



CITY COUNCIL ACTION REPORT

November 3, 2009

TO: John Szerlag, City Manager

FROM: William S. Nelson, Fire Chief
Gary G. Mayer, Police Chief
David J. Roberts, Assistant Fire Chief
Michael P. Lyczkowski, Police Lieutenant

SUBJECT: Adoption of Chapter 103; Amendments to Chapter 60 – Fees & Bonds Required; and Chapter 88 – Nuisances – Alarm Ordinance

Background:

- The Alarm Ordinance provides a means to facilitate a reduction of false alarm activations; provides for alarm registration; and establishes fees for responses to false alarms, unregistered alarms, and for disabling nuisance alarms.
- Chapter 88 is being amended to remove references to alarms.
- Chapter 103 is drafted to absorb the removed alarm references from Chapter 88 into a stand-alone ordinance, and is expanded to provide clarity and uniformity as well as new procedures to assist in the registration of alarms, and to help ensure a reduction in false alarms.
- Chapter 60 incorporates the existing and proposed fee changes.

Financial Considerations:

Changing applicable registration fees related to the registration process from \$10 to \$25 will:

- More accurately cover associated personnel and administrative costs.
- Increase revenue approximately \$90,000 annually if registrations remain unchanged.

Legal Considerations:

Creating a stand-alone alarm ordinance will provide for more efficient registration and permitting by the City.

Policy Considerations:

Increase the efficiency and effectiveness of City government.

Reviewed and approved as to legality:

Lori Grigg Bluhm, City Attorney

CITY OF TROY
AN ORDINANCE TO ADD
CHAPTER 103 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title.

This Ordinance shall be known and may be cited as Chapter 103, Alarm Ordinance, of the Code of the City of Troy (Code).

Section 2. New Ordinance Provisions.

Chapter 103 of the Code shall incorporate the following:

1. PURPOSE .

The purpose of this ordinance is to provide a registration and permit process, with appropriate regulations to facilitate the reduction of false alarm activations, establish procedures for administration of the ordinance, and to advance the disciplined use and maintenance of alarm systems.

2. DEFINITIONS.

- A. Alarm Monitoring Service. Any person or entity whose business, purpose, or function is to monitor fire, security, or medical alarm systems and notify the Troy Police and Fire Communications Center of alarm activations.
- B. Alarm System. Either a security alarm system or fire alarm system, or medical alarm system or combination security, fire or emergency alarm system as herein defined.
- C. Alarm User. The owner, occupant, or person in control of premises where an alarm system is maintained within the City.
- D. Emergency Alarm. Any device or assembly of equipment and devices which upon activation warns the occupants of the premises of emergency situations involving hazardous materials or otherwise summons the fire department to respond.
- E. False Alarm Activation. Any alarm condition which is reported to the Troy Police and Fire Communications Center resulting from a situation for which the alarm was intended.

- F. False Alarm Activation Notification. A written notification to the alarm user, on a form determined by the City, of the occurrence of a false alarm activation.
- G. Fire Alarm Provider. Any person or entity whose business, purpose, or function is to install or service fire alarm systems and is licensed as an electrical contractor or a fire alarm specialty contractor.
- H. Fire Alarm System. A device or assembly of devices and equipment that detects and annunciates the presence of smoke, heat, or fire and, which upon activation, warns the occupants of the premises that a fire emergency exists, or summons the fire department to respond. In this Chapter, the term "Fire Alarm System" includes but is not limited to the following: "Fire Protective Signaling System"; "Automatic Fire Detection System"; "Automatic Sprinkler System"; "Manual Fire Alarm System"; "Water Flow Alarm"; "Smoke Alarm/Detector"; "Gas Detection Alarm"; "Carbon Monoxide Alarm/Detector"; and "Emergency Alarm."
- I. Security Alarm Provider. Any person, as defined in Chapter 1 Section 1.8(1) whose business, purpose, or function is to install, service, or monitor security or medical alarms.
- J. Security Alarm System. A device or assembly of equipment and devices arranged to signal the presence of a condition such as, but not limited to: a hold-up, a burglary, home or property or business invasion, or a medical emergency which is intended to summons an emergency police response and/or emergency medical service, or employs an audible signal emitting sounds or flashing lights or beacon designed to signal persons outside of the premises. The term "Security Alarm System" shall include but is not limited to the following: "automatic holdup alarm system," "burglar alarm system," "intrusion alarm system," "medical alarm system," "panic alarm system," "personal emergency response system," or any other alarm system that results in the summoning of the police department or emergency medical service.

