

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**Transient Retail Merchants****§13-101. Definitions.**

For the purposes of this Part, the following terms shall have the meanings set forth below, unless a different meaning clearly appears from the context:

Canvass - the act of going upon property or approaching people to discuss or explain issues, which shall include religious proselytizing, exercising an individual's freedom of speech or campaigning for political votes, that does not include the request for contributions or donations or the sale of goods or products.

Canvasser - a person who engages in canvassing.

Canvassing - to canvass.

Peddle - the act of going upon property or approaching people to sell goods, services or products.

Peddler - a person who engages in peddling.

Peddling - to peddle.

Person - any natural person, corporation, association or organization.

Solicit - the act of going upon property or approaching people to ask for, request or seek monetary contributions, donations or support.

Soliciting - to solicit.

Solicitor - a person who engages in soliciting.

The singular shall include the plural and the masculine shall include the feminine and neuter.

(Ord. 623, 2/14/2006)

§13-102. Registration Required.

1. It shall be unlawful for any person to go upon residential property within the Borough of West Homestead, without being invited to do so by the owners or occupants of the subject property, to peddle and/or solicit Borough residents by knocking upon residential doors, or by ringing doorbells, or otherwise so as to cause or attempt to cause residents to open their doors unless the person doing the peddling and/or soliciting activity has first registered at the Borough building and has received an identification card from the office of the Chief of Police of the Borough of West Homestead.

2. The following individuals shall be exempt from the registration requirement set forth in subsection .1, above and the identification card requirement of §13-103 below:

A. Children under 18 years of age soliciting or peddling on behalf of a non-profit, school or governmental organization.

B. Persons soliciting on behalf of a non-profit or neighborhood organization for either donations to, or membership in, such organization.

3. No identification card shall be issued to a peddler or solicitor unless the

following information is given by the applicant:

A. Full identification, including proof thereof by voter's registration card, vehicle operator's license or some other accepted method of identification, containing applicant's photograph, residence and office address.

B. The name of the organization for which the applicant is peddling and/or soliciting, together with the address of that organization.

C. The length of time the peddling and/or soliciting is to be carried on.

D. Any criminal record which the applicant may have.

4. Fees for registration under this Part shall be established, from time to time, by resolution of the Borough Council.

(Ord. 623, 2/14/2006)

§13-103. Identification Card.

Peddlers and/or solicitors regulated by this Part shall carry their identification card, which shall be issued by the Chief of Police without charge, at all times while peddling and/or soliciting within the Borough and shall show their identification card to residents in order to identify themselves prior to any actual peddling and/or soliciting activities.

(Ord. 623, 2/14/2006)

§13-104. Hours.

All peddling, soliciting and/or canvassing activities shall, in the case of residential door-to-door or house-to-house calling, be restricted to the following hours:

A. From November 1 through March 31 between the hours of 9 a.m. to 5 p.m., prevailing time, including Saturdays and Sundays.

B. From April 1 through October 31 between the hours of 9 a.m. to 9 p.m., prevailing time, including Saturdays and Sundays.

(Ord. 623, 2/14/2006)

§13-105. Denial of Card; Revocation.

In the event that any peddler and/or solicitor is found to have been convicted of any felony or misdemeanor involving moral turpitude, he or she maybe denied an identification card or the identification card may be revoked or canceled by the Borough Council after a hearing before the Borough Council. In the event that any peddler and/or solicitor provides any false or misleading information concerning his or here identification or the identity of the organization for which the peddling and/or soliciting is being done, the identification card issued to that peddler and/or solicitor may be revoked by the Borough Council after a hearing before the Borough Council.

(Ord. 623, 2/14/2006)

§13-106. Solicitation at Businesses.

Soliciting shall be permitted at any business establishment and upon any business properties, such as shopping center parking lots, during normal business hours, as long as the solicitors receive written permission from the owner of the subject business or

property and comply with the registration, identification card and hour restrictions referenced in this Part.

(Ord. 623, 2/14/2006)

§13-107. No-Soliciting/Peddling/Canvassing List.

1. Borough residents may post or display "No Soliciting/Peddling/Canvassing" or similar signs, not to exceed 80 square inches in size, on the front door of their dwelling or residence. It shall be a violation of this Part for any peddler, solicitor and/or canvasser to go upon any property that the owner or resident has posted a "No Soliciting/Peddling/Canvassing Sign."

