

**BOROUGH OF WORMLEYSBURG
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 543

AN ORDINANCE OF THE BOROUGH OF WORMLEYSBURG, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE CHAPTER 10, PART 6, REGARDING FALSE AUTOMATIC FIRE, BURGLAR, AND PANIC ALARMS.

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S.A. § 1202(5), authorizes the Borough to make regulations as may be necessary for the health, safety, morals, and general welfare of the Borough; and

WHEREAS, Borough Council currently regulates false alarms within the Borough of Wormleysburg; and

WHEREAS, Borough Council of the Borough of Wormleysburg, Cumberland County, Pennsylvania, deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend Chapter 10, Part 6, regarding false automatic fire, burglar, and panic alarms.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council of the Borough of Wormleysburg, Cumberland County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION I: Chapter 10, Part 6 of the Code of the Borough of Wormleysburg, entitled “Penalty for Making False Alarms”, is deleted in its entirety, and hereby amended to read as follows:

Part 6 False Automatic Fire, Burglar, and Panic Alarms

§10-601. Definitions.

For the purpose of enforcing the provisions of this article, unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

AUTOMATIC FIRE ALARM — Any mechanical or electrical-operated device or instrument composed of sensory apparatus and related hardware which is designed or used for the detection of fire, flames, heat, smoke or excess carbon monoxide or dioxide within a building, structure or facility, or any combination thereof; and which emits a sound or transmits a signal or message when activated. Automatic fire alarm devices include, but are not limited to, audible alarms, automatic dialing devices, alarms connected directly to a communications center, alarms relayed through any private central station and proprietary alarms.

EMERGENCY SERVICES — The services provided by the West Shore Bureau of Fire and/or any fire agency responding in conjunction or in place of the West Shore Bureau of Fire.

FALSE AUTOMATIC FIRE ALARM — Any activation of an alarm system by inadvertence, negligence or intentional or unintentional acts or means, to which emergency services of the West Shore Fire Bureau or other emergency services agency as described and where it is determined that the fire alarm was not the result of a fire, medical or other emergency necessitating a response by emergency services, excepting those fire alarms which are caused solely by weather extremes or inadvertent utility interruptions.

TROUBLE ALARM — A condition whereby an automatic fire alarm device is in a pre-alarm condition, commonly referred to as a “trouble setting,” and a communications center receives notification of such a condition. In the absence of an actual emergency, a trouble alarm shall be considered a false alarm.

§10-602. Registration of automatic fire alarms, burglar and panic alarms.

All property owners, lessees of property or persons otherwise occupying a premises within the Borough of Wormleysburg which presently has an automatic alarm in operation on its premises shall, within 48 days of the effective date of this article, register the automatic alarm by providing the Fire Chief of the West Shore Bureau of Fire (fire alarms) and the Police Chief of the West Shore Regional Police Department (burglar and panic alarms) the following information:

- A. Property address.
- B. Name or names of property owners.
- C. Home and business addresses and the telephone number of the property owner or property owners.
- D. If the property is not an owner-occupied residential property, the names, addresses and telephone numbers of at least two individuals who have keys to the premises at which the alarm device is located and who are authorized to enter the premises at any time.
- E. The location of the automatic alarm device on the premises.
- F. A general written description of the automatic alarm device other than schematics.

§10-603. False fire alarms prohibited.

False alarms initiated by or through automatic fire alarm devices are strictly prohibited. The owner, lessee, and occupant of any premises to which the West Shore Bureau of Fire or other emergency services agency responds as a result of a false alarm from an automatic fire alarm device shall be held personally liable for any such false alarm in accordance with the provisions set forth in this article.

A. Intentional false alarms.

(1) No person shall create an intentional false alarm.

(2) Testing prohibited without permission.

(a) It shall be prohibited for any person to conduct any test or demonstration of any automatic fire alarm device designed to make direct connection to the Cumberland County Emergency Management Center at any time without first obtaining the express permission of the Cumberland County Emergency Management Center or the West Shore Bureau of Fire.

(b) The permission noted above shall not be required where the device to be tested or demonstrated is not connected to the Cumberland County Emergency Management Center and the receipt of the alarm is not relayed to the West Shore Bureau of Fire any means.

B. Automatic fire alarm device mechanical failure.

(1) Where an automatic fire alarm device is directly connected to the Cumberland County Emergency Management Center or any other monitoring station and/or facility and sends an alarm activation and continually transmits a signal, either through malfunction or defect in the system, the Fire Department officers are authorized to disconnect the automatic fire alarm device until such a time as repairs are made. Automatic fire alarm devices that are malfunctioning are prohibited from being activated.

