



# Rochester Hills Agenda Report

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**File Number: 2004-0032**

<b>File Number:</b> 2004-0032	<b>File Type:</b> Ordinance	<b>Status:</b> For Introduction
<b>Version:</b> 8	<b>Reference:</b>	<b>Controlling Body:</b> City Council Regular Meeting
<b>Requester:</b> Public Safety Committee	<b>Cost:</b>	<b>Introduced:</b> 01/27/2004
<b>File Name:</b> False Alarm Ordinance	<b>Final Action:</b>	

**Title:** Acceptance for First Reading an Ordinance to repeal Section 42-26 through 42-65 of Article II, Alarm Systems, Chapter 42, Emergency Services, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, and Adopt a New Article II, Sections 42-26 through 42-67 to Regulate Residential and Business Alarm Systems, Decrease the Frequency of False Alarms, Repeal conflicting Ordinances and Prescribe a Penalty for Violations

**Notes:** 10/05/05 - CC Passed resolution authorizing Staran to examine the ord and come back with a report (RES0328-2005).

**Code Sections:**

**Indexes:** OCSD, Safety, Ordinance

**Sponsors:**

**Attachments:** 0032 Agenda Summary..pdf, 111406 Letter Staran.pdf, Chapter 42 False Alarms - NEW.pdf, 1988 False Alarm Ordinance w/Minutes.pdf, False Alarm Ordinance as Codified in 1998.pdf, 1996 False Alarm Amendment w/Minutes.pdf, Minutes Public Safety and City Council.pdf, 051206 Proposed Amendments - Chapter 42, False Alarms.pdf, 071206 Agenda Summary.pdf, 100505 Proposed Resolution.pdf, 091405 Resolution.pdf, 0032 Referral Notice.pdf, 100505 Agenda Summary.pdf, Sterling Heights False Alarm Info.pdf, 040204 Memo Capt. Smith.pdf, 020204 PS Minutes.pdf, 033104 Agenda Summary.pdf, 032604 Master Report.pdf, False Alarm info.pdf

**Agenda Date:**

**Agenda Number:**

**Enactment Date:**

**Enactment Number:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Public Safety Committee	02/02/2004	Recommended for Approval	City Council Work Session			Pass
	<b>Notes:</b> Captain Smith introduced Deputy Dan Clark explaining that Mr. Clark had previously worked for the City of Troy Police Department where he implemented and administered a program which significantly reduced the number of false alarm calls.						
	Mr. Clark, noting that nearly ninety-nine percent (99%) of alarm calls to police departments are false,						

explained the program used in Troy as well as many other municipalities throughout the United States. The program, as he described it, uses the following techniques:

- The City ordinance is written to require that all homeowners and businesses with monitored alarm systems register these systems with the City and pay an annual registration fee.
- The ordinance clarifies that the City and its Police Department are under no obligation to respond to alarms, especially in the case of repeated falls alarms.
- The ordinance defines a fine structure to be implemented in the case of repeated false alarms. For example, a \$100 fine for the third and fourth false alarm, \$200 for the fifth and sixth false alarm, \$500 for every false alarm thereafter.
- A sworn officer must should be assigned to this program to add authority and weight to the implementation of the program.
- A clerk will may be needed to build and maintain a data base of alarm system registrants.
- A properly maintained data base will also function as documentation to be presented in court were litigation brought by a homeowner or business in the event of the police not responding to an appropriate alarm.
- The program, after approximately five (5) years of consistent implementation, will yield significantly fewer false alarms.

Mr. Clark stressed that the program is not designed to "pay for itself" through fines and registration fees, but rather to reduce false alarm calls to the police department, thus freeing officers to respond to more pressing duties.

Following in-depth discussion of the program, Committee members reached a consensus to move a resolution to have a presentation of this program made before City Council at a future Work Session.