EXCEPTION: False vehicle alarms which are addressed in Chapter 88, Section 9.5, Subsection (a) of the Troy City Code.

3. AUTOMATIC ALARM DIALERS.

It shall be a violation of this Ordinance to disrupt and/or interfere with the telephone communication system of the Troy Police and Fire Department by allowing alarm systems which, when activated, connect with the communication facility of the Troy Police and Fire Department by means of the Department's telephone system.

- A. No person engaged in the business of providing such services and facilities shall use or operate, attempt to use or operate or cause to be used or operated, or arrange, adjust, program or otherwise provide or install any device or combination of devices that will upon activation, either mechanically, electronically or by other automatic means initiate the intra-state calling, dialing or connection to any telephone number assigned to any subscriber by a public telephone company, without the prior written consent of such subscriber.
- B. The term "telephone number" includes any additional numbers assigned by a public utility company engaged in the business of providing communications services and facilities to be used by means of a rotary or other system to connect with the subscriber to such primary number when the primary telephone number is in use.

4. SECURITY ALARM INSTALLATION.

- A. Upon completion of a security alarm installation, the security alarm provider shall thoroughly instruct the alarm user in the proper operation, testing, and maintenance of the system.
- B. Use only dual action holdup devices and eliminate using "1 +" duress keypad coding and money clips.
- C. Implement procedures to prevent or cancel exit/entry false alarms. (Extend delay times, enable delays before dialing, enable panel cancel code, etc.)
- D. Security alarm systems shall contain a battery back-up system in case of a power surge or loss of power.
- E. Alarm users and security alarm providers shall assign access codes to premise users that are unique to the individual.
- F. In commercial security alarm applications, the alarm user shall display a phone number, designated for alarm verification, adjacent to the alarm code access panel.

5. SECURITY ALARM SHUT-OFF DEVICES.

- A. Security alarm systems equipped with audible signals, e.g. bells, horns, or sirens intended to be heard by person(s) outside the protected premise, shall be equipped with a shut-off device that automatically silences the audible signal within ten minutes of activation.
- B. Security alarm systems equipped with audible signals that are not fitted with a shut-off device shall be subject to deactivation by the police department. The alarm user shall be assessed a shut-off fee and any applicable false alarm or unregistered alarm fees in accordance with Chapter 60 of the Code.

6. FIRE ALARM SYSTEM INSTALLATION.

- A. Installation of a fire alarm system shall be reviewed, permitted, and inspected by the Troy Fire Prevention Division with applicable permit and inspection fees prior to installation as required in Chapter 93 and Chapter 60 of the Code.

EXCEPTION: Fire alarm systems installed in single family residential occupancies.

- B. Upon completion of a fire alarm installation, the fire alarm provider shall thoroughly instruct the alarm user in the proper operation, testing, and maintenance of the system.

7. FIRE ALARM PROVIDER LICENSING.

The fire alarm provider contracted to install and/or maintain a fire alarm system must possess a license as required in MCL 338.881 et. al.

8. ALARM SYSTEM REGISTRATION.

- A. Alarm systems shall be registered with the City within fourteen (14) days of being connected to an alarm monitoring service or audible signal.
- B. Alarm providers shall advise alarm users with whom they do business that the alarm user must register the alarm system with the City.
- C. The alarm user shall pay an annual registration fee for each alarm system at each separately addressed operating location in accordance with Chapter 60 of the Code.

EXCEPTION: Residential alarm users shall pay a single registration fee at each separately addressed operating location for a combination security, medical, and/or fire alarm system control panel.

- D. All registrations are valid for one (1) year.
- E. Registrations shall be renewed with the City annually prior to the last business day of the anniversary month of the first alarm registration and shall be updated upon change of information or conditions. Individuals or businesses who have registered their alarms prior to December 1st, 2009, will continue to have an anniversary date of January 31st.
- F. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system, or to be in control of a premise wherein an alarm system is operated or maintained, without having registered the system as required in this Chapter.
- G. Any alarm user whose alarm system is not registered with the City shall be assessed a fine in accordance with Chapter 60 of the Code or all alarm activations, including both valid and false alarm activations from security alarms or fire alarms as defined in this Chapter.

