Legislation Text

File #: 16-0853, **Version:** 1

An Ordinance to Amend Sections 7:402, 7:405, 7:406 and 7:407 of Chapter 93, Alarm Systems, of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-16-14)
The Ann Arbor City Code authorizes financial hardship waivers in connection with costs of removal of snow and/ice by the City (Section 4:62) as well as costs associated with work done to bring property, lawn extension or city right-of-way into compliance (Section 4:62). It is proposed that a similar allowance be made in connection with alarm registration and false alarm fees from alarm sites.

All alarm systems are required to be registered under the provisions of Chapter 93.

False alarms are activation of an alarm system through mistake, mechanical failure, malfunction, improper installation or lack of prudent or negligent maintenance where the responding police or fire personnel find no evidence of a fire or criminal activity.

The proposed Ordinance amendments

- allow an applicant to request a hardship waiver for payment of annual registration fee for an alarm site,
- limit a waiver for payment of annual registration to 1yr
- allow an alarm user to request a hardship waiver for payment of false alarm response fee for an alarm site
- identify the type of information and the time period in which the information must be submitted by an applicant or alarm user to be considered for a fee waiver
- authorize the City Administrator to examine and make a determination on the requested waiver
- allow for reinstatement of an alarm site on the basis of a fee waiver in connection with a suspension or an appeal of an issuance or renewal of a permit

Your consideration and approval of the proposed amendments is requested.
Prepared by: Mary Joan Fales, Senior Assistant City Attorney
Sponsored by: Councilmember Ackerman

ORDINANCE NO. ORD-16-14

First Reading: June 20, 2016
Public Hearing: July 7, 2016
Approved: July 7, 2016
Published: July 14, 2016
Effective: July 24, 2016

ALARM SYSTEMS

AN ORDINANCE TO AMEND SECTIONS 7:402, 7:405, 7:406, AND 7:407 OF CHAPTER 93, ALARM SYSTEMS, OF TITLE VII OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Section 7:402 of Chapter 93 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:402. - Registration required; application; fees; installation; transferability; false statements.

(1) A valid alarm registration issued by the city is required to use or operate, attempt to use or operate or arrange, adjust, program or otherwise install any electric board, control system, device or devices that will, upon activation, either mechanically, electronically, or by other means, automatic or otherwise, initiate the intrastate or interstate calling, dialing, or connection either directly or indirectly, to any telephone number or electronic address assigned to the Police or Fire Department, or to any other monitoring device operated by the city. A separate registration is required for each alarm site. An additional alarm registration may be required for an alarm system programmed with duress alarm or holdup alarm.

(2) All alarm system installed or operated in the city shall be installed by an alarm system contractor licensed by the State of Michigan under Public Act 330 of 1968, as amended.

(3) The annual fee for a registration and registration renewal for an alarm site shall be established by resolution of City Council. Council may by resolution establish a late fee for delinquent registration renewal. No refund of a registration or registration renewal fee will be made.

a. The initial annual registration fee must be submitted to the city within 5 days after the alarm installation. Council may by resolution establish a late fee for delinquent registration renewal. No alarm shall be registered or registration renewed unless and until the applicant has paid all fees owing.

b. Notwithstanding (3)(a) above, upon proof of financial hardship, the Administrator may authorize an annual registration fee adopted by City Council under this chapter to be paid in installments or reduced.

i. Applicant's financial information (income and expenses) and special circumstances must be examined and fully documented to determine if they qualify for a financial hardship. Evidence supporting undue financial hardship shall be submitted by the applicant in conjunction with alarm registration.

ii. Requests for a undue financial hardship waiver will be evaluated on a case-by-case basis. The City Administrator's decision is final. If granted, a hardship waiver for a registration fee is good for one year, at which time subsequent fees must be paid at the established charge and schedule under this chapter or another hardship request must be submitted and documented as stated above.

(4) Application for an alarm registration must be on a form and in the manner prescribed by the city. At minimum, each alarm registration applicant must provide the following information:

a. The name, complete address (including apt/suite #) and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this chapter;

b. The classification of the alarm site as either residential (includes condo), commercial or apartment;

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c. For each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, duress, or other) and whether audible or silent;

d. Mailing address if different from the alarm site;

e. Type of business conducted at the alarm site;

f. Any dangerous or special conditions present at the alarm site;

g. Name and telephone numbers of at least 2 individuals who are able and have agreed to receive notification of an alarm activation at any time; respond to the alarm site within 30 minutes; and upon request can grant access to the alarm site and deactivate the alarm system if such becomes necessary;

h. Signed certification from the applicant stating:

i. The date of installation, conversion or takeover of the alarm system (whichever applicable);

ii. The name, address and phone number of the alarm company performing the alarm system installation, conversion or takeover and responsible for providing repair service to the alarm system;

iii. The phone number of the alarm company monitoring the alarm system if different from the installing alarm company;

iv. Acknowledgement that a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant; and

v. Acknowledgement that the alarm company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.

