

CASCADE CHARTER TOWNSHIP

Ordinance #4 of 2023
AN ORDINANCE TO AMEND ORDINANCE #1 OF 2010
False Alarms Ordinance (formerly Fire Alarms Ordinance)

CASCADE CHARTER TOWNSHIP ORDAINS:

Section 1. Title

This section shall be amended to read as follows:

This article shall be known and referred to as the “False Alarm Ordinance of the Charter Township of Cascade.”

Section 2. Purpose

This section shall be amended to read as follows:

The purpose of this article is to facilitate the reduction of false alarms and the misuse of the manpower and resources of the Fire Department, emergency personnel and other Township departments caused by the dispatch of units to the scene of a false alarm.

Section 3. Definitions

This section shall be amended to read as follows:

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

ACT OF GOD – An unusual, extraordinary, sudden or unexpected display of the forces of nature against which the science and the skill of mankind are of no avail.

ALARM SYSTEM – Any device or piece of equipment or an assembly of equipment and devices designed or arranged to signal the presence of a hazard requiring urgent attention or to which the Township’s Fire Department or other personnel is expected to respond. The term includes any system that can electronically cause an expected response by a law enforcement agency or fire/emergency services agency 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” shall include, but shall not be limited to, the following types of devices: “Automatic holdup alarm,” “burglar alarm,” “local alarm,” “intrusion alarm,” “holdup alarm,” “panic alarm,” “personal emergency response alarm,” “temperature fire alarm,” “manual fire alarm,” “fire alarm,” “automatic sprinkler,” and/or “water flow alarm.” Alarm systems designed solely to alert or to signal persons within the premises in which the alarm system is located shall not be regulated by this Article, 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 – Any person, whether owner, occupant or tenant, residential or commercial properties, upon whose premises an alarm system is maintained or operated within the Township,

except for alarm systems on motor vehicles. In the event that premises are owned or occupied by a partnership, corporation, or other entity, each owner, officer, partner, or operator shall be deemed to be an alarm user.

FALSE ALARM – Any activation of an alarm system causing a sound or visual signal through mechanical failure, faulty equipment, malfunction, improper installations, and/or lack of prudent maintenance, or the negligence of the alarm user or of his, her, or its employees, agents, guests, residents, or invitees. False alarms that are intentionally activated shall not constitute a false alarm for purposes of this Article, but may be prosecuted as criminal offense. A false alarm shall be presumed when an alarm is tested without prior written notice to the Township, and when an investigation reveals no evident of criminal activity, or illegal entry or an attempt thereof, or no fire or potential fire, or need for medical attention, upon the activation of the alarm system, with the following exceptions: criminal activity, acts of God or verifiable interruptions of electrical or wire service, and any water surges from the City of Grand Rapids Water Department.

PERSON – Any individual, partnership, corporation, unincorporated association or any group of persons.

Section 4. Fines

This section shall be amended to read as follows:

No alarm user shall maintain, use, or allow the use of an alarm system or alarm systems, which signals false alarms. Alarm users shall be jointly and severally responsible for violations of this Article. The payment of false alarm response costs, fines, or fees shall not be construed to conflict, contravene, enlarge, or reduce any civil or criminal liability of the person or entity billed for the response costs, except to the extent that such responsibility arises out of this Article. Except as otherwise set forth herein, any person who violates this article shall be punishable by a civil fine determined in accordance with the following schedule:

- A. There is no fine for the first false alarm within a twelve month period of time, but a warning notice will be issued.
- B. There is no fine for the second false alarm within a twelve month period but a warning notice will be issued.
- C. The fine for the third false alarm within a twelve month period shall be not less than \$150.
- D. The fine for the fourth and each subsequent false alarm shall be not less than \$300.

Section 5. Payment of Fines

This section shall be amended to read as follows:

This article shall be known and referred to as “Payment of Fines.”

This section shall be amended to read as follows:

An alarm user who is liable for the payment of the cost of the response or fine shall make payment in full to the Township within 30 days of the invoice date.

A person or entity liable for the payment of the cost of a response or fine who fails to make payment in full to the Township within 30 days of the invoice date shall be responsible for a municipal civil infraction, and shall be responsible for fines as set forth in Chapter 40, and for full payment of the cost of the response, to reimburse the Township for a portion of its administrative costs incurred for pursuing and processing the overdue invoice. This provision shall be tolled in the event that the alarm user appeals pursuant to the appeal provisions of this Article, but such payment shall be due to the Township within 10 days of the date of the appeal decision.

The Township may commence a civil action against a person who is liable for the payment of the cost of the response and who fails to make payment in full to the Township as required by this Article. The city shall be entitled to recover the expenses, statutory interest, court costs, and reasonable attorney fees incurred for pursuing the civil action.

Section 6. Appeals

This section shall be added to read as follows:

A. Alarm users or persons otherwise aggrieved by receipt of a warning letter for the occurrence of a false alarm, or by a false alarm determination that results in the imposition of a fee for the cost of a response, may submit a letter of appeal to the Township Manager for review of the determination of a false alarm occurrence. Such appeal letters must be submitted within 20 days of the date of the warning letter or fee invoice. Persons or entities who are cited for a municipal civil infraction or charged with a misdemeanor may not avail themselves of this appeal provision, but may instead defend against the charge in the district court if desired. The fees prescribed by the Township Board may not be appealed or modified by appeal; only the actual determination of a false alarm occurrence may be appealed pursuant to this section. The following appeal process shall be afforded upon receipt of an appeal letter:

(i) Upon receipt of an appeal letter, the Township Manager shall forward a copy of the letter (and supporting documentation provided with the letter, if any) to the Fire Chief for review.

(ii) The Fire Chief shall independently review the letter and, within 30 days, advise the Township Manager in writing whether, after reasonable investigation, the appeal should be granted. In order to recommend that an appeal be granted, the independent review must result in the conclusion that the original false alarm determination was clearly erroneous. To reach such a conclusion