

COUNTY OF OTSEGO
ALARM ORDINANCE NUMBER 10

AN ORDINANCE TO REGULATE THE USE OF SECURITY, FIRE AND MEDICAL ALARM SYSTEMS WITHIN OTSEGO COUNTY FOR THE PURPOSE OF MINIMIZING FALSE ALARMS BY PROVIDING FOR DEFINITIONS, REGISTRATION OF SYSTEMS, RESPONSES TO ALARMS AND VERIFICATION OF FALSE ALARMS BY LAW ENFORCEMENT, FIRE AND EMERGENCY MEDICAL SERVICE, DEACTIVATION OF SYSTEMS, CANCELLATION OF ALARM DISPATCHES, WARNING NOTICES REGARDING FALSE ALARMS, VIOLATIONS, EXCEPTIONS, SANCTIONS FOR VIOLATIONS, ENFORCEMENT, CONSTRUCTION, SEVERABILITY AND AN EFFECTIVE DATE.

THE COUNTY OF OTSEGO ORDAINS:

Section 1. Title. This Ordinance may be referred to as the "Otsego County Security, Fire, and Medical Alarm Ordinance."

Section 2. Purpose. The purpose of this Ordinance is to minimize the occurrence of false alarms of alarm systems in Otsego County that requires the response of the Law Enforcement, Fire and/or Emergency Medical Service thereby allowing for better and wiser utilization of personnel.

Section 3. Definitions. For the purposes of this Ordinance the terms listed shall have the following meanings:

- 3-1. The term "County" means the County of Otsego.
- 3-2. The term "Department" could refer to Otsego County Sheriffs Department, Gaylord Police Department, Michigan State Police, any Fire Department involved, and the Otsego County Emergency Medical Service.
- 3-3. The term "false alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee or an employee or agent of the owner or lessee of the system. The term shall not include any activation of an alarm system in any way resulting from an attempted illegal entry or other criminal activity, or fire, or medical situation.
- 3-4. The term "alarm system" means a detection device or an assembly of equipment and devices arranged to signal the presence of a hazard, fire or medical situation, requiring urgent attention and to which law enforcement, fire or Emergency Medical Service personnel are expected to respond. The term shall include any system that can electronically cause an expected response from any of these agencies to a premises by means of the activation of an audible signal, visible signal, electronic notification, or video signal, or any combination of these signals, to remote monitoring location on or off premises. The term shall not

include a video signal that is not transmitted over a public communication system, an alarm system that monitors temperature, humidity, or other conditions not directly related to the detection of an unauthorized intrusion into a premises or attempted criminal activity at a premises, possible fire or medical emergency.

- 3-5. The term "security alarm system contractor" means a sole proprietorship, firm, company, partnership, limited liability company, or corporation engaged in the installation, maintenance, alteration, monitoring, or servicing of security alarm systems or who responds to a security alarm system. The term does not include a business that only sells or manufactures security alarm systems unless the business services or installs security alarm systems or monitors or arranges for the monitoring of a security alarm system, or responds to security alarm systems at the protected premises.

Section 4. Registration of Security Alarm Systems. To allow for prompt notification whenever an emergency signal is transmitted by a security alarm system, each owner or lessee of a security alarm system is required to register the security alarm system with the Otsego County 9-1-1 by providing them with the following information:

- a. Name, address, nearest intersection, and telephone number of the premises where the alarm system is installed,
- b. Name and address of the primary residence of the owner or lessee of the alarm system and a telephone number at which the owner or lessee may be contacted in the event of an emergency signal or false alarm,
- c. Name, address, telephone number, and state license number of the security alarm system contractor servicing or monitoring the system, if applicable, and
- d. Name, address and telephone number of at least one representative key holder of the owner or lessee who may be contacted at any time, day or night, to promptly respond to deactivate the system.
- e. The annual registration fee for an alarm site shall reflect the administration costs of the county as determined by Otsego County of Board of Commissioners Resolution.

Notwithstanding the foregoing, it will be the responsibility of any alarm system contractor that activates a new system or reactivates an existing system in the County to assure that the system is registered annually as provided in this section.

The information provided to the Otsego County 9-1-1 to register the alarm system must be kept current at all times by the owner or lessee of the system.

Section 5. Department Response to Alarm; Verification. Whenever a department responds to the activation of an alarm system, the personnel on the scene of the activated

system will inspect the area protected by the system and will determine whether the activated alarm was a verifiable breach due to an attempted illegal entry, possible fire, or medical issue, or whether it was a false alarm.

