

ORDINANCE NO. 49
THE CHARTER TOWNSHIP OF CHOCOLAY,
MARQUETTE COUNTY, MICHIGAN
FALSE ALARM ORDINANCE

An ordinance to define excessive false alarms; to enable the Charter Township of Chocolay to recoup from alarm users the costs incurred by the Township in responding to excessive false alarms; and, to provide a means for the collection of such costs.

The Charter Township of Chocolay, Marquette County, Michigan, ORDAINS:

Section 49.1 Purpose

It is the purpose of this Ordinance to provide to the Charter Township of Chocolay a means by which it may recover expenses incurred by it in connection with responding to excessive false alarms to which fire and/or police personnel are dispatched, and to provide a means for recovering such charges from the users of such alarm systems.

Section 49.2 Definitions

When used in this Ordinance, the following words and terms shall have the following described meanings:

Alarm System shall mean a device or an assembly of equipment and devices arranged to signal the presence of a hazard or condition requiring urgent attention and to which police officers or fire department personnel are expected to respond. As used in this Ordinance the term *alarm system* shall include the terms "automatic hold-up alarm system", "burglar alarm system", "intrusion alarm system", "hold-up alarm system", "manual hold-up alarm system", "temperature fire alarm system", "manual fire alarm system", "fire alarm system", and "automatic sprinkler water-flow alarm system". Excluded from this definition are alarm systems intended to alert or signal persons within a premises in which the alarm system is located, of an attempted unauthorized intrusion, hold-up attempt, or fire hazard. If such a system, however, employs an audible signal emitting sounds or flashing lights or beacons designed to signal persons outside the premises, such systems shall be within the definition of an *alarm system* and shall be subject to this Ordinance.

Alarm user shall mean the owner of a premises, as shown in the tax rolls of the Township.

Emergency incident shall mean a condition or situation requiring urgent attention and to which police officers or fire department personnel are expected to respond.

Excessive false alarm shall mean a second or subsequent false alarm to which the Township Fire Department responds at the same location in any twelve-month period, or a fourth or subsequent false alarm to which the Township Police Department responds at the same location in any twelve month period.

False alarm shall be defined as any alarm signal emitted by any alarm system to the Township Police Department, the Township Fire Department, the Marquette County Central Dispatch Center, or elsewhere, which does not result from criminal activity for which the alarm system was intended; or, in the case of a fire alarm, any alarm signal which is emitted by an alarm system to the Township Police Department, the Township Fire Department, the Marquette County Central Dispatch Center, or elsewhere, which does not result from a fire or potential fire condition.

Township shall mean the Charter Township of Chocolay.

Section 49.3 Nuisance

All excessive false alarms from the same location are hereby declared to be a public nuisance.

Section 49.4 Excessive False Alarm Fees

A. For each excessive false alarm to which the Township Police Department responds, the alarm user shall be charged, and shall pay to the Township, an excessive false alarm fee in such amount as shall, from time to time, be established by resolution of the Township Board, but which shall in no event be less than twenty-five dollars (\$25.00).

B. For each excessive false alarm to which the Township Fire Department responds, the alarm user shall be charged, and shall pay to the Township, an excessive false alarm fee in such amount as shall, from time to time, be determined by resolution of the Township Board, but which shall in no event be less than:

(1) The actual amounts paid by the Township to Fire Department personnel who respond to each such excessive false alarm; and,

(2) An amount determined by the Township Board which represents the reasonable cost incurred by the Township for trucks and equipment dispatched to each such excessive false alarm; and,

(3) Such other amounts as the Township Board deems reasonably necessary and appropriate to reimburse it for any costs incurred by the Township resulting from each such excessive false alarm.

Section 49.5 Extenuating Circumstances

False alarms caused by any of the following described extenuating circumstances shall not constitute false alarms or excessive false alarms for which a fee is to be charged and paid:

- A. False alarms caused by storm conditions; and,
- B. False alarms activated by persons working on an alarm system, provided that prior notification of the date and time of day during which such work is to be performed has been provided to the Township Police Department and/or the Township Fire Department; and,
- C. False alarms activated by disruption or disturbance of telephone company facilities, or motor vehicle-utility pole accidents.

Section 49.6 Billing Procedures

A. Not more than five (5) business days following the occurrence of an excessive false alarm to which the Police Department has responded, the Township Chief of Police or his designee shall notify the Township department responsible for invoicing of such occurrence, and shall submit such information as may be necessary in order to enable the Township to prepare and submit to the alarm user an invoice for the excessive false alarm fee.

