

ARTICLE II. ALARM SYSTEMS*

***State law references:** Alarm systems, MCL 338.1083 et seq., MSA 18.185(33) et seq.

DIVISION 1. GENERALLY

Sec. 42-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means a detection device or assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which law enforcement or fire department personnel are expected to respond.

Alarm system contractor means a person engaged in the installation, maintenance, alteration or servicing of alarm systems or who responds to an alarm system. The term "alarm system contractor" shall not include a business that only sells or manufactures alarm systems unless the business services alarm systems, installs alarm systems, or monitors or responds to alarm systems at the protected premises.

False alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or his employee or agent. The term "false alarm" does not include an alarm caused by storm, earthquake or other violent condition beyond the control of the owner or lessee of an alarm system or his employee or agent.

(Code 1976, § 8-08.02)

Cross references: Definitions generally, § 1-2.

Sec. 42-27. Purpose.

(a) The prohibition of false alarms and regulation of alarm systems is necessary in order to preserve peace and tranquility in the community and to reduce the frequency and to defray the cost of responses to false alarms by law enforcement and fire department personnel.

(b) Further, elimination of false alarms will allow public safety personnel to be more available and respond more readily to alarms requiring immediate attention.

(Code 1976, § 8-08.01)

Sec. 42-28. Enforcement.

This article shall be enforceable by the county sheriff, the sheriff's deputies and the chief of the fire department, who shall have authority to issue and serve appearance citations.

(Code 1976, § 8-08.07)

Sec. 42-29. License required for alarm system contractor.

Unless licensed pursuant to the private security guard act of 1968, Public Act No. 330 of 1968 (MCL 338.1051 et seq., MSA 18.185(1) et seq.), a person shall not engage in the business of alarm system contractor in the city.

(Code 1976, § 8-08.03)

Sec. 42-30. Automatic telephone alarms.

No person shall operate, install or direct the installation of an alarm system that when activated will, by telephone or by mechanical, electronic, or any other means, automatically call, dial or connect to any law enforcement agency, fire department, or any city department, office or official for the purpose of delivering a prerecorded message.

(Code 1976, § 8-08.04.02)

Sec. 42-31. Alarm duration.

(a) *Limit of 15 minutes.* No person shall operate, install or direct the installation of any alarm system that emits an audible or visible signal for a period exceeding 15 minutes.

(b) *For sale systems.* An owner or lessee of an alarm system shall bring alarm systems offered for sale into conformance with this section.

(Code 1976, § 8-08.04.03)

Sec. 42-32. Registration of persons to deactivate system.

The owner or lessee of a new alarm system shall immediately upon installation and the owner or lessee of an existing system shall provide the fire department with the name, address and telephone number of one or more persons who can be called upon to deactivate the alarm system at any time. However, it shall not be considered a violation of this article if such persons are not available to deactivate the alarm system when called upon to do so.

(Code 1976, § 8-08.05.01)

Secs. 42-33--42-60. Reserved.

DIVISION 2. FALSE ALARMS*

*State law references: False alarms, MCL 338.1085, MSA 18.185(35).

Sec. 42-61. Prohibited.

False alarms are prohibited. Each occurrence shall be considered a separate offense chargeable to the owner or lessee of the alarm system.

(Code 1976, § 8-08.04.01)

Sec. 42-62. Authority to abate nuisance.

Law enforcement or fire department personnel responding to a false alarm shall have authority to undertake reasonable measures to deactivate the alarm system, where necessary, in order to abate a public nuisance created by the audible or visible signal being emitted by the alarm system.

(Code 1976, § 8-08.05.02)

Sec. 42-63. Fees.

(a) *Generally.* Notwithstanding any penalties provided for a conviction for violation of this article and notwithstanding that prosecution for a violation of this article has or has not been commenced, in order to defray the cost of responding to false alarms, a false alarm fee shall be charged.

(b) *Charges.* The charges shall be as follows:

(1) *First two occurrences.* There shall be no fee charged for the first two occurrences of a false alarm during a calendar year, but the alarm system owner or lessee shall be advised, in writing, of both the false alarm and the existence of this article.

(2) *Subsequent occurrences.* The alarm system owner or lessee shall be charged by the city a fee as provided in section 54-436 for each false alarm responded to and registered after the second false alarm within the same calendar year.

(c) *Payment due.* Payment of the false alarm fee shall be due within 30 days after the city's mailing of an invoice for the fee to the address where the alarm system is located.

(Code 1976, §§ 8-08.06.01--8-08.06.03; Ord. No. 410, § 1, 3-19-1997)

Sec. 42-64. Failure to pay fee.

If the false alarm fee is not paid within the time specified in subsection 42-63(c), the mayor, in conjunction with the city attorney, is authorized to commence the appropriate civil legal proceedings against the owner or lessee of the alarm system, in which event the owner or lessee will be responsible for the false alarm fee together with the city's costs of collection.

(Code 1976, § 8-08.06.04)

Sec. 42-65. Waiver of fee.

An alarm system owner or lessee desiring a waiver of the false alarm fee shall submit a written request to the mayor, within ten days of the invoice date, and shall include all documentation supporting the request. The mayor may waive the false alarm fee under the following circumstances:

(1) *Alarm system malfunction.* The fee may be waived if, prior to submittal of the waiver request, corrective measures to repair an alarm system malfunction causing the false alarm have been instituted, provided the alarm system owner or lessee presents documentation that repair service to correct the malfunction has been performed by an alarm system contractor licensed under the provisions of the private security guard act of 1968, Public Act No. 330 of 1968 (MCL 338.1051 et seq., MSA 18.185(1) et seq.).

(2) *Extenuating circumstances.* The fee may be waived where, in the mayor's discretion, cause is shown that the false alarm was attributable to extenuating circumstances beyond the control of the alarm system owner or lessee and did not result from neglect, disrepair, lack of maintenance or improper installation.

(Code 1976, § 8-08.06.05)

Secs. 42-66--42-90. Reserved.