

BIRCH RUN TOWNSHIP
SAGINAW COUNTY, MICHIGAN
ORDINANCE #2008-02
ALARM SYSTEM ORDINANCE

Adoption Date: September 9, 2008
Publication Date: September 17, 2008
Effective Date: October 16, 2008
Amended Date: April 18, 2017

An ordinance relating to Alarm Systems

THE TOWNSHIP OF BIRCH RUN ORDAINS:

Purpose

Sec. 1. To regulate business security alarm systems in Birch Run Township; to require State of Michigan licensing of those engaged in the business of installation and maintenance of alarm systems, and/or combined monitoring – sales facilities; to require annual permits of those owning or occupying any premise equipped with an alarm system; to require alarm system users to supply information on other person(s) who have access to the structure from which a system emits an audible and/or visible signal; to define and stipulate a time limit on visible and/or audible external building alarm signals; to prohibit the connection of automatic dialers to certain phone numbers; to require separate system maintenance in multiple unit structures with separate entrances; to provide for the assessment of specific fees and/or fines for responding to false alarms and appeals of those fees.

Title

Sec. 2. This ordinance shall be known and referred to as the “Alarm System Ordinance”.

Definitions

Sec. 3. The following terms, when used in this ordinance, shall have the meaning set forth in this Section:

- (a) “*Alarm system*” is defined as a detection device or an assemble of equipment or devices arranged to signal the presence of a hazard requiring urgent attention and to which Police Officers and/or Fire Department personnel are expected to respond. The term “*alarm system*” shall encompass burglar alarms and fire alarms. However, alarm systems on motor vehicles shall be excluded from the definition and operation of this ordinance unless the motor vehicle alarm is connected to an alarm system at the premises owned and/or leased by the user. Also excluded is internal alarm systems designed solely to alert or signal persons within the premises in which the alarm system is located of an unauthorized intrusion or presence of a hazard within said premises. If such an internal system, however, also employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises such an alarm system is within the provisions of this ordinance.
- (b) “*Burglar alarm*” is defined as an alarm within the definition of subsection 3(a) which is designed to detect an unwarranted intrusion into a premise or an attempted robbery or other

violent act at a premise. The term “burglar alarm” includes the terms “*automatic hold-up alarm*”, “*intrusions alarm*”, “*disturbance alarm*”, “*panic-alarm*”, “*robbery alarm*”, “*hold-up alarm*”, and “*local alarm*”.

- (c) “*Fire alarm*” is defined as an alarm system within the definition of subsection 3(a) which is designed to detect and provide warning of a fire emergency, including local alarms. Smoke detectors or other internal fire suppression equipment designed to monitor products of combustion and temperature rise and at a predetermined measurement discharge fire extinguishing substances are excluded from the definition and coverage of this ordinance. If, however, such smoke detectors or fire suppression devices are connected to or are a part of a system designed to signal persons outside the premises in which such detection equipment is located that a fire hazard exists on said premises then such internal detection and suppression equipment is within this definition.
- (d) “*Local alarm*” is defined as an alarm system within the definition of subsection 3(a) which employs audible signals designed to alert persons outside the premises in which the alarm system is located.
- (e) “*Alarm user*” is defined as any person, firm, or corporation who is the owner, and any person, firm or corporation who is a lessee of said owner of premises in which an alarm system as defined in subsection 3(a) is installed and maintained.
- (f) “*False alarm*” means activation of an alarm system through mistake, mechanical failure, malfunction, improper installation, lack of prudent maintenance or through the negligence of the occupant of the residence and/or building in which the alarm system is located, including their employees or agents. False alarm shall also mean any activation of an alarm system which indicates a crime or situation other than that which it was designed to indicate, or in the case of a fire alarm, any condition not resulting from a fire or potential fire hazard.
- (g) “*Intentional false alarm*” is defined as any intentional activation of an alarm system for the purposes of measuring response time of police and/or fire units.

Alarm permits requirements.

Sec. 4.

- (a) A permit is required for owning or occupying premises equipped with alarm system. Any person, firm or corporation who, after the effective date of this ordinance, shall take ownership, lease or occupy a premise in which a burglar and/or fire alarm system is installed and/or maintained shall obtain a permit from the Township. Permits shall be obtained at the township office located at 8425 Main Street, Birch Run, Michigan 48415. Annual renewal applications will be mailed to the local business address from the Township.
- (b) Any person or business maintaining or operating an alarm system at more than one premise within the Township of Birch Run shall obtain an alarm permit for each separate premise.

- (c) Any alarm system user who maintains or operates an alarm system without first obtaining a permit, as required by this ordinance, and have been duly notified, shall be guilty of a Municipal Civil Infraction.
- (d) Any person or business who uses a permit for any premises other than those identified on the application for the permit shall be guilty of a Municipal Civil Infraction.
- (e) Any person or business who causes an alarm system permit, other than a permit under this Ordinance, to be bought, sold, or leased for any value or consideration in any form whatever shall be guilty of a misdemeanor.
- (f) Permit Fees. A permit fee shall be charged for the permit required by this ordinance to help defray the costs incurred by the Township in the administration, maintenance and supervision of the provisions of this ordinance. Alarm Permits issued shall be charged a nonrefundable fee, as determined from time to time by resolution of the Township Board, which shall be paid for at the time the application is filed.