Section 6. Deactivation Upon Department Request; Violation. The owner or lessee or an alarm system or its designated representative key holder shall respond to deactivate the system upon the request of the responding Department. A person violating this section will be responsible for a civil infraction.

Section 7. Cancellation of Alarm Dispatch. A Department may, without notice to the owner or lessee of a security alarm system, cancel a dispatch with respect to any Department in the following circumstances:

- a. When a second alarm occurs within eight (8) hours of a false alarm and the owner, lessee or representative key holder is unavailable to promptly deactivate the system.
- b. When an alarm is determined by a Department to be caused by a condition described under subsection 9-5 of this Ordinance.
- c. When an alarm is determined by a Department to be a nuisance alarm due to repeated activation where a sensor is responding to a stimulus that is not verifiable, resulting in the repeated waste of a Department's resources. Causes may include unlocked or unsecured doors or windows, public access to alarmed areas, or similar stimuli.
- d. Based upon any Department's priorities regarding emergencies.

When an alarm dispatch is cancelled under this section, the alarm shall not be considered a false alarm.

Section 8. Warning Notice Regarding False Alarm; Violations.

- 8-1 First and Second False Alarm Events. After an initial false alarm of an alarm system requiring a response by a Department, the owner or lessee shall be given a written warning indicating that further false alarms of the system may subject the owner or lessee to responsibility for a civil infraction. This written warning shall be delivered to the owner or lessee personally or mail. The Otsego County Central Dispatch/9-1-1 will send out this written warning correspondence.
- 8-2 Third False Alarm Event. After the second false alarm of an alarm system requiring a response by a Department, the owner or lessee shall be given a written warning indicating that further false alarms of the system may subject the owner or lessee to responsibility for a civil infraction. This written warning shall be delivered to the owner or lessee personally or by registered or certified mail, return receipt requested.

- 8-3 Fourth and Subsequent False Alarm Events. Except as provided in section 9, an owner or lessee who has been given a written warning under subsection 8-1 of this Ordinance and allows a second or subsequent false alarm of the same alarm system within a one-year period requiring a response by a Department will be responsible for a municipal civil infraction. Each such false alarm events shall constitute a separate violation

Section 9. Exceptions. The following shall not count toward a violation or constitute a violation of this Ordinance:

- 9-1 A false alarm occurring within the first sixty (60) days after registration of the system as provided in section 4 of this Ordinance.
- 9-2 A false alarm that is accidentally set off by the owner or lessee or an employee or employee or agent of the owner or lessee of the system who notifies the 9-1-1 dispatch center within three (3) minutes that it is a false alarm that does not require a response.
- 9-3 A false alarm for which corrective measures have been instituted within seventy-two (72) hours after receipt of a written warning from 9-1-1 and documentation of the measure(s) taken is provided to the 9-1-1.
- 9-4 A false alarm caused by activation of the alarm system while being serviced if 9-1-1 has been given sufficient advance notification regarding the service.
- 9-5 A false alarm caused by weather, utility disruption outside of the premises where the alarm system is installed, or other event or condition of a similar nature beyond the reasonable control of the owner or lessee of the system or an employee or agent of the owner or lessee.

Section 10. Sanctions.

- 10-1. Civil Fine. The sanction for a violation of this Ordinance, which is a civil infraction, shall be a civil fine in the amount provided for in Section 11 of this Ordinance plus any costs. Damages, expenses and other sanctions, as authorized under Chapter 87 of 1961 PA 236, as amended, and other applicable laws.
- 10-2. Additional Remedies. In addition to enforcing a violation of this Ordinance as a civil infraction, the County may initiate proceedings in a court of competent jurisdiction to abate or eliminate a violation or to seek other equitable and/or legal relief.

Section 11. Schedule of fees: See Appendix A

Section 12. Enforcement.

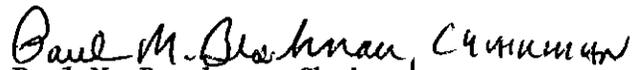
12-1 Authorized Enforcement Officials. The Otsego County Sheriff Department or the Gaylord Police Department shall have the authority to enforce this Ordinance and to issue and serve civil infraction notices and citations for violations of this Ordinance, for all Departments, at the direction of the 9-1-1 Director. (Copy of report to County Prosecutor).

Section 13. Construction. This Ordinance shall not be construed to create any duty, responsibility, or liability on the part of any of the Departments or Otsego County, its officers, employees or agents, to any owner or lessee of an alarm system, or to any person or for any property relative to any alarm system; nor shall this Ordinance be construed to limit or decrease the statutory or common law powers and duties of the Departments.