2. The Chief of Police shall maintain a list of the addresses of Borough residents who have notified the Chief of Police in writing that they do not wish peddlers and/or solicitors to enter upon their property. A copy of this "No Soliciting/Peddling List" shall be provided along with and as part of any identification card issued under this Part. It shall be a violation of this Part for a peddler and/or solicitor to go upon any property listed on the "No Soliciting/Peddling List."

3. Violations of this section are subject to the penalties set forth in §13-108 hereof, in addition to any other appropriate actions in law or equity, including prosecution for criminal trespass pursuant to the Pennsylvania Crimes Code, 18 Pa.C.S.A. §3503, as amended.

(Ord. 623, 2/14/2006)

§13-108. Violations and Penalties.

1. Any individual, firm, corporation or entity who violates, causes or permits the violation of any provision of this Part, upon conviction thereof, shall be sentenced to 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 30 days. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. In addition to any other remedy available under law, the Borough may enforce this Part by an action in equity.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated.

(Ord. 623, 2/14/2006)

Part 2**Mechanical Amusement Devices****§13-201. License Required.**

No person shall, at any time, have in his possession within the Borough any mechanical device, machine or apparatus whatsoever for the playing of games and amusement, such mechanical devices, etc., being commonly known as "pinball" machines upon which baseball, football and other games are played, through the insertion of a coin or any other metal disc, slug or token whatsoever without first having procured a license therefor as provided in this Part.

(*Ord. 282, 12/14/1946, §1*)

§13-202. License Application; Contents.

1. Any person desiring to procure a license as provided in §13-201 of this Section, shall apply therefor in writing to the Secretary. Such application shall set forth the name and the residence of the person so applying, the name of the owner of the premises upon which the machines are to be used and installed, and, if the owner of the premises is not the applicant, then the length of time for which the premises have been leased. The application shall also set forth the manufacturer and nature of the machines to be installed and used.

2. The information required in subsection .1 of this Section shall be furnished over the signature of the applicant and shall be made under oath before any legally authorized person.

(*Ord. 282, 12/14/1946, §3*)

§13-203. License Fee; Term; Proration.

1. No license required by §13-201 shall be issued until an annual fee therefor shall have been paid to the Secretary of the Borough in the amount set from time to time by the Borough Council for each and every device installed and used, under the terms of this Section, in the Borough, which amount, paid as aforesaid, shall be a license fee until December 31 of the year in which it is paid.

2. Should any such device be installed after July 1 of any year, and application therefor is made after such date, then in such event, the license fee for that particular year shall be one-half the sum for the full license, to December 31.

(*Ord. 282, 12/14/1946, §5*)

§13-204. License Sticker.

Upon payment of the license fee for the license required by §13-201, the Secretary shall issue a sticker setting forth the number of the license for each machine so licensed, which sticker shall be attached and fastened to the respective machine or device so that the same may be clearly observable and readable.

(*Ord. 282, 12/14/1946, §6*)

§13-205. Gambling, Etc., Not Permitted.

Nothing in this Part shall, in any way, be construed to authorize, license or permit any gambling devices whatsoever or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the state.

(*Ord. 282, 12/14/1946, §4*)

§13-206. Penalty.

Any person, corporation, or other entity which/who fails to pay the licensing fee provided herein on or before January 1 of the year for which the licensing fee applies, if found to be guilty of same before a district judge, who shall have initial jurisdiction, shall pay a fine of not less than \$10 nor more than \$300 for each separate violation of which he/she/it shall be found guilty. Failure to pay said fine within 30 days may result in imprisonment for not more than 30 days on each separate violation. For purposes of this Part, it shall be deemed a separate violation for each day after January 1 that the licensing fee remains unpaid on each device on which the licensing fee is due.

(*Ord. 282, 12/14/1946, §4; as added by Ord. 620, 12/28/2005, §1*)

Part 3**Amusements, General****§13-301. License Required.**

It shall be unlawful for any person to give any public dance, exhibition, show, entertainment or athletic game or contest or to operate or conduct any skating rink or other place of public amusement without first obtaining a license to do so from the Mayor.

