

BOROUGH OF MARIETTA  
Lancaster County, Pennsylvania

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF MARIETTA BOROUGH, LANCASTER  
COUNTY, PENNSYLVANIA, AMENDING THE MARIETTA  
BOROUGH CODE OF ORDINANCES BY ADDING CHAPTER  
42 PROVIDING FOR PENALTIES FOR FALSE ALARMS.

WHEREAS, in order to promote and protect the health, safety and welfare of the residents of Marietta Borough, the Borough Council has determined it necessary to amend the Marietta Borough Code of Ordinances to provide for penalties for False Alarms.

NOW, THEREFORE, BE IT ORDAINED and enacted by the Borough Council of Marietta Borough, and it is hereby ordained and enacted by and with the authority of the same to amend the Marietta Borough Code of Ordinances by adding Chapter 42 as follows:

ARTICLE I

FALSE ALARMS

§42-1. Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

**EMERGENCY SERVICES** – Services provided within the Borough by the designated volunteer fire department operating in the Borough, the police department serving the Borough and by the ambulance association serving the Borough.

**FALSE ALARM** – Any activation of an alarm system by inadvertence, negligence or intentional or unintentional acts or means, to which an Emergency Services provider responds and where it is determined that the alarm was not the result of a crime in progress, fire, medical or other emergency necessitating a response by Emergency Services, excepting those alarms which are caused solely by weather extremes or inadvertent utility interruptions.

§42-2. False Alarms Prohibited. It shall be unlawful for the property owner, lessee, or any person occupying, in control of, or otherwise on or in any premises or location within the Borough, to make or cause to be made, a False Alarm, directly or indirectly to any Emergency Services agency or provider responding to alarms within the Borough limits.

§42-3. False Alarm Service Fees.

(a) Whether an alarm is a False Alarm as defined herein shall be determined solely by the Fire Chief or his/her designee and such decision shall be a final determination.

(b) Upon notification to Marietta Borough of a first False Alarm within a calendar year, the Borough shall send a written notice to the owner, lessee, and/or occupant of the premises notifying said person or persons of the purpose and provisions of this Ordinance.

(c) Service fees for False Alarms shall be assessed by and paid to the Borough as follows:

1. A first False Alarm in any one calendar shall not be subject to a service fee.

2. A second False Alarm in any one calendar year shall be subject to a service fee of ONE HUNDRED (\$100.00) DOLLARS.

3. A third False Alarm in any one calendar year shall be subject to a service fee of TWO HUNDRED (\$200.00) DOLLARS.

4. A fourth and all subsequent False Alarms in any one calendar year shall be subject to a service fee of THREE HUNDRED (\$300.00) DOLLARS, plus prosecution in accordance with this Ordinance.

(d) The Borough shall be responsible for administering the terms of this Ordinance.

§42-4. Penalties and Remedies for Violations.

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

(b) Any person, whether as principal or agent, who violates this Ordinance, fails to comply with any provision of this Ordinance, or assigns or abets its violation, shall upon conviction thereof, before any Magistrate, be sentenced to pay a fine not less than ONE HUNDRED (\$100.00) DOLLARS, or more than THREE HUNDRED (\$300.00) DOLLARS per violation, together with the costs of prosecution and service fees as set forth above. In default of the payment of said fine, costs and service fees, he/she may be committed to the County jail for a period not exceeding thirty (30) days.

ENACTED AND ORDAINED as an ordinance of the Borough of Marietta, County of Lancaster, Commonwealth of Pennsylvania by the Borough Council this \_\_\_\_ day of \_\_\_\_\_, 2016 in a lawful session duly assembled.

BOROUGH OF MARIETTA

By: \_\_\_\_\_  
Bridey Hannold, President  
Marietta Borough Council

Attest: \_\_\_\_\_  
Sharon Bradnick, Secretary

APPROVED as an Ordinance this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Raymond Vegso, Mayor