9. REGISTRATION FORM.

- A. Alarm System Registration forms shall contain the following information:
 - i. Applicant's full legal name, address, and telephone number.
 - ii. Name, address and telephone number of the premises where the alarm system is located.
 - iii. Type of alarm system.
 - iv. Contact information, including addresses and telephone numbers, for three individuals who will respond to the alarm location in the event of an emergency to reset or deactivate the alarm system, or contact the alarm user if the alarm user is not at the alarm location.

- v. The name, address, telephone number, and state license number (if applicable) of the person or company that installed the alarm system.
 - vi. The name, address and telephone number of the person or company responsible for the maintenance and repair of the alarm system (if applicable).
 - vii. The alarm monitoring service name, phone number and address.
 - viii. Any additional information as considered necessary by the City.
- B. Registration is complete upon receipt and processing of the registration form by the City.
- C. Incomplete registration forms will not be accepted and/or processed by the City.

10. FIRE ALARM SYSTEM PERMITTING.

- A. It shall be unlawful to install, maintain, and operate a fire alarm system without having first obtained the necessary permit(s) and inspection(s), and without having registered as provided for in this Chapter.
- B. Individuals failing to obtain a fire alarm installation permit as required by Chapter 93 of the Code shall be assessed a double permit fee and associated civil infraction fees and penalties.

11. ALARM ACTIVATION REPORTING.

- A. The alarm monitoring service shall notify the Troy Police and Fire Communications Center of all alarm activations unless prior notification has been made for testing, maintenance, or like circumstances, or unless notified by the alarm monitoring service of a false or unintentional activation by the alarm user.
- B. The alarm monitoring service shall notify the Troy Police and Fire Communications Center of all verified alarm cancellations if an alarm

notification has been made to the Troy Police and Fire Communications Center.

12. FALSE ALARM NOTIFICATION.

- A. The alarm user shall be sent a false alarm notification after the occurrence of each verified false alarm activation.
- B. The alarm user shall return the completed false alarm notification form to the City within thirty (30) days of the false alarm notification date.
- C. Failure to return the form shall initiate automatic billing of the false alarm fee.

13. FALSE FIRE ALARM NOTIFICATION- MAINTENANCE AND DOCUMENTATION.

Upon notification of all false fire alarm activations, the fire alarm user shall be required to have the fire alarm system inspected and serviced by a fire alarm provider when it is determined that the false fire alarm activation was due to a malfunction with the system, a lack of maintenance, or when the reason for the activation cannot be determined. Documentation of inspection service shall be provided to the Troy Fire Prevention Division within thirty (30) days of said inspection.

14. FALSE ALARM ACTIVATION PROHIBITED – FINES AND PENALTIES.

- A. The following acts are misdemeanors punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both fines and imprisonment:
 - i. Any person who knowingly or willfully initiates a false alarm activation.
 - ii. Any person, including a fire alarm provider or other trade contractor who, because of work affecting the fire alarm system, either directly or indirectly, initiates a false fire alarm activation without providing prior notification to the Troy Police and Fire Communications Center.

- iii. A fire alarm monitoring service who initiates a false fire alarm after having been notified of work affecting the fire alarm system.
 - iv. Any willful misrepresentation by a fire alarm provider as to inspection, maintenance, or repair services rendered to a fire alarm system.
- B. In addition to the above fines and penalties, false alarm activations in a calendar year shall be assessed a penalty fee to be paid to the City in accordance with Chapter 60 of the Code.

The Troy Police Department and/or the Troy Fire Department shall prepare an invoice of total charges for each premise and forward those invoices to the City Treasurer. Within ten (10) days after receipt of an invoice, the City Treasurer shall forward to the owner on the last local assessment or tax roll an invoice of the total charges assessed against each premises. Thirty (30) days from the date each statement was mailed, payment shall be made. If the invoice is not paid within forty (40) days, the total amount charged shall become an assessment against the land and a lien against the property where the alarm is located.

- C. All fees must be paid to the City within thirty (30) days from the date of invoice.
- D. No fine shall be assessed for an alarm activation that was activated by conditions, events, or circumstances for which the alarm was intended.

