

CITY OF IMLAY CITY

LAPEER COUNTY, MICHIGAN

ORDINANCE NO. 26

**AMENDMENT OF CITY OF IMLAY CITY
CODE OF ORDINANCES – GENERAL REGULATIONS (FALSE ALARMS)**

Title

AN ORDINANCE to secure the public health, safety and general welfare of the residents and property owners of the City of Imlay City, Lapeer County, Michigan by requiring that alarm users maintain alarm systems in good working order so that they are reliable and have minimal false activations; providing that alarm users are responsible for the expenses incurred by the City in responding to three or more false alarms within any 365 day period, establishing a penalty for the violation thereof, and repealing all Ordinances and/or Resolutions in conflict therewith.

**THE CITY OF IMLAY CITY, COUNTY OF LAPEER, MICHIGAN
ORDAINS:**

SECTION 1. AMENDMENTS

Title IX (General Regulations), shall have the following Chapter 102 (False Alarms) added thereto:

CHAPTER 102. FALSE ALARMS

Sec. 102.01 FINDINGS; PURPOSE

The City Commission hereby determines that false alarms place unnecessary and unreasonable demands on the time and resources of the City Police Department and Fire Department. The City Commission further determines that a danger to Police and Fire personnel as well as citizens is increased by emergency responses to false alarms. The purpose of this Chapter is to reduce or eliminate recurring false alarms, to encourage ongoing maintenance and employee training relating to alarm systems, to encourage proper performance of monitoring services by holding alarm system owners accountable for false alarms.

Sec. 102.02 DEFINITIONS.

Alarm System means any device or piece of equipment, or any assembly of equipment and devices, designed or arranged to signal visibly, audibly, electronically, or mechanically (or by any combination of these methods) the

presence of a hazard to which the city police or fire departments are expected to respond.

Alarm User means any person who requests the installation of the alarm system, or who owns, leases or occupies the premises where the alarm system is installed and operating. For purposes of prosecuting violations of this chapter, and for purposes of collection fees incurred for false alarms, the owner of the property as shown on the Assessor's records shall be presumed to be an alarm user.

Emergency Response means the providing, sending and/or utilization of public service, police, fire fighting and rescue services by the city at an incident involving a false Fire Alarm Activation.

Expense of an emergency response means the direct costs incurred by the city in making an appropriate emergency response to an incident, including the costs of providing police, fire fighting and rescue services, Department of Public Works and/or other city personnel, or the services of other agents of the city, at a scene of an incident, and also including all administrative costs, directly related to such incident, which may accrue after the occurrence of such incident. Such costs further include the salaries or wages, workers compensation benefits, and fringe benefits of the personnel responding to the incident and the costs of equipment and materials which are used as a result of the incident.

False alarm means the activation of an alarm system which elicits a response by police or fire personnel, or both, where an emergency situation does not in fact exist. By way of example, a false alarm includes, without limitation, the activation of an alarm system due to mechanical failure, malfunction of an alarm system, the improper installation or testing of an alarm system or the negligent operation or maintenance of an alarm system. A false alarm does not include activation of an alarm caused by violent conditions of nature, interruption of electrical or telephone service to the alarm user, visible signs of attempted break-ins, or false activation by a third party outside the control of the alarm user. For purposes of this definition, a "third party outside of the control of the alarm user" does not include any employee, agent, licensee or invitee of the alarm user or an independent contractor working for the alarm user (including the alarm user's alarm business).

Person means any individual, partnership, corporation, limited liability company, unincorporated association, or other group of persons.

Sec. 102.03 DUTIES OF ALARM USER; PROHIBITIONS

It is the duty of all alarm users to maintain, repair and properly monitor their alarm systems. Alarm users shall:

1. Use or maintain an alarm system, which, when activated, emits an audible or visible signal which cannot be heard or seen outside the premises for a period longer than 15 minutes from the time of the initial sounding or signaling of the device.
2. Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms.
3. Make every reasonable effort to respond to cause a representative to respond to the alarm system's location within 30 minutes when notified by the City to de-activate a malfunctioning alarm system, to provide access to the premises, or to provide alternative security for the premises.
4. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
5. Not maintain, use or allow the use of an alarm system which signals repeated false alarms.
6. No person, firm or corporation shall use, maintain, or direct to be installed an alarm system that contains or uses an automatic telephone dialing device that directly connects to the Fire Department or Police Department.