Aye: Duistermars, Raschke, Eble and Formanczyk  
Absent: Robbins

2 Public Safety Committee 03/15/2004 Approved Pass

Aye: Duistermars, Raschke, Robbins, Eble and Formanczyk

2 Public Safety Committee 03/17/2004 Follow-Up  
**Notes:** *Email Mayor copy of Resolution 3/16/04 - skg*

3 City Council Work Session 03/31/2004 Discussed

**Notes:** Mr. Dan Clark, 7608 Sweetbriar, West Bloomfield, identified himself as the former False Alarm Officer for the City of Troy Police Department. He described in detail the program he implemented in Troy to contend with excessive false alarms which result in a waste of public safety officer's time and resources. The program, as he described it, uses the following techniques:

- The City ordinance is written to require that all homeowners and businesses with monitored alarm systems register these systems with the City and pay an annual registration fee.
- The ordinance clarifies that the City and its Police Department are under no obligation to respond to alarms, especially in the case of repeated falls alarms.
- The ordinance defines a fine structure to be implemented in the case of repeated false alarms. For example, a \$100 fine for the third and fourth false alarm, \$200 for the fifth and sixth false alarm, \$500 for every false alarm thereafter.
- A sworn officer should be assigned to this program to add authority and weight to the implementation of the program.
- A clerk may be needed to build and maintain a data base of alarm system registrants.
- A properly maintained data base will also function as documentation to be presented in court were litigation brought by a homeowner or business in the event of the police not responding to an appropriate alarm.
- The program, after approximately five (5) years of consistent implementation, will yield significantly fewer false alarms.

Mr. Clark noted that the average amount of time law enforcement officers spend answering false alarms is thirty (30) minutes and approximately 60% of all police calls are the result of false alarms.

PUBLIC COMMENT:  
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Mr. Lee Zende, 1575 Dutton Road, noting that he sat in on the false alarm presentation at the Public Safety Committee meeting, voiced his support for the system, but suggested that the registration fee be increased as well as the fines resulting from non-compliance.

COUNCIL DISCUSSION:  
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Mr. Clark, addressing specific questions from Council members, made the following observations:

- \* The intention of the program is not to generate revenues to offset the salaries of additional officers, but rather to reduce the occurrences of false alarms to the extent that the current roster of police officers are free to respond to legitimate calls.
- \* The program is most effective in communities that maintain a high level of diligence to the program's procedures.
- \* Rochester Hills' current false alarm problem substantiates the implementation of this type of program.

The consensus of City Council was to return this issue to the Public Safety Committee for further examination and to consider issues of customization specific to the Rochester Hills community.

3 Public Safety Committee 04/12/2004 Approved Pass

**Notes:** *The Committee discussed the presentation by Deputy Clark at the City Council Work Session on March 31, 2004 with the following comments:*

- \* *Deputy Clark gave a nice presentation under the circumstances of the controversy of the NET Program .*
- \* *The False Alarm Program would be "revenue positive" and offset some revenue-sharing issues that began in 2003 relative to the OCSD.*
- \* *The City Council would like the Public Safety Committee to continue to study the False Alarm Program because it is an innovative way to generate revenue.*
- \* *The Committee consensus was for Chairperson Duistermars to communicate to Mayor Somerville that the current study is at the planning phase only; not at the hiring phase.*

*The Committee recessed from 8:04 PM to 8:06 PM.*

Aye: Duistermars, Raschke, Eble and Formanczyk  
Absent: Robbins

4 Public Safety Committee 02/07/2005 Discussed

**Notes:** *Mr. Zende informed the Committee that the City of Troy's budget reflects their False Alarm Program revenues at \$200,000 up from \$170,000 for fines and registration fees.*

*The Committee held a brief discussion and noted the Committee members are in support of a False Alarm Program. Capt. Smith noted that the Mayor has strongly indicated to him that she is not interested in pursuing a False Alarm Program. Mr. Zende strongly felt it should be rediscussed.*

- \* *It was suggested that Mr. Zende make a one-on-one appointment with the Mayor to "re-open" the discussion of a False Alarm Program.*

4 Public Safety Committee 04/04/2005 Discussed

**Notes:** *The Committee discussed a False Alarm Ordinance and made the following points:*

- \* *There was a presentation made at a City Council Work Session on March 31, 2004 by Mr. Dan Clark, former False Alarm Officer for the City of Troy.*

\* An ordinance would also require accurate record keeping for complete "due process" as well as working with citizens and businesses to educate them, etc. It is very likely that within three (3) years, a False Alarm Ordinance program would bring in surplus funds which would not only offset administrative costs, but reduce false alarm calls and free up police resources for other needed services.