vi. Agreement by the applicant to use the alarm system in accordance with the permit issued by the city and pay all fees for the issuance of a permit, unless granted a hardship waiver under Section 7:402(3) above.

vii. Agreement by the applicant to pay all, fines or costs that may be assessed in connection with the issuance of a permit for or a response to an alarm under this chapter.

i. Notice that registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is disclaimed and governmental immunity as provided by law is retained by the city.

j. Acknowledgement by the alarm user that by registering an alarm system the alarm user acknowledges fire/law enforcement response may be based on factors such as: availability of responding units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels or other similar conditions.

k. Any other information determined to be necessary for the proper response by the city to an alarm.

(5) An alarm registration cannot be transferred to another person or alarm site.

(6) Any false statement of a material fact made by an applicant for the purposes of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

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Section 2. That Section 7:405 of Chapter 93 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:405. False alarms penalties and enforcement.

False alarms are prohibited and deemed a public nuisance. Whenever the police or Fire Department respond to a false alarm, the person whose property is served by the alarm system shall pay a false alarm response fee in an amount established by resolution of City Council. Each occurrence shall be considered a separate offense chargeable to the alarm user. In addition to authority to abate the public nuisance provided by City Charter or ordinance and impose penalties as set forth in this chapter, the Police or Fire Department responding to a false alarm shall have the authority to undertake reasonable measures to deactivate the alarm system, where necessary, in order to stop the audible or visible signal being emitted by the alarm system.

A request for undue financial hardship waiver in connection with payment of a false alarm response fee must be submitted within ten days of presentation of a bill for the fee. Upon proof of financial hardship, the Administrator may authorize a false alarm response fee adopted by City Council under this chapter to be paid in installments or reduced. Evidence supporting financial hardship must be submitted by the alarm user. Financial information (income and expenses) and special circumstances must be fully documented and will be examined and considered for a financial hardship. The City Administrator's decision is final.

Section 3. That Section 7:406 of Chapter 93 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:406. - Right to suspend response; reinstatement.

The Chiefs of Police and Fire, or their respective designees, may discontinue alarm response by their departments to any location that is:

1. Responsible for 5 or more false alarms within a 12-month period; or
2. To a location that uses an alarm system installed or operated by a business that is not licensed by the State of Michigan; or
3. To an alarm site where a person has failed to obtain a permit after being notified to do so; or
4. To an alarm site where an alarm user has failed to comply with a mandated inspection as required in 7:404(1)(d) or fails to provide documentation that defective equipment has been repaired within 45 days of being notified to do so; or
5. For failure to pay a fee or fine assessed under this chapter

Written notification that the city will no longer respond to alarm calls from a particular location will be sent to the alarm user and, if there is 1 the alarm company contact person of record.

Reinstatement of Police or Fire Department alarm response may resume upon proof that the

alarm user and/or alarm company responsible for the alarm has corrected the reason for the false alarms or other occurrence of non-compliance to the satisfaction of the city and all fees and penalties incurred as the result have been paid or an undue financial hardship waiver has been granted and the alarm user has obtained an alarm permit.

Section 4. That Section 7:407 of Chapter 93 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:407. - Appeals.

If the city denies the issuance or renewal of an alarm permit, or the Chiefs of Police or Fire suspends response, a written notice of the action and a statement of the right to appeal to shall be sent either the applicant or alarm user and its alarm company.

An applicant or alarm user may file a written appeal setting forth the reasons for the appeal of a suspension or request for issuance or reinstatement to the City Administrator. An appeal must be filed within 10 days after receipt of the suspension or denial of issuance/renewal, include all information necessary to make a determination and be signed. A request for undue financial hardship waiver in connection with an appeal must be submitted at the same time as the written appeal. Evidence supporting financial hardship must be submitted by the applicant or alarm user. Financial information (income and expenses) and special circumstances must be fully documented and will be examined and considered for a financial hardship. The filing of an appeal with the City Administrator stays the suspension until the City Administrator makes a final decision.

The City Administrator may affirm, modify, or set aside the denial of the issuance or renewal of an alarm permit or response suspension. The City Administrator's decision is final.

City Council may set an appeal fee by resolution. Said fee shall accompany the appeal by the alarm user. Appeal fees will be returned to the alarm user if the appeal is upheld.

If the city denies the issuance or renewal of an alarm permit, or the Chiefs of Police or Fire suspends response, a written notice of the action and a statement of the right to appeal to shall be sent either the applicant or alarm user and its alarm company.

Section 5. In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 6. This Ordinance shall take effect ten days after passage and publication.

C E R T I F I C A T I O N

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of July 7, 2016.

Jacqueline Beaudry, City Clerk

Date

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on July 14, 2016.

Jacqueline Beaudry, City Clerk