

Lapeer County False Alarm Charges Ordinance

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 MCL 41.806a, to provide methods for the collection of such charges and exemption therefrom and pursuant to Public Act 246 of 1945, as amended, MCL 41.181, to protect the health, safety and welfare of Lapeer County residents.

Section 1: Purpose

It is the purpose of this ordinance to discourage and to recoup expenses incurred for County emergency services due to false alarms which cause the County to incur unnecessary expenses and cause a threat to the health, safety, and welfare of County 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. The County believes that 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 which requires emergency services.

Section 2: Definitions

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

1. **False Alarm:** The summoning of emergency services as a result of a mechanical 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 of alarm equipment, or improperly used fire, carbon monoxide or intruder alarms or equipment which triggers an alarm when no legitimate hazard exists which requires emergency services. An intruder alarm triggered by an animal from the inside of the building where the alarm is located shall constitute a false alarm.
2. **Emergency services:** This phrase shall include any service provided by, but not limited to, fire vehicles and personnel, rescue vehicles and personnel, First Response vehicles and personnel, Ambulance vehicles and personnel, and police vehicles and personnel.

Section 3: Charges

The County shall adopt a fee schedule by motion for the restitution charges which shall

be hereafter due and payable to the County from a recipient of an emergency service necessitated by the third and any subsequent false alarm with a 365-day period. The County may amend the fee schedule without notice to county residents. Moreover, the Schedule of False Alarm Fees is intended to be in addition to fines and costs ordered by the District Courts.

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 each

Section 4: Notice of Alarm violation

The occupier of the alarmed property who violates this ordinance shall be served with a citation by a law enforcement officer within a reasonable amount of time after the false alarm has occurred. In addition, an emergency agency responding to a false alarm shall forward written notification to the Lapeer Central Dispatch detailing the false alarm incident within 7 days of the incident date. In the event that more than one emergency agency responds to a false alarm, the emergency agency in command of the incident shall have the responsibility of notification to Central Dispatch. Within 14 days of receiving notice from the responding emergency agency, the Lapeer Central Dispatch shall, by first class mail, notify the alarm user of the false alarm violation, the number of false alarm occurrences with 365 days prior to the offense date, a schedule of false alarm fees, and any applicable violation charges.

Section 5: Appeal of Alarm Violation

An alarm user wishing to appeal a false alarm violation and the associated fee may do so pursuant to the normal procedures of the 41-A District Court regarding civil infraction violations.

Section 6: Exemptions

The following properties and services shall be exempt from the charges listed above:

- A False alarms recorded within the first 14 days after installation are not considered for enforcement purposes.
- B. False alarms caused by railroad trains which are the specific statutory responsibility of railroad companies.
- C. Emergency services rendered as a result of fires involving township, county, or municipal buildings, ground and/or property.
- D. Emergency services performed outside the jurisdiction of the County pursuant to a mutual aid contract with another municipality.

- E. False alarms recorded as a result of storms, earthquakes or other violent conditions beyond the control of owners and/or lessees.
- F. False alarms activated by a person working on the alarms system with prior notification to the Lapeer central dispatch offices.
- G. Alarms which can be substantiated as being activated by disruption or disturbance of telephone company facilities or motor vehicle-utility pole accidents.
- H. Alarms caused by defective equipment, provided the alarm user provides written documentation establishing that the equipment causing the false alarm was repaired by the alarm provider within 7 days of the incident date.
- I. The designated representative of the authority having jurisdiction may, if he/she deems it necessary, exempt a false alarm from the conditions of this ordinance. When this occurs, the specific false alarm will not be included in the count of false alarms for a specific address. When this exemption is to be granted the designated representative must notify Lapeer County Central Dispatch, in writing, that the false alarm for a specific date and time, for the affected address is not to be recorded as a false alarm, as outlined in section 2.1 of this ordinance.

Section 7: Non-exclusive charge

The foregoing rates and fees shall not be exclusive of the fees that may be additionally collected by the county through general taxation after a vote of the electorate approving the same.

Section 8: Obligation

This Ordinance does not constitute a contract for the County 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.

Section 9: 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 enforceability of the balance of this ordinance which shall remain in full force and effect.

Section 10: Local Ordinance

In the event that a township or municipality within Lapeer County has adopted or adopts an ordinance to address false alarms, this ordinance shall in no way be deemed to supercede any such local ordinances. Moreover, the local ordinance shall supercede the County False Alarm ordinance.

Section 11: Effective Date

This ordinance shall take effect 30 days after publication of the ordinance.