\* There could be a separate line-item in the budget for financial tracking purposes.

\* There are "boiler-plate" programs being used that are successful and self-funding.

\* The ordinance could contain a fine schedule that increases if false alarms are repeated at the same address.

\* In 2004, seventeen percent (17%) of the call load at Rochester Hills sub station was alarms. Statically, over 99% of alarms nationally are false alarms.

\* As more homes are built, the number of alarm calls will grow. Alarm companies simply want to sell alarms.

**Mr. Lee Zendel**, 1575 Dutton Road, commented that the City of Farmington Hills has budgeted \$90,000 as false alarm fees in the 2006 budget.

The Committee consensus was to continue this discussion at the next Public Safety Committee meeting.

4 Public Safety Committee 06/06/2005 Discussed

**Notes:** The Committee briefly discussed the False Alarm ordinance and made the following points:

\* At the April Public Safety Committee meeting, Mayor Somerville indicated her support of a False Alarm ordinance that can be upheld.

\* In order to achieve maximum results, it is very important to follow a proven, successful model.

\* The City of Sterling Heights has recently implemented a False Alarm Ordinance.

4 Public Safety Committee 07/11/2005 Recommended for City Council Approval Regular Meeting Pass

**Notes:** Chairperson Raschke briefly recapped the False Alarm discussion from 2004 and asked for a resolution to move it forward to City Council for discussion.

Aye: Barnett, Raschke, Robbins and Eble

Absent: Elliott

6 City Council Regular Meeting 10/05/2005 Adopted by Resolution Pass

**Notes:** **Ms. Raschke** indicated that the Public Safety Committee had discussed the matter of excessive false alarms in the City and had determined that a review of the City's current false alarm ordinance was recommended.

**Mr. Staran** explained that he had met with Fire Chief Ron Crowell, Captain Bob Smith of the Oakland County Sheriff's Department and Mr. Ed Anzek, Director of Planning/Development to discuss this matter. He described the process as a "good, productive meeting" and that they have a "good running start" to begin revising the ordinance.

**Mr. Barnett** requested that Mr. Staran's changes be brought back for an informal review prior to Council being asked to take action.

Aye: Hill, Barnett, Dalton, Duistermars, Holder, Raschke and Robbins

6 Public Safety Committee 04/03/2006 Discussed

**Notes:** Captain Smith provided an update which included the following:

\* The False Alarm ordinance officer is in place and is acclimating himself with the ordinance.

\* The draft ordinance has been reviewed by the City Attorney and is ready for review by members of Council and the Administration, particularly regarding registration fees and the appeal process, etc. It was suggested to model the false alarm fees after the fire fees.

\* The ordinance data bank may be built upon Oakland County's data bank.

\* The ordinance will be implemented in phases to include a public education and information campaign for City residents.

\* The City Attorney along with Capt. Smith will provide an update to City Council at a future meeting.

1 Public Safety Committee 05/08/2006 Discussed

**Notes:** Capt. Smith reported that a draft False Alarm Ordinance has been submitted to the City Attorney who is investigating processes for placing liens on properties. The Finance Director is examining processes regarding paper flow for fee collections, forms, etc. within the City. The draft Ordinance includes a proposed Appeals Committee that may consist of a representative from City Council, the City's Administration and the False Alarms Compliance Officer and would have the responsibility to decide each case. It also includes a recommended fee schedule.

Capt. Smith further reported that the False Alarms Compliance Officer has been building a data base for alarms as well as filling in where needed at the sub-station. The draft ordinance will be forwarded to City Council for review and discussion in the near future.

The Committee briefly discussed general ordinance enforcement steps and various fee schedules and referenced the Fire Prevention Code.

