

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**Video and Mechanical Amusement Devices****§13-101. Short Title.**

This Part shall be known as the “Baldwin Township Video and Mechanical Amusement Device Ordinance.”

(Ord. 427, 4/4/2006)

§13-102. Rules of Construction and Interpretation.

In the construction or interpretation of this Part, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

- A. Words used in the singular shall include the plural, and the plural the singular.
- B. Words used in the past or present tense shall include the future tense.
- C. Words used in the masculine gender shall include the feminine and neuter.
- D. The word “shall” is always mandatory and is not discretionary.
- E. The word “may” is permissive.
- F. That Baldwin Township intends to favor the public interest as against any private interest.
- G. The headings prefixed to Sections and other divisions of this Part shall not be considered to control but may be used to aid in the construction thereof.
- H. General words shall be construed to take their meanings and be restricted by preceding particular words.

(Ord. 427, 4/4/2006)

§13-103. Definitions.

Unless the context clearly indicates otherwise, the following words and phrases, used in this Part or in an application for license of amusement devices, shall have the meaning given to them in this Section:

Amusement device - video or mechanical amusement device, juke box or pool table and/or other electronic device, machine or apparatus whatsoever, for the playing of games and amusement.

Applicant - any individual, partnership or corporation who seeks to obtain a license for an amusement device under this Part.

Application for license of amusement devices - the document filed by an applicant requesting a permit to possess in the Township any video or mechanical amusement device, juke box or pool table and/or other electronic device, machine or apparatus whatsoever, for the playing of games and amusement.

Business establishment - any restaurant, bar, tavern, retail, manufacturing, wholesale, institutional, educational, religious, governmental or other nonresiden-

tial establishment, store or business, whether or not in operation.

Gambling device - any device, machine or apparatus used for the playing of poker, blackjack, keno, bingo or other casino games by the insertion therein of any coin, currency, metal disc, slug or token.

Illegal gambling device - any device, machine or apparatus designed and/or specifically equipped to be used for the playing of poker, blackjack, keno, bingo, slots or other casino gambling games by the insertion therein of any coin, currency, metal disc, slug or token, which has, or is designed to facilitate the ready use of, a knockoff or knockdown device or other capability for erasing or eliminating accumulated playing credits.

Juke box - any device, machine or apparatus which plays recorded music, whether by record, tape, compact disc or other means, by the insertion therein of any coin, currency, metal disc, slug or token.

Pool table - any device or apparatus upon which is played the games of 8-ball, billiards, pool, snooker or other similar games for which a fee is charged, whether or not such device is operated through the insertion of coin, currency, metal disc, slug or token.

Proprietor - any individual, partnership or corporation who owns, leases or maintains the business establishment in which any juke box, pool table, or video or mechanical amusement device is placed for the use, patronage, recreation or amusement of the public or of persons in or about the business establishment.

Vendor - any individual, partnership or corporation who is the lawful owner of any juke box, pool table or video or mechanical amusement device for which a license is sought under this Part, or any individual, partnership or corporation who makes, assembles, sets up, maintains, sells, lends, leases, gives away, or offers for sale, loan, lease or gift, any juke box, pool table or video or mechanical amusement device for which a license is sought under this Part.

Video or mechanical amusement device - any device, machine or apparatus used for the playing of games or otherwise used for the purpose of amusement or entertainment by the insertion therein of any coin, currency, metal disc, slug or token, including but not limited to “claw machines,” “electric or electronic dart boards,” “gambling devices,” “pinball machines” and “video games.”

(Ord. 427, 4/4/2006)

§13-104. Annual License Required; License Fee Established; Expiration; Non-Transferability.

1. No license shall be issued for any video or mechanical device, game, or machine until an annual license fee therefor shall have been paid in advance to the Township of Baldwin for each and every covered device.

2. Each license issued shall entitle the applicant therefor to operate said game, device or machine, at a single location, until December 31 at 11:59 p.m. of each fiscal year, at which time said license shall expire.

3. Each license issued pursuant hereto shall be valid only for the particular machine or device for which it was issued only location or place of business for which it was applied. No license shall be transferrable, or transferred to the same or any

other machine or device at a different location or place of business. No license shall be transferrable, or transferred to, any other machine or device at the same location or place of business without the prior approval of the Township.

4. The annual license fee for each and every device shall be in an amount as established, from time to time by resolution of the Board of Commissioners, for each and every device, game and machine installed and used by the public.

(Ord. 427, 4/4/2006)

§13-105. Application for License.

Any person, firm, corporation or other entity, desiring to procure a license as required in §13-106 of this Part, shall apply therefor in writing to the Township. Said application shall set forth the following information:

A. The name and residence of the vendor of each juke box, pool table, or video or mechanical amusement device to be licensed.

