

TOWNSHIP OF ALMONT
LAPEER COUNTY, MICHIGAN

ORDINANCE NO. 57

ALMONT TOWNSHIP ALARM ORDINANCE

TITLE

AN ORDINANCE regulating the installation and use of alarm systems, providing for the imposition of fees for false alarms, establishing a penalty for violation thereof and repealing any and all ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ALMONT, LAPEER COUNTY, MICHIGAN, ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the "Almont Township Alarm Ordinance."

SECTION 2. ENABLING AUTHORITY

This Ordinance is adopted pursuant to and in accordance with 1945 PA 245 and 1947 PA 359, as amended.

SECTION 3. DEFINITIONS

(a) The term "Alarm Business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling or servicing alarm systems.

(b) The term "Alarm System" means an assembly of equipment and devices

or a single device such as a solid state unit which uses electrical energy to signal the presence of a hazard requiring urgent attention and to which fire or police are expected to respond. In this Ordinance, the term "Alarm System" shall include but not be limited to the terms "Automatic Holdup Alarm Systems," "Burglar Alarm Systems," "Holdup Alarm Systems" and "Manual Holdup Alarm Systems" as those terms are hereinafter defined. Fire alarm systems and alarm systems which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into premises or an attempted robbery at premises are specifically excluded from the provisions of this Ordinance. Also excluded from this definition and from the coverage of this Ordinance are alarm systems used to alert or signal persons within the premises in which the alarm system is located, of an attempted unauthorized intrusion or holdup attempt. If a system employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, the system shall be within the definition of alarm system and shall be subject to this Ordinance.

(c) The term "Annunciator," means the instrumentation on an alarm console at the receiving terminal of a signal line which through both visual and audible signals shows that an alarm device at a particular location has been activated or indicates line trouble.

(d) The term "Answering Service" refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems, and there after immediately relaying the message by live voice to the communication center of the Fire or Police

Department.

(e) The term "Automatic Dialing Device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

(f) The term "Automatic Holdup Alarm System" means an alarm system in which the signal transmission is initiated by the action of the robber.

(g) The term "Burglar Alarm System" refers to an alarm system signaling an entry or attempted entry into the area protected by the system.

(h) The term "False Alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, without an unlawful entry or through the negligence of the owner or lessee of an alarm system or of his/her employees or agents or other cause.

(i) The term "Holdup Alarm System" refers to an alarm system signaling a robbery or attempted robbery.

(j) The term "Manual Holdup Alarm System" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacking or by an observer of the attack.

(k) The term "Police Chief" means the Chief of the Police Department of the Township or his/her designated representative.

(l) The term "Fire Chief" means the Chief of the Fire Department of the Township or his/her designated representative.

(m) The term "Subscriber" means a person who buys or leases, or otherwise obtains an alarm signaling system and contracts with or hires an alarm business to monitor or service the alarm device.

SECTION 4. ALARM SYSTEM REQUIREMENTS

No person shall interconnect any automatic dialing device to a Fire or Police Department primary trunkline and no person shall permit such devices to remain interconnected from any property owned or controlled by that person. Such devices may be interconnected to a modified central station or an answering service. Relaying messages so received to the Fire or Police Department shall only be done person to person on the telephone line designated by the Fire Chief or Police Chief. The Fire Chief or Police Chief may approve a direct line installation between a modified central station or an answering service to the Fire or Police Department, with full costs to be borne by the intermediate service.

(a) The alarm user will provide the Fire or Police Department with the name, telephone number and address of the premises where the alarm is located and the names and telephone numbers of at least two other persons who have agreed in writing to cooperate in this program, who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by the automatic alarm device, and who can open the premises where the device is installed. If any such person refuses to cooperate with the Fire or Police Department, such refusal shall

be a violation of this Ordinance. If any such person withdraws his agreement to cooperate, the alarm user will at once furnish another person who has consented and meets the qualifications set out in this Section.

- (b) No person shall use, install, or direct to be installed, any audible alarm system which emits a sound and/or visual signal for a period longer than fifteen (15) minutes from the time of the initial signaling of the device.
- (c) Separate systems are required whenever a single building contains more than one unit of occupancy and each unit has a separate entrance. If such occupant elects to install an alarm system, said person shall be required to have a separate alarm system for each business located in such building. Whenever a multiple housing residential structure shall have separate entrances for each occupancy unit, and such occupant elects to have an alarm system, each separate entrance to the occupancy unit shall contain separate alarm systems.

SECTION 5. TESTING

- (a) No alarm system designed to transmit emergency messages directly to the Fire or Police Department shall be tested or demonstrated without first notifying the Fire or Police Department Dispatcher.
- (b) No alarm system relayed through intermediate services to the Fire or Police Department will be tested to determine response without first notifying the Fire or Police Department Dispatcher.

SECTION 6. NOTIFICATION

When an alarm business service to its subscribers is disrupted for any reason by the alarm business, or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

SECTION 7. FEE FOR ANSWERING FALSE ALARMS

There is hereby imposed a fee for fire response to false alarms. For the first two responses there shall be no fee but a warning in writing shall be given. Such fees shall be \$150.00 for the third response in any calendar year, \$300.00 for the fourth response in any calendar year and \$500.00 for all further responses in that calendar year.

This fee is imposed whether the Fire Department received the alarm by direct connection or through any intermediary such as an answering service or modified central station. If the Fire Chief is notified of the date of the installation of the new alarm system, the fee imposed by this Section is waived for a 90 day period beginning with the date of installation.

