

Charter Township of Orion

Ordinance No. 147

False Alarms

Adopted December 15, 2014

AN ORDINANCE TO PROHIBIT ACTS OF FALSE ALARM WITHIN THE TOWNSHIP OF ORION, OAKLAND COUNTY, MICHIGAN, AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS THEREOF.**ARTICLE I – DEFINITIONS**

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

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 police or any other emergency services of the Township.

Alarm User includes the owner 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.

Director of Public Safety means the director of public safety of the Township acting personally or through a duly authorized representative or the chief of police of the Township acting personally or through a duly authorized representation.

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

False Alarm means a signal given by an alarm system when no emergency is found by the public safety personnel that respond to the alarm.

Public Safety Personnel includes Township police officers, dispatchers, firemen and other employees of the Township who provide emergency services to persons and/or to property within the Township.

Supervisor shall mean the police crime prevention bureau section supervisor, or the incumbent of any successor position.

ARTICLE II – ACTS PROHIBITED AND ALARM REQUIREMENTS**Section 1**

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 police department, the Township public safety department, or the 911 emergency number which connects or assigns the call to the department or its dispatchers.

Section 2

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

Section 3

Due Care in Operation Required. 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.

Section 4

Excessive Alarms. Alarm systems which signal more than four "at fault" alarms in any calendar year are deemed to be abusive of public safety personnel, are declared to be a public nuisance, and are deemed an "excessive" number of "at fault" false alarms.

Section 5

Explanation for False Alarms. The police department shall notify each alarm user each time public safety personnel respond to a "false alarm," and offer the alarm user the opportunity to submit a written explanation for the actuation of the alarm. Should the alarm user, after such notice, fail to provide a written explanation to the police department within thirty (30) days of the date of mailing of such notification, the alarm will be deemed an "at fault" false alarm.

ARTICLE III – ENFORCEMENT AND PENALTIES**Section 1**

Responsibility of Director of Public Safety. The director of public safety has primary responsibility for the administration of this Ordinance. By way of example and not limitation, the director of public safety shall promulgate procedures, regulations, and guidelines; establish a system for notifying an alarm user each time public safety personnel respond to a false alarm; develop a program that provides each alarm user an opportunity to submit a written or oral explanation for each false alarm; provide a system for recording and keeping records of alarm activation or sounding of alarms, false alarms, and "at fault" alarms; and establish procedures for appealing any final decision of the public safety director to the Township Board administrative committee. A representative of the public safety director shall be permitted to attend any appeal proceedings.

Section 2

Corrective Action. The director of public safety may initiate a corrective action in the event excessive "at fault" false alarms are signaled by any alarm system. Such corrective actions may include one or more of the remedies enumerated in this chapter, institution of ordinance violation proceedings, 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 3

Appeals of Director of Public Safety's Decisions. All administrative actions and decisions of the director of public safety under this chapter may be appealed to the administrative committee of the Township Board, upon filing a request in writing, with the Township Supervisor, within ten days of the director of public safety's decision. The Township Board administrative committee is hereby vested with all power and authority of the director of public safety under this chapter, and may affirm, reverse, or modify any such decision of the director of public safety. The Township Board administrative committee shall utilize the provisions of subsection (5) herein when reviewing a decision of the director of public safety.

Section 4

Fee Charged for Responding to "At Fault" Alarms. Every alarm user shall pay to the Township a fee for responding to the third and any subsequent "at fault" false alarms signaled by that person's alarm system within any calendar year. 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 "at fault" 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. 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 here and/or allowed by law.

Section 5

Collection of Fees. Fees for responding to "at fault" 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) Any other action allowed by law to collect a debt.

Section 6

Enforcement for Failure to Pay Fee. Failure to pay said fee above within thirty (30) days of written notice shall result immediately in the following:

- (a) Removal of system or proof of its inactivation;
- (b) Subject to any and all penalties stated within this Ordinance.

Section 7

Presumption as to "Alarm User." For purposes of prosecuting violations of the penal provisions of this chapter, and for purposes of collecting the fees incurred because of excessive "at fault" false alarms, 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 8

Penalty. Any person who violates this article shall be guilty of a misdemeanor, and shall be punished by a fine of not more than Five Hundred Dollars (\$500), or by imprisonment for a period not exceeding ninety (90) days, or both, plus costs in the discretion of the court.

ARTICLE IV – SEVERABILITY, EFFECTIVE DATE AND ADOPTION

Section 1

Severability. This Ordinance and all provisions hereof are hereby declared to be severable and if any provision hereof or part hereof is adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason whatsoever, it is hereby declared and provided that the remainder of this Ordinance shall not be affected thereby.

Section 2

Effective Date. This Ordinance shall become effective upon publication, as provided by law.

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