(*Ord. 104*, 11/5/1908, §I)

§13-302. License Contents.

Each license issued pursuant to §13-301 shall contain the name of the party giving the dance, exhibition, show, entertainment, game or contest or conducting the rink or place of amusement for which it is issued, the location for which it is granted and the time during which such license is to continue.

(*Ord. 104*, 11/5/1908, §I)

§13-303. Fees.

Such fees as may be set by the Borough Council from time to time shall be paid to the mayor for the use of the Borough for each license required by §13-301.

(*Ord. 104*, 11/5/1908, §II; as amended by *Ord. 104B*, 3/14/1912, §1)

§13-304. Mayor's Authority to Refuse Issuance.

When application is made for a license required by §13-301 the mayor may, if, in his opinion, the peace and good order of the Borough requires it, refuse to issue such license.

(*Ord. 104*, 11/5/1908, §II; as amended by *Ord. 324*, 7/6/1953, §1)

Part 4

Alarm Systems

§13-401. Purpose.

1. The purpose of this Part is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness and proper utilization of alarm systems and to reduce or eliminate false alarms which may unduly divert law enforcement from responding to criminal activity.

2. This Part governs systems intended to summon law enforcement and fire response and requires registration, establishes fees, provides for penalties for violation, establishes a system of administration, and sets conditions for suspension or loss of registration.

(Ord. 602, 6/1/2004, §1)

§13-402. Definitions.

In this Part:

Advisory Board - persons designated by a governing authority that should be representative of the community, alarm industry, and law enforcement. The Advisory Board should review and recommend false alarm reduction efforts and report to the Borough Council.

Alarm administrator - a person or persons designated by the governing authority to administer, control and review false alarm reduction efforts.

Alarm company - the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system in an alarm site.

Alarm dispatch request - a notification to a law enforcement agency that an alarm, either manual or automatic has been activated at a particular alarm site.

Alarm registration (or permit) - the notification by an alarm company or an alarm user of the alarm administration that an alarm system has been installed and is in use.

Alarm Review Board - should consist of five members as follows: The Chief of Police or designee, Borough Secretary or designee, member of Borough Council or designee, a representative of the Fire Department or designee, and an at large appointee of the Borough Council for matters that cannot be resolved at a first level. All appointees shall serve at the pleasure of Council.

Alarm site - a single fixed premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex shall be considered a separate alarm site.

Alarm system - a device or series of devices including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement service of the municipality, including local alarm system. Alarm system does not

include an alarm installed in a vehicle or person unless the vehicle or personal alarm is permanently located at a site.

Alarm user - any person, firm, partnership, corporation or other entity who (which) uses or is in control of any alarm system at its alarm site.

Alarm user awareness class - a class conducted by the municipality or law enforcement agency for the purpose of educating alarm users about the problems created by false alarms and responsible use and operation of alarm systems.

Automatic voice dialer - any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement agency.

Cancellation or responding agency alarm dispatch cancellations - the process by which an alarm company providing monitoring verifies with the alarm user or responsible party that a false dispatch has occurred and that there is not an existing situation at the alarm site requiring law enforcement agency response.

Conversion - the transaction or process by which one alarm company begins monitoring of a previously unmonitored alarm system or an alarm system previously monitored by another alarm company.

Duress alarm - a silent alarm system signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement response.

False alarm - an alarm dispatch request to a law enforcement agency, when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.

Holdup alarm - a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Keypad - a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.

Law enforcement authority - the commissioner, superintendent, sheriff, and Chief of Police, director of a law enforcement agency or an authorized representative.

License - a license issued to an alarm company to sell, install, monitor, repair, or replace alarm systems by an authority having jurisdiction.

Local alarm system - any alarm system that annunciates an alarm only by an internal or external audio service.

Monitoring - the process by which an alarm company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning law enforcement response to the alarm site.

One plus duress alarm - the manual activation of a silent alarm signal by entering at a keypad a code that adds one to the last digit of the normal arm/disarm code (normal code - 1234; one plus duress code - 1235).

Panic - an audible alarm system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response.

Person - an individual, corporation, partnership, association, organization or similar entity.

Takeover - the transaction or process by which an alarm user takes over the control of an existing alarm system, which was previously controlled by another alarm user.

