

Charter Township of Orion

Ordinance No. 147

False Alarms

Adopted December 15, 2014

AMENDED

April 5, 2021

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

(All existing language in Ordinance No. 147 is struck and replaced with the following)

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 law enforcement, firefighters, emergency medical services or any other emergency response by 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.

Commercial Occupant means all non-residential facilities engaged in business or commerce, whether for profit or not for profit or publicly or privately owned.

Contractor means a person that is engaged in the business of testing, erecting, installing, altering, repairing, servicing or maintaining wiring, devices, appliances or equipment of an alarm system.

False Alarm means the activation of an alarm system causing a sound or visual signal through mechanical failure, faulty equipment, malfunction, improper installation, improper testing, failure to provide notice, lack of prudent maintenance, and/or the negligence of the alarm user or its employees, agents, guests, residents or invitees. A false alarm shall be presumed when an alarm is tested without prior notice to the Orion Township Fire Department and alarm user's monitoring company, and when a law enforcement investigation reveals no evidence of criminal activity, or illegal entry or an attempt thereof, or in the case of a false fire alarm, when a Fire Department investigation reveals no fire, potential fire or need for medical or fire attention, upon the activation of the alarm system, with the following exceptions:

- (a) Activation by tornadoes, storms or other violent conditions beyond the control of the alarm user;
- (b) False alarms activated by disruption or disturbance of telephone or public utility company facilities;
- (c) Utility pole accidents;
- (d) Testing of the alarm system after prior notification has been received and confirmed by the Fire Department and the alarm users monitoring company; and
- (e) Intentional and non-malicious activation of an alarm or emergency response system due to a good faith belief of a real or perceived need for fire, police or medical assistance, regardless of whether fire, police or medical assistance was actually necessary.

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

Purpose. This Ordinance is intended to facilitate the more efficient use of police, fire, medical, and public personnel resources for true emergencies and for people who genuinely believe they need police, fire, medical or public personnel assistance. The focus of this Ordinance is on mechanical failure, faulty equipment, improper installations, and the negligence of alarm users and those engaged in the maintenance, repair or testing of all life safety systems located in a commercial building. The Ordinance is not intended to discourage or otherwise inhibit the use of alarms or 9-1-1 systems to seek emergency assistance. Therefore, this Ordinance shall always be construed in a manner that serves to prompt residents and businesses to correct mechanical and operational alarm system deficiencies, but not to discourage residents and businesses from seeking emergency help. All alarm users shall be responsible for properly maintaining their life safety systems. This shall include ensuring all life safety systems within the user's control are inspected annually, kept in good operating order, and code compliant.

Section 2

A. Fee Charged for Responding to False Alarms, Generally. Every alarm user shall pay to the Township a fee for responding to the second and any subsequent “false alarm signaled by that person’s alarm system within a 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 false alarms, administering the system of recording and classifying the alarms, staffing costs, 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.

B. Responding to False Alarms, Commercial Occupant. A Contractor and/or his or her employer conducting an inspection, repair, replacement, and/or installation of an alarm system within a Commercial Occupancy shall be responsible for alerting the Fire Department and any other monitoring agency of testing an alarm system at least one (1) hour before completing any testing, repairing or maintenance procedures. The Commercial Occupant is also responsible for ensuring its Contractor has provided adequate notice to the Township in accordance with this Section.

i. In the event the notice requirements set forth in this Section are not met, the Commercial Occupant, the Contractor, and the Contractor’s Employer shall all be held responsible, jointly and severally, and shall pay the Township a fee and/or fine for responding to the second and any subsequent false alarms signaled within any calendar year due to a Contractor and/or Contractor’s Employer failing to give the Township adequate notice that it is testing, repairing or performing maintenance of the alarm system.

ii. Commercial Occupants shall only be responsible for fees and penalties arising from the second and any subsequent false alarm signaled by the Commercial Occupant’s alarm system within a calendar year.

iii. The Contractor and Contractor’s Employer may be held responsible for fees and penalties arising from the second and any subsequent false alarm signaled by each separate Commercial Occupancy for which it conducts an inspection, repair, replacement or installation of the alarm system during a calendar year.

C. First False Alarm. All alarm users shall ensure alarm systems within its control are inspected annually by a licensed contractor. The Fire Department shall conduct a follow-up inspection within 48 hours of the initial false alarm. Such inspections shall be provided free of charge. At the time of inspection, the Fire Department shall provide notice of the associated fees should the alarm user trigger an additional false alarm response in that current calendar year. Such notice may be provided to the alarm user, Commercial Occupant, Contractor, and/or Contractor’s Employer at his, her or its last known address by first-class mail or personal service at the time of inspection or within thirty (30) days thereafter. The notice shall indicate the potential penalties, as set forth in this Article, for future false alarm occurrences.

Section 3

A. 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 Sheriff Substation, Fire Department, Department of Public Works or the 911 emergency number which connects or assigns the call to the department or its dispatchers.

