

EMERGENCY SERVICES

§ 30-36

ARTICLE I. IN GENERAL

Secs. 30-1-30-35. Reserved.

ARTICLE II. COST RECOVERY

Sec. 30-36. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Emergency response means the providing, sending and/or utilizing of police, firefighting, emergency medical and rescue services, or related services and personnel by the township, or by any other municipality, corporation or individual operating at the request or direction of the township or state, to an incident which threatens the public safety, health, welfare or property within the township, including the release or threatened release of a hazardous material.

Expenses of an emergency response means all cost incurred by the township, other assisting municipalities or governmental agencies, corporations and individuals operating at the request or direction of the township as a result of responding to an incident which threatens the public safety, welfare or property within the township, including the release or threatened release of a hazardous material. These costs shall include reasonable charges for the use of fire and police equipment and vehicles, firefighting and containment materials used at the scene of the incident, the salaries and wages of the township personnel responding to, investing or preparing reports concerning the incident and reasonably related cost. These costs shall also include charges for any disposable supplies and materials used during the incident, the rental or leasing of any special equipment, the replacement cost of any township supplies and equipment damaged, lost or destroyed as a result of the incident, reimbursement for any special consulting and technical services, laboratory cost and any cost associated with the preparation for or actual evaluation of the area surrounding the incident. The expenses of an emergency response shall also include reasonable attorney fees and any cost incurred in collecting for those charges, cost and fees authorized by this article.

Hazardous material means any material that poses an unreasonable risk to the health and safety of the public, environment or emergency personnel if not properly controlled during handling, storage, manufacture, processing, packaging, use, disposal or transportation and shall include but not be limited to explosives, pyrotechnics, flammable gas, flammable compressed gas, nonflammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, poisonous solid, irritating material, etiological material, radioactive material, corrosive material or liquefied petroleum gas.

Owner means any duly authorized agent or attorney, a purchaser, devisee, fiduciary or a person or corporation having vested or contingent interest in the property, container or vehicle in question.

Premises means any lot or parcel of land, exclusive of building, and includes a parking lot, tourist camp, trailer camp, airport, stockyard, junkyard, wharf, pier, public roadway, and any other place or enclosure, however owned, used or occupied.

(Ord. No. 145, § I, 2-25-91)

Cross reference--Definitions generally, § 1-2.

Sec. 30-37. Purpose.

Pursuant to Act No. 102 of the Public Acts of Michigan of 1990 (MCL 41.806a, MSA 5.2640(6a)), as amended, this article is adopted for the purpose of providing reimbursement to the township for the cost and expenses of certain emergency responses within the township. (Ord. No. 145, § II, 2-25-91)

Sec. 30-38. Liability for expense of emergency response.

(a) *Responsibilities defined.* The property owner, occupant and operator are each individually liable to the township for the expenses of an emergency response. The property owner remains liable for reimbursing the township for any cost incurred in response to an incident involving his property even though the owner has, by agreement, imposed on the occupant or operator the duty to guard against, insure against or indemnify him of the charges, cost or fees encompassed by this article.

(b) *Cost recovery schedule.* The township board shall, by resolution, adopt a schedule of certain of the cost included within the expenses of an emergency response. The schedule shall include an hourly rate for the use of township emergency and fire department equipment and motor vehicles, as well as an hourly wage schedule for police, fire and emergency personnel. This schedule shall be available to the public from the township clerk's office.

(c) *Payment for services.* The township shall issue a written bill to the property owner, occupant and operator for the expenses of the relevant emergency response as soon as practical after the incident. The bill shall be due and payable within 30 days from the date of mailing. (Ord. No. 145, § IV, 2-25-91)

Sec. 30-39. Placement of lien on property for failure to pay.

Upon the failure of the owner, occupant or operator to reimburse the township for the expenses of the emergency response, a lien shall be placed upon the relevant property for the amount of the expenses.

(Ord. No. 145, § V, 2-25-91)

Sec. 30-40. Method of collection.

Notwithstanding the foregoing provisions of this article, the township shall be empowered to maintain proceedings in any court of competent jurisdiction to collect the expenses of an emergency response, as a matured debt of the township.
(Ord. No. 145, § VI, 2-25-91)

Secs. 30-41–30-65. Reserved.**ARTICLE III. ALARM SYSTEMS*****DIVISION 1. GENERALLY****Sec. 30-66. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means a detection device or an assembly 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 article unless the motor vehicle alarm is connected to an alarm system at the premises owned and/or leased by the user. Also excluded are internal alarm systems designed solely to alert or signal persons within the premises in which the alarm systems are located of an unauthorized intrusion or the presence of a hazard within the 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 article.

Alarm user means any person who is the owner, and any person who is a lessee of the owner of premises in which an alarm system as defined in this section is installed and maintained.

