

TOWNSHIP OF NEW BUFFALO

FALSE ALARM ORDINANCE

Ordinance No. _____
Adopted: _____, 2009

An ordinance to regulate and govern the installation and operation of alarm systems within the Township of New Buffalo, Berrien County, Michigan, enacted pursuant to Act 246 of the Public Acts of 1945, being MCL 41.181, as amended, being the Township General Ordinance Statute, to provide for recovery of costs incurred by the Township associated with such alarm systems, and to repeal all ordinances in conflict herewith.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1. Purpose. The Township Board recognizes that there exists an unjustified increase in the amount of Fire Department resources expended in responding to false alarms for assistance that can be avoided. Accordingly, by implementing an ordinance requiring regulations and fees that will encourage alarm devices to be appropriately designed, installed, maintained, and utilized, this will reduce the burden imposed upon the general public caused by false alarms.

All residents of the Township shall abide by this Ordinance and cooperate fully with the Fire Department or for the realization of these objectives.

Section 2. Definitions. The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

Alarm Monitoring Agency means any corporation, partnership, unincorporated entity or individual who monitors an Alarm System existing in the Township on behalf of an Alarm System user with the purpose of transmitting information to the Township Fire Department personnel regarding the presence of a hazard requiring urgent attention to which the Township Fire Department personnel are expected to respond.

Alarm Registration means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.

Alarm System means any assembly of equipment and devices, or a single device, except for an alarm system on a motor vehicle, that emits, transmits or relays any signal intended to summon or that would reasonably be expected to summon Fire Department personnel of the Township.

Alarm User includes the owner or lessee of the land or premises within which an Alarm System is installed; the tenant, occupant, or person having possession or control of any premises in which an Alarm System is installed; and any person having actual or constructive possession of an Alarm System when such Alarm System signals an emergency.

Emergency means a hazard, condition, or situation calling for immediate action or urgent attention and to which municipal Fire Department personnel are customarily expected to respond on an immediate or high priority basis.

Type I False Alarm means a signal given by an Alarm System or an Alarm Monitoring agency when no emergency is found by the Fire Department personnel that respond to the alarm. Type I false alarms are caused by malfunction of the system, weather or other non-human sources.

Type II False Alarm means a signal given by an Alarm System or an Alarm Monitoring Agency when no emergency is found by the Fire Department personnel that respond to the alarm. Type II false alarms are caused by alarm users or contractors, cleaning people or others contracted by alarm user or agent.

Fire Department Personnel includes, firefighters and other employees of the Township who provide emergency services to persons and/or to property within the Township.

Section 3. Automatic Dialing Prohibited. No person shall install or use a device or combination of devices which will, upon activation, either mechanically, electronically, or by other means, initiate the automatic intrastate calling, dialing, or connection to any telephone number assigned to the Township Fire Department or the 911 emergency number which connects or assigns the call to the Fire Department.

Section 4. Automatic Shut-off Required. All Alarm Systems hereafter installed which emit a signal audible beyond the boundaries of the property protected shall have an automatic shut-off feature that silences the audible portion of the alarm not more than 15 minutes after being tripped. All persons shall terminate the use of existing Alarm Systems that lack this automatic shut-off feature within sixty (60) days after the effective date of this Ordinance.

Section 5. Due Care in Installation and Operation Required; Permit Required for Installation. Every alarm user shall exercise due care to install, maintain and use every Alarm System so as to avoid its signaling false alarms. Every alarm user shall diligently instruct, supervise, and control those having access to the Alarm System and the alarmed premises, and shall take all reasonable steps to prevent the system from

signaling false alarms. An electrical permit shall be obtained from the Township for all Alarm Systems installed after the effective date of this Ordinance.

Section 6. Alarm Registration and Renewal. All Alarm Systems installed after the date of this Ordinance must be registered at the time the Township issues an installation permit. Existing Alarm Systems must be registered between January 1 and January 31 following the date of this Ordinance. Every Alarm User must renew his registration between January 1 and January 31 following the date of this Ordinance. Every Alarm User must renew his registration between January 1 and January 31 of each year the Alarm System is in use. Registration will require the following information:

- A. The name, complete address 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 and fines assessed under this Ordinance;
- B. The names and telephone numbers of at least two individuals who reside locally and are able to and have agreed to receive notification of an alarm and have access to the site and know how to deactivate the alarm;
- C. The name, address, and telephone number of the company that installed and is maintaining the alarm;
- D. The name, address, and telephone number of any monitoring company that is engaged in monitoring the alarm.

