

ORDINANCE NO. 2019-1

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF NESQUEHONING, CARBON COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF NESQUEHONING, SPECIFICALLY CHAPTER 44, "ALARM SYSTEMS", AND SPECIFICALLY AMENDING ORDINANCE NO. 2017-5 AND MAKING UNLAWFUL THE STARTING OR SPREADING OF ANY FALSE ALARM OR POLICE, FIRE OR EMERGENCY MEDICAL SERVICES(EMS) ALARM, INCLUDING AVOIDABLE ALARMS CAUSED BY IMPROPERLY MAINTAINED OR DEFECTIVE ALARM SYSTEMS OR THE NEGLIGENT OR CARELESS TRIGGERING OF SAME AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED and Enacted by the Council of the Borough of Nesquehoning as follows:

Section 3. False or Avoidable Alarm Service Fees

(a) Upon the determination that a false or avoidable alarm, as defined herein, has occurred, the Borough shall notify the person responsible for the alarm device from which the false or avoidable alarm emanated as to the occurrence of the false or avoidable alarm in writing within fourteen(14) days of the date of the false or avoidable alarm. Within fourteen(14) days thereafter, the property owner, lessee or person in control of the property shall make a written report to the Chief of Police and the Fire Chief as to what steps have been taken to prevent or eliminate future false or avoidable alarms.

(b) In the event of a second false alarm from the same location in any twelve (12) month period, the property owner, lessee or person in control of the property from which the false alarm originated shall be subject to a service fee of Fifty (\$50.00) Dollars. These fees may be changed hereafter by Council, from time to time, by resolution.

(c) In the event of a second avoidable alarm in any calendar year, the person responsible will be required to install a Knox Box at the premises from which the avoidable alarm issued at the direction of the fire department.

(d) In the event of a third false alarm occurring in any twelve(12) month period, the property owner, lessee or person in control of the property from which the false alarm originated shall be subject to a service fee of One Hundred (\$100.00) Dollars.

(e) In the event of a Third or subsequent avoidable alarm emanating from a premises in any calendar year, the person responsible will be subject to a civil penalty fee of not less than \$150.

(f) The alarm user shall have the right to appeal to the Borough Council the assessment of this civil penalty within fifteen (15) days of receipt of the notice of assessment. If there is no appeal or if the appeal is denied by Borough Council the alarm user shall be required to make payment of the civil assessment within thirty (30) days of notice of the assessment if there is no appeal and in the event of an appeal, within thirty (30) days of any denial of an appeal. If payment is not made by the alarm user within the aforesaid time periods of the civil penalty then the alarm user will be subject to the enforcement remedies provided herein in Section 5.

(g) In the event that a civil penalty for an avoidable alarm remains unpaid, the Borough shall have the option of placing a lien upon the premises from which the avoidable alarm emanated together with the filing fees and costs for same.

(h) In the event of a fourth false alarm originating from any one location in any twelve(12) month period, the property owner, lessee or person in control of said property shall be subject to a service fee of Two Hundred (\$200.00) Dollars

(i) A Fifth or subsequent false alarm in any one calendar year originating from any single location or address shall subject the property owner, lessee or person in control of said property to a service fee as per the schedule of fees attached hereto as Exhibit "A". These fees may be changed hereafter by Council, from time to time, by resolution.

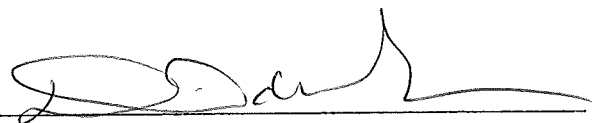
(j) Three (3) or more "avoidable and unexplained alarms" in any twelve(12) month period which originate from any single location or address is hereby deemed to be declared a nuisance pursuant to the Pennsylvania Borough Code and the Borough may proceed to abate the nuisance by any and all means available.

As to all other matters contained in the Borough Code and in Borough Ordinance No. _____, they are hereby ratified and this Amendment shall be effective immediately upon adoption.

ORDAINED AND ENACTED by the Council of the Borough of Nesquehoning, this

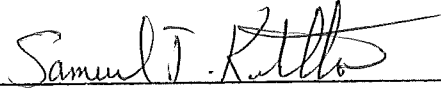
23rd day of January, 2019.

BOROUGH OF NESQUEHONING

BY: 

ATTEST: 
Secretary

Examined and Approved this 23^d day of January, 2019.



Mayor