

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

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ALARM DEVICES

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PART 1

ALARM DEVICES

§7-101. Short Title.

This Part shall be commonly known and may be cited as the “Township of Oley Alarm Ordinance.”

(Ord. 225, 4/9/1990, §1)

§7-102. Purpose.

The purpose of this Part is to provide standards and regulations for various types of burglar, fire and other emergency alarm devices which require response by the Township police and/or local fire companies.

(Ord. 225, 4/9/1990, §2)

§7-103. Scope.

The provisions of this Part shall apply to any person who operates, maintains, owns or rents any alarm device designed to summon the Township police and/or local fire companies to any location within the Township in response to any type of alarm signal.

(Ord. 225, 4/9/1990, §3)

§7-104. Definitions.

For the purpose of this Part, the following terms are defined as follows:

ALARM - a communication indicating or warning that a crime, fire or other emergency situation warranting immediate action by the Township police or local fire companies has occurred or is occurring.

ALARM DEVICE - a privately owned or rented and operated electronic, electrical, mechanical or similar device designed to transmit an alarm by wire, telephone, radio, audible signal (bell, horn, siren, etc.) or other means to the Township police, local fire companies or to any person or firm who or which is instructed to notify the Township police or local fire companies or to any person who is within the sound transmission distance limits of such audible signal. This term shall not include “smoke detectors,” normally installed in private residences, when such audible signal does not transmit to the outside of such private residence.

FALSE ALARM - any alarm actuated by inadvertence, negligence or unintentional act of any person and shall include alarms caused by malfunctioning of the alarm device or other relevant system. This term shall not include an alarm device set off due to electrical storms, or like circumstances, over which the person having an alarm device under this Part has no control.

FALSE ALARM ADMINISTRATIVE FEE - the fee payable to the Township resulting from false alarms which require response by the Township police and/or local fire companies.

INTENTIONAL FALSE ALARM - a false alarm resulting from the intentional activation of an alarm device by a person under circumstances where the person as not reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Township police or local fire companies has occurred or is occurring.

PERSON - any individual, partnership, corporation, association, institution, cooperative enterprise, agency or any legal entity whatsoever which is recognized by law as the subject of right and duties. The singular shall include the plural and the masculine shall include the feminine and the neuter.

REGISTRANT - a person causing registration of an alarm device or a person having an alarm device registered under this Part with the Township police.

REGISTRATION - any person having a presently existing alarm device, or installing an alarm device in any premises in the Township, shall submit the information hereinafter specified to the Township police, who shall document such alarm device with the Township police.

TOWNSHIP - the Township of Oley, Berks County, Pennsylvania.

(Ord. 225, 4/9/1990, §4)

§7-105. Registration.

1. It shall be unlawful for any person owning, leasing or maintaining real property or a person otherwise occupying a premises in the Township, to put an alarm device into operation on his premises or to allow an alarm device to be put into operation in his premises, without first causing registration of such alarm device with the Township police.
2. In order to cause registration of such alarm device, a person shall submit the following information to the Township police:
 - A. His name.
 - B. His home address and/or principal business address and the telephone number of each.

- C. The location at which the alarm device is or will be installed or operated and the type of alarm.
 - D. The names and 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, but who do not reside at the location of the alarm device, or in lieu thereof, the name and address and phone number of the company which provides alarm service at the premises and which has on file with it, the names and telephone number of such authorized key holders.
3. Any person having caused registration of an alarm device with the Township police shall keep all information required with the original registration up to date. In case of any change in the original registration, notice of such change shall be made to the Township police within 5 days after such change. Notification shall be made in person or by mail.
4. Notwithstanding the language contained in subsection (1), it shall not be unlawful for a person to continue to operate an alarm device on his premises without registering such alarm device with the Township police after the effective date of this Part, provided that said alarm device was in operation before the effective date of this Part, until such time as the Township police or local fire companies respond to an alarm resulting from the activation of such alarm device, whereafter such person shall have 5 days within which to cause registration of such alarm device, as required by this Part. Failure of such person to cause registration within the required 5 days, shall subject such person to the penalties as hereinafter provided for.
5. The Oley Township police may refuse, revoke or suspend the registration approval granted under this Section if the Township police determine any of the following:
- A. The request for approval contains a statement of material fact which is false.
 - B. The individual failed to comply with the remaining provisions of this Section.
 - C. The individual violated the provisions of §7-108, "False Alarms Prohibited."

[Ord. 282]

(Ord. 225, 4/9/1990, §1; as amended by Ord. 282, 11/8/1999, §1)

§7-106. Operational Standards.

1. Any alarm device installed in any premises within the Township, or operating in any premises within the Township, must be maintained in good working order to assure reliability of such alarm device.