15. FALSE ALARM FINE(S) APPEAL PROCESS.

- A. The City shall inform the registered alarm user, in writing, of each instance wherein the police department or the fire department has recorded a false alarm activation. The alarm user shall have the opportunity, within thirty (30) days from the date of the alarm activation notification, to submit in writing, an explanation of the alarm activation to the Troy Fire Department or Police Department as appropriate.
- B. No more than two false alarms per registration year shall be waived due to malfunction, maintenance, equipment failure, or user error.

- C. Documentation provided to the City of maintenance or repair to the alarm system within thirty (30) days from the date of the alarm activation notification may be considered during the appeal process for possible waiving of the false alarm fee.
- D. Severe weather, power outages, transmission line malfunctions, malicious acts of person(s) not under the control of the alarm user, may be considered in determining whether or not punitive action will be taken against the alarm user as provided for in this ordinance.

16. NO LIABILITY OF THE CITY.

- A. The City assumes no liability for any defects in the operation of any alarm system, as defined in this ordinance, 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 activation from any source.
- B. In the event the City finds it necessary to provide for the disconnection or removal of any alarm system or component, the City shall have no liability for such action.
- C. No special duty, other than that owed to the general public, shall be created by virtue of this ordinance, or by virtue of registering or permitting an alarm system.

17. VIOLATIONS.

Except as otherwise provided for in this Chapter, a person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this ordinance is responsible for committing a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code. Each day a violation continues is a separate Municipal Civil Infraction Violation. Sanctions for violation shall include a fine of not more than \$500.00, costs, damages, and injunctive orders as authorized by Chapter 100.

Section 3. Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings.

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause.

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date.

This Ordinance shall become effective on December 1, 2009 and upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 60 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60, Section 60.03, of the Code of the City of Troy.

Section 2. Amendment

Chapter 60, Section 60.03 – Fee Schedule, shall be amended by adding the following items:

ITEM/SERVICE:	FEE:
Alarm Registration Fee (Chapter 103)	\$25.00
Renewal of Alarm Registration*	\$25.00
Alarm Shut-Off Fee	Actual Costs***
Non-Registered Alarms - Alarm Activation:	
Penalty/Registration Fee plus one of the following:	\$ 50.00**
1 st and 2 nd alarm	\$100.00 each
3 rd thru 6 th alarm	\$200.00 each
7 th or more alarm	\$500.00 each
Registered Alarms - False Alarm Activation:	
1 st and 2 nd false alarm	No Charge
3 rd thru 6 th false alarm	\$100.00 each
7 th thru 10 th false alarm	\$200.00 each
11 th or more false alarm	\$500.00 each
<p>*Annual renewal fee due prior to the last business day of the month of the initial Alarm Registration Anniversary.</p> <p>**\$50.00 includes a \$25.00 penalty plus \$25.00 registration fee. The \$25.00 penalty will be waived if, within 30 days of the unregistered alarm notification, a completed Alarm Registration Form, acceptable to the City of Troy, is submitted with the \$25.00 registration fee.</p> <p>***The City of Troy may charge a fee to cover the actual incremental costs, including labor, for each alarm response involving a manual shut-off of an alarm system.</p>	

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on December 1, 2009 and upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

Louise E. Schilling, Mayor

Tonni L. Bartholomew. City Clerk

CITY OF TROY

AN ORDINANCE TO AMEND CHAPTER 88 BY STRIKING
SECTION 15, SECTION 16 AND SECTION 17
FROM THE TEXT OF CHAPTER 88 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance amends Chapter 88, Nuisance, by striking Section 15, Section 16 and Section 17 of Chapter 88, Nuisances, from the text of Chapter 88 of the Code of the City of Troy.

