

**TOWNSHIP OF MIDDLETOWN  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 857**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 60, ALARMS AND ALARM DEVICES, BY AMENDING SECTION 60-1, DEFINITIONS, BY REVISING THE DEFINITIONS OF "AUTOMATIC PROTECTION DEVICE, "FALSE ALARM" AND "FIRE DEPARTMENT"; AMENDING SECTION 60-3, PENALTY FOR FAILING TO OBTAIN PERMIT, BY INCREASING THE MAXIMUM PENALTY FROM \$50 TO \$500, PLUS REIMBURSEMENT FOR COSTS OF ENFORCEMENT; AMENDING SECTION 60-4, PENALTIES FOR FALSE ALARMS, BY ADDING REIMBURSEMENT FOR COSTS OF ENFORCEMENT FOR MAXIMUM PENALTIES FOR VIOLATION THEREOF; AND BY CREATING A NEW SUBSECTION 60-6.C PROVIDING STANDARDS FOR TESTING OF AUTOMATIC PROTECTION DEVICES.

The Council of the Township of Middletown hereby ENACTS AND ORDAINS the following amendments to the Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania:

**SECTION I.**

The Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania, Chapter 60, Alarms and Alarm Devices, Section 60-1, Definitions, is hereby amended by revising the following definitions to have the following meanings:

**AUTOMATIC PROTECTION DEVICE**

An electronically or battery-powered instrument(s), device(s) or system(s), composed of sensory apparatus, related hardware and circuitry designed or used for detection of fire, heat or smoke, or other emergency service incident, which automatically transmits an alarm, signal or message which is used or intended to result in an emergency response by the Fire Department.

**FALSE ALARM**

Any alarm, signal or message activated by an Automatic Protection Device, which causes the Fire Department to respond, but which is not the result of a fire emergency or other incident triggering an emergency response by the Fire Department and which is caused by a condition within the control of the person(s) in possession of the premises where the Automatic Protection Device is located. Any alarm, signal or message received during the first two (2) weeks after the installation of a new Automatic Protection Device system, or during a period of repair, shall not constitute a False Alarm hereunder so long as prior written notice of such circumstance has been provided to the Township prior to such False Alarm.

**FIRE DEPARTMENT**

The Rocky Run Fire Company, Middletown Fire Company No. 1, and the Township Fire Chief, or his or her designee, individually and collectively.

**SECTION II.**

The Middletown Township Code of Ordinances, Chapter 60, Alarms and Alarm Devices, Section 60-3, Penalty for failing to obtain a permit, is hereby repealed and a new Section 60-3 is provided as follows:

§ 60-3. Penalty for failing to obtain a Permit.

Any person(s) in possession of a premises where any Automatic Protection Device is operated who intentionally does not apply for the annual Permit required by § 60-2 hereof and in violation of this Section, commits a summary offense, and upon conviction thereof, shall be subject to a maximum fine of \$500, payable to the Township, for each such violation thereof, plus costs of enforcement thereof, including reasonable attorney's fees.

**SECTION III.**

The Middletown Township Code of Ordinances, Chapter 60, Alarms and Alarm Devices, Section 60-4, Penalties for false alarms, is hereby repealed and a new Section 60-4 is provided as follows:

§ 60-4. Penalties for False Alarms.

Any person(s) that owns, uses, or possesses an Automatic Protection Device shall not, after causing or permitting three (3) False Alarms to occur in a consecutive twelve (12) month period, case or permit a subsequent False Alarm to occur within the same twelve (12) month period. Any person(s) in violation of the terms of this Section commits a summary offense, and upon conviction thereof, shall be subject to a maximum fine of \$300, payable to the Township, for each such violation thereof, plus costs of enforcement thereof, including reasonable attorney's fees.

**SECTION IV.**

The Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania, Chapter 60, Alarms and Alarm Devices, Section 60-6, Automatic protection device operation is hereby amended by creating a new Subsection 60-6.C. as follows:

- C. No Person shall conduct any test or demonstration of an Automatic Protection Device without first notifying the Township Fire Chief, or his designee, in writing.

**SECTION V.**

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held invalid or unconstitutional by any courts of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not render this Ordinance invalid.

SECTION VI.

This Ordinance shall become effective thirty-one (31) days after its enactment

ENACTED AND ORDAINED this 11th day of December, 2023.

ATTEST:

  
\_\_\_\_\_  
John McMullan  
Township Manager

TOWNSHIP OF MIDDLETOWN COUNCIL

By   
\_\_\_\_\_  
Mark Kirchgasser  
Chairman of Council