

ORDINANCE NO. ORD-10-35

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ALARMS

AN ORDINANCE TO REPEAL CHAPTER 93, ALARMS, OF TITLE VII OF THE CODE OF THE CITY OF ANN ARBOR IN ITS ENTIRETY AND ADD A NEW CHAPTER 93, ALARMS, OF TITLE VII OF SAID CODE

The City of Ann Arbor Ordains:

Section 1: That Chapter 93 of the Code of the City of Ann Arbor be repealed in its entirety and a new Chapter 93 be added to Title VII of said Code to read as follows:

Chapter 93

ALARM SYSTEMS

7:400. Intent and Purpose

The intent of this Chapter is to provide response personnel and City dispatch with accurate and current information on file when summoned, encourage alarm owners to maintain their systems so that they are reliable and have minimal false activations.

This Chapter governs alarm systems intended to summon fire and law enforcement response, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of registration.

7:401. Definitions.

The following words are defined for purposes of this Chapter.

Alarm Company means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an Alarm System in an Alarm Site.

Alarm Site means a single fixed premises or location served by an Alarm

System or systems. Buildings having more than one occupant who utilize separate entrances for access to their individual units shall be considered a separate Alarm Site requiring separate Alarm Systems, when installed.

Alarm System means any system which is physically or manually activated and/or a detection device or an assembly of equipment and/or devices arranged to signal, by remote or local audible, visual or electronic means, the presence of a situation requiring urgent attention and intended to summon, directly or indirectly, law enforcement or fire department/rescue services of the municipality, including Local Alarm System. Alarm System does not include an alarm installed on a vehicle or Person unless the vehicle or Personal alarm is permanently located at a site.

Alarm User means any Person, firm, partnership, corporation or other entity who (which) uses or is in control of any Alarm System at its Alarm Site.

Cancellation means the process which an Alarm Company providing monitoring verifies with a responsible party that a false dispatch has occurred and that there is not an existing situation at the Alarm Site requiring law enforcement agency response.

Duress Alarm means a silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement response.

False Alarm means the activation of an alarm system through mistake, mechanical failure, malfunction, improper installation, lack of prudent maintenance, or negligence of the Alarm User, its employees or agents or any other activation of the Alarm System when the responding officers/services finds no evidence of a fire or potential fire hazard, criminal offense, attempted criminal offense or other situation that the alarm was designated to indicate after having completed a timely investigation of the Alarm Site. A False Alarm does not include an alarm activation caused by a tornado, earthquake, area-wide power outages, downed telephone lines or other condition beyond the control of the Alarm User.

Fire Alarm means an alarm that notifies the Fire Department that fire is in progress at the Alarm Site.

Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Local Alarm System means any Alarm System that annunciates an alarm only by an internal or external audio device. Audible only

Person means an individual, corporation, partnership, association,

organization or similar entity.

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. No refund of a registration or registration renewal fee will be made. The initial annual registration fee must be submitted to the City within five (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.
- (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;
 - 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 two individuals who are able and have agreed to receive notification of an alarm activation at any time; respond to the Alarm Site within thirty (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, 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.

7:403. Registration Duration and Renewal.

A registration shall expire one (1) year from the date of issuance, and must be renewed on an annual basis as long as the Alarm System is operational by submitting an updated application and a registration renewal fee to the City. It is the responsibility of the Alarm User to submit an application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered Alarm System and citations and penalties shall be assessed without waiver. Renewals issued more than thirty (30) days after the registration expiration date of the prior registration may be assessed a late fee as specified in 7:402.

7:404. Duties of Alarm User and Alarm Companies; Prohibited Activities.

1. Alarm User shall:
 - a. maintain the Alarm System which, when activated, does not cause an audible and/or visible signal which can be heard or seen outside the premises and which is disturbing to the peace and quiet of the surrounding area; and
 - b. maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarms; and
 - c. make every reasonable effort to respond or cause a representative to respond to the Alarm System's location within thirty (30) minutes when notified by the City to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide alternative security for the premises; and
 - d. not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report; and
 - e. have a properly Licensed Alarm Company inspect the Alarm System after two (2) False Alarms in a twelve-month period from the date of registration issuance or renewal. Any defective or malfunctioning equipment that is identified must be repaired or replaced and the Alarm User must submit verification to the City that the Alarm Site's equipment has been inspected and, if necessary, repaired. The City may waive an inspection requirement if it determines that a False Alarm(s) could not have been related to a defect or malfunction of the Alarm System.

- f. use the Alarm System pursuant to a permit issued by the City and in accordance with the provisions of this Chapter.
2. Alarm Companies
- a. effective July 1, 2010, Central Station Alarm Association (CSAA)-approved Nationally Recognized Testing Laboratory (NRTL) standards or equivalent before activating any Alarm System, all Alarm Companies that install Alarm Systems shall provide written and oral instructions to each of its Alarm Users detailing the proper use and operation of their Alarm System. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off, how to avoid False Alarms and how to cancel False Alarms with the monitoring company.
 - b. all Alarm Companies that install Alarm Systems shall provide a written copy of the City's False Alarm Ordinance and the fee structure for assessment of false alarm reports to each of its Alarm Users in the City.
 - c. no Alarm Company that installs Alarm Systems shall use, install or assist in the operation of an Alarm System that contains or uses an automatic telephone dialing device that directly connects to the City of Ann Arbor Police Department or Fire Department without first obtaining the advance written permission from the City.
 - d. any Alarm Company that monitors or responds to an Alarm System shall, at minimum:
 - i. provide to the City a local telephone number or a toll-free number by which a representative of the company can be reached 24 hrs a day/7 days a week. If this telephone number changes, the Alarm Company shall immediately notify the City of the new telephone number.
 - ii. verify any alarm by calling a minimum of two telephone numbers supplied by the Alarm User, one of which shall be at the Alarm Site. A record of all verification attempts shall be kept by the Alarm Company for a period of one-year and shall be made available to the City upon request.
3. No Person engaged in the business of installing, leasing, maintaining, repairing, replacing or servicing Alarm Systems shall:
- a. represent to anyone that any of the equipment they sell or service has been tested or in any way approved by the City of Ann Arbor.
 - b. install an Alarm System unless a valid permit is in effect.
 - c. obtain all permits, licenses and inspections required and comply with all applicable statutes, ordinances and regulations.

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.

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 five 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 forty-five (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 one 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 and the Alarm User has obtained an alarm permit.

7:407. Appeals.

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 ten (10) days after receipt of the suspension or denial of issuance/renewal. The filing of an appeal with the City Administrator stays the suspension until the City Administrator makes a final decision.

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.

7:408. Penalty.

(1) Except where otherwise provided, a violation of any provision of this chapter is a civil infraction punishable by a fine of not more than \$500.00 plus court costs plus costs of prosecution.

(2) Any person who provides false information or information in reckless disregard for the truth within any alarm registration application form, alarm renewal form, or documentation required under the provisions of this Chapter shall be guilty of a misdemeanor punishable by either ninety (90) days in jail and/or a \$500.00 fine plus costs or both.

(3) Enforcement. In addition to ordering the defendant determined to be responsible for a civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of this Chapter.

(4) Continued offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.

(5) Remedies not exclusive. In addition to any remedies provided in this Chapter, any equitable or other remedies may be sought.

7:409. No liability of City.

The City assumes no liability for any defects in the operation of any Alarm System, for any failure or neglect of any Person associated with the installation, operation or maintenance of any Alarm System, for any failure or neglect of any Alarm User, for the transmission or receipt of alarm signals or any failure or neglect to respond upon receipt of an alarm from any source. In the event that the City finds it necessary to revoke an alarm registration permit or to otherwise provide for the disconnection of any Alarm System, the City shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this Chapter or by virtue of the issuance of or renewal of an alarm registration permit.

Section 2. That this Ordinance shall take effect on the tenth day following legal publication.