Verify - an attempt, by the alarm company, to its representative, to contact the alarm site by telephone or other electronic means, whether or not actual contact with a person is made, before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

Zones - are subdivisions into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

(Ord. 602, 6/1/2004, §2)

§13-403. Registration Required; Application; Fee; Transferability; False Statements-Residential.

1. No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration issued by West Homestead Borough, (hereinafter "Borough"). A separate registration is required for each alarm site. Such registration shall be accomplished as follows:

- A. Within 90 days after the applicant commences occupancy of such site.
- B. Within 30 days after installation of the alarm system.
- C. Within 90 days after the effective date of this Part.

(1) An additional alarm registration classification shall be required for alarm systems programmed with duress alarm or holdup alarm.

2. Upon receipt of a completed application form and the alarm registration fee, the Borough shall register the applicant unless the applicant has:

- A. Failed to pay a fine assessed under §13-410.
- B. Had an alarm registration for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

3. Each alarm registration application must include the following information:

A. The name, complete address (including apt/suite number), and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system.

B. The classification of an alarm site shall be either residential (including single family dwellings, duplexes, condos, and/or mobile homes) or commercial site.

C. For each alarm system located at the alarm site, the classification of the alarm system, i.e., burglary, holdup, duress, or other, for each purpose whether audible or silent.

D. Mailing address if different from the alarm site.

E. Any dangerous or special conditions present at the alarm site.

F. Name and telephone numbers of at least three individuals who are able and have agreed to receive notification of an alarm activation at any time; respond to the alarm site within 30 minutes; and upon request can grant access to the

alarm site and deactivate the alarm system if such becomes necessary.

G. Type of business conducted at the alarm site.

H. Signed certification from the alarm user stating:

(1) The date of installation, conversion or takeover of the alarm system, whichever is applicable.

(2) The name, address, and phone number of the alarm company performing the alarm system installation, conversion or alarm system takeover and responsible for providing repair service to the alarm system.

(3) The phone number of the alarm company monitoring the alarm system, if different from the installing alarm company.

(4) That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant.

(5) That the alarm company has trained the applicant in the proper use of the alarm system, including instructions on how to avoid false alarms.

(6) The law enforcement response may be based on factors such as: availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

4. Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

5. An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the Borough of any change that alters any information listed on the registration application within 5 business days.

(*Ord. 602, 6/1/2004, §3*)

§13-404. Alarm Systems in Apartment Complexes.

A tenant of an apartment with an alarm system shall obtain an alarm registration from the Borough before operating or causing the operation of an alarm system in the tenant's residential unit. The owner or property manager of an apartment complex shall obtain a separate alarm registration of any alarm system operated in offices or common areas of the apartment complex. Each building regardless of the number of units contained therein shall be deemed as one commercial alarm site.

(*Ord. 602, 6/1/2004, §3.1*)

§13-405. Registration Duration and Renewal.

A registration shall expire 1 year from the date of issuance, and must be renewed annually by submitting an updated application to the Borough. The Borough shall notify each alarm user of the need to renew 30 days prior to the expiration date. Failure to renew will be classified as use of a non-registered alarm system and citations and penalties shall be assessed without waiver. A late fee in an amount as established from time to time by resolution of Borough Council can be assessed if the renewal is more than 30 days late.

(*Ord. 602, 6/1/2004, §3.2; as amended by Ord. 623, 2/14/2006*)

§13-406. Duties of the Alarm User.

1. An alarm user shall:

A. Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms.

B. Make every reasonable effort to respond or cause a representative to respond to the alarm system's location within 30 minutes when notified by the municipality to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide alternative security for the premises, and should the alarm user either refuse to respond or not respond within 30 minutes then he/she/it shall be subject to a fine not to exceed \$500.

C. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

2. An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than 10 minutes after being activated (or 15 minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609).

3. An alarm user shall have a properly licensed alarm company inspect the alarm system after two false alarms in a 1-year period from the date of registration issuance or renewal. The Borough may waive an inspection requirement if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system to be more false alarm resistant or provide additional user training as appropriate. See Appendix A for Installers False Alarm Prevention Checklist.