Section 2. Amendment

Chapter 88, Section 15, Section 16 and Section 17, are hereby stricken from Chapter 88 as follows:

15. ~~It is the purpose of this Section to prevent the disruption and interference with the telephone communication system of the City of Troy Police and Fire Department by allowing alarm systems which, when activated, connect with the communication facility of the City of Troy Police and Fire Department by means of the Department's telephone system.~~

~~A. No person engaged in the business of providing such services and facilities shall use or operate, attempt to use or operate or cause to be used or operated, or arrange, adjust, program or otherwise provide or install any device or combination of devices that will upon activation, either mechanically, electronically or by other automatic means initiate the intra-state calling, dialing or connection to any telephone number assigned to any subscriber by a public telephone company, without the prior written consent of such subscriber.~~

~~B. The term "telephone number" includes any additional numbers assigned by a public utility company engaged in the business of providing communications services and facilities to be used by means of a rotary or other system to connect with the subscriber to such primary number when the primary telephone number is in use.~~

~~(Rev. 4-12-71)~~

16. FALSE SECURITY OR MEDICAL ALARM ORDINANCE

I. PURPOSE

~~— The purpose of this ordinance is to provide a permit and registration system with appropriate regulations to facilitate the reduction of false alarms, render police response and administration, and to advance the disciplined use of alarm systems by the alarm user.~~

~~II. DEFINITIONS~~

~~— A. "Alarm User" is defined as the owner, occupant, or person in control of premises where a security or medical alarm is maintained within the City.~~

~~— B. "Alarm Provider" is any person, as defined in Chapter 1 Section 1.8(1), whose business, purpose, or function is to install, service, or monitor security or medical alarms.~~

~~— C. "Alarm System" is defined as a device or assembly of equipment and devices arranged to signal the presence of a condition such as (1) a hold-up, (2) a burglary, home or business invasion, or (3) a medical emergency which is intended to summons an emergency police response and/or emergency medical service. An Alarm System connected to equipment that alerts an alarm system at a premise is included within this definition. In this section, the term "Alarm System" shall include but is not limited to the following: "automatic holdup alarm system", "burglar alarm system", "intrusion alarm system", "holdup alarm system", "panic alarm system", and "personal emergency response system". Excluded from this definition and regulation from this Section are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located, of an attempted, unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or flashing lights or beacon designed to signal persons outside of the premises, such a system shall be within the definition of "Alarm System" and shall be regulated by this section.~~

~~— D. "False Alarm" shall be defined as any alarm condition which is reported to the Police Department, not resulting from criminal activity, attempted criminal activity, and/or a verified medical emergency for which the alarm was intended.~~

(Art. 16 9/29/97)

~~III. PERMIT REQUIRED~~

~~— A. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a premises wherein an alarm system is operated or maintained without having first obtained a permit as provided in this chapter.~~

- ~~B. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a premises wherein an alarm system is operated or maintained when a permit has been revoked.~~
- ~~C. A permit must be obtained for each separately addressed operating location.~~
- ~~D. All permits issued are valid for one year.~~
- ~~E. Permit Application:~~
 - ~~1. Each applicant for a permit to install or maintain an alarm system shall file a written application with the City Police Department containing:
 - ~~a. The full legal name, address, and telephone number of the applicant.~~
 - ~~b. The name, address and telephone number of the premises where the alarm system is located.~~
 - ~~c. The type of alarm system at the protected premises.~~
 - ~~d. A list of three persons, including their addresses and telephone numbers, who can be contacted and will respond to the premises in the event of an emergency or to reset or deactivate the alarm system, or who could contact the alarm user if the alarm user is not at the protected premises.~~
 - ~~e. The name(s), address, telephone number, and state license number of the person or company that installed the alarm system.~~
 - ~~f. The name, address and telephone number of the person or company that is responsible for the maintenance and repair of the alarm system, if applicable.~~
 - ~~g. The name, phone number and address of the monitoring station.~~~~
 - ~~2. Incomplete applications shall be returned to the applicant. A permit will not be issued until the completed application is received and approval for the permit has been granted by the Police Department.~~
 - ~~3. An application for an alarm user permit shall be denied if:
 - ~~a. The applicant has failed to pay false alarm fees required by this ordinance for a different protected premises under the applicant's ownership or control.~~
 - ~~b. The applicant has failed to comply with any provisions of this ordinance or other ordinances of the City.~~~~

- ~~4. The City's Police Department shall be responsible for processing and issuing alarm user permits.~~