(2) Upon successful repair of the automatic fire alarm, the property owner, lessee, or occupant shall notify the West Shore Bureau of Fire in writing.

§10-604. False automatic fire alarm service fees.

A. The West Shore Bureau of Fire shall determine whether a fire alarm event constitutes a false automatic fire alarm, as defined herein. Determinations by the West Shore Bureau of Fire shall be final.

B. Upon notification by the Fire Administrator to the Borough Code Enforcement Officer, of a first false automatic fire alarm within a calendar year (January 1 to December 31), the Code Enforcement Officer shall send a written warning to the owner, lessee, and/or occupant of the premises notifying said person or persons of the false automatic fire alarm and shall also forward a copy of this article which will serve as a written warning of pending fines if further false automatic fire alarms are received.

C. In the event of a second false automatic fire alarm in any one calendar year (January 1 to December 31), a service fee of \$100 shall be assessed against the owners of

residential properties, and a service fee of \$200 shall be assessed against the owners of commercial or industrial properties.

- D. In the event of a third false automatic fire alarm in any one calendar year (January 1 to December 31), a service fee of \$200 shall be assessed against the owners of residential properties, and a service fee of \$400 shall be assessed against the owners of commercial or industrial properties.
- E. In the event of a fourth false automatic fire alarm in any one calendar year (January 1 to December 31), a service fee of \$500 shall be assessed against the owners of residential, commercial and industrial properties.
- F. The Borough of Wormleysburg shall be responsible for administering the terms of this article. All fines collected will be remitted to the West Shore Bureau of Fire, minus a service fee used to cover the Borough's administrative expenses. The Borough of Wormleysburg reserves the right to file a lien against any property locate in the Borough to secure payment of the service fee assessed herein.

§10-605. False burglar and panic alarms prohibited; violations and penalties.

False alarms initiated by or through automatic alarm devices are strictly prohibited. The owner, lessee, and occupant of any premises to which the West Shore Regional Police Department or other emergency services agency responds as a result of a false alarm from an automatic alarm device shall be held personally liable for any such false alarm in accordance with the provisions set forth in this article.

A. Intentional false alarms.

(1) No person shall create an intentional false alarm.

(2) Testing prohibited without permission.

(a) It shall be prohibited for any person to conduct any test or demonstration of any automatic fire alarm device designed to make direct connection to the Cumberland County Emergency Management Center at any time without first obtaining the express permission of the Cumberland County Emergency Management Center or the West Shore Regional Police Department.

(b) The permission noted above shall not be required where the device to be tested or demonstrated is not connected to the Cumberland County Emergency Management Center and the receipt of the alarm is not relayed to the West Shore Regional Police Department.

- B. In the event of a fourth false automatic burglar and/or panic alarm in any one calendar year (January 1 through December 31), a service fee of \$50 shall be assessed against

the owners of residential properties and a service fee of \$100 shall be assessed against the owners of commercial and industrial properties. This fee will be for all false alarms after three written warnings have been issued.

- C. The West Shore Regional Police Department shall be responsible for administering the terms of this article. All fines collected will be remitted to the West Shore Regional Police Department. The West Shore Regional Police Department reserves the right to file a lien against any property located in the Borough to secure payment of the service fee assessed herein.

§10-606. Grace period.

The fines implemented in this article shall not be imposed for a period of one month following the effective date of this article.

§10-607. Enforcement.

The Borough Manager or designee is hereby authorized and directed to execute any and all documents necessary to effectuate the purposes of this article. The Code Enforcement Officer shall have all necessary power and authority to enforce this article by issuing citations and taking all necessary actions as directed by the Borough.

SECTION II: Repealer. All provisions of previous ordinances of the Code of the Borough of Wormleysburg, which are contrary to this Ordinance, are expressly repealed.

SECTION III: Savings Clause. In all other respects, the Code of the Borough of Wormleysburg shall remain as previously enacted and ordained.

SECTION IV: Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION V: Effective Date. This Ordinance shall take effect immediately.

ENACTED, ORDAINED, and APPROVED this 9th day of July, 2024.

ATTEST:


Lori Schmidt, Borough Secretary


Sue Stuart, Council President

APPROVED THIS 9th DAY OF July, 2024.


George O. Preble, Mayor