4. An alarm user shall not use automatic voice dialer's.

5. An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

(*Ord. 602, 6/1/2004, §4*)

§13-407. Duties of the Alarm Company.

1. Upon enactment of this Part, alarm companies shall obtain a permit from the Borough to sell, maintenance and/or service alarm systems in the Borough prior to installation of same.

2. Upon enactment of this Part alarm companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Alarm companies may continue to report one plus duress alarms received from alarm systems programmed with one plus duress prior to enactment of this Part. However, upon enactment of this Part when a takeover or conversion occurs or if an alarm user requests an alarm system inspection or modification pursuant to §13-406.3 of this Part, an alarm company must remove the one plus duress alarm capability from such alarm system.

3. Upon enactment of this Part alarm companies shall not install a device activating a hold-up alarm, which is a single action non-recessed button. An alarm company must remove all single action non-recessed buttons when a takeover or conversion occurs.

4. Upon enactment of this Part alarm companies shall use control panels tested for conformance to the Security Industry Association (SIA) Control Panel Standard -

Features for False Alarm Reduction.

5. After completion of the installation an alarm company employee shall review with the alarm user the customer false alarm prevention checklist (Appendix B) or an equivalent approved by the Borough.

6. An alarm company performing monitoring services shall:

A. Offer a training period in which no request for dispatch by law enforcement will occur during the first 7 days after installation of an alarm system, but rather will use that week to train the alarm user on the proper use of the alarm system unless circumstances necessitate immediate requests for response as determined by the Borough.

B. Report alarm signals by using telephone numbers designated by the Borough.

C. Attempt to verify every alarm signal, except a duress and holdup alarm activation before requesting a law enforcement response to an alarm system signal.

D. Communicate alarm dispatch requests to the municipality in a manner and form determined by the Borough.

E. Communicate cancellations to the municipality in a manner and form determined by the Borough.

F. Ensure that all alarm users of alarm systems equipped with a duress or holdup alarm are given adequate training as to the proper use of the duress or holdup alarm.

G. Communicate any available information (north, south, front, back, floor, etc.) about the location of the alarm.

H. Communicate the type of alarm activation (silent or audible, interior or perimeter).

I. Provide alarm user registration number when requesting dispatch.

J. Endeavor to contact the alarm user when an alarm dispatch request is made.

K. Upon enactment of this Part alarm companies that perform monitoring services must maintain for a period of at least 1 year, records relating to alarm dispatch requests. Records must include the name, address, and phone number of the alarm user, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify. The Borough may request copies of such records for individually named alarm users.

(*Ord. 602, 6/1/2004, §5*)

§13-408. Alarm Company License.

The Borough can appeal to an appropriate governmental body regulating the alarm company to suspend or revoke the alarm company's license when the alarm company fails to comply with the duties listed in §13-407. In the event the Borough cannot obtain required information about the alarm company from the governmental body regulating the alarm company, the Borough can require the alarm company to supply the required information in a registration with the Borough.

(*Ord. 602, 6/1/2004, §5.1*)

§13-409. Duties of West Homestead Borough.

1. The Borough shall:
 - A. Designate a manner, form and telephone numbers for the communication of alarm dispatch requests.
 - B. Establish a procedure to accept cancellation of alarm dispatch requests.
2. The Borough shall establish a procedure to record such information on alarm dispatch requests necessary to permit the Borough to maintain records, including, but not limited to, the following information. This information may be relayed by the responding officer at the time of clearance to law enforcement dispatchers, who will then record said information on the call record. The information shall include:
 - A. Identification of the registration number for the alarm site.
 - B. Identification of the alarm site.
 - C. Date and time alarm dispatch request was received.
 - D. Date and time of law enforcement officer arrival at the alarm site.
 - E. Zone if available.
 - F. Name of alarm user's representative on premises, if any.
 - G. Identification of the responsible alarm company.
 - H. Whether unable to locate the address.
 - I. Cause of alarm if known.
3. The alarm administrator shall establish a procedure for the notification to the alarm user of a false alarm. Options include, but are not limited to, the officer leaving a door hanger or notice at the alarm site. The notice shall include the following information:
 - A. The date and time of law enforcement response to the false alarm.
 - B. The identification number of the responding law enforcement officer.
 - C. A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting fines.
4. If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Borough may require a conference with the alarm user and the alarm company responsible for the repair of the alarm system to review the circumstances of each false alarm.
5. Alarm administrator shall oversee the creation and implementation of an alarm user awareness class. The alarm administrator may request the assistance of alarm companies and a law enforcement agency in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to operate their alarm systems without generating false alarms.
(*Ord. 602, 6/1/2004, §6*)

§13-410. Penalties.