2. If an alarm device is designed to cause an exterior bell, horn, siren or other sounding device to be activated on or near the premises on which the alarm device is installed at the time it give an alarm, said alarm device shall be designed to deactivate the bell, horn, siren or other sounding device after 20 minutes of operation. All alarm devices shall meet the applicable standards of the Underwriters Laboratories and/or the National Fire Protection Association and/or other recognized industry standards.
3. The Township police may require that repairs be made whenever it has been determined that such repairs are necessary to assure proper operation of an alarm device. Any person failing to make such required repairs within a period of 7 days following notification to make such repairs shall be liable to the penalties hereinafter provided for.

(Ord. 225, 4/9/1990, §6)

§7-107. Regulation of Installers.

1. Except as set forth in subsection (2), any person installing alarms and/or alarm devices in the Township of Oley is required to, prior to the installation of any such system, provide Oley Township with documentation establishing that the installer is licensed by the Township of Oley, has satisfied educational requirements or passed an examination relating to the competence to perform such installations. With respect to each such person, Oley Township may:
 - A. Deny or revoke permits for the failure to comply with local ordinances.
 - B. Levy lawful taxes and fees.
 - C. Require the purchase of a business privilege license.
2. **Limitation.** Oley Township will not require a licensed electrical contractor to acquire a separate or additional license or certification to install alarm devices if the electrical contractor is licensed by the Township of Oley and has passed an examination in the National Electrical Code or a similar code or local electrical code, and has at least 2 years experience as an electrical contractor.

(Ord. 225, 4/9/1990, §7; as amended by Ord. 282, 11/8/1999, §2)

§7-108. False Alarms Prohibited.

1. A person that owns, uses or possesses an alarm device or automatic dialing device may not, after causing or permitting three false alarms to occur in a consecutive 12 month period, cause or permit a subsequent false alarm to occur in the same 12 month period. A person that violates this subsection, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be

sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. *[Ord. 311]*

2. Venue for prosecution of an offense under this subsection shall lie at any of the following places:
 - A. Where the alarm originated.
 - B. Where the alarm was received by the public service agency or the third person designated to notify the public service agency.
3. The disposition of fines paid pursuant to subsection (1) above shall be as follows:
 - A. The fine shall be paid to the Township if the public safety agency which responded to the false alarm serves the Township and the prosecution is initiated by the public safety agency or by the Township.
 - B. The full amount of the fine shall be paid to the Commonwealth of Pennsylvania if the Pennsylvania State Police is the public safety agency which responded to the false alarm, the prosecution is initiated by the Pennsylvania State Police and there is no prosecution under subsection (A).

(Ord. 225, 4/9/1990, §8; as amended by Ord. 282, 11/8/1999, §3; and by Ord. 311, 6/14/2004, §1)

§7-109. Liability of Township.

The registration of alarm device within the Township shall not constitute acceptance by the Township of any liability to maintain such alarm device or to answer alarms or for any other responsibility in connection therewith.

(Ord. 225, 4/9/1990, §9)

§7-110. Penalty.

Any person, firm or corporation who shall violate any provision of this Part or refuses to pay an imposed false alarm administrative fee, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall found to have been violated shall constitute a separate offense.

(Ord. 225, 4/9/1990, §10; as amended by Ord. 311, 6/14/2004, §1)

PART 2**OPEN FIRES AND BURNING****§7-201. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

CONTAINED FIRE - a fire which any material is burned in a receptacle other than a furnace or incinerator.

DOMESTIC REFUSE - any waste material normally generated in the operation of a single-family dwelling including, but not limited to, such items as paper products and not including non-combustible material.

FURNACE - any enclosed device specifically designed for burning any material for the production of heat.

GARBAGE - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

GOVERNING BODY - the Board of Supervisors of Oley Township, Berks County, Pennsylvania.

INCINERATOR - any device specifically designed for the destruction by burning of refuse, sewage sludge or any other combustible material.

OPEN FIRE - a fire in which any material is burned in the open.

PERSON - any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

REFUSE - garbage, rubbish and trade waste.

RUBBISH - solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION - any business, trade or industry engaged, in whole or in part, in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers or drums.

TRADE WASTE - all solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

(Ord. 290, 8/13/2001, §1)

§7-202. Regulations.

