

**LOWER MAKEFIELD TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

ORDINANCE NO.

**AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY,
PENNSYLVANIA, PROVIDING FOR PENALTIES FOR FALSE FIRE ALARMS
CAUSED BY FAULTY FIRE DETECTION, ALARM EQUIPMENT OR NEGLIGENCE.**

WHEREAS, the Township of Lower Makefield (“Township”) is a township of the second class, organized and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township has full authority and power to enact certain ordinances which the Township deems necessary and appropriate for the benefit of its residents; and

WHEREAS, the Township, desires to prevent the number of times the fire company is dispatched and traveling to an event that is without cause, yet still puts personnel and equipment at risk by necessity to physically confirm through response that no hazard to life, safety and/or property exist;

WHEREAS, the Township desires to ensure that property owners take the appropriate actions after a malfunction and/or other false fire alarm as defined herein, to properly maintain the fire alarm system and all components as designed during an actual fire and/or emergency.

NOW, THEREFORE, be it, and it is hereby ORDAINED by the Board of Supervisors of Lower Makefield Township, and it is hereby ENACTED and ORDAINED by authority of same as follows:

I. Definitions

FALSE FIRE ALARM – Any signal activated by an automatic protection device, any audible alarm, or any kind of direct or indirect signal which results in the subsequent dispatch by Bucks County 911 of the fire company to the alarm location that is not the result of a fire or other similar emergency. Circumstances caused by weather extremes and/or utility interruptions shall not constitute a False Fire Alarm under this Ordinance.

A false alarm shall include, but not limited to, any signal activated directly or indirectly resulting from the maintenance being performed on any system described above or any component of any automatic protection device.

Single station or interconnected, hard wired and battery-operated residential smoke and heat detectors, gas alarms, carbon monoxide alarms, and “local / proprietary” commercial fire alarm systems which only directly alert the occupants of the premises are specifically exempted from the provisions of this Ordinance.

AUTOMATIC PROTECTION DEVICE – Any device designed to automatically suppress or prevent a fire, medical, or other similar emergency and shall include, but not be limited to, smoke detectors, heat detectors, automatic sprinkler system devices, rang hood suppression systems, combustible or toxic gas detectors, and all system components of the above.

II. False Fire Alarms Prohibited:

It shall be unlawful for the property owner, lessee or any person occupying or otherwise on any premises protected by an automatic protection device within Lower Makefield Township, to make or cause to be made, a false fire alarm, directly or indirectly to any fire company or emergency services provider responding to alarms within the Township, when the false fire alarm is caused by faulty detection or alarm equipment, or by the negligence of said property owner, lessee or person.

Fire alarms which are activated inadvertently, accidentally and /or as the result of work on or around the automatic protection device shall not be exempt from the enforcement provisions of this Ordinance.

III. False Fire Alarm Service Fees

The status of an alarm is to be determined by the fire company Officer in Charge at the time of the alarm and response or Fire Marshal.

Service fees for commercial and residential false fire alarms shall be assessed from the adopted township fee schedule in accordance with the following tiers:

1. First and second false fire alarm in any one calendar year for both commercial and residential properties shall be subject to a written warning from the Fire Marshal, detailing the dates, times, and extent of the alarm. The written warning shall also explain this Ordinance and the fines that could occur if failure to properly maintain the automatic protection device or take such other appropriate action to prevent successive false fire alarms.
2. Third false fire alarm in any one calendar year shall be subject to a service fee and/or legal action by the Township.
3. Fourth false fire alarm in any one calendar year shall be subject to a service fee greater than the third false fire alarm fee and/or legal action by the Township.
4. Fifth and subsequent false fire alarms in any one calendar year shall be subject to a service fee greater than the fourth false fire alarm fee and/or legal action by the Township.

IV. Penalties and Remedies for Violations:

In the event a violation of this Ordinance occurs, in addition to such other remedies as may be available under existing law, the Township may institute an action in equity to prevent, restrain, correct, abate, or rejoin such violation.

Any person, whether as principal or agent, who violates this Ordinance or assists or abets its violations, shall upon conviction thereof, before any Magistrate, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution or other court of competent jurisdiction.

For the purposes of this Ordinance, the responsibility for the activation shall rest with the property owner of the premises from which the false fire alarm originated.

V. Cooperation

The officers of the fire company and/or agency agree that in support of enforcement of the provisions of this Ordinance, they will agree to appear in court as necessary, provided that reasonable accommodations and/or notice be made to allow for their work schedules.

VI. Severability

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Lower Makefield Township.

This Ordinance shall become effective the day after its legal adoption.

ENACTED AND ORDAINED BY THE TOWNSHIP OF LOWER MAKEFIELD THIS
____ DAY OF _____ 2023.

BOARD OF SUPERVISORS
TOWNSHIP OF LOWER MAKEFIELD

By: _____
Chairperson

ATTEST:

David Kratzer, Township Manager