City of Philadelphia

Legislation Details (With Text)

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Type:	Bill	**Status:**	ENACTED
File created:	11/6/2008	**In control:**	Committee of the Whole
On agenda:		**Final action:**	12/4/2008

Title: Amending Section 9-305 of The Philadelphia Code, entitled "Burglary, Theft and Robbery Alarm Systems," by revising the amounts of certain fees and penalties and the number of permissible false alarms, providing for collection of fees by alarm companies, providing for administrative adjudication, and making related changes, all under certain terms and conditions.

Sponsors: Councilmember Tasco

Indexes: BURGLAR ALARMS

Code sections: 9-305 - Burglary, Theft and Robbery Alarm Systems

Attachments: 1. CertifiedCopy08085600.pdf

Date	Ver.	Action By	Action	Result	Tally
12/8/2008	0	MAYOR	SIGNED		
12/4/2008	0	CITY COUNCIL	PASSED	Pass	16:1
12/4/2008	0	CITY COUNCIL	READ		
11/20/2008	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
11/20/2008	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
11/20/2008	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR		
11/19/2008	0	Committee of the Whole	HEARING NOTICES SENT		
11/19/2008	0	Committee of the Whole	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
11/19/2008	0	Committee of the Whole	HEARING HELD		
11/6/2008	0	CITY COUNCIL	Referred		
11/6/2008	0	CITY COUNCIL	Introduced (By Request) and Referred	Pass	

Amending Section 9-305 of The Philadelphia Code, entitled "Burglary, Theft and Robbery Alarm Systems," by revising the amounts of certain fees and penalties and the number of permissible false alarms, providing for collection of fees by alarm companies, providing for administrative adjudication, and making related changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-305 of The Philadelphia Code is amended to read as follows:

§ 9-305. Burglary, Theft and Robbery Alarm Systems.

* * *

(2)   Alarm System Registration.

(a) It shall be unlawful for any alarm user to install, operate or maintain an alarm system unless such alarm user has registered its alarm system.

* * *

(.3) The annual fee for the alarm system registration shall be [thirty-five ($35.00)] *fifty ($50.00)* dollars. Where one (1) or more alarm systems protects two (2) or more premises, a separate registration is required for each premises. *On and after the effective date of the necessary implementing regulations, such fee shall be paid over to and collected by the intermediary, who shall pay such fees over to the Department upon such schedule and pursuant to such procedures as the Department shall establish, by regulation.*

* * *

(b) Every intermediary shall, before providing services to any alarm user, provide the Department of Licenses and Inspections with the name of such alarm user, together with the information relating to such alarm user required by subsection 9-305(2)(a)(.2) and as specified by the Department of Licenses and Inspections*; and, on and after the effective date of the necessary implementing regulations, pursuant to subsection 9-305(2)(a)(.3), certification that the fee required by subsection 9-305(2)(a)(.3) has been paid*. Such information shall be provided in a form acceptable to the Department of Licenses and Inspections, which may require the information to be provided in a machine readable form.

* * *

(4)   False Alarms.

(a) It is hereby found and declared that the activation of [four (4)] *three (3)* or more false alarms within an alarm user's registration year is excessive and constitutes a public nuisance. Each false alarm over [three (3)] *two (2)* within an alarm user's registration year is a violation of The Philadelphia Code, subject to the provisions set forth in subsections (7) and (8).

* * *

(7)   Administration and Enforcement.

(a) Except as otherwise provided by this Section, the Department shall enforce the provisions of this Section and may promulgate regulations for the implementation of this Section.

(b) For the purposes of enforcing the provisions of this Section *with respect to alarm users*, notice of violation shall be issued by police officers or any other person authorized to enforce ordinances, *pursuant to the procedures set forth in Section 10-1606 of this Code. Contested charges shall be resolved, fines shall be imposed, and payments shall be collected and processed by the Director of Finance and the Bureau of Administrative Adjudication (or such other office, including the Office of Administrative Review, as the Director of Finance shall designate), all pursuant to the procedures set forth in Sections 10-1604 through 10-1609.*

(c) Notwithstanding the foregoing, any alarm user to whom a notice of violation is issued may, within eight (8) days of receipt, pay seventy-five dollars ($75) with respect to a notice of violation of Section 9-305(4)(a) or pay one hundred and fifty dollars ($150) with respect to a notice of violation of Section 9-305(2)(a), (4)(b) or (5), in lieu of contesting the violation and in lieu of any other fines or penalties. The notice of violation shall contain an appropriate notice to the recipient of his or her right not to contest the violation and appropriate instructions and procedures for payment, as prescribed by the Director of Finance.

[(c) Whenever a police officer or any other officer authorized to enforce ordinances observes a violation of this Section, he shall hand to the violator or leave upon or affix to the premises where the violation occurred, a printed notice of violation. Such notice shall bear the date, time and nature of the violation, and when known, the identity of the violator, the address of the violator and the address where the violation occurred, the amount to be remitted in response to the notice of violation, the penalty which can be imposed by the court for the violation, and shall be signed by the person issuing the notice and shall bear the police officer's badge number or other official identification number identifying the person issuing the violation notice.]

[(d) Any person who receives a notice of violation of Section 9-305(4)(a), may, within ten (10) days pay the amount of twenty-five ($25.00) dollars, admit the violation and waive appearance before a Municipal Court Judge. The notice of violation shall contain an appropriate statement for signature by the violator for the purpose of admitting the violation and waiving a hearing, and shall be returned by the violator when he remits the stipulated payment.]

[(e) Any person who receives a notice of violation of Section 9-305(2)(a), (4)(b) or Section 9 -305(5), may, within ten (10) days pay the amount of one hundred ($100.00) dollars, admit the violation and waive appearance before a Municipal Court Judge. The notice of violation shall contain an appropriate statement for signature by the violator for the purpose of admitting the violation and waiving a hearing, and shall be returned by the violator when he remits the stipulated payment.]

[(f) If the person who received a notice of violation fails to make the prescribed payment within ten (10) days of the issuance of a notice of violation, a code enforcement complaint shall be issued for such violation in such manner as provided by law. If the person named in the code enforcement complaint is found to have violated any provision of the Section or fails to appear on the date set for the hearing, he shall be subject to the imposition of fines as set forth in Section 9-305(8), plus court costs.]

     (8)   Penalties.

(a) The penalty for [the provision] *a violation* of Section 9-305(4)(a) shall be [a minimum fine of] one hundred fifty ($150.00) dollars [and no more than three hundred ($300.00) dollars] for each violation. The penalty for violation of Section 9-305(2)(a), (4)(b) or Section 9-305(5) shall be [a fine of] three hundred ($300.00) dollars. *Any other violation of this Section shall constitute a Class II Offense, pursuant to Section 1-109 of this Code.*

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.