Application for permit.

Sec. 5.

- (a) The permit application must be completed and signed by both the owner and the lessee, if any, of the premises on which the alarm system is maintained.
- (b) The application shall include the following information:
 1. Address and telephone number of the premises on which the alarm system is maintained.
 2. Name, address, and telephone number of the owner of the premises.
 3. Name, address, and telephone number of the lessee, if any, of the premises.
 4. Name, address, and telephone number of the person, firm, or corporation installing and/or servicing the alarm system.
 5. Names, addresses, and telephone numbers of all persons (maximum of four) responsible for extinguishing or resetting the alarm or device, checking the premises or responding to notice from the Police and/or Fire Department(s) of an activation of the alarm system.
 6. Description of the alarm system.
 7. Such additional information as the Police and/or Fire Department(s) may require.
- (c) The application shall contain a statement, signed by all alarm users who are applying for a permit under this Section, that said applicants have read the copy of the ordinance provided by the Township and are signing the application with full knowledge and understanding of the provisions of this ordinance and their duties and liabilities under the ordinance, and that, if applicable, the consent to the Police and/or Fire Department(s) disabling or disconnecting a local alarm under circumstances described in “Shut-off of local alarms” Section 8 hereof.
- (d) Upon issuance of the permit, the holder(s) thereof shall notify the Township of any change to the information provided in the application for the permit. Failure to notify the

Township within 10 days of the date of the change shall constitute grounds for revocation of the permit.

Licensing required.

Sec. 6. No person, firm or corporation shall engage in the business of providing for the installation, operation and/or maintenance of a burglar and/or fire alarm system and/or a combined alarm monitoring-sales facility unless properly licensed by the State of Michigan pursuant to P.A. Of 1968, amended, being MCLA 338.1051, et seq.

Telephone alarm system prohibited

Sec. 7. No person, firm, or corporation shall sell, install, operate, adjust, arrange for or contract to provide advice which upon activation, either mechanically, electronically, or by any other means, initiates the automatic calling or dialing of, or makes a connection directly to a telephone assigned to a police or fire agency for the purpose of delivering a recorded message, except those financial institutions approved for direct connection to Central Dispatch, or portable alarms installed by the Police Department.

Shut-off of local alarms.

Sec. 8. Local alarms shall be equipped with an automatic shut-off device, deactivating audible signals within a reasonable time. Whenever any local alarm continues to emit audible signals, whether continuously or on a regularly repeating basis, for over twenty (20) minutes, and persons listed on the permit application for the alarm system cannot be contacted by the Police Department, or do not respond within thirty (30) minutes of being contacted, and the audible signal creates a nuisance or disturbance to the peace and tranquility of the surrounding area, the alarm user responsible for such alarm shall be guilty of a Municipal Civil Infraction. In addition, the Police Department and/or Fire Department shall be authorized to disconnect or otherwise disable such local alarm by cutting such wires, disconnecting such speakers or disabling such other components of the alarm system as are located on the exterior of the premise.

Separate systems required.

Sec. 9. Buildings having more than one occupant who utilize separate entrances for access to their individual units shall have separate alarm systems for each unit. This section shall not be construed to require the installation of alarm systems, but only to require separate systems for separate units when installed.

False alarm fees.

Sec. 10.

(a) Notwithstanding any penalties provided for upon conviction for any violation of this ordinance, and notwithstanding the fact that prosecution for violation of this ordinance has or has not commenced, any person, firm, or corporation operating an alarm system which signals more than three (3) false alarms as defined in "Definitions" Section 3(f) within one calendar year shall pay to the Township of Birch Run a false alarm fee in order to defray a portion of the cost of response to false alarms. False alarm fees shall be determined and may be changed from time to time by resolution of the Township Board.

Exceptions to alarm fees.

Sec. 11. Alarm conditions existing under the following circumstances shall not constitute a false alarm and no false alarm fee shall be assessed.

- (a) False alarms recorded in the first thirty (30) days after installation are not counted for enforcement purposes.
- (b) False alarms recorded as a result of storms, earthquakes or other violent conditions beyond the control of owners and/or lessees.
- (c) Alarm conditions being activated by a person working on the alarm system with prior notification to the contracted law enforcement agency.
- (d) Alarms which can be substantiated as being activated by disruption or disturbance of telephone company facilities or motor vehicle-utility pole accidents.

Notice of alarm violation.

Sec. 12.

- (a) A “Notice of Alarm Violation” shall be designed and used as required by this ordinance.
- (b) The contracted law enforcement agency office shall forward a notice of an alarm violation to the alarm user following each such false alarm occurrence.
- (c) The alarm user, upon receipt of the notice of alarm violation, shall complete any required information on the notice of alarm violation and return the notice as stipulated.

Billing and reporting.

Sec. 13.

