

**BOROUGH OF FREEMANSBURG
NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2016-001
(Duly adopted May 3, 2016)**

**AN ORDINANCE PROHIBITING 3 FALSE ALARMS
DURING THE TERM OF ANY 90 DAY PERIOD BY
ALARM SYSTEMS IN THE BOROUGH EVOKING A
RESPONSE BY FIRE, AMBULANCE OR POLICE
SERVING THE BOROUGH; SETTING FORTH THE
PURPOSES OF THIS ORDINANCE; PROVIDING
DEFINITIONS; PROVIDING PENALTIES FOR
VIOLATION OF THIS ORDINANCE; REPEALER;
SEVERABILITY; AND AN EFFECTIVE DATE.**

BE IT ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FREEMANSBURG, NORTHAMPTON COUNTY, PENNSYLVANIA, and it is hereby enacted and ordained by the authority vested, in the same, pursuant to the authority granted to Borough Council by the Borough Code and the General Municipal Laws of the Commonwealth of Pennsylvania, as follows:

SECTION 1: PURPOSE

A. The purpose of this Ordinance is to prohibit 3 false alarms during the term of any 90 day period and to provide penalties for violation of said prohibition. Borough Council of the Borough of Freemansburg hereby finds and declares that:

1. A significant number of emergency alarms in the Borough of Freemansburg to which fire, ambulance, and police personnel respond are false. Such false alarms are public nuisances resulting in a waste of manpower and could cause serious injury to responders who may be responding to a false alarm. And, while responding to false alarms, the emergency responders are not available to protect the citizens of the Borough of Freemansburg.

2. The dangers to citizens through emergency responses created by false alarms are unnecessary and hazardous.

3. False alarms have created conditions causing danger and annoyance to the general public.

4. Tax dollars are wasted through responses to false alarms.

5. This Ordinance is an effort to remedy these public nuisances by establishing and implementing regulations and penalties for violation of said regulations.

SECTION 2: DEFINITIONS.

A. "ALARM SYSTEM" shall mean any device designed or used for detection of fire, smoke, carbon monoxide or dioxide, or any other gas; or of intrusion into a building, property, structure, or facility; or for the alerting about any person in the attempt or commission of a crime or any emergency situation involving potential death or injury; or any other device which is directly connected to an audible alarm or transmits a signal or message used to evoke an emergency response by an Emergency Service Agency to any address.

B. "BOROUGH" shall mean the Borough of Freemansburg, Northampton County, Commonwealth of Pennsylvania.

C. "EMERGENCY SERVICE AGENCY" shall mean the volunteer fire company, fire department, ambulance service and/or police department serving the Borough.

D. "FALSE ALARM" shall mean the activation of an Alarm System due to other than the purpose of legitimate activation for which the Alarm System is designed. Any activation of an Alarm System due to any malfunction whether caused by a violent, natural catastrophic condition, including electrical storms or power outages, or conditions beyond the control of the owner or occupier of the premise shall nevertheless constitute a False Alarm. A False Alarm shall also include the accidental activation of Alarm Systems by guests, employees, cleaning services, or any other persons permitted on the property by the Permittee.

E. "PERSON" shall be defined as including any natural person, partnership, corporation, joint stock company, limited liability company, limited partnership, and any unincorporated association or society, or cooperation among parties or entities of any character whatsoever.

SECTION 3: REPEATED FALSE ALARMS PROHIBITED

It shall be unlawful for any owner or occupier of a premises in the Borough to use an Alarm System or Alarm Systems that causes 3 False Alarms during the term of any ninety (90) day period.

SECTION 4: PENALTIES AND FINES

A. Any Person who shall violate Section 3 of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of:

1. One Hundred Dollars (\$100.00) for a first offense;
2. Two Hundred Fifty Dollars (\$250.00) for a second offense;
3. Five Hundred Dollars (\$500.00) for a third offense; and
4. not less than Five Hundred Dollars (\$500.00) but not more than One Thousand Dollars (\$1,000.00) for a fourth offense or any additional offense.

B. Any Person who shall violate Section 3 of this Ordinance shall, upon conviction thereof, also pay court costs and reasonable attorney fees incurred by the Borough. In default of payment(s) due by reason of this Section 4, the violator shall be subject to imprisonment for a term not to exceed thirty (30) days.

SECTION 5: ENFORCEMENT

The Borough Solicitor, Borough Manager, any Borough police officer, or Borough code enforcement officer is hereby authorized to act on behalf of the Borough to enforce this Ordinance.

SECTION 6: REPEALER

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 7: SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provisions thereof shall be declared unconstitutional, illegal or invalid, then such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Borough that this Ordinance would have been enacted, even if such unconstitutional, illegal or invalid provision not been included herein.

SECTION 8: EFFECTIVE DATE

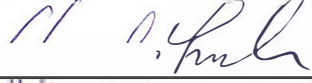
This Ordinance shall become effective immediately.

DULY ORDAINED AND ENACTED this 3rd of May, 2016, by the Borough Council of the Borough of Freemansburg, in lawful session duly assembled.

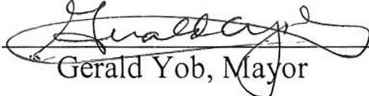
ATTEST:


Judith A. Danko, Secretary

BOROUGH COUNCIL
BOROUGH OF FREEMANSBURG


Homer "Bud" Lorrach, President

Approved, this 3rd day of May, 2016.



Gerald Yob, Mayor

CERTIFICATE

I, the undersigned, Secretary of the Borough of Freemansburg, Northampton County, Pennsylvania (the "Borough") certify that the foregoing is a true and correct copy of an Ordinance of the Borough which was duly enacted by affirmative vote of the majority of the members of Borough Council at a meeting duly held on May 3rd, 2016, and that said Ordinance remains in effect, unaltered and unamended, as of the date of this certificate.

I further certify that Borough Council met the advance notice requirements of Act No. 93 of the General Assembly of the Commonwealth of Pennsylvania, approved October 15, 1998, by advertising the date of said meeting and posting a notice of said meeting on the bulletin board at the Municipal Building, 600 Monroe Street, Freemansburg, Pennsylvania 18017, the place of the meeting.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough this 3rd day of May, 2016.



Judith A. Danko, Secretary