Burglar alarm means an alarm within the definition of this section which is designed to detect an unwarranted intrusion into a premises or an attempted robbery or other violent act at a premises. The term "burglar alarm" includes the terms "automatic hold-up alarm," "disturbance alarm," "panic alarm," "robbery alarm," "hold-up alarm" and "local alarm."

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 employees or agents. False alarm shall also mean any activation of an alarm system which

*Cross reference—Buildings and building regulations, ch. 14.

indicates a crime or situation other than that which it was designated to indicate, or in the case of a fire alarm, any condition not resulting from a fire or potential fire hazard.

Fire alarm means an alarm system within the definition of this section 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 article. 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 the premises then such internal detection and suppression equipment is within this definition.

Intentional false alarm means any intentional activation of the alarm system for the purposes of measuring response time of police and/or fire units.

Local alarm means an alarm system within the definition of this section which employs audible signals designed to alert persons outside the premises in which the alarm system is located.

(Ord. No. 155, § 2, 8-12-91)

Cross reference—Definitions generally, § 1-2.

Sec. 30-67. Penalty.

Notwithstanding any other fees required by any other section of this article, any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as prescribed in section 1-12 of this Code.

(Ord. No. 155, § 20, 8-12-91)

Sec. 30-68. Obligation.

This article does not constitute a contract for the township to answer any alarms, whether false or otherwise. Further, this article does not guarantee that the police or fire departments will respond to any alarm from any source. This article does not obligate the township or its police and/or fire departments in any manner to assist, respond, or answer any alarm system subscribed to or owned by any individual, organization or business.

(Ord. No. 155, § 18, 8-12-91)

Sec. 30-69. Licensing required.

No person 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 pursuant to Act No. 330 of the Public Acts of Michigan of 1968 (MCL 338.1051 et seq., MSA 18.185(1) et seq.), as amended.

(Ord. No. 155, § 5, 8-12-91)

Sec. 30-70. Telephone alarm system prohibited.

No person shall sell, install, operate, adjust, arrange for or contract to provide a device 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.
(Ord. No. 155, § 6, 8-12-91)

Sec. 30-71. Shutoff of local alarms.

Local alarms shall be equipped with an automatic shutoff device, deactivating audible signals within 20 minutes. Whenever any local alarm continues to emit audible signals, whether continuously or on a regularly repeating basis, for over 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 30 minutes of being contacted, and the audible signal creates a nuisance or disturbance to the peace and tranquility of the surrounding area, 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 premises.
(Ord. No. 155, § 7, 8-12-91)

Sec. 30-72. When separate systems required.

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.
(Ord. No. 155, § 8, 8-12-91)

Sec. 30-73. False alarm fees.

Notwithstanding any penalties provided upon conviction for any violation of this article, and notwithstanding the fact that prosecution for violation of this article has or has not commenced, any person operating an alarm system which signals more than two false alarms within one calendar year shall pay to the township a false alarm fee as follows in order to defray a portion of the cost of response to false alarms:

- (1) First and second alarms no fee
 - (2) Third, fourth and fifth alarms \$35.00 each
 - (3) Sixth alarm or more \$50.00 each
- (Ord. No. 155, § 9, 8-12-91)

Sec. 30-74. When alarm fee required.

(a) The alarm fees set out in section 30-73 are required when:

- (1) There is no evidence of illegal entry or an attempt thereof.
- (2) There is no evidence of fire.
- (3) There is a malfunction in the system.
- (4) The alarm is activated by mistake.
- (5) The alarm was activated by persons working on alarm system, where police and/or fire department were not previously notified.

(b) Notwithstanding anything in this section to the contrary, no owner or lessee shall be required to pay any fee on the first and second occasion of a false alarm requiring response by the police/fire department, in the calendar year, but shall be advised in writing by the chief of police or his designee of the false alarm and the existence of this article. Notification shall be by first class U.S. mail service and sent to the alarm location.

(Ord. No. 155, § 10, 8-12-91)

Sec. 30-75. Alarm fee not required.

Fees shall not be required in the case of any false alarm activated for the following reasons:

- (1) Severe storm conditions.
- (2) Alarm system malfunction, if corrective measures have been instituted within five days thereafter, and a copy of the repair order by a licensed alarm system contractor is provided within 30 days of the false alarm.
- (3) False alarms that can be substantiated as being activated by disruption or disturbance of telephone company facilities.
- (4) Utility pole accidents.
- (5) False alarms recorded in the first 30 days after installation are not counted for enforcement purposes.
- (6) Where the fee has been waived by the chief of police or his designee because there has been a request for a waiver due to documented extenuating circumstances.

(Ord. No. 155, § 11, 8-12-91)

Sec. 30-76. Notice of alarm violation.

(a) A notice of alarm violation shall be designed and used as required by this article.