B. The name and residence of the proprietor of the business establishment in which each juke box, pool table or video or mechanical amusement device is to be located, used or installed.

C. If vendor and/or proprietor are citizens or permanent residents of the United States.

D. The manufacturers, name of machine, serial number, type and fee for each machine, video or mechanical device, pool table, juke box or apparatus to be located on the premises, installed or used.

E. A verification by the vendor and proprietor, that the facts set forth in the application are true and correct to the vendor's and proprietor personal knowledge information or belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

F. That the vendor and proprietor have been provided a copy of this Part and that he/they have read and agree to be bound by all terms and provisions thereof.

G. That a license does not sanction or condone the use or possession of any illegal gambling device, whether illegal per se or as modified.

H. That the illegal use or possession of an unlawful gambling device, either per se or as modified, may result in a criminal prosecution by law enforcement officials.

(Ord. 427, 4/4/2006)

§13-106. Persons Ineligible for Licenses.

The Township shall not issue a license for any video or mechanical amusement device to any persons who:

A. Is not a citizen or permanent resident of the United States.

B. Is not 21 years of age.

C. Has been found guilty of or accepted accelerated rehabilitative disposition, for processing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, within 3 years of the date of

application.

(Ord. 427, 4/4/2006)

§13-107. Conditions for Issuance.

1. No license shall be granted until a period of 10 days shall have elapsed from the date of application during which time the Township may, at its discretion, investigate the facts set forth in the application.

2. The Township shall refuse to issue a license for any device that the applicant has not affirmed is not designed, or intended to be used, for gambling purposes.

3. A license shall not be issued unless the applicant acknowledges:

A. That obtaining or displaying a license does not sanction or permit the use of any device for gambling purposes or possession of an illegal gambling device, either per se, or as modified.

B. That if the applicant or licensee illegally uses or possesses an unlawful gambling device, either per se or as modified, he may be prosecuted by Baldwin Township, Allegheny County or other law enforcement officials.

(Ord. 427, 4/4/2006)

§13-108. Construction of Provisions.

Nothing in this Part shall be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, either per se or as modified, or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Pennsylvania or the United States of America.

(Ord. 427, 4/4/2006)

§13-109. Issuance and Display.

Upon the payment of the license fee provided by this Part, and if the application fully complies with this Part, the Township shall issue a license setting forth its designated number for each machine so licensed, and said license shall be maintained at all times at the place of business for which it was issued and immediately available for inspection upon request of Township Manager, the Chief of Police, or any Baldwin Township Police Officer. All discs, devices for which a license is issued shall contain a notice clearly visible to the user stating that the device is for amusement purposes only, that it is not a gambling device, and that only games and not money may be won on the machine or device.

(Ord. 427, 4/4/2006)

§13-110. Inspection.

The Township of Baldwin or its agents may, during regular business hours, conduct inspections of any business establishment where any video or mechanical amusement device, juke box or pool table licensed under this Part is located, installed, placed or used, to ensure compliance with this Part.

(Ord. 427, 4/4/2006)

§13-111. Revocation, Debarment and Contraband Declaration.

1. In the event any applicant, vendor or proprietor falsifies any information on an application for license of amusement devices, or violates this Part, the Township of Baldwin shall immediately revoke all licenses issued under this Part to such applicant, vendor or proprietor.

2. In the event a vendor of a video or mechanical amusement device or as proprietor of a business establishment is convicted of possessing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, the Township of Baldwin shall revoke each license issued to such persons, as an applicant, vendor or proprietor.

3. Additionally, the Township of Baldwin shall revoke any and all licenses of amusement devices issued to any person who, having been issued such license, is thereafter found guilty of or accepts accelerated rehabilitative disposition for, possessing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, or who is discovered to have been previously found guilty of such offense or has accepted accelerated rehabilitative disposition for such offense within 3 years of the date of application.

4. Any video or mechanical amusement device used or possessed in violation of the Crimes Code of the Commonwealth of Pennsylvania, or this Part, may be deemed contraband and forfeited in accordance with the provisions set forth in 18 Pa.C.S. §6501(d) (relating to scattering rubbish).

(Ord. 427, 4/4/2006)

§13-112. Prohibition of Suggestion or Promise of Non-Prosecution.

Because the Township of Baldwin intends to foster compliance with the laws of the Commonwealth of Pennsylvania and the United States regarding illegal possession and/or use of gambling devices, no Township employee or agent may promise, suggest or insinuate, either expressly or by implication, that the applicant, licensee, proprietor or vendor, who illegally uses or possesses any device used or intended to be used for gambling purposes, shall not be prosecuted.

(Ord. 427, 4/4/2006)

§13-113. Violations and Penalties.

1. Any person, firm or corporation who shall violate any provision 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.

2. In addition, the Township, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(Ord. 427, 4/4/2006)

Part 2**Transient Retail Merchants****§13-201. Definitions.**

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

Legal holiday - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

Person - any natural person, partnership, association, corporation, or other legal entity.

Transient retail business -

(1) Engaging in peddling, soliciting, or taking orders, either by sample or otherwise for any goods, wares or merchandise upon any street, alley, sidewalk, road, highway or public ground or from house, within the Township of Baldwin.

(2) Selling, soliciting, or taking orders for any goods, wares or merchandise from a fixed location within the Township of Baldwin on a temporary basis which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.

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

(Ord. 427, 4/4/2006)

§13-202. License Required; Conditions of Issuance; Fee.

No person shall engage in any transient retail business within the Township of Baldwin, without first having obtained from the Township Chief of Police, a license for which a fee, to be used to cover the ordinary administrative costs of the Township of Baldwin for processing a licence application, shall be charged, the fee to be in such amount, as set forth in the certain schedule of fees as adopted and amended from time to time by Resolution of the Township Board of Commissioners.

(Ord. 427, 4/4/2006)

§13-203. Exceptions.

1. No license fee shall be charged:

A. To farmers selling their own produce.

B. For the sale goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent

the Boy Scouts, Girl Scouts or church groups, public and private schools, or similar organizations.

E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act 10 P.S. §162.1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

G. For taking orders for merchandise by sample from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

H. To those who are conducting yard sales(s) on their own real estate or adjoining real estate.

I. For the taking of orders, sales and delivery of goods, wares or merchandise by volunteer fire department(s) or auxiliaries.

J. Any person or individual that is either proselytizing for either religious or political purposes, distributing religious or political handbills at no cost, or exercising their right to anonymous religious or political speech without soliciting any funds and without selling any goods or soliciting for contributions.

2. However, all persons exempted hereby from the payment of the license fee shall be required to register with the Township Chief of Police and obtain a license without fee except for such specified activities as described in paragraphs .A, .D, .H, .I, and .J aforescribed, for which registration and a license is not required; provided, any person dealing in one or more of the above mentioned, exempted categories and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided, further, the Chief of Police may similarly exempt from payment of the license fees, but not from registering with him/her, persons working without compensation and selling goods, wares or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business, every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for all applicants. Nothing contained in this Part shall be held to prohibit any sale required by statute or by any order of court or to prevent a bonafide auction sale pursuant to law.

(Ord. 427, 4/4/2006)

§13-204. License Application.

Every person desiring a license under this Part shall first make an application to the Township Chief of Police for such license. He shall, when making such application, exhibit a valid license and/or permit from any Pennsylvania or Allegheny County officer if such license and/or permit is also required to be issued to the Applicant by any and all laws and regulations of the Commonwealth of Pennsylvania, County of Allegheny or any other entity required before the proposed activity is to begin in the Township. The

applicant shall provide:

- A. A certified Pennsylvania State Police criminal records check.
- B. Name and address of the person and by his employer.
- C. Type of goods, wares, and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which the license is to be issued.
- E. Type and license number of the vehicle to be used, if any.
- F. Prior such activity in the Township.
- G. Any license or permit number and copy thereof as required by the Commonwealth of Pennsylvania or other like entity for such activity.
- H. A recent photograph of the applicant.
- I. The applicant shall submit his or her fingerprints upon a noncriminal file card which can be reclaimed upon the expiration of the license.

(Ord. 427, 4/4/2006)

§13-205. Issuance of License; Custody, Display and Exhibit.

Upon receipt of such application and the prescribed fee, the Township Chief of Police, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefore. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, roads, highways, alleys, sidewalks or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license upon request to all police officers, municipal officials, and citizens or residents of the Township of Baldwin.

(Ord. 427, 4/4/2006)

§13-206. Prohibited Act.

1. No persons in any transient retail business shall:
 - A. Sell any product or type of product not mentioned in his license.
 - B. Hawk or cry his wares, blow a horn, ring a bell or use any amplifying device upon any streets, roads, highways, alleys, sidewalks or public grounds in the Township of Baldwin.
 - C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township of Baldwin for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
 - D. Park a vehicle, upon any of the streets or alleys in the Township of Baldwin for the purpose of sorting, rearranging or cleaning any of his goods, ware or merchandise, or disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsalable through handling, age, or otherwise.
 - E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9 a.m. or after sunset on any day of the week other than a Sunday or legal holiday except such business activities as

described in §13-203, "Exceptions," paragraphs .A, .D, .H, .I and .J for which business activities only there shall be no time or day restrictions.

(Ord. 427, 4/4/2006)

§13-207. Supervision; Records and Reports.

The Township Chief of Police shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Township Board of Commissioners.

(Ord. 427, 4/4/2006)

§13-208. Denial, Suspension and Revocation of License; Appeal.

The Township Chief of Police is hereby authorized to deny, suspend or revoke any license issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety or morals or for violation of any provision of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Township Board of Commissioners at any time within 10 days after the suspension, revocation or denial and a hearing shall be held within 30 days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 427, 4/4/2006)

§13-209. Penalties.

Any person, firm or corporation who shall violate any provision 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. 427, 4/4/2006)

Part 3**Registration of Fire Alarm and Security Alarm Systems****§13-301. 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. 427, 4/4/2006)

§13-302. Definitions.

In this Part:

Alarm administrator - a person or persons designated by the governing authority to administer and enforce this Part.

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 permits) - 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 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 systems 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.

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 device.

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 overt control of an existing alarm system, which was previously controlled by another alarm user.

Verify - an attempt, by the alarm company, or its representative, to contact the alarm site by telephonic 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. 427, 4/4/2006)

§13-303. Registration Required; Application; Fees; Transferability; False Statements - Residential.

1. No alarm user shall operate, or cause to be operated, and alarm system at its alarm site without a valid alarm registration issued by Baldwin Township. A separate registration is required for each alarm site.

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

2. The annual fee for a registration or registration renewal for a residential alarm site shall be in an amount as established from time to time by resolution of the Board of Commissioners.

A. An additional fee established by Baldwin Township shall be assessed for an alarm system programmed with duress alarm or holdup alarm.

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

A. Failed to pay a fine assessed under §13-307.

B. Had an alarm registration for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

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

A. The name, complete address (including apt/suite #), 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 and payment of fees assessed under this article.

B. The classification of an alarm site shall be either residential (including single family dwelling, 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 to applicant in 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.

5. 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.

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

7. All fees owed by an applicant must be paid before a registration may be issued or renewed.

(Ord. 427, 4/4/2006)

§13-304. Alarm Systems in Apartment Complexes.

A tenant of an apartment with an alarm system shall obtain an alarm registration from Baldwin Township 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. The annual fee for these registrations or the renewal of these registrations shall be the same as the fee for a commercial alarm site. Each building regardless of the number of units contained therein shall be deemed as one commercial alarm site and shall pay the annual registration fee for a commercial alarm site.

(Ord. 427, 4/4/2006)

§13-305. 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 and a registration renewal fee to Baldwin Township. Baldwin Township 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 the Board of Commissioners may be assessed if the renewal is more than 30 days late.

(Ord. 427, 4/4/2006)

§13-306. 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

Township 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 shall be subject to a penalties and fines as provided in this Part.

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 one year period from the date of registration issuance or renewal. Baldwin Township 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.

4. An alarm user shall not use automatic voice dialers.

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

(Ord. 427, 4/4/2006)

§13-307. Duties of Alarm Company.

1. Upon enactment of this Part, alarm companies shall obtain a permit from Baldwin Township to sell maintenance and/or service alarm systems in the Township prior to installation of same. The fee shall be in an amount as established from time to time by resolution of the Board of Commissioners for each permit.

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 §13-306.3 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 Baldwin Township.

6. An alarm company performing monitoring services shall:

A. Shall 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 proper use of the alarm system unless circumstances necessitate immediate requests for response as determined by Baldwin Township.

B. Report alarm signals by using telephone numbers designated by Baldwin Township.

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 Baldwin Township.

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

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 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 request. 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. Baldwin Township may request copies of such records for individually named alarm users.

(Ord. 427, 4/4/2006)

§13-308. Alarm Company License.

Baldwin Township 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 §13-307. In the event Baldwin Township cannot obtain required information about the alarm company from the governmental body regulating the alarm company, Baldwin Township can require the alarm company to supply the required information in a registration with Baldwin Township.

(Ord. 427, 4/4/2006)

§13-309. Penalty Charge.

1. An alarm user shall be subject to penalties, warnings and suspension 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:

# of False Alarms	Penalty
1, 2, or 3	0
4	\$50
5 or more	\$100

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. 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.

4. The alarm company shall be issued a 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.

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

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

(Ord. 427, 4/4/2006)

§13-310. Suspension of Response.

1. Alarm Administrator Township 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 §13-307 or fee assessed under §13-303.
- D. The alarm user has failed to submit a written certification from an alarm company that complies with the requirement of this article, 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 operates an alarm system during the period in which his alarm registrations suspended and is subject to enforcement and penalties set in this Part. 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 set in this Part.

3. If the alarm registration is reinstated, alarm administrator may suspend alarm response if it is determined that two false alarms have occurred within 60 days after

the reinstatement date.

(Ord. 427, 4/4/2006)

§13-311. Enforcement and Penalties.

Any person, firm or corporation who shall violate any provision 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. 427, 4/4/2006)

§13-312. Confidentiality.

Information contained in registration application 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. 427, 4/4/2006)

§13-313. 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 such as; availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels.

(Ord. 427, 4/4/2006)