The Fire Department shall mail a "False Alarm Notice" to the alarm user following each false alarm occurrence indicating therein the appropriate warning or fee as prescribed by this Ordinance.

SECTION 8. TERMINATION OF DIRECT CONNECTION

The Fire and Police Chief are authorized to require that the owner or lessee of any alarm system directly connected to either or both Departments shall disconnect such device until it is working in such a manner as will not produce a high frequency of false alarms. The Fire or Police Chief shall require disconnection if six or more false alarms are received in any twelve (12) month period. The Fire or Police Chief may, after giving notice to the subscriber, order disconnection of the system for non-cooperation of the subscriber, or for violations of this Ordinance. Any use of an alarm by an alarm user after receiving notice from the Fire or Police Chief that the alarm is defective and before the alarm is repaired is prohibited.

SECTION 9. EVIDENCE OF FALSE ALARMS: EXCEPTIONS

In determining whether an alarm is a false alarm, all circumstances shall be considered. Setting off an alarm may cause a person who was attempting a break-in to flee. In investigating whether an alarm is false, a careful check will be made for signs of attempts to break in, such as scratches around windows. Alarm conditions caused by the following extenuating circumstances shall not constitute a false alarm and no false alarm fee shall be charged by the Township:

- (1) Alarm system malfunctions, if corrective measures have been instituted within a 72-hour period with notification to the Township Fire or Police Department, provided that the alarm user presents documentation of repair service having been performed by the alarm company to remedy a malfunction.
- (2) Alarm conditions being activated by persons working on the alarm system with

prior notification to the Township Fire or Police Department.

- (3) Alarms which can be substantiated as being activated by disruption or disturbance of telephone company facilities or motor vehicle-utility pole accidents or by storm conditions.

SECTION 10. APPEAL OF CHARGEABLE FALSE ALARM

If a subscriber/alarm user feels the false alarm notice is in error, the false alarm notice may be appealed to the Township of Almont Board of Trustees. The appeal must be in writing and submitted to the Township of Almont Supervisor's Office within thirty (30) days of receipt of the false alarm notice. The matter then will be set for the next available regularly scheduled Board meeting. The subscriber/alarm user shall have an opportunity to be heard before the Township Board.

The Township Board, in reviewing the appeal, will consider the following factors:

- (1) Possible negligence of the owner, operator or their employees or agents.
- (2) Evidence that the alarm system has malfunctioned, through improper installation or mechanical failure.
- (3) Any evidence that setting off of the alarm itself caused the person attempting to break in to flee.
- (4) The results of any investigation performed by the Township of Almont Fire or Police Department, any police agency, or the Township of Almont Fire Department.
- (5) Any corrective measures instituted by the subscriber/alarm user.
- (6) All extenuating circumstances.

- (7) Any other relevant information and/or evidence.

SECTION 11. PENALTY

Any person, firm or corporation violating any provision of this Ordinance shall be fined not more than Five Hundred and no/100 (\$500.00) Dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 12. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 13. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 14. PUBLICATION

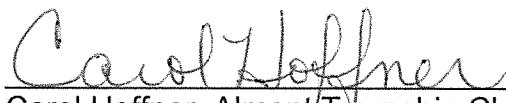
This Ordinance shall be published in full in The Tri-City Times, a newspaper of general circulation in the Township of Almont, within thirty (30) days after its adoption.

SECTION 15. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from and after the date of publication of a true copy thereof in a newspaper circulating within the Township of Almont, as heretofore provided in Section 14.

TOWNSHIP OF ALMONT, LAPEER COUNTY, MICHIGAN
SUMMARY OF ALARM ORDINANCE
ORDINANCE NO. 57

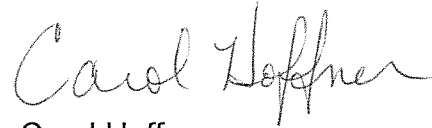
PLEASE TAKE NOTICE that at a regularly scheduled meeting of the Almont Township Board of Trustees on July 13, 2009 the Township Board adopted Ordinance No. 57, being the Almont Township Alarm Ordinance. The Ordinance regulates the installation and use of alarm systems; provides for the imposition of fees for false alarms responded to by the fire department; sets forth alarm system requirements; authorizes the fire chief and police chief to terminate a direct connection of an alarm system if such is producing a high frequency of false alarms; provides an appeal process from the imposition of false alarm fees and repeals any and all ordinances and/or resolutions in conflict with the Ordinance. The Ordinance shall be effective 30 days from the date of this publication. A copy of this Ordinance is on file at the Township Clerk's office located at 819 North Main Street, Almont, MI 48003 and may be purchased or viewed during regular business hours.



Carol Hoffner, Almont Township Clerk

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Almont, do hereby certify that on July 15, 2009, a true copy or summary of the foregoing Ordinance was duly published in a newspaper having general circulation within the Township.


Carol Hoffner,
Almont Township Clerk

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Almont, Lapeer County, Michigan, at a meeting held on the 13th day of July, 2009.

I hereby further certify that the following Township Board Members were present at said meeting: Bowman, Hoffner, Rayl, Eschenburg, Moore, Sweers, Stroup.

and the following Township Board members were absent: None

I further certify that Member Hoffner moved for the adoption of the Ordinance, and that motion was supported by Member Eschenburg.

I further certify that the following Almont Township Board Members voted for the adoption of the Ordinance: Sweers, Hoffner, Rayl, Eschenburg, Stroup, Moore, Bowman.

and that the following Almont Township Board Members voted against adoption of the Ordinance: None



Carol Hoffner,
Almont Township Clerk