



Legislation Details (With Text)

File #: 19-1812 **Version:** 1 **Name:** Ordinance to Amend Sections 7:400, 7:401, 7:402, 7:403, 7:404, 7:405 AND 7:406 OF Chapter 93 (Alarm Systems)

Type: Ordinance **Status:** Passed

File created: 10/7/2019 **In control:** City Council

On agenda: 10/21/2019 **Final action:** 10/21/2019

Enactment date: 10/7/2019 **Enactment #:** ORD-19-33

Title: An Ordinance to Amend Sections 7:400, 7:401, 7:402, 7:403, 7:404, 7:405, and 7:406 of Chapter 93 (Alarm Systems) of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-19-33)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD-19-33 Alarm System Briefed and Approved.pdf, 2. ORD-19-33 Alarm System Ordinance Briefed.pdf, 3. Ordinance Amendment - Chapter 93, 4. Memo Ordinance CH93.pdf, 5. ORD-19-33 Alarm System Approval Notice.pdf

Date	Ver.	Action By	Action	Result
10/21/2019	1	City Council	Held and Closed	
10/21/2019	1	City Council	Adopted on Second Reading	Pass
10/7/2019	1	City Council	Approved on First Reading	Pass

An Ordinance to Amend Sections 7:400, 7:401, 7:402, 7:403, 7:404, 7:405, and 7:406 of Chapter 93 (Alarm Systems) of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-19-33)

This ordinance update follows a collaborative effort by Finance, IT, Police, and Fire.

The current alarm billing process and ordinance has not been updated in over ten years. Additionally, the Police and Fire departments have been using an antiquated software that required an annual fee from a third-party vendor. IT initiated a review of this software. During this review process, an update of the ordinance was also determined to be warranted.

The following improvements will be realized with the ordinance amendment.

- Previously, the Police and Fire departments had interdependencies for billing. This created an administrative burden and delays. This change allows each department to handle alarm billing autonomously.
- The Fire department will eliminate the use of a third-party vendor, which will reduce costs for the fire department. The fire department will handle billing internally.
- Ordinance language is updated to include carbon monoxide and carbon dioxide alarm systems.
- Ordinance language is updated to reduce the burden on single family home owners who have smoke detectors, not connected to a monitored alarm system. These systems are now excluded from this ordinance. This is based on resident feedback.
- Ordinance language is updated to clarify that the police alarm registration will follow the

calendar year and not a floating schedule.

Prepared by: Lynda Rathburn, Office Manager

Reviewed by: Michael Kennedy, Fire Chief

Approved by: Howard S. Lazarus, City Administrator

ORDINANCE NO. ORD-19-33

First Reading: October 7, 2019

Public Hearing: October 21, 2019

Approved: October 21, 2019

Published: October 24, 2019

Effective: November 3, 2019

ALARM SYSTEMS

AN ORDINANCE TO AMEND SECTIONS 7:400, 7:401, 7:402, 7:403, 7:404, 7:405, and 7:406 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 7:400 of Chapter 93 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

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.

The intent of this chapter is to provide emergency dispatch centers, the Fire Department, and the Police Department with accurate and current information on file when summoned and to 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 the Fire Department and Police Department 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.

Section 2. That Section 7:401 of Chapter 93 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

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. any person who sells, leases, maintains, services, repairs, alters, replaces, moves, installs or monitors 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 1 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 a detection device or an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention or to which the Police Department or Fire Department is expected or requested to respond. The term includes any system that can electronically cause an expected response by Police Department or Fire Department 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. The term "alarm system" includes, but is not limited to, the following types of devices: "automatic holdup alarm," "burglar alarm," "medical alarm," "local alarm," "intrusion alarm," "holdup alarm," "panic alarm," "personal emergency response alarm," "temperature fire alarm," "manual fire alarm," "fire alarm," "automatic sprinkler," "water flow alarm," "carbon monoxide alarm," "carbon dioxide alarm," "supervisory alarm", "tamper alarm," or other alarm indicating a service or hazardous condition. Alarm systems designed solely to alert or signal persons within the premises in which the alarm system is located shall not be regulated by this chapter, unless such alarm systems employ an audible signal emitting sounds, or flashing lights or beacons, or "silent" signals to emergency officials or monitoring agencies, designed to signal persons outside the premises.

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 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 collecting 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.

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 an alarm company's process for verifying with a responsible party that a false dispatch has occurred and that there is not an existing situation at the alarm site requiring Police Department or Fire Department response. For fire department responses, once a fire apparatus has started a response to the alarm location, the fire department shall continue to the alarm location to verify no hazardous condition exists and that the alarm has been reset. If the fire department responds to the alarm location, false alarm fees shall be applicable.

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 [the activation of an alarm system through mechanical failure, faulty equipment, malfunction, improper installation, lack of prudent maintenance, triggering by an animal, testing without prior written notice to the City, or the negligence of the alarm user \(or of his, her, or its employees, agents, guests, residents, or invitees\)](#). The activation of an alarm system is a false alarm when a Police Department investigation reveals no evidence of criminal activity or attempted criminal activity when the alarm system was activated or when a Fire Department investigation reveals no fire or potential fire, or need for medical attention when the alarm system was activated. False alarms that are intentionally activated shall not constitute a false alarm for purposes of this chapter, but may be prosecuted as criminal offenses. The activation of an alarm system is not a false alarm when it is caused by any of the following:

- (a) Weather events or other condition beyond the control of the alarm user.
- (b) Disruption or disturbance of telephone or public utility company facilities.
- (c) Utility pole accidents.
- (d) Testing of the alarm system after prior notification has been received by the Police Department or Fire Department.
- (e) Intentional and non-malicious activation of an alarm system due to a reasonable belief that Police Department or Fire Department response was needed but was actually not necessary.

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.

Section 3. 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 [the Fire Department or the Police 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. [The Police Department shall manage the alarm registration process and shall receive fees for administering the process.](#)

- (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. 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 [the](#) registration fee adopted by City Council under this chapter to be paid in installments or, reduced [or waived](#). [To qualify, an applicant shall provide the Administrator with:](#)
 - i. Applicant's financial [Financial](#) information (income and expenses) and [documentation of any](#) special circumstances must be examined [for examination](#) 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 [fee waiver, reduction or installment payments](#) will be evaluated on a case-by-case basis. The City Administrator's decision is final. If granted, a [A](#) hardship waiver [of, reduction of, or installment payments](#) for a registration fee is good for 1 year [expires when the registration expires](#), at which time subsequent fees must be paid at the established charge and schedule under this chapter or another [financial](#) 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;
 - 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.

h. The name, phone number, and address of the alarm company monitoring the alarm system

ki. 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.

Section 4. That Section 7:403 of Chapter 93 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

7:403. - Registration duration and renewal.

A registration shall expire 1 year from the date of issuance on December 31 of each year, 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 may be assessed without waiver. Renewals issued more than 30 days after the registration expiration date of the prior registration may be assessed a late fee as specified in 7:402.

Section 5. That Section 7:404 of Chapter 93 of Title VII of the Code of the City of Ann Arbor be amended to read as follows:

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 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 2 false alarms in a 12-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.

fe. 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 [the Fire Department or the Police Department](#).

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 hours 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 2 telephone numbers supplied by the alarm user, 1 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 1 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.

Section 6. 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 [the Fire Department or the Police Department](#) responds to a false alarm, the person [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 [the Fire Department or the Police 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.

[False alarms that the Fire Department responds to shall be billed through processes as determined by the Fire Department at a flat rate as approved City Council.](#)

[False alarms that the Police Department responds to shall be billed through processes as determined by the Police Department at a flat rate as approved City Council. Police Department invoices shall also include an additional fee for alarm users who failed to have current registration.](#)

A request for undue financial hardship waiver in connection with payment of a false alarm response fee must be submitted within 10 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 7. 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 [Fire Department or Police 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 8. This Ordinance shall take effect ten days after passage and publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of October 21, 2019.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on October, 24, 2019.

Jacqueline Beaudry, Ann Arbor City Clerk