Sec. 102.04 FALSE ALARM; RECOVERY OF EXPENSES

1. Alarm users are responsible for the expense of an emergency response and subject to cost recovery by the City upon a third or any subsequent false alarm within a 365-day period.
2. City personnel and departments involved in an emergency response shall keep an itemized record of the costs incurred from responding to the false alarm. Promptly after completion of an emergency response to a false alarm, the departments shall certify those expenses to the City Clerk.
3. The City shall submit a written itemized claim for the total expenses incurred by the City for the false alarm or emergency response to the alarm user and a written notice that unless the amounts are paid in full within 30 days after the date of mailing of the claim and notice, the City may institute the appropriate legal proceeding to recover such amounts.

Sec. 102.05 APPEALS

Appeals of any false alarm determination under this Chapter shall be by written notice of appeal, stating the grounds for the appeal, filed with the Fire Marshall or Police Chief within 15 calendar days of the latter of 1) the notice of violation or 2) receipt of a written itemized claim for the total expenses incurred by the City. Appeals shall be heard by the City Manager within 30 days after the

filing of the appeal. If the alarm user is not satisfied with the decision of the City Manager, the alarm user may request an opportunity to appear before the City Commission, if requested in writing within 15 calendar days of the City Manager's decision. Any request to appear before the City Commission shall specifically identify and explain all reasons why the alarm user believes the expense of the emergency response should be modified.

Sec. 102.06. PENALTY

Notwithstanding any other fee required to be paid by an alarm user pursuant to this Chapter, any person violating any of the provisions of this Chapter is responsible for a municipal civil infraction and subject to a payment of a fine of not less than \$100.00 for each violation.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 3. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. PUBLICATION

This Ordinance, or a summary thereof, shall be published in a newspaper of general circulation within the City of Imlay City within fifteen (15) days after adoption.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication as set forth in Section 4.

CERTIFICATE OF MAYOR AND CITY CLERK

We hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Commission of the City of Imlay City, Lapeer County, Michigan, at a meeting held on the 30th day of September, 2024.

We hereby further certify that the following City Commission Members were present at the meeting: Mayor Kempf, Mayor Pro Tem Sadler, Commissioner Collison, Commissioner Ramirez, Commissioner Yockey and the following City Commission Members were absent: Commissioner DeLuca, Commissioner Tanis.

We further certify that Commissioner Collison moved for the adoption of the Ordinance, and that motion was supported by Commissioner Sadler.

We further certify that the following City Commission Members voted for the adoption of the Ordinance:

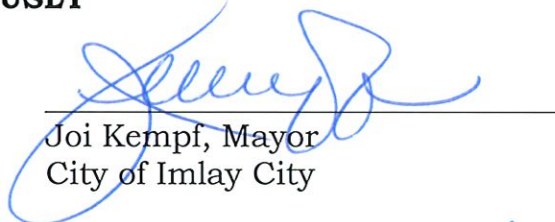
ROLL CALL VOTE

Ayes: Collison, Sadler, Yockey, Ramirez, Kempf

Nays: None

Absent: DeLuca, Tanis

MOTION CARRIED UNANIMOUSLY



Joi Kempf, Mayor
City of Imlay City



Dawn Sawicki-Franz, Clerk
City of Imlay City

First Reading: September 17, 2024
Second Reading: September 30, 2024
Date of Publication: October 02, 2024

CERTIFICATE OF PUBLICATION

I, Dawn Sawicki-Franz, the Clerk of the City of Imlay City do hereby certify that this Ordinance or a summary thereof was published in the Tri-City Times on October 02, 2024.


Dawn Sawicki-Franz, Clerk
City of Imlay City