~~IV ALARM PERMIT REGISTRATION~~

- ~~A. Within 14 days of installation of an alarm system, the alarm user shall obtain a permit and register their alarm with the City of Troy Police Department.~~
- ~~B. The alarm user shall pay an annual permit renewal registration fee of ten dollars (\$10.00) for each type of alarm control panel in use.
 - ~~1. Burglary~~
 - ~~2. Holdup~~
 - ~~3. Medical Emergency~~
 - ~~4. Panic/Distress~~
 - ~~5. Fire~~~~
- ~~C. All alarm providers shall advise all alarm users with whom they do business that the alarm user must obtain an alarm permit and register their alarm with the Troy Police Department.~~
- ~~D. By January 30th of each year, all alarm users shall renew their alarm user permit and registration with the Troy Police Department.~~
- ~~E. If the first registration is within six months of the annual renewal date the fee shall apply to the present year as well as the next year.~~

~~V ALARM PROVIDER REGISTRATION AND LICENSING~~

- ~~A. The alarm provider company contracted to install and/or maintain an alarm must possess a State license and be registered with the City of Troy as an alarm system contractor. The state licensing requirements do not apply to alarms installed by the owner or occupant of the residence in his residence. Alarm providers who have an inordinate number of system revocations may have their company removed from the City of Troy alarm installer registration role.~~

~~VI ALARM SHUT-OFF DEVICES~~

- ~~A. Alarm Systems equipped with audible signals, e.g. bells, horns, sirens, shall be fitted with a shut-off device that automatically silences the audible signal within ten minutes of activation.~~
- ~~B. Alarm Systems equipped with audible signals that are not fitted with a shut-off device shall be subject to deactivation by representatives of the Police~~

~~Department. The Alarm User shall be subject to a \$100 shut-off fee, in addition to any false alarm fees, which may be associated with the summons of an emergency police or medical response.~~

~~VII ALARM INSTALLATION~~

- ~~A. Upon completion of an alarm installation, the Alarm Provider shall thoroughly instruct the Alarm User in the proper operation, testing, and maintenance of the system.~~
- ~~B. Use only dual action holdup devices and eliminate using "1 +" duress keypad coding and money clips.~~
- ~~C. Implement procedures to prevent or cancel exit/entry false alarms. (Extend delay times, enable delays before dialing, enable panel cancel code, etc.)~~
- ~~D. Alarm systems shall contain a battery back up system in case of a power surge, loss of power due to storms or cut wires.~~
- ~~E. Alarm users and alarm providers shall assign access codes to premise users that are unique to the individual such as driver's license or social security numbers.~~
- ~~F. In commercial alarm application, the alarm user shall locate a phone designated for alarm verification adjacent to the alarm code access panel.~~

~~VIII ALARM REPORTING~~

- ~~A. Alarm Providers shall attempt to verify alarm signal, except a duress, hold up or medical emergency alarm.~~
- ~~B. When reporting alarms to the Police, Fire, Emergency Medical Dispatch Center, the Alarm Providers shall indicate if verification was made.~~
- ~~C. The Alarm Provider shall notify the Dispatch Center of all verified alarm cancellations. No false alarm fees shall be attached to cancelled calls.~~

~~IX FALSE ALARM PROHIBITED~~

~~Any person who knowingly or willfully initiates a false alarm shall be guilty of a misdemeanor.~~

~~X ALARM ACTIVATIONS AT A PREMISES WHERE AN ALARM USER PERMIT HAS NOT BEEN ISSUED~~

~~Any Alarm User who does not have a valid registered alarm or who has not obtained a permit will be assessed a fine in the amount of \$100 for each notice to the Police Department of an alarm activation at the protected premises.~~

~~XI REPORTING FALSE ALARMS – FINES AND PENALTIES~~

- ~~A. The City of Troy Police Department Dispatch Center shall provide an answering point for the reporting of alarm signals requesting police, fire and emergency medical response.~~
- ~~B. Any Alarm User whose Alarm System initiates more than two (2) false alarms in a calendar year shall be required to pay to the City a sum of one hundred dollars (\$100.00) each for the next four false alarms (3 to 6); two hundred dollars (\$200.00) each for the next four false alarms (7 to 10); and five hundred dollars (\$500.00) for each subsequent false alarm thereafter (greater than 10) through the remainder of the calendar year. No fine shall be assessed for an alarm which was activated by criminal activity, attempted criminal activity, or a verified medical emergency for which the alarm was intended.~~
- ~~C. All fines must be paid to the City within thirty (30) days from the date of invoice requesting payment of fine(s).~~