With respect to outdoor burning within the confines of Oley Township, no person shall:

- A. Ignite or feed an open fire for the destruction of rubbish, domestic refuse, leaves, branches or other native vegetation within 200 feet of any structure on an adjoining property.
- B. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of imported material or in the conduct of a salvage operation on any property under his control outside of any building.
- C. Cause, suffer, allow or permit any open burning operation whatsoever if said burning operation is contrary to §129.14 of Chapter 129 of Title 25, Rules and Regulations of the Department of Environmental Protection.
- D. Hinder, delay, obstruct, resist, prevent or, in any way, interfere with the fire officers or their assistants in the performance of their duty hereunder or refuse such personnel, after proper identification, entrance at reasonable hours to any premises.
- E. Cause, suffer, allow or permit burning on any street or sidewalk within Oley Township.
- F. Conduct any outdoor burning during periods of declared drought or other situations deemed hazardous by the Board of Supervisors based on the recommendation of the Fire Marshall or the Fire Chief of the Oley Fire Company. *(Ord. 315, 10/11/2004, §1; as amended by Ord. 334, 10/23/2008, §1, as amended by Ord. 341, 11/19/2009, §1)*

(Ord. 290, 8/13/2001, §2)

§7-203. Exceptions.

The provisions of §7-202 are subject to the following exceptions:

- A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:

- (1) The prevention of a fire hazard which cannot be abated by other means.
 - (2) The protection of public health.
- B. Open burning for recreational or ceremonial purposes.
 - C. Open burning for the cooking of food over a campfire.
 - D. Contained fires may be set; provided, that only the following items are burned:
 - (1) Leaves, branches and other non-putrescible vegetable matter.
 - (2) Normal household rubbish, but not including cans, bottles, aerosol containers and plastics.
 - E. Burning for the purpose of instructing personnel in firefighting, when approved by fire company officers.

(Ord. 290, 8/13/2001, §3)

§7-204. Enforcement.

It shall be the duty of the Chief of Police, any Officer of the Oley Township Police Department, the Code Enforcement Officer, Fire Marshall or the Fire Chief of the Oley Fire Company to enforce the provisions of this Part and the rules and regulations contained therein. *(Ord. 315, 10/11/2004, §1, as amended by Ord. 334, 10/23/2008, §1, as amended by Ord. 341, 11/19/2009, §1)*

- A. Receive and initiate complaints or violations of this Part.
- B. Enter and inspect any building, property, premise or place for the purpose of investigating an actual or suspected source of open burning or for the purpose of ascertaining the compliance or noncompliance with any regulation of this Part.
- C. To declare a drought emergency and issue orders prohibiting open burning.
- D. Have access to and require information pertinent to any matter under investigation.
- E. Send written notice of any violation of this Part to the person responsible for the violation.
- F. Attend meetings of the Board when requested and file a written report of violation of any regulation of this Part.

- G. Institute prosecution for violation of the regulations of this Part.

(Ord. 290, 8/13/2001, §4)

§7-205. Regulations Pertaining to Burning Domestic Refuse.

The following regulations shall apply to burning domestic refuse on lots in the Residential, Residential - Mobile Home, Village, Local Business, Highway Business, Local Business and Rural Village Zoning District of Oley Township:

- A. Outdoor burning of domestic refuse shall be in an approved burning barrel or other approved incinerator. An approved burning barrel is a solid, sturdy, steel cylindrical container with a sealed steel bottom with ventilation holes and an open top which, during outdoor burning, is covered firmly and completely by a steel spark-arresting screen. Other approved incinerators are containers approved, in writing, by the Code Enforcement Officer, Fire Marshall or Fire Chief of the Oley Fire Company after review and inspection, with a volume no greater than a 55 gallon drum with containment, ventilation and spark-arresting features similar to those of an approved burning barrel. *(Ord. 315, 10/11/2004, §1, as amended by Ord. 334, 10/23/2008, §1, as amended by Ord. 341, 11/19/2009, §1)*
- B. Outdoor burning of domestic refuse shall be attended at all times by a competent adult. Outdoor burning of domestic refuse shall not be conducted within 25 feet of any building or other structure or on any road, alley or public walkway or in any area specifically disapproved by the officers.
- C. The area within 5 feet of any burning barrel or other incinerator shall be completely clear of any combustible material during outdoor burning.
- D. Fire extinguishing equipment shall be readily available for use during any outdoor burning.
- E. Every outdoor fire shall be started 1 hour after sunrise and completely extinguished 1 hour before sunset. No outdoor fire shall be started within an hour of sunset. The officers shall have the right to inspect outdoor burning.
- F. No petroleum products may be used to start or aid outdoor burning.

(Ord. 290, 8/13/2002, §5)

§7-206. Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part, including any drought emergency order, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary

offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. The Chief of Police, any Officer of the Oley Township Police Department, Code Enforcement Officer, Fire Marshall or Fire Chief of the Oley Fire Company may institute an action in equity for an injunction to restrain continuous violations of this Part in the event the Chief of Police or any Officer of the Oley Township Police Department has issued an abatement notice which is being violated and which is not then the subject of judicial review. *(Ord. 315, 10/11/2004, §1, as amended by Ord. 334, 10/23/2008, §1, as amended by Ord. 341, 11/19/2009, §1)*

(Ord. 290, 8/13/2001, §6; as amended by Ord. 311, 6/14/2004, §1)