

VILLAGE OF FAIRGROVE  
TUSCOLA COUNTY, MICHIGAN

**ORDINANCE NO. 46**

**REGULATE ALARM USE**

An ordinance to regulate alarm use and establish fees for false alarms.

THE VILLAGE OF FAIRGROVE ORDAINS:

Section 1. DEFINITION.

The following words, terms and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them in this Section.

ALARM SYSTEM mean an assembly of equipment and devices or a single device, arrange to signal the presence of a hazard requiring urgent attention and to which public safety personnel are expected to respond.

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.

FALSE ALARM means any alarm condition which is registered at the police department or else where not resulting from criminal activity for which the alarm was intended or in the case of a fire alarm, any alarm condition which is registered at the police department or elsewhere not resulting from a fire or potential fire condition.

PUBLIC SAFETY PERSONNEL includes police officers, dispatchers, firemen and other employees who provide emergency services to persons and/or to property within the Village.

SUBSCRIBER includes any public service utility, fire department, central dispatch or police agency.

Section 2. DUE CARE IN OPERATION AND INSTALLTION REQUIRED

Every alarm user shall exercise due care to install, maintain and use every alarm system so as to avoid its signalling false alarms. Every alarm user shall diligently instruct, supervise, and control those having access to the alarm system and the alarm premises, and shall take all reasonable steps to prevent the system from signalling false alarms.

Section 3. AUTOMATIC TELEPHONE ALARMS

No person shall sell, install, operate, adjust, arrange for or contract to provide a device or combination of devices that will upon activation, either mechanical, electronically or by other means, initiate the automatic intrastate calling, dialling, or connection to any telephone number assigned to any subscribed by a public telephone company, for the purpose of delivery a recorded message.

Section 4. AUDIBLE OR VISUAL ALARM, DURATION LIMITED

No person, corporation, partnership or any other legal entity, shall use, lease, install or direct to be installed any alarm system which emits a sound and/or visual signal for a period longer than fifteen (15) minutes from the time of the initial signalling of the devices. All persons shall terminate the use of existing alarm systems which lack this automatic shut-off feature within sixty (60) days after the effective date of this Ordinance.

Section 5. SEPARATE ALARMS FOR MULTIPLE UNITS OF OCCUPANCY WITHIN A BUILDING

For either business or multiple housing residential structures, *if* they have an alarm system, then separate systems for each unit of occupancy are required whenever a single building contains more than one (1) unit of occupancy and each unit has a separate entrance. No two (2) buildings which are separate units of occupancy shall having a single alarm system for both buildings; rather, a separate system must be maintained for each such building.

Section 6. CORRECTIVE ACTION.

The Village of Fairgrove Chief of Police may initiate a corrective action in the event false alarms are signalled by any alarm system. Such corrective actions may include one or more of the remedies enumerated in this ordinance, institution of Ordinance violation proceedings, imposition and collection of user fees by billing and/or prosecution of civil actions, the institution of civil proceedings for court-ordered abatement of nuisances, and any other remedy allowed by law. All of these remedies shall be cumulative.

Section 7. FALSE ALARM FEES; WHEN PAYMENT REQUIRED

In order to defray the cost of responding to false alarms, any person, corporation, partnership or any other legal entity who use, leases, installs or directs the installation of an alarm system described in this Ordinance shall pay to the Village of Fairgrove an alarm fee as provided for in Section 8, below, for each occasion that the alarm is activated and responded to by the police and/or fire department in any of the following cases:

- A. No evidence of illegal entry or an attempt thereof;
- B. No evidence of fire;
- C. Activated by mistake;
- D. Alarm activated by persons working on the alarm system where Police and Fire Department were not previously notified;
- E. Alarm system malfunction.

Section 8. ALARM FEE SCHEDULE

For violation of Section 7, in any calendar year, the alarm fee schedule shall be as follows:

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|--|-----------|
| A. First activation requiring Police response  | No Charge |
| B. Second activation requiring Police response   | No Charge |
| C. Third activation requiring Police response  | \$ 30.00  |
| D. Fourth activation requiring Police response   | \$ 40.00  |
| E. Fifth and each subsequent activation requiring Police response                                  | \$100.00  |
| F. Fire Department response to false alarms will be Assessed at three (3) times the above amounts. |           |

Section 9. WHEN FEES ARE TO BE PAID

Fees enumerated in Section 8 shall be paid within thirty (30) days of written notice. The failure to pay within said time shall be a debt in favour of the Village of Fairgrove, 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 10. ENFORCEMENT FOR FAILURE TO PAY FEE

Failure to pay fees enumerated in Section 8 above within thirty (30) days of written notice as stated in Section 9, shall result immediately in the following:

- A. Alarm user shall remove or inactivate alarm system during time said fees are unpaid.
- B. Alarm user shall be obligated to pay an additional fee of \$10.00 (ten) per day for each day after said 30 day period that said fee remains unpaid.

Section 11. SEVERABILITY

- A. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance and such holding shall not affect the validity of the remaining portions of this Ordinance.
- B. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 12. PENALTY

In addition to all the fines and penalties herein before provided, any person who violates this Ordinance shall be guilty of a Civil Infraction.

Section 13. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon publication as required by law.

We hereby certify that the foregoing Ordinance was duly enacted by the Village Council of the Village of Fairgrove, Tuscola County, Michigan, on the 7<sup>th</sup> day of February, 2000.

ADOPTED February 7, 2000.

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LYNN C CRAMER, PRESIDENT

Attested

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ANN MARIE BALL, CLERK