B. Not more than five (5) business days following the occurrence of an excessive false alarm to which the Fire Department has responded, the Township Fire Chief or his designee shall submit to the Township department responsible for invoicing a detailed listing of all known expenses incurred in responding to such excessive false alarm, including those expenses for which recovery is authorized by resolution of the Township Board, and the Township shall prepare an invoice to the alarm user for payment of such expenses.

C. An invoice prepared pursuant to Subsections A and B above shall demand full payment of the excessive false alarm fee within thirty (30) days of the date of such invoice. For any amounts that remain unpaid after thirty (30) days from the date of such invoice, the Township shall impose a late charge penalty of ten percent (10%) of the amount of the invoice.

Section 49.7 Other Remedies

The Township may pursue any other remedy authorized by law, and may institute any appropriate action or proceeding in a court of competent jurisdiction, to collect charges imposed under this Ordinance, said remedies to include, but not necessarily be limited to, the certification of any unpaid invoices to the Township Tax Assessing Officer, who shall place the same on the next tax roll and assess the fees and penalties against the real or personal property of the alarm user, to be collected in the same manner as general township taxes.

Section 49.8

A. Within five (5) business days of responding to either a false alarm or an excessive false alarm, the Township Chief of Police or the Township Fire Chief, or their respective designees, as may be appropriate, shall provide to the alarm user a written notice of the date, time, and location of such false alarm or excessive false alarm.

B. If the alarm user believes that said false alarm or excessive false alarm was caused by one of the extenuating circumstances described in Section 49.5 of this Ordinance, such alarm user shall, within thirty (30) days of the date of the occurrence of such false alarm or excessive false alarm, submit to the Fire Chief or the Chief of Police, as the case may be, any evidence and documentation that said alarm user wishes to submit which will substantiate his/her position that such false alarm or excessive false alarm was caused by an extenuating circumstance.

C. The Township Fire Chief or the Township Chief of Police, as the case may be, shall evaluate such evidence and documentation as may be submitted by the alarm user, and shall make a determination as to whether or not said false alarm or excessive false alarm was caused by an extenuating circumstance, and shall notify the alarm user, in writing, of that decision within thirty (30) business days of the delivery of such evidence and documentation by the alarm user.

D. If, upon receipt of the decision of the Township Fire Chief or the Township Chief of Police, as the case may be, the alarm user is not satisfied with such decision, said alarm user may request a further review of such evidence and documentation, and decision by the Township Supervisor, provided that such request for review by the Township Supervisor is made by the alarm user in writing, within ten (10) business days of the date of mailing of the written decision by the Township Fire Chief or the Township Chief of Police.

E. Upon completion of his/her review, the Township Supervisor shall make a decision as to whether the subject false alarm or excessive false alarm was caused by an extenuating circumstance, and shall notify the alarm user of his/her decision in writing, within twenty (20) business days from the date when he/she received the written request for review from the alarm user.

F. If the final determination of the Police Chief, Fire Chief, or Township Supervisor, as the case may be, is that a false alarm was caused by an extenuating

circumstance, then such false alarm shall not be counted as one of the false alarms to which an alarm user is entitled before becoming an excessive false alarm.

G. If the final determination of the Township Police Chief, Fire Chief, or Township Supervisor is that a false alarm which would be an excessive false alarm was caused by an extenuating circumstance, then such false alarm shall not be considered an excessive false alarm, and no fee shall be charged by or paid to the Township for such false alarm.

Section 49.9 Severability

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of the balance of this Ordinance, but shall remain in full force and effect.

Section 49.10 Effective Date

Upon adoption, this Ordinance shall be published as required by law, and shall take effect thirty (30) days after such publication.

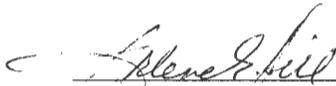
Aye: Fende, Hill, Greenberg, Sherbinow, Wickstrom, Bohjanen, Engle.

Nay: None.

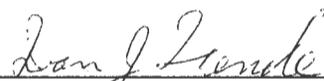
Motion Carried.

I hereby certify that this is the official true and accurate copy of Ordinance No. 49 - An ordinance to adopt regulations and procedures for recouping township costs for excessive false alarms. Charter Township of Chocolay, Marquette County, Michigan. Ordinance was adopted by the Charter Township Board on February 5th, 1996.

Dated February 5, 1996.



 Arlene E. Hill, CMC
 Clerk, Charter Township of Chocolay



 Ivan J. Fende, Supervisor
 Charter Township of Chocolay

Dates of Publication in the "Mining Journal".

1. January 20, 1996.
2. February 14, 1996.