1 Public Safety Committee 06/05/2006 Discussed

**Notes:** Capt. Smith provided a brief update by informing the Committee that a draft False Alarm Ordinance has been provided to the Mayor for his review. When it becomes official, there will be a public awareness campaign for two or three months prior to implementing fines.

7 City Council Regular Meeting 07/12/2006 Discussed

**Notes:** **Captain Robert Smith**, Oakland County Sheriff's Department, provided Council with an overview of the false alarm problem in the City, noting that a great number of alarms to which his deputies respond are false and thus cost the community in time, manpower and resources. He noted that the proposed changes to the False Alarm Ordinance have helped to mitigate these problems to a great degree in other communities that have implemented them. He noted the following changes:

- Implement a registration process to identify alarm users in the community to include a registration fee of \$25 for residential alarms and \$50 for commercial alarms.

- Require that alarm companies be licensed to operate in the City.

- Include a system of increasing fines for violators ranging from \$70 for the third false alarm and eventually reaching the maximum of \$500 per false alarm.

Captain Smith stressed that the primary focus of the new program is not to increase revenues through registration fees and fines, but rather to identify problems and address them through education and assistance. He noted that the true savings to the taxpayers of Rochester Hills would be in increased patrol time for officers no longer diverted to false alarm calls.

**PUBLIC COMMENT:**

*Mr. Lee Zendel, 1575 Dutton Road, expressed his support for this new program and urged Council to adopt it as quickly as possible. Additionally, he suggested that the fines for false alarms be more substantial to better encourage compliance.*

**COUNCIL DISCUSSION:**

*Captain Smith and City Attorney John Staran, addressed questions and concerns raised by Council, noting the following:*

- If a false alarm is triggered but the monitoring company does not contact the Sheriff's Department it would not be considered a false alarm.*
- Each alarm owner will be permitted two false alarms per year without being fined.*
- There will be an appeals process that includes a three-person panel comprised of a City Council member, a Mayoral appointee and a member of the Sheriff's Department.*
- There are administrative costs associated with running this program, however, the primary savings to the City will be in less time wasted by patrol officers responding to these calls.*
- Following a resident's first false alarm they will receive a letter asking them to contact the Sheriff's Department at which time they would be educated as to the ordinance requirements and ways to avoid further violations.*
- The existing ordinance does not include an educational component or any consequences for not paying fines.*
- The fines are meant to encourage compliance, rather than as a punitive measure.*
- For those who do not pay the registration fee they will be given a grace period to comply after which fines will be incurred.*
- Once the new ordinance is adopted there will be some time allowed before it goes into effect to allow the City to publicize the new requirements.*
- The possibility of joining this system with the Fire Department's false alarm system was rejected as not feasible as the Fire Department follows a uniform international fire code.*
- It may not be legal to require that businesses pay a registration fee while homeowners are not required to pay this same fee.*
- State law prohibits the City from imposing a fine greater than \$500 per violation.*

*Mayor Barnett briefly reviewed Council's comments, noting that Council would like the administration to consider either reducing or eliminating the registration fee, while increasing fines for violations and concentrating on educating the public on these ordinance changes prior to it becoming effective.*

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**Text of Legislative File 2004-0032**

..Title

Acceptance for First Reading an Ordinance to repeal Section 42-26 through 42-65 of Article II, Alarm Systems, Chapter 42, Emergency Services, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, and Adopt a New Article II, Sections 42-26 through 42-67 to Regulate

Residential and Business Alarm Systems, Decrease the Frequency of False Alarms, Repeal conflicting Ordinances and Prescribe a Penalty for Violations

..Body

RESOLVED that an Ordinance to repeal Section 42-26 through 42-65 of Article II, Alarm Systems, Chapter 42, Emergency Services, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, and Adopt a New Article II, Sections 42-26 through 42-67 to Regulate Residential and Business Alarm Systems, Decrease the Frequency of False Alarms, Repeal conflicting Ordinances and Prescribe a Penalty for Violations is hereby accepted for **first reading**.