B. Due Care in Operation Required. Every alarm user shall exercise due care to install, maintain, and use every alarm system so as to avoid 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

A. Enforcement and Penalties. Alarm users shall pay the Township a fee or fine as provided in this section, for each false alarm and shall also be held responsible as follows:

i. First false alarm requiring police and/or fire response: Warning.

ii. Second false alarm requiring police and/or fire response within the calendar year: Assessment of a portion or all of the cost of fire response, as established by Resolution.

iii. Third or subsequent false alarm requiring police and/or fire response, within the calendar year: Assessment of a portion or all of the cost of fire response, as established by Resolution.

iv. Fourth false alarm requiring police and/or fire response, within the calendar year shall constitute an excessive number of false alarms, which shall constitute a civil infraction punishable by assessment of a portion or all of the cost of fire response, as established by Resolution, a fine of up to \$500.00, and mandatory restitution to the Township for the cost of police response and/or the cost of fire response. An alarm system signaling more than three (3) false alarms within a calendar year of time shall be inspected and modified to be more false alarm resistant. Upon written notice, the owner or alarm user of the building, residence or commercial occupation shall have the alarm system inspected and modified, at the owner or user's expense, by a licensed alarm system contractor within fourteen (14) days of the date of the notice and shall forward to the Fire Department the contractor's report of the probable cause of the false alarms and the measures instituted to eliminate same.

B. Procedure. The Township shall administer the invoicing for assessment of the false alarm fees established by this Section. The Fire Department shall promptly prepare and deliver to the alarm user who is deemed liable under this Article for the payment of the cost of the police and/or fire response, an invoice by first class mail or personal service. The amount of the invoice shall constitute a debt in favor of the Township and the obligation of the alarm user. The invoice shall also include the following provision: "A person aggrieved by this false alarm determination may submit a letter of appeal to the Township Board of Trustees for review of the determination or penalty being appealed." An alarm user who is liable for the payment of the cost of police response and/or the cost of fire response shall make payment in full to the Township Treasurer within thirty (30) days of the invoice date.

C. Appeal. Alarm Users, Commercial Occupants, Contractors, and/or Contractor's Employers aggrieved by receipt of a warning letter for the occurrence of a false alarm, or by a false alarm determination that results in the imposition of a fee for the cost of police response and/or the cost of fire response, may submit a letter of appeal to the Township Board of Trustees for review of the determination of a false alarm occurrence. Such appeal letters must be submitted within fourteen (14) days of the date of the warning letter or fee invoice. Persons or entities who are cited for a municipal civil infraction may not avail themselves of this appeal provision but may instead defend against the charge in the district court if desired. The fees prescribed by the Township may not be appealed or modified by appeal; only the actual determination of a false alarm occurrence may be appealed pursuant to this Section. The following appeal process shall be afforded upon receipt of an appeal letter.

i. Upon receipt of an appeal letter, the Township Board of Trustees shall forward a copy of the letter (and supporting documentation provided with the letter, if any) to the Fire Chief for review.

ii. The Fire Chief and/or his or her designee shall independently review the letter and, within thirty (30) days, advise the Township Board of Trustees in writing whether, after reasonable investigation, the appeal should be granted. In order to recommend that an appeal be granted, the independent review must result in the conclusion that the original false alarm determination was clearly erroneous. To reach such a conclusion, irrefutable evidence must support the finding that the occurrence did not fit the definition of "false alarm" as set forth in this Article.

iii. The Township Board of Trustees shall decide the matter based upon his or her review of the conclusions of the Fire Department, subject to the standards set forth in subparagraph (ii). The Board's decision shall be rendered in writing no later than sixty (60) days from the date the appeal was received by the Township unless the Township Supervisor issues a written notice that the review is subject to circumstances beyond its control that require up to an additional thirty (30) days to complete the review. The Board's decision shall be final, and if the Board makes a finding that the appeal is denied, all outstanding false alarm fees owed shall be paid within ten (10) days of the date the Township Board of Trustees forwards the final decision to the Alarm User via first class mail or personal service.

iv. If an appeal is granted, the result shall be that the determination of a false alarm shall be overturned, and the alarm occurrence shall not be counted with future false alarm occurrences for purposes of the progressive penalties in Section 4(A)(i)-(iii).

v. If the appeal is denied, the result shall be that the determination of a false alarm shall stand, and the false alarm occurrence may be counted with future false alarm occurrences for purposes of the progressive penalties in Section 4(A)(i)-(iii).

D. Payment of Invoice. An alarm user who is liable for the payment of the cost of police response and/or the cost of fire response shall make payment in full to the Township Treasurer within thirty (30) days of the invoice date.

E. Failure to Pay Invoice. When payment of the Township's invoice is not timely made, the Township may commence a civil action against a person who is liable for the payment of the cost of police response and/or the cost of fire response and who fails to make payment in full to the Township as required by this Ordinance. The Township shall be entitled to recover the expenses, statutory interest, court costs, and reasonable attorney fees incurred for pursuing the civil action.

Section 5

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 6

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

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