

GERRISH TOWNSHIP
ORDINANCE TO REGULATE FALSE ALARMS
ORDINANCE NO. XXXVI

Whereas, the Township of Gerrish has determined that the number of false police and fire alarms within the Township of Gerrish has become a problem, and

Whereas, unnecessary and unreasonable demands have been placed upon the time and resources of the Gerrish Township Police Department and the Gerrish Township Fire/EMS Department in answering false alarms, and

Whereas, danger to police officers, fire fighters and other citizens has been increased by emergency response to such alarms, and

Whereas, two (2) false alarms in a 365-day period at one (1) establishment are excessive and constitute a public nuisance and it detracts officers from other duties.

THE TOWNSHIP OF GERRISH ORDAINS:

Section 1. Definitions:

- A. Alarm system: Any electric board, control system, device or devices, which a reasonably informed individual of common experience would refer to as a 'Burglar Alarm System' or 'Alarm System' that will, upon activation, emit a sound or transmit a signal or message.
- B. Alarm user: Any person, firm, corporation or any other entity using the services of a fire alarm system and/or burglar alarm system and/or police alarm system.
- C. Alarm Business: Alarm business means the business of an individual, partnership, corporation or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system causing or causing to be sold, leased, maintained, serviced, repaired, altered replaced, moved, or installed any alarm system in or on any building, structure, or facility.
- D. False Alarm: False alarm means any activation of an alarm system eliciting a response by police and/or Fire/EMS personnel where an emergency situation does not, in fact, exist.

A false alarm includes, but is not limited to, activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the user of an alarm system or of his employee(s) or agent; but does not include an alarm caused by violent conditions of nature, interruption of electric or telephone

service to the alarm user, visible signs of attempted break-ins, or false activation by a third party not within the control of the alarm user.

- E. Enforcing Authority: Enforcing authority refers to the Gerrish Township Police Department acting for both the Gerrish Township Police Department and the Gerrish Township Fire/EMS Department that is, or would be, expected to respond to an alarm system within the Township of Gerrish.

Section 2. Prohibition

No alarm user shall maintain, use or allow the use of an alarm system which signals repeated false alarms.

Section 3. Enforcement and Penalties

- A. For the purpose of this section, different businesses within the same building or with the same street address shall be considered separate establishments. Also, if a business has more than one building located at a single street address, then each such building shall be considered a separate establishment for the purposes of this section.
- B. If the enforcing authority records two (2) false alarms at one establishment within a three hundred sixty-five (365)-day period which commences on the date of the first false alarm, the enforcing authority shall send a notice of violation to the alarm user and the alarm business providing service or inspection to the user by certified mail of such fact. Said notice shall direct that the user submit a written report to the enforcing authority within fifteen (15) calendar days of receipt of the notice describing actions taken or to be taken to discover the cause of the false alarms, specifying the time limit within which the necessary work will be completed.

Failure of the alarm user and/or the alarm business to comply with these provisions shall cause a Municipal Civil Infraction to be issued to the alarm user. The fine for the first false alarm after two previous false alarms in a 365-day calendar period shall be subject to payment of a civil fine of not less than \$50, plus applicable costs and other sanctions for each violation as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Gerrish Township Municipal Ordinance Violations Bureau Ordinance.

Repeat offenses under this Ordinance shall be subject to increased fines as provided by this section. As used in this Section, 'repeat offense' means a second (or any subsequent) violation of the same requirement or provisions of this Ordinance within any 365-day period for which the person admits responsibility or is determined to be responsible for a prior violation. The increased fines for a repeat offense under this Ordinance shall be as follows:

- 1) The fine for any offense that is a first repeat offense shall not be less than \$125.00 plus costs.
 - 2) The fine for any offense that is reported as a second offense shall not be less than \$250.00 plus costs.
 - 3) The fine for any offense that is a third repeat, or any subsequent repeat offense, shall be not less than \$400.00 each plus costs.
- C. The alarm user may request that an alarm incident at issue not be considered a false alarm pursuant to Section 1 D above. Any explanation for, or reasoning behind, such a request shall be in writing. This request for reconsideration must be made within five (5) working days of the false alarm response. The enforcing authority shall determine whether the alarm incident at issue shall be considered a false alarm and notify the alarm user in writing of its decision in a timely manner. Requests will not be made after an admission or determination of responsibility is completed.

Section 4. Appeals

Appeals of Section 3 C are the only appeals that will be considered. Appeals of this section, 3 C, shall be by written notice filed with the Chief of Police within five (5) days of receipt of notice of violation.

The Gerrish Township Board shall hear appeals within thirty (30) days after the filing of the appeal at a time and date set by the Gerrish Township Board.

Section 5. Validity; Severability

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not effect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section 6. Conflict with other Township Ordinances

In case of conflict between the provisions of this Ordinance and any other Ordinance or resolution heretofore adopted by the Gerrish Township Board, the provisions of this Ordinance shall control.

Section 7. Effective Date

To be effective upon publication

At a Regular Meeting on Tuesday, September 11, 2001, on motion by Trustee Weatherly, supported by Treasurer Ragan the Ordinance to Regulate False Alarms No. XXXVI was adopted as presented to be effective upon publication

Roll Call: Yes: Smith, Boyle, Ragan, Lippert, Weatherly

No: None

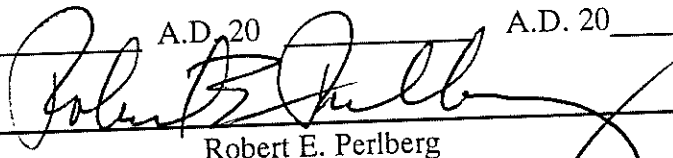
AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN,
COUNTY OF ROSCOMMON } ss

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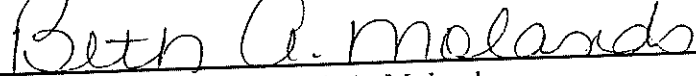
Robert E. Perlberg, being duly sworn, says: I am the publisher of The Roscommon County Herald-News, a newspaper printed and circulated in said county; that the annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

Sept. 16 A.D. 20 01 A.D. 20

A.D. 20 A.D. 20

Robert E. Perlberg

Subscribed and sworn to before me this 17th

day of September A.D. 20 01


Beth A. Molands

Notary Public, Roscommon County, Michigan
My commission expires January 23, 2004

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