- (a) The Township Clerk will be provided a “Notice of Alarm Violation” by the contracted law enforcement agency and will then, by first class mail, notify the alarm user of the status of the violation and false alarm fee, if applicable.
- (b) The alarm user will have ten (10) days to complete the “Notice of Alarm Violation” form and return it, with payment (if applicable) to the Township Clerk.
- (c) If this “Notice of Alarm Violation” is not returned within the prescribed time limit, the Clerk may cause the alarm user’s permit to be revoked.

Appeal of alarm violation.

Sec. 14.

- (a) Within ten (10) days of the date of receipt of a Notice of Alarm Violation, an alarm user wishing to appeal a false alarm violation and the associated fee as a result of a condition described in Section 11 may do so by a written appeal request.
- (b) The appeal request, directed to the Township Clerk, shall contain documentation of the applicable condition as described in “Exceptions to alarm fees” Section 11(a), (b), (c), or (d). The Township Clerk shall provide the appeal request to the Township Supervisor.
- (c) The Township Supervisor, or a designated representative, shall make a determination on the appeal request and shall notify the alarm user of the decision in writing.
- (d) In the event the alarm user is not satisfied with the decision rendered by the Township Supervisor or a designated representative, the alarm user, within ten (10) days of the

determination, may file with the Township Board a written request that the determination be reconsidered.

- (e) The Township Board shall decide whether to uphold or set aside in whole or in part, the decision reached by the Township Supervisor. The alarm user shall be notified of that decision in writing.

Defective alarms.

Sec. 15. An alarm system signaling more than five (5) false alarms within a calendar year is presumed to be defective. Upon written notice, the owner or occupant of the building or residence shall have the alarm system inspected, at the owner's or occupant's expense, by a licensed alarm system contractor within ten (10) days of receipt of the fifth Notice of Alarm Violation and shall forward to the contracted law enforcement agency said contractor's report of the probable cause of the false alarms and the measures instituted to eliminate same.

Revocation of permit.

Sec. 16. An alarm system permit issued by the Township may be revoked by the Township Supervisor upon the occurrence of any of the following conditions:

- (a) Furnishing of false or misleading information on the application for permit, or failing to notify the Township of any changes to the information provided in the application for permit.
- (b) Failure of the alarm user or the person(s) responsible for extinguishing or resetting the alarm or device as identified on the alarm user's permit to respond within thirty (30) minutes of notification by the Police or Fire Department of a response by the department to an activation of the alarm system.
- (c) Failure to repair or replace an alarm system that is defective as described in "Defective Alarms" Section 15 after notification by the Township Clerk's office.
- (d) Failure or refusal of the alarm user, or the agent or employee of the alarm user, to reasonably cooperate with contracted law enforcement agency personnel or members of the Township office in the administration of this ordinance.
- (e) Intentionally activating an alarm system to test the response time of police and fire units. Any alarm user who shall intentionally activate an alarm system to test response time of police and fire units shall also be guilty of a misdemeanor.
- (f) Failure or refusal of the alarm use to pay all outstanding false alarm fees as required by this ordinance.

Appeal of revocation.

Sec. 17.

- (a) Within ten (10) business days after notification of revocation by the Township Supervisor, the alarm user may file, with the Township office, a written request for a hearing before the Township Board to review the revocation.
- (b) The alarm user shall be notified of the date and time set for the hearing by the Township Board. Following said hearing the Township Board may confirm such revocation or reinstate the permit.

Obligation.

Sec. 18. This ordinance does not constitute a contract for the Township of Birch Run or the contracted law enforcement agency or Birch Run Township Fire Department to answer any alarms, whether false or otherwise. Further, this ordinance does not guarantee that the Police or Fire Department will respond to any alarm from any source. This ordinance does not obligate the Township of Birch Run or its contracted Police Agency and/or Birch Run Township Fire Department in any manner to assist, respond, or answer any alarm system subscribed to or owned by an individual, organization or business.

Severability

Sec. 19. Should any section, clause or phrase of this ordinance be declared by the court to be invalid, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Penalty.

Sec. 20. Notwithstanding any other fees required by any other section of this ordinance, any person or persons violating any of the provisions of this ordinance shall be guilty of a Municipal Civil Infraction and shall be handled through the process outlined in Township Ordinance #98-1.

Effective date.

Sec. 21. This ordinance, as amended, shall become effective October 16, 2008, and shall be published in accordance with the statutes provided by the State of Michigan.

CERTIFICATION

ADOPTED: April 18, 2017

YEAS: Sheridan, Totten, Trinklein, Moore, Kiessler, Letterman, Parlberg

NAYS:

TOWNSHIP OF BIRCH RUN

By: _____
RAY LETTERMAN, Township Supervisor

By: _____
COREY TRINKLEIN, Township Clerk

STATE OF MICHIGAN)
) SS
COUNTY OF SAGINAW)

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Birch Run, Michigan, held on the 18th day of April, 2017, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the 26th day of April, 2017, I caused a notice of such adoption to be published in the Birch Run/Bridgeport Herald, a newspaper circulated in the Township of Birch Run, and that said Ordinance and the record of publication was duly recorded in the Book of Ordinances of the Township of Birch Run and is available for public use and inspection at the offices of the Birch Run Township Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 19th day of April, 2017.

Corey Trinklein, Clerk
Birch Run Township