~~XII FALSE ALARM FINE(S) APPEAL PROCESS~~

- ~~A. The Police Department shall notify the Alarm User, in writing, of each instance wherein the Police Department has recorded a false alarm. The Alarm User shall have the opportunity within fourteen (14) days from the date of mailing or personal delivery to submit a report for the purpose of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The Police Department shall review the Alarm User's report and/or meet with the Alarm User and issue a written finding to the Alarm User as to whether or not the false alarm record will be voided.~~
- ~~B. Documentation provided to the Police Department of maintenance or repair to the Alarm System after the occurrence of a false alarm may be considered in determining whether or not to assess the false alarm fee. No more than two false alarms per calendar year shall be waived due to malfunction, maintenance, equipment failure, or user error.~~
- ~~C. Severe weather, power outages, transmission line malfunctions, malicious acts of person(s) not under the control of the Alarm User, or any other cause clearly beyond the control of the Alarm User may be considered in determining whether or not punitive action will be taken against the Alarm~~

User as provided for in this ordinance.

16. NO LIABILITY OF CITY

~~The City assumes no liability for any defects in the operation of any security or fire 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 User 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 ordinance or by virtue of the issuance of an alarm system permit.~~

~~(Article 16 - 9/29/97)~~

17. False Fire Alarm Ordinance

I. PURPOSE AND INTENT

~~The purpose of this ordinance is to regulate and permit alarm systems to which the fire department is expected to respond. The intent is to facilitate the reduction of false fire alarm activations.~~

II. DEFINITIONS

~~A. "Fire Alarm User" is defined as an owner, occupant, person, firm, partnership, corporation, association, organization, company, or other entity in control of a premise where a fire alarm system is present within the City.~~

~~B. "Fire Alarm Provider" is any person or entity whose business, purpose, or function is to install, service, or monitor fire alarms. A Fire Alarm Provider must be qualified based on NICET certification and/or the State of Michigan Fire Alarm Contractors Licensing Act.~~

~~C. "Fire Alarm System" is defined as a device or assembly of equipment and devices that detects and annunciates the presence of smoke or fire and, which upon activation, warns the occupants of the premises that a fire emergency exists or summons the fire department to respond. In this chapter the term "Fire Alarm System" shall include but is not limited to the following: "Fire Protective Signaling System", "Automatic Fire Detection System", "Automatic Sprinkler System", "Manual Fire Alarm System", "Waterflow Alarm", "Smoke Alarm", and "Emergency Alarm." "Emergency Alarm" is further defined as any device or assembly of equipment and devices which upon activation warns the occupants of the premises that a~~

~~chemical or hazardous material emergency exists or summons the fire department to respond.~~

~~D. "False Fire Alarm" shall be defined as any alarm condition which is reported to the Fire Department, not resulting from a condition for which the alarm was intended.~~

~~E. "False Alarm Notification" shall be defined as a written notification to the Fire Alarm User of the occurrence of a False Fire Alarm.~~

III. ALARM INSTALLATION

~~A. Any installation of a Fire Alarm System shall be reviewed and permitted by the Troy Fire Department with applicable permit and inspection fees prior to installation as described in Chapter 93.~~

~~B. Fire Alarm Systems installed in single family residential occupancies are not required to be reviewed and permitted by the Troy Fire Department.~~

~~C. Upon completion of a fire alarm installation, the Fire Alarm Provider shall thoroughly instruct the Fire Alarm User in the proper operation, testing, and maintenance of the system.~~

~~D. A Fire Alarm System that emits an audible signal intended to be heard by person(s) outside the protected premise shall be equipped with a device capable of terminating the audible signal.~~

IV. ALARM PROVIDER REGISTRATION AND LICENSING

~~The Fire Alarm Provider contracted to install and/or maintain an alarm must possess a State license and be registered as described in Chapter 79 Article 2700.~~

V. ALARM REGISTRATION

~~A. A Fire Alarm System shall be registered with the Troy Fire Department within fourteen (14) days of being connected to a central station monitoring agency or audible signal.~~

~~B. All Fire Alarm Users in the City shall file with the Troy Fire Department a written alarm registration. This registration shall contain information as described in the permit application process of the Security or Medical Alarm Ordinance.~~

~~C. All Fire Alarm Providers shall advise all Fire Alarm Users with whom they~~

conduct business that a written registration must be filed with the Troy Fire Department and any associated information completed as required.

