

TOWNSHIP OF CHIKAMING  
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 90  
Adopted: July 9, 1998

AN ORDINANCE TO REGULATE AND GOVERN THE INSTALLATION AND OPERATION OF ALARM SYSTEMS WITHIN THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN, ENACTED PURSUANT ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, BEING THE TOWNSHIP GENERAL ORDINANCE STATUTE, AND TO PROVIDE FOR RECOVERY OF COSTS INCURRED BY THE TOWNSHIP ASSOCIATED WITH SUCH ALARM SYSTEMS.

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Purpose. The township board recognizes that there exists an unjustified increase in the amount of public safety resources expended in responding to false alarms for emergency assistance, that can be avoided. Accordingly, by implementing an ordinance requiring regulations and fees that will encourage alarm devices to be appropriately designed, installed, maintained, and utilized, this will reduce the burden imposed upon the general public caused by false alarms.

All citizens of the township shall abide by this ordinance and cooperate fully with the police department for the realization of these objectives.

Section 2. Definitions. The following words and phrases, when used in this ordinance shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

*Alarm Monitoring Agency* means any corporation, partnership, unincorporated entity or individual who monitors an alarm system existing in the township on behalf of an alarm system user with the purpose of transmitting information to the township public safety personnel regarding the presence of a hazard requiring urgent attention to which the township public safety personnel are expected to respond.

*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 public safety personnel 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.

*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 or an Alarm Monitoring Agency 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.

Section 3. 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 fire department, the township ambulance service, or the 911 emergency number which connects or assigns the call to these departments.

Section 4. Automatic Shut-off Required. All alarm systems hereafter installed which emit a signal audible beyond the boundaries of the property protected shall have an automatic shut-off feature, that silences the audible portion of the alarm not more than 15 minutes after being tripped. All persons shall terminate the use of existing alarm systems that lack this automatic shut-off feature within sixty (60) days after the effective date of this ordinance.

Section 5. Due Care in Installation and Operation Required; Permit Required for Installation. 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. An electrical permit shall be obtained from the township for all alarm systems installed after the effective date of this ordinance.

Section 6. Excessive Alarms. Alarm systems which signal more than the number of false alarms set forth below are deemed to be abusive of public safety personnel and are declared to be a public nuisance. Alarm systems or Alarm Monitoring Agencies are in violation whenever any alarm system signals:

- (a) more than three (3) false alarms in any one hundred twenty (120) day period.
- (b) more than four (4) false alarms in any two hundred forty (240) day period.
- (c) more than five (5) false alarms in any three hundred sixty-five (365) day period

provided that false alarms which are recorded in the first sixty (60) days after installation of an alarm system shall not be counted.

Section 7. Fee Charged for Responding to False Alarms. Every alarm user shall pay to the township a fee for responding to false alarms in excess of the number set forth in Section 6 above. 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, and collecting and accounting for the user fees charged. Such fee shall be paid within thirty (30) days of written notice thereof. 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 herein and/or allowed by law.

Section 8. Corrective Action. The Township Chief of Police may initiate a corrective action in the event excessive false alarms are signaled by any alarm system. Such corrective actions may include one or more of the remedies enumerated herein, 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 9. Presumption as to "Alarm User". For purposes of collecting the fees incurred because of excessive 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 10. Collection of Fees. Fees for responding to 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 11. Enforcement for Failure to Pay Fee. Failure to pay said fees above within thirty (30) days of written notice as stated in Section 8 shall result immediately in the removal of system or proof of its inactivation.

Section 12. Other Remedies. The foregoing remedies are in addition to all other rights and powers of the Township to proceed at law or equity with other and additional appropriate remedies.

Section 13. Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 14. Effective Date. This ordinance was adopted by the Chikaming Township Board at a regular meeting held in the Township Hall on the 9th day of July, 1998, shall take effect the 20th day of August, 1998, the same being more than thirty (30) days after the date of publication. All ordinances or parts of ordinances in conflict are hereby repealed.

Jeanne S. Dudeck  
Jeanne S. Dudeck, Clerk  
Township of Chikaming

Attest:

Harold J. Gilmore  
Harold J. Gilmore, Supervisor  
Township of Chikaming

CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 90, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 9th day of July, 1998. I further certify that Zimmerman moved the adoption of said ordinance and Simmons supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Zimmerman	<u>  x  </u>	_____	_____	_____
Gibson	<u>  x  </u>	_____	_____	_____
Simmons	<u>  x  </u>	_____	_____	_____
Dudeck	<u>  x  </u>	_____	_____	_____
Gilmore	<u>  x  </u>	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 20 day of July, 1998, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the Southcounty Gazette & Shopper, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 20th day of July, 1998.

Dated: July 20, 1998

Jeanne S. Dudeck  
Jeanne S. Dudeck, Clerk  
Township of Chikaming