

Ordinance No. 36

FALSE ALARM ORDINANCE

COVERT TOWNSHIP
VAN BUREN COUNTY,

MICHIGAN AMENDED

06/12/2007

AMENDED BY ORDINANCE NO. 86

EFFECTIVE DATE OF AMENDMENTS: February 22, 2017

FALSE ALARM ORDINANCE

An Ordinance to protect the public health, safety and general welfare by the adoption of regulations concerning the cost of responding to false alarms and to discourage the continuation of repeat false alarms.

THE TOWNSHIP OF COVERT ORDAINS:

SECTION 1 Title

This Ordinance shall be known and may be cited as the Covert Township False Alarm Ordinance and replaces the ordinance in effect prior to the adoption of the ordinance.

SECTION 2 Purpose and Preamble

The Township is empowered to act by Act 246 of the Public Acts of 1945, as amended (now MCL 41.181), and by Act 33 of the Public Acts of 1951, as amended (now known as MCL 41.806a), to adopt Ordinances regulating the public health, safety, and general welfare of persons and property, including but not limited to regulations concerning the cost of responding to false alarms and to discourage the continuation of repeat false alarms, and to provide fees for responses to false alarms.

The purpose of this Ordinance is to defray the cost of responding to false alarms and to discourage the continuation of repeat false alarms.

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SECTION 3 Definitions

As used in this Ordinance, the terms below shall be defined as follows:

‘Alarmed premises’ means any building, property, or premise(s) equipped with an alarm system.

‘Alarm system’ means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention by the police department (or other agency with whom the Township contracts for police services, including the Van Buren County Sheriff Department).

“False alarm” means a bell, mechanical, electrical, or telephone apparatus, or combination thereof, which is activated for the purpose of summoning the police department (or other agency with whom the Township contracts for police services, including the Van Buren County Sheriff Department) to respond to a holdup, break-in, burglary, unauthorized entry, destruction of property, fire alarm, smoke alarm, or flow alarm, or other similar such even requiring police department response, when in fact the service called for is not needed.

SECTION 4 Violation and Penalty

The owner and lessee of any alarmed premise(s) shall be jointly and severally responsible to pay the Township fees for each occasion on which the Township Police Department (or other agency with whom the Township contracts for police services, including the Van Buren County Sheriff Department) responds to a false alarm from an alarmed premises.

The police department (or other agency with whom the Township contracts for police services, including the Van Buren County Sheriff Department) shall report, monthly, a list of false alarms, identifying the alarmed premises and the responsible owners and lessees. The Township Treasurer shall bill each responsible owner and lessee for the amounts due. The penalty for the first offense is waived and each offense thereafter shall be billed in the amount of \$200 per false alarm. All amounts billed by the Township Treasurer under this ordinance shall be due within thirty (30) days after each billing.

SECTION 5 Appeals

- (a) Appeal. Any owner or lessee of an alarmed premise(s) may appeal the assessment of a false alarm fee to the Township Board. Such appeal shall be in writing, shall be filed with the Township Clerk within ten (10) days after written notification of the assessment by the Township Treasurer, and shall state adequate, verifiable facts

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showing that the false alarm occurred under circumstances that could not be reasonably anticipated or controlled by the owner or lessee of the alarmed premise(s). The Township Board shall render a decision on the appeal within forty-five (45) days following the receipt of the written, and shall notify the appellant and the Township Treasurer of the decision in writing.

Exceptions. The following circumstances shall not constitute a false alarm, and no fee under this this section shall be assessed:

- (1) Alarm conditions activated by a person working on the alarm system with prior notification to the Township Police Department (or other agency with whom the Township contracts for police services, including the Van Buren county Sheriff Department).
- (2) Alarms activated by damage to public utility lines, when the affected public utility corroborates that the damage to such lines cause the alarm.

SECTION 6 Exemptions

Governmental units, medical alert systems and public entities are exempt from the application of the provisions of this Ordinance.

SECTION 7 Saving Clause

The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reasons by any court of competent jurisdiction, such declaration shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION 8 Repeal

All Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9 Effective Date

This Ordinance shall become effective thirty days (30) after publication in a newspaper in general circulation within Covert Township.