1. An alarm user shall be subject to penalties, warnings and suspensions or

revocation of registration depending on the number of false alarms emitted from an alarm system within a 12-month period from the date of registration or renewal based upon the following schedule:

No. of False Alarms	Penalties
1, 2, or 3	0
4	\$50
5	\$100
6 or 7	\$200
8 or more	\$300 (each)

2. In addition, any person operating a non-registered alarm system (whether suspended or never acquired) will be subject to a citation and assessment of a \$200 penalty for each false alarm, in addition of any other penalties.

3. An alarm user shall have the option of attending an alarm user awareness class in lieu of paying one prescribed penalty.

4. If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm for the purpose of penalties and no penalties will be assessed.

5. The alarm company shall be issued a civil citation if the officer responding to the false alarm determines that an on-site employee of the alarm company directly caused the false alarm. In this situation this will not be counted against the alarm user.

6. The alarm company may be penalized for failure to verify if the alarm administrator determined the existence of the consistent pattern or written policy against verification.

7. The alarm company can be penalized if the alarm administrator determines that an alarm company employee makes a false statement concerning the inspection of an alarm site or the performance of an alarm system.

(Ord. 602, 6/1/2004, §7)

§13-411. Suspension of Response.

1. The alarm administrator of the Borough may suspend alarm response if it is determined that:

A. The alarm user has four or more false alarms in 1 year.

B. There is a false statement of a material fact in the application for a registration.

C. The alarm user has failed to make timely payment of a fine assessed under §13-410 or a fee assessed under §13-403.

D. The alarm user has failed to submit a written certification from an alarm company that complies with the requirement of this Section, stating that the alarm system has been inspected and repaired (if necessary) by the alarm company.

2. A person commits an offense if he/she/it operates an alarm system during the period in which his/her/its alarm registration has been suspended and is subject to enforcement and the penalties set forth in §13-415. An alarm company commits an

offense if it continues to request law enforcement dispatch to an alarm site after notification by the alarm administrator that the registration has been suspended or revoked and is subject to enforcement and penalties as set forth in §13-415.

3. If the alarm registration is reinstated pursuant to §13-413, the alarm administrator may suspend alarm response if it is determined that two false alarms have occurred within 60 days after the reinstatement date.

(*Ord. 602, 6/1/2004, §8*)

§13-412. Notification.

1. The alarm administrator shall notify the alarm user in writing after the first, second, and third false alarms. The notification shall include the amount of the penalty for each false alarm; notice that the alarm user can attend alarm user awareness class to waive a penalty; the fact that response will be suspended after the fourth false alarm; and a description of the appeals procedure available to the alarm user.

2. The alarm administrator will notify the alarm user and the alarm company, in writing, after the fourth false alarm, that alarm response has been suspended. This notice of suspension will also include the amount of the penalty for each false alarm and a description of the appeals procedure available to the alarm user and the alarm company.

(*Ord. 602, 6/1/2004, §9*)

§13-413. Appeals.

1. An alarm user may appeal the assessment of a penalty, suspension, or may request reinstatement to the alarm administrator. An appeal fee of in an amount as established from time to time by resolution of Borough Council will accompany the appeal by the alarm user. Appeal fees will be returned to the alarm user if the appeal is upheld. The filing of an appeal with the alarm administrator stays the assessment of the penalty or suspension until the alarm administrator makes a final decision. [*Ord. 623*]

A. The alarm user shall file a written appeal to the alarm administrator by setting forth the reasons for the appeal within 10 days after receipt of the penalty.

2. If the alarm administrator denies the issuance or renewal of an alarm registration, or suspends response, the alarm administrator shall send written notice of the action and a statement of the right to an appeal to either the applicant or alarm user and the alarm company.

3. A second level of appeal is available to the alarm review board in cases where the alarm user is not satisfied with the decision reached at a lower level.

A. The applicant, alarm user or the alarm company, on behalf of the alarm user, may appeal the decision of the alarm administrator to the alarm review board by filing a written request for a review setting forth the reasons for the appeal within 20 days after receipt of the notice from the alarm administrator.

B. The alarm review board shall conduct a formal hearing and consider the evidence offered by any interested person(s). The Board shall make its decision on the basis of a preponderance of the evidence presented at the hearing. The Board must render a decision within 30 days after the request for an appeal hearing is

filed. The Board shall affirm or reverse the assessment of the penalty. The decision of the Board is final as to administrative remedies of the municipality.

C. The filing of a request for appeal shall stay the action of the alarm administrator suspending a registration or requiring a payment of a penalty, until the alarm review board has completed the review and issued a decision. If a request for an appeal is not made within the 20-day period, the action of the alarm administrator is final.

(*Ord. 602, 6/1/2004, §10; as amended by Ord. 623, 2/14/2006*)

§13-414. Reinstatement.

1. A person whose alarm response has been suspended may have alarm response reinstated by the alarm administrator or the alarm review board if the person has abided by one or more of the following:

A. Submits an updated application.

B. Pays, or otherwise resolves, all citations and penalties.

C. Submits a certification from an alarm company that complies with the requirements of this Section, stating that the alarm system has been inspected and repaired, (if necessary) by the alarm company.

D. Payment to the Borough, for reinspection and reinstatement, of a fee in an amount as established from time to time by resolution of Borough Council. [*Ord. 623*]

And one or more of the following, if applicable:

E. Submits proof that an employee of the alarm company caused the false alarm.

F. Files with the alarm administrator, a certificate showing that the alarm user has successfully completed the alarm user awareness class as provided for under §13-409.5.

G. Files with the alarm administrator a written statement from the municipal alarm inspector designated by the Police Department, that the alarm or alarm system has been inspected and found to be in good working order or repaired so as to be in good working order.

(*Ord. 602, 6/1/2004, §11; as amended by Ord. 623, 2/14/2006*)

§13-415. Enforcement and Penalties.

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 602, 6/1/2004, §12; as amended by Ord. 623, 2/14/2006*)

§13-416. Confidentiality.

Information contained in registration applications and applications for appeals shall be held in confidence by all employees or representatives of the municipality and

by any third-party administrator or employees of a third-party administrator with access to such information.

(Ord. 602, 6/1/2004, §13)

§13-417. Government Immunity.

Registration of an alarm system is not intended to, nor will it create, a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity, as provided by law is retained. By registering an alarm system, the alarm user acknowledges that police response may be based on factors including, but not limited to, availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.

(Ord. 602, 6/1/2004, §14)

Part 5**Privacy Screening for Commercial Property****§13-501. Screening Required.**

1. It shall be unlawful for any owner or possessor of property in the Borough of West Homestead, which property is used for commercial purposes, to maintain any area not enclosed by a building on said property where there shall be stored, maintained, or otherwise occupied by, motor vehicles, whether operational or non-operational; parts of motor vehicles; scrap metal; junk; or any other material or objects not part of the natural landscape of the property or not permanently affixed thereto; unless said area is entirely enclosed by a fence having a height of 8 feet and having a vinyl privacy weave attached thereto so as to effectively deny visual access to the area where the items set forth above are being stored, maintained or accumulated.

2. Maintenance of such an area as described in subsection .1 without the erection and maintenance of a fence as also described in subsection .1 is hereby declared to be a public nuisance and liable to be abated as provided by law.

3. All fencing required under this Part and all of the vinyl privacy weave required to be attached thereto shall be maintained in an undamaged condition by the owner or possessor of property. Failure of such owner or possessor of property to maintain such fencing and vinyl privacy weave material in an undamaged condition shall be a violation of the terms of this Part and punishable as provided for herein.

4. Each separate week's violation of any of the provisions or terms of this Part shall constitute a separate and distinct offense.

5. The owner of property, the lessee of property, and the possessor of property shall all individually, in their own capacities, be liable for violations of this Part whether or not the party cited under this Part shall be in actual possession of the subject property.

6. Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [Ord. 623]

(Ord. 514, 12/30/1988, §§1-6; as amended by Ord. 623, 2/14/2006)