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(b) The township police department shall forward a notice of an alarm violation to the alarm user following each 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.
(Ord. No. 155, § 12, 8-12-91)

Sec. 30-77. Billing and reporting.

(a) The police department, by first class mail, will mail a copy of the notice of alarm violation to the user notifying the user of the status of the violation and false alarm fee, if applicable.

(b) The alarm user will have ten days to complete the notice of alarm violation form and return it with payment, if applicable, to the police department.

(c) If the notice of alarm violation is not returned within the prescribed time limit, the police department may cause the alarm user's permit to be revoked.

(d) If the alarm user fails to pay the township's costs within 30 days after billing by the enforcing authority, such costs shall be added as a lien to the property and levied with the next preceding December tax levy.
(Ord. No. 155, § 13, 8-12-91)

Sec. 30-78. Appeal.

(a) Within ten 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 30-75 may do so by a written appeal request.

(b) The appeal request, directed to the township police department, shall contain documentation of the applicable condition as described in section 30-75.

(c) The police chief or fire chief, or a designated representative, shall make a determination on the appeal request and shall notify the alarm user of the decision in writing.

(d) If the alarm user is not satisfied with the decision rendered by the police or fire chief or a designated representative, the alarm user, within ten days of the determination of the police or fire chief, may file with the township manager a written request that the determination be reconsidered.

(e) The township manager or his designee shall decide whether to uphold or set aside in whole or in part, the decision reached by the police or fire chief. The alarm user shall be notified of that decision in writing. If the alarm user feels it necessary to appeal the decision, he may have the opportunity to personally be present and may be heard on the matter by the township manager or his designee.
(Ord. No. 155, § 14, 8-12-91)

Sec. 30-79. Defective alarms.

An alarm system signaling more than five 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 user's expense, by a licensed alarm system contractor within ten days of receipt of the fifth notice of alarm violation and shall forward to the township police department the contractor's report of the probable cause of the false alarms and the measures instituted to eliminate same.
(Ord. No. 155, § 15, 8-12-91)

Secs. 30-80-30-100. Reserved.

DIVISION 2. PERMIT

Sec. 30-101. Requirements.

(a) A permit is required for maintaining or operating an alarm system on a premises. Any person who shall take ownership, lease or occupy a premises 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 police department.

(b) Any person maintaining or operating an alarm system at more than one premises within the township shall obtain an alarm permit for each separate premises.

(c) Any alarm system user who maintains or operates an alarm system without first obtaining a permit, as required by this division, shall be guilty of a misdemeanor.

(d) The original owner, and each new owner thereafter, shall be charged a one-time permit fee of \$15.00 as required by this article to help defray the costs incurred by the township in the administration, maintenance and supervision of the provisions of this article.
(Ord. No. 155, § 3, 8-12-91)

Sec. 30-102. Application.

(a) The permit application must be completed and signed by both the owner and 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 installing and/or servicing the alarm system.

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- (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 of an activation of the alarm system.
- (6) Description of the alarm system.

(c) The application shall contain a statement, signed by all alarm users who are applying for a permit under this section, that the applicants have read the copy of this article provided by the township and are signing the application with full knowledge and understanding of the provisions of this article and their duties and liabilities under the article, and that, if applicable, the applicants consent to the police and/or fire department disabling or disconnecting a local alarm under circumstances described in section 30-71.

(d) Upon issuance of the permit, the holders thereof shall notify the township police department immediately of any changes to the information provided in the application for the permit. Failure to so notify the police department may constitute grounds for revocation of the permit.

(Ord. No. 155, § 4, 8-12-91)

Sec. 30-103. Revocation.

An alarm system permit issued by the police department may be revoked by the township upon the occurrence of any of the following conditions:

- (1) Furnishing of false or misleading information on the application for permit, or failing to notify the township police department of any changes to the information provided in the application for permit.
- (2) Failure of the alarm user or the person responsible for extinguishing or resetting the alarm or device as identified on the alarm user's permit to respond within 30 minutes of notification by the police or fire department of a response by the department to an activation of the alarm system.
- (3) Failure to repair or replace an alarm system that is defective as described in section 30-79 after notification by the police department.
- (4) Failure or refusal of the alarm user, or the agent or employee of the alarm user, to reasonably cooperate with police department personnel or members of the township in the administration of this article.
- (5) 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.
- (6) Failure or refusal of the alarm user to pay all outstanding false alarm fees as required by this article.

(Ord. No. 155, § 16, 8-12-91)

Sec. 30-104. Appeal of revocation.

(a) Within ten business days after notification of revocation by the township police department, the alarm user may file, with the township manager's 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 the hearing, the board may confirm such revocation or reinstate the permit.

(Ord. No. 155, § 17, 8-12-91)

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Chapter 30

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Division 2. Permit

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*Cross references--Administration, ch. 2; buildings and building regulations, ch. 14; utilities, ch. 66.