

**TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO.: 168 of 2025

**AN ORDINANCE OF UPPER BERN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA, REGULATING ALARM DEVICES
AND AUTOMATIC DIALING DEVICES FOR NON-RESIDENTIAL, COMMERCIAL
AND INDUSTRIAL ESTABLISHMENTS AND ESTABLISHING PENALTIES FOR
VIOLATION THEREOF.**

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, as follows:

Section 1: Purpose.

This Ordinance is being enacted for the purpose of providing rules and regulations concerning the implementation of the approval and regulation of alarm devices and automatic dialing devices in accordance with 18 Pa.C.S. §7511, *Act 70 of 1998*, as amended. The definitions contained therein shall apply to those terms set forth herein. Residential users are exempt from the provisions of the Ordinance. Residential user, for the purposes of this Ordinance, means a property with either one (1) or two (2) residential units at the property (three (3) or more residential units shall be considered nonresidential and subject to this Ordinance).

Section 2: Permit Required.

A. Persons seeking to use an automatic dialing device, alarm device, alarm, or outdoor audible alarm for a nonresidential use shall first file an application for a permit with the Township and obtain the prior written approval from the public safety agency which shall be notified of and/or respond to an alarm. The cost of the permit shall be established from time-to-time by resolution of the Board of Supervisors, with the initial cost as set forth on Exhibit A attached hereto. The Township shall furnish forms which any Person wishing to apply for a permit shall submit with their application. An alarm system which produces both a fire and burglar alarm shall be considered separate, thereby requiring two (2) permit approvals.

B. All nonresidential, outdoor audible alarms that can be activated falsely shall be subject to the same conditions applicable to automatic dialing devices that result in false alarms.

C. For the purpose of this Ordinance, the use of a common alarm for multiple tenant or user premises which do not provide common access and entry to a police officer or fireman responding to an alarm, is strictly prohibited.

D. The owner of an unoccupied property shall be considered the responsible party causing or permitting a false alarm.

E. A person purchasing a non-residential premises in the Township on which an alarm device is located shall not continue to operate the alarm device on the premises without obtaining or amending the existing alarm device permit within thirty (30) days after the person obtains title to the premises.

Section 3: Mechanical Defects.

The owner of an alarm device, automatic dialing device, or audible alarm, may file an affidavit with the Township indicating under oath that the false alarms previously caused by said system were caused by known mechanical or other defect within the system (not to include improper use). Said occupant may verify and shall include a statement by competent workmen or repairman in the field that said system was defective and such deficiency has been corrected. Upon filing of such affidavit with appropriate exhibits and the payment of the administration fee as established from time-to-time by resolution of the Board of Supervisors, the false alarm concerning the premises shall be considered void and of no legal effect.

Section 4: Violations and Penalties.

A. In the event that an alarm device, automatic dialing device, or audible alarm, issues a false alarm, the occupant of the premises from which the false alarm was issued, shall be subject to an administrative fee which shall be set by resolution of the Board of Supervisors with the initial fee as set forth on Exhibit A attached hereto. There shall be no fee for a first time offense.

B. In the event that the administrative fee is assessed and not paid, or there is a violation of any other provision of this Ordinance, then the owner or occupant of the premises, as the case may be, shall be subject to prosecution in a proceeding before the District Magistrate in whose district the Township is located, and upon conviction, shall be required to pay a fine not exceeding three hundred (\$300.00) dollars for each violation.

C. Nothing in this section is intended to prohibit the prosecution of false alarms pursuant to 18 Pa.C.S. §7511, as may be amended, by the public service agency responding to the false alarm or by the Township.

Section 5: Liability of Municipality. The issuance of any permit shall not constitute acceptance by the Township of any liability to maintain any equipment, or answer alarms, nor otherwise, to render the Township liable to any person for any loss or damage relating to the alarm system or procedure.

Section 6: Severability. Should any section or provision of this amendment be declared illegal, invalid, or unconstitutional by any court or competent jurisdiction, such decision or declaration shall not affect the validity or enforcement of the Upper Bern Township Zoning Ordinance.

Section 7: Repealer. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

Section 8: Validity. If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

Section 9: Effective Date. This Ordinance shall become effective upon adoption.

ORDAINED AND ENACTED this 13 day of November, 2025, by a vote of 3 Yes
 No Abstained Absent.

Attest:

Beth Shewalter
Secretary

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By: Gloria Grim
Gloria Grim, Chairman

By: Mike Fisher
Mike Fisher, Vice Chairman

By: Arthur Lambert
Arthur Lambert, Supervisor



Exhibit "A"

RESOLUTION 9 OF 2025

WHEREAS, the Second Class Township Code, Act 69 of May 1, 1933, re-enacted and amended November 9, 1995, as amended, authorizes the adoption of fee schedule by the Township; and

WHEREAS, the Township has adopted an alarm and automatic dialing device ordinance which requires the Township to set certain fees by Resolution; and

WHEREAS, the Board of Supervisors does adopt the following fees on the fee schedule:

1. Permit – Alarm/Automatic Dialing Devices \$50.00
(to be collected by the Township)

2. False Alarms for Alarm/Automatic Dialing Devices
2nd – 5th occurrences (to be collected by public safety agency) \$ 250.00
6th and subsequent occurrences (to be collected by public safety agency) \$500.00

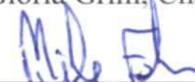
DULY ADOPTED by the Board of Supervisors of the Upper Bern Township, Berks County, Pennsylvania, in lawful session duly assembled, the 13 day of November, 2025.

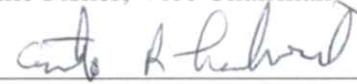
Attest:


Secretary

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By: 
Gloria Grim, Chairman

By: 
Mike Fisher, Vice Chairman

By: 
Arthur Lambert, Supervisor

