

CHAPTER 56

FALSE ALARM CHARGES ORDINANCE

Purpose

This is an ordinance to establish a civil infraction violation for false alarms for emergency services pursuant to Michigan Public Act 33 of 1951, as amended; to provide additional charges for multiple false alarms and methods for collection of such charges and exemption therefrom; and to protect the health, safety and welfare of public. It is the purpose of this ordinance to discourage, and recoup expenses incurred for City emergency services due to, false alarms which cause the City to incur unnecessary expenses and cause a threat to the health, safety, and welfare of City residents by diverting emergency personnel and equipment to sites where no legitimate need exists, thereby creating a risk that the emergency service provider will take a longer amount of time, or be unable to respond, to a legitimate call. This ordinance has become necessary due to the proliferation of private fire, carbon monoxide, and intruder alarms and the corresponding increase in false alarms due to defective, malfunctioning, overly sensitive, improperly installed or improperly used equipment, or equipment which triggers an alarm when no legitimate hazard exists.

Definitions

The following words and phrases set forth below shall have the following meanings as used in this ordinance:

False Alarm: The summoning of emergency services as a result of a fire, carbon monoxide or intruder alarm under circumstances where there is no fire, carbon monoxide or intruder problem or hazard. This shall include, but not be limited to, circumstances in which a fire, carbon monoxide or intruder alarm is triggered due to defective equipment, malfunctioning equipment, overly sensitive equipment, improper installation or alarm equipment, or improperly used fire, carbon monoxide or intruder alarms or equipment which triggers an alarm when no legitimate hazard exists which, directly or indirectly, calls for emergency services. An intruder alarm triggered by an animal from the inside of the building where the alarm is located shall constitute false alarm.

Emergency Services: This phrase shall include any service provided by, but not limited to, fire vehicles and personnel, rescue vehicles and personnel, ambulance vehicles and personnel, and police vehicles and personnel.

Charges

The City of Lapeer shall adopt a fee schedule for restitution charges which shall be hereafter due and payable to the City from a recipient of an emergency service for the third and any subsequent false alarm within a 365 day period. The City Commission may amend the fee schedule by vote at a regular City Commission meeting. Moreover, the Schedule of False Alarm Fees is be in addition to any fines and costs ordered by the District Court. The present schedule is as follows:

Schedule of False Alarm Fees:

1 st and 2 nd	No fee
3 rd , 4 th , 5 th	\$150.00 each
6 th and any subsequent	\$500.00

Notice of Alarm Violation

The Lapeer City Public Safety Department within seven (7) working days shall be first class mail notify the owner, occupant, and/or person in possession or control of the property of the false alarm violation, the number of false alarm occurrences within 365 days prior to the violation date, a schedule of false alarm fees, and any applicable violation charges.

Appeal of Alarm Violation

A person wishing to appeal a false alarm violation and the associated fee may do so pursuant to the normal procedures of the 71-A District Court regarding civil infraction violations.

Exemptions

The following properties and services shall be exempt from the provisions of Section 56.03 and 56.05 above:

False alarms recorded within the first 14 days after installation.

False alarms caused by railroad trains which are the specific statutory responsibility of railroad companies.

False alarms involving township, county, or other municipal buildings, grounds and/or property.

Emergency services performed outside the jurisdiction of the City pursuant to a mutual aid contract, or other contract, with another municipality.

False alarms recorded as a result of storms, earthquakes or other violent conditions beyond the control of owners, occupants or persons in possession or control.

False alarms activated by a person working on the alarm system with prior notification to the Lapeer Central Dispatch offices.

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

Obligation

This ordinance does not constitute a contract for the City of Lapeer or emergency service providers to answer any alarms, whether false or otherwise. Further, this ordinance does not guarantee that the emergency service providers will respond to any alarm from any source.

Severability

Should any provision of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforce ability of the balance of this ordinance which shall remain in full force and effect.

Effective Date

This ordinance shall become effective on the 1 day of November, 1999.