Section 14. Severability. The invalidity of any clause, sentence, paragraph or part of this Ordinance shall not affect the validity of the remaining parts of this Ordinance.

Section 15. Effective date. This Ordinance shall take effect sixty (60) days after publication

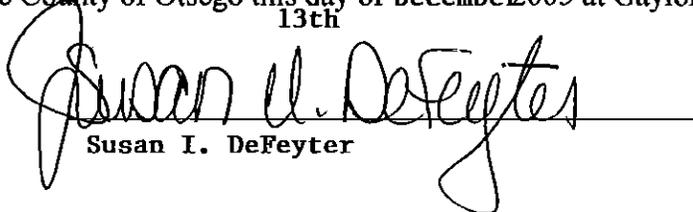
Adopted: December 13, 2005


Paul M. Beachnau, Chairman
Otsego County Board Commissioners

State of Michigan
County of Otsego

I, Susan I. DeFeyter Clerk of the County Otsego and of the County Board of commissioners, do hereby certify that the foregoing Ordinance was adopted by a majority vote of the Board on December 13, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Otsego this day of December 2005 at Gaylord, Michigan.


Susan I. DeFeyter

Clerk of Otsego County

Appendix A:

FINES

Fines are one of several tools to discourage false alarms, encourage compliance and hasten the application of corrective actions to avoid **false alarms**.

Appendix A:

FINES AND FEES

Fees are for reimbursing 9-1-1, Otsego County, and participating departments for costs incurred for registering, inspecting, and authorizing alarm systems coming into Otsego County 9-1-1.

Alarm registration fees are as follows:

- A. Residential (\$ amount determined by resolution)
- B. Commercial (\$ amount determined by resolution)
- C. Non-Profit (\$ amount determined by resolution)
- D. Government (\$ amount determined by resolution)
- E. All Other (\$ amount determined by resolution)

Fines are one of several tools to discourage false alarms, encourage compliance and hasten the application of corrective actions to avoid **false alarms**.

A. To reduce the occurrence of **false alarms**, the owner or lessee of an **alarm system** shall pay to the County the following sums for each occasion that the **alarm** is activated and responded to by the Police, Emergency Medical Service and/or Fire Division in any of the following cases:

First call in the calendar year.....	No Charge
Second call in the calendar year.....	No Charge
Third call in the calendar year.....	No Charge
Fourth call in the calendar year.....	
Fifth call in the calendar year.....	\$100.00
Sixth call in the calendar year.....	200.00
Seventh call in the calendar year.....	300.00
Eighth call in the calendar year.....	400.00
Ninth call in the calendar year.....	500.00
Tenth call in the calendar year.....	500.00
All additional calls in a calendar year.....	500.00
	1,000.00

B. All sums not paid within thirty (30) days of the invoice date shall have interest added to the unpaid portion until paid in full, with interest calculated monthly at a rate equal to one percent (1%) of the unpaid portion.

C. The county shall have the right to use any reasonable means to collect past due amounts or to deter recurring **false alarms** at the same address, including the institution of ordinance violation proceedings, use of a collection agency, revoking licenses, filing a civil action and/or the institution of civil proceedings for injunctive relief or court-ordered abatement of nuisances.

D. The owner or lessee of an **alarm system** shall have the opportunity to appeal any **false alarm fines** by filing a written request for same with the 9-1-1 Director within thirty (30) days of receipt of an invoice from the county. The request to appeal any **false alarm fines** must be accompanied by a written explanation for activation of the **alarm**. The 9-1-1 Director shall schedule the matter for review by an administrative board consisting of the 9-1-1 Director and minimum of two (2) members of the 9-1-1 Users Board. If the board determines that the **alarm** was erroneously deemed a "**false alarm**" or was activated because of an emergency or by circumstances in which the **false alarm** was

not avoidable by the use of due care, the board may waive the fine. If the board determines that the alarm was improperly installed or maintained or that the alarm equipment is defective, the fee shall not be waived. The findings and decisions of the board shall be in writing and filed with the office of the 9-1-1 Director. No more than two (2) false fines per calendar year at the same address shall be waived.

E. The distribution of fees and fines to recover costs to the responding agency, Otsego County Central Dispatch, and Otsego County shall be determined by Otsego County 9-1-1 Users Board, and approved by the Otsego County Board of Commissioners unless delegated to the 9-1-1 Users Board.