

# COVINGTON TOWNSHIP

## ORDINANCE NO. 2023 - 02

### NUISANCE ALARM ORDINANCE

AN ORDINANCE TO MAKE ALARM RESPONSE MORE EFFECTIVE FOR POLICE AND FIRE. THE FOCUS OF THIS ORDINANCE IS TO REQUIRE ALARM SUBSCRIBERS FOR BUSINESSES AND RESIDENCES TO ASSUME RESPONSIBILITY FOR THEIR ALARMS.

#### SECTION I - Definitions

- **Alarm Signal:** A detectable signal, either audible or visual, generated by an alarm system being monitored or designed to exteriorly annunciate, requiring the Police or Fire Company to respond.
- **Alarm System:** Any single device or assembly of equipment designed to monitor and/or exteriorly annunciate the occurrence of an illegal entry, robbery or other activity requiring police response or designed to signal the detection of fire or products of combustion in a building, structure, or premises, or to signal an actual fire or initiate a response for medical assistance, regardless of whether the call for response comes from a monitoring service, the alarm user, a neighbor, or from a police officer or firefighter hearing the alarm system.
- **Alarm User:** A person, corporation, partnership, proprietorship, association, governmental or educational entity or any other entity owing or leasing an alarm system or on whose premises an alarm system is maintained for the protection of such premises.
- **False Alarm:**
  - (1) Any signal communicated by any means that solicits a response from the Township Police or Fire Company to which the responding units find no evidence of fire or products of combustion or medical emergency, or no evidence of unauthorized intrusion, robbery, or other such crime in or on premises. False alarms include, but are not limited to:
    - a. **Error or Mistake:** Any action by any person, firm or corporation, association, or other entity or agency thereof, owning or operating any dwelling, building or place, which results in the activation of any alarm system when no emergency exists.
    - b. **Malfunction:** Any activation of any alarm system caused by a flaw in the normal operation, design, installation, or maintenance of the system, by faulty equipment, or by a change in the environment or premises upon, or within which, the alarm system is operating.

- c. **Intentional Misuse:** Any activation of an alarm system when someone knows, has reason to know, or should have known no fire or other emergency is in progress.
    - d. **Failure to notify alarm-monitoring service of testing:** Any alarm transmitted to the Police or Fire Department while alarm is being tested by personnel without notifying the alarm service of test results.
- (2) An alarm will not be a false alarm if it is determined by the officer in charge that the alarm was caused by:
  - a. A natural or manmade catastrophe or an act of God. Such events include, but are not limited to tornadoes, floods, earthquakes or other similar violent conditions or adverse weather conditions.
  - b. The testing of a local/audible alarm system by a licensed alarm business, agent, or employee who is present at the premises servicing, repairing or installing the alarm when the agent or user has contacted the alarm company and informed them of the test (with documented proof).
  - c. Activation by other extraordinary circumstances not reasonably subject to control by the alarm user.
- (3) **Excessive false alarms.** Three (3) or more false alarms within a twelve (12) month period.
- **Incident Commander:** The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The Incident Commander has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

## **SECTION II - False Alarms**

- a. **Response.** Whenever an alarm is activated in the Township and the Police or Fire Company does respond, an Incident Commander or officer on the scene of the activated alarm system shall determine whether the alarm was a false alarm as defined in Section I of this Ordinance. Such notification should be given to the communications center by the commander or officer responding to the alarm via radio frequency.
- b. **Notification.** In the case of false alarms, the Incident Commander will leave a written notice of the false alarm at, or attached to, the alarm system premises.

## **SECTION III - Appeal of False Alarm Determination and Charges**

When requested in writing by the alarm user within ten (10) business days of response to a false alarm, the Township Supervisors or designee will review the basis of the Incident Commander's/officer's determination that an alarm was false. The written request for review of a

false alarm determination by the alarm systems coordinator shall include the following information:

1. Alarm user name.
2. Address at which the alarm is installed.
3. Date and time of the false alarm that is being contested.
4. Facts to establish that the alarm was not false.

**SECTION IV - Recoupment Charge for False Alarms**

- (1) **Failure to respond.** If a key holder does not respond within thirty (30) minutes of the alarm, this failure to respond will be considered a false alarm.
- (2) **Recoupment of response costs.** Excessive false alarms for any alarm system within a twelve (12) month period shall subject the alarm user to a charge designed to partially recoup the costs of response. Said charges shall be assessed in accordance with the following schedule:

Number of False Alarms	Fire Excess Response Charge	Police Excessive Response Charge
Three or more in 12-month period	\$500.00/alarm	\$100.00/alarm
Two in a 24-hour period	\$500.00/alarm	\$100.00/alarm
More than two in a 7-day period	\$500.00/alarm	\$100.00/alarm

Upon determining that an alarm system owner has exceeded any of the above number of false alarms, the Township Supervisors, or designee, shall issue and deliver, by mail, a notification invoice of the response cost recoupment charge to the alarm user. Each invoice, which is not paid when due, may be recovered by the Township in a civil action in the nature of debt. If the Township prevails in such a civil action, the Township shall be entitled to all of the fees and costs associated with the commencement, litigation and collection of said recoupments charges.

**SECTION V - Penalty**

Penalties as outlined in Section IV shall be made payable to either the Covington Volunteer Fire Company or the Covington Township Police Department, depending on which department responded to an alarm deemed by definition to be a false alarm.

**SECTION VI - Severability**

If any provision of this Ordinance, or the application thereof, to any person or circumstance is for any reason held invalid, such invalidity shall not affect other provisions of applications of the

Ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

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**This ordinance shall become effective upon enactment.**

Duly Enacted and ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Melissa A. Kearney, Chairwoman, Board of Supervisors

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Vicki L. Williams, Vice-Chairwoman

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F. Marshall Peirce, Supervisor

\_\_\_\_\_  
William Willson, Supervisor

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Wanda R. Andreoli, Supervisor

**Attest:**

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Township Secretary