Registration fees and renewal fees will be set by resolution of the Township Board. Any person who is found to be operating a non-registered Alarm System will be subject to the "failure to register" fine. This fee will be set by resolution of the Township Board. The Alarm Administrator may waive this fee if the user registers the Alarm System within ten (10) days of the alarm. When an Alarm User deactivates an Alarm System, the Alarm User must notify the Administrator so that their system can be deleted from the Township tracking system.

Section 7. False Alarms. Alarm Systems which signal more than the number of false alarms set forth below are deemed to be abusive of the Fire Department personnel and are declared to be a public nuisance. Alarm Systems or Alarm Monitoring Agencies are in violation whenever any Alarm System signals more than three (3) Type I False Alarms in any one calendar year. Alarm Systems or Alarm Monitoring Agencies are in violation whenever any Alarm System signals more than One (1) Type II False Alarm. False alarms which are recorded in the first sixty (60) days after installation of an Alarm System shall not be counted.

Section 8. Fees Charged for Responding to False Alarms. Every Alarm User shall pay to the Township a fee for responding to false alarms in excess of the number set forth in Section 7 above. The schedule of false alarm fees shall be periodically set by resolution of the Township. The fee shall be reasonably based on the Township's direct and indirect costs of responding to false alarms, administering the system of recording and classifying the alarms, and collecting and accounting for the user fees charged. Such fee shall be paid within thirty (30) days of written notice thereof. The failure to pay within said time shall be a debt in favor of the Township, and the obligation of the Alarm User and/or property owner subject to any collection process set forth herein and/or allowed by law.

Section 9. Corrective Action. The Township Fire Chief may initiate a corrective action in the event excessive false alarms are signaled by any Alarm System. Such corrective actions may include one or more of the remedies enumerated herein, imposition and collection of user fees by billing and/or prosecution of civil actions, and the institution of civil proceedings for court ordered abatement of nuisances. All of these remedies shall be cumulative.

Section 10. Presumption as to "Alarm User". For purposes of collecting the fees outlined in this Ordinance, the "Alarm User" is presumed to be that person whose name appears on the most recent assessment roll approved by the Board of Review, as updated, associated with the real or personal property protected by the Alarm System.

Section 11. Collection of Fees. Fees for responding to false alarms may be collected through the procedures prescribed by any or all of the following means:

- A. A lien on real property;
- B. A lien on personal property;
- C. Payment due on account for services rendered;
- D. Inclusion on the New Buffalo Township Utility Bill of the alarm user if the alarm user is a customer of the New Buffalo Township Water System and/or the Township sewer system;
- E. Any other action allowed by law to collect a debt.

Section 12. Other Remedies. The foregoing remedies are in addition to all other rights and powers of the Township to proceed at law or equity with other and additional appropriate remedies.

Section 13. Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 14. Effective Date. This ordinance was adopted by the New Buffalo Township Board at a regular meeting held in the Township Hall on the 21st day of December, 2009, and shall take effect the 1st day of February, 2010, the same being more than thirty (30) days after the date of publication. All ordinances or parts of ordinances in conflict are hereby repealed.

Paul Oselka, Clerk

Attest:

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the New Buffalo Township Board at a regular meeting held on the 21st day of December, 2009. A motion that said Ordinance be adopted was made by and supported by _____. The names of the Township Board members and their votes are as follows:

NAME	YES	NO	ABSENT
Rose Dudiak, Supervisor	_____	_____	_____
Paul Oselka, Clerk	_____	_____	_____
Jack Rogers, Treasurer	_____	_____	_____
Peter Rahm, Trustee	_____	_____	_____
Robert Heit, Trustee	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for New Buffalo Township on the _____ day of December, 2009. and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full or by summary in the _____, a newspaper circulated in the Township of New Buffalo, Berrien County, Michigan, on the _____ day of December, 2009.

Dated: _____, 20____

Paul Oselka, Clerk