a false alarm during any calendar year to date, then the following graduated service charge shall be levied against the entity pursuant to subsection (a) if levied by the Wilkes-Barre Fire Department and pursuant to subsection (b) if levied by the Wilkes-Barre Police Department:

A. Fire Department Levied Service Charges:

- (i) First and Second False Alarms: No charge.
- (ii) Third and Fourth False Alarms: \$100.00/each.
- (iii) Fifth False Alarm: \$250.00
- (iv) Sixth and Subsequent False Alarms: \$500.00/each.

B. Police Department Levied Service Charges:

- (i) First and Second False Alarms: No charge.
- (ii) Third and Fourth False Alarms: \$50.00/each.
- (iii) Fifth False Alarm: \$100.00
- (iv) Sixth and Subsequent False Alarms: \$250.00/each.

Sec. 9-34. Exceptions.

The following shall not be considered false alarms:

- A. Alarms caused by the testing, failure or repair of telephone equipment lines. The entity shall be responsible for notifying their alarm company prior to any testing.
- B. Alarms caused by an act of God, such as an earthquake, flood windstorm, thunder or lightning.

Sec. 9-35. Administration and enforcement.

The City of Wilkes-Barre, through the Police Department, the Fire Department or any other appropriate City designee, shall have the responsibility and authority to assess the fees as herein provided.

Sec. 9-36. Violations and penalties.

Any entity which shall fail, neglect or refuse to comply with any of the terms or provisions of this article, or of any regulation or requirement pursuant hereto, shall upon conviction thereof, be ordered to pay a fine of Three Hundred Dollars (\$300.00) and in default of payment of fines and costs, imprisoned for not more than ninety (90) days. Each day's violation shall constitute a separate offense.

SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

REPEALER.

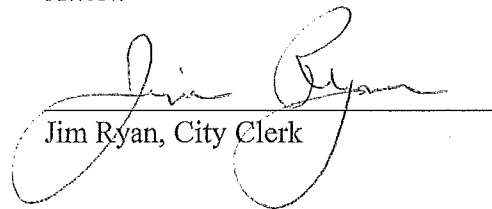
All ordinances or parts of ordinances inconsistent herewith, including but not limited to, Article II. of Chapter 9 entitled "Burglar Alarm Systems," are hereby repealed. All ordinances not specifically repealed or amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on _____

December 18, 2014.

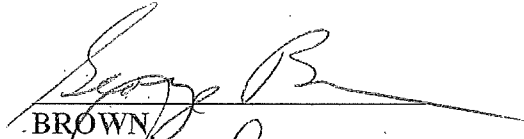
This ordinance shall become effective on January 1, 2015.

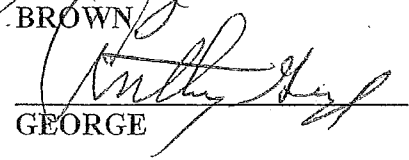
Attest:

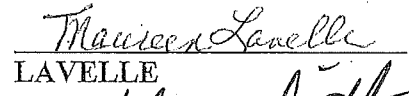


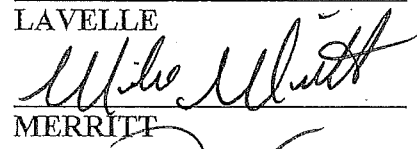
Jim Ryan, City Clerk

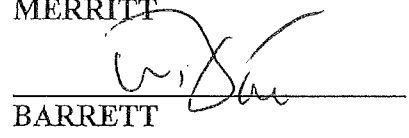
THE UNDERSIGNED RECOMMEND THE PASSAGE OF THE FOREGOING ORDINANCE.


BROWN


GEORGE


LAVELLE

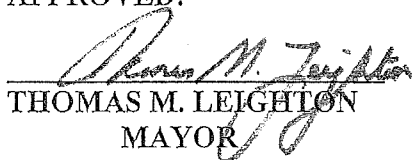

MERRITT


BARRETT

ATTEST:


CITY CLERK

APPROVED:


THOMAS M. LEIGHTON
MAYOR


DATE APPROVED

VETO:

THOMAS M. LEIGHTON
MAYOR

DATE VETOED