- ~~D. Separate registration information need not be completed if a current security or medical alarm permit has been filed with the Troy Police Department.~~
- ~~E. It shall be unlawful to maintain and operate a Fire Alarm System without having first registered the system as provided in this chapter.~~
- ~~F. The Fire Alarm User shall pay an annual registration fee of ten dollars (\$10.00) for each Fire Alarm System/control panel at each separately addressed operating location.~~
- ~~G. Registrations shall be updated annually with the Troy Fire Department or upon change of information. This shall be done by January 30th of each year.~~
- ~~H. If the first registration is within six months of the annual renewal date, the fee shall apply to the current year as well as the next year.~~

~~VI. ALARM REPORTING~~

- ~~A. The Alarm Provider shall notify the Troy Fire Department, through the appropriate means, of all fire alarm activations unless prior notification has been made for testing, maintenance, etc., or unless notified of a false activation.~~
- ~~B. The alarm provider shall notify the Troy Fire Department, through the appropriate means, of all verified alarm cancellations.~~

~~V. FALSE FIRE ALARM PROHIBITED - FEE AND PENALTY~~

- ~~A. Any person who knowingly or willfully initiates a False Fire Alarm shall be guilty of a misdemeanor.~~
- ~~B. Any Fire Alarm User whose Fire Alarm System initiates more than two (2) False Fire Alarms in a calendar year shall be required to pay to the City a sum of one hundred dollars (\$100.00) each for the next four False Fire Alarms (3 through 6); two hundred dollars (\$200.00) each for the next four False Fire Alarms (7 through 10); and five hundred dollars (\$500.00) for each subsequent False Fire Alarm thereafter (greater than 10) through the remainder of the calendar year. A Fire Alarm User shall be sent a False Alarm Notification after the occurrence of each False Fire Alarm.~~
 - ~~1. Upon notification of the first and any subsequent False Fire Alarm, the Fire Alarm User shall be required to have the Fire Alarm~~

~~System inspected and serviced by a Fire Alarm Provider when it is determined that the False Fire Alarm was caused due to a malfunction with the system, lack of maintenance or when a determination as to the reason for activation cannot be made. Documentation of service shall be provided to the Troy Fire Department within fourteen (14) days of said inspection.~~

- ~~2. Within fourteen (14) days of the False Fire Alarm Notification date, the Fire Alarm User shall return the completed False Alarm Notification form to the Troy Fire Department.~~
 - ~~3. Failure by the Fire Alarm User to return the form shall be justification for automatic billing of the False Fire Alarm fee.~~
- ~~C. All fees must be paid to the City within thirty (30) days from the date of invoice requesting payment of fee(s).~~
- ~~D. Any person including an alarm service person, fire protection contractor, or contractor who, because of work affecting the Fire Alarm System either directly or indirectly, initiates a False Fire Alarm without prior notification having been made to the Troy Fire Department, Troy Communications Center, and the central station monitoring company, shall be subject to a false alarm fee and/or citation. A central station monitoring company who initiates a False Fire Alarm after having been notified of work affecting the Fire Alarm System shall be subject to a false alarm fee and/or citation.~~
- ~~E. Any willful misrepresentation by a Fire Alarm Provider as to inspection, maintenance, or repair services rendered to a Fire Alarm System shall be considered a misdemeanor for each incident.~~

FALSE FIRE ALARM FEE AND PENALTY WAIVER

- ~~A. Documentation provided to the Troy Fire Department of maintenance or repair to the Fire Alarm System after the occurrence of a False Fire Alarm may be considered in determining whether or not to assess the False Fire Alarm fee.~~
- ~~B. Severe weather, power outages, transmission line malfunctions, malicious acts of person(s) not under the control of the Fire Alarm User, or any other cause clearly beyond the control of the Fire Alarm User will be considered in determining whether or not punitive action will be taken against the Fire Alarm User as provided for in this ordinance.~~

~~(Article 17 - 9/29/97)~~

Section 3. Savings.

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause.

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date.

This Ordinance shall become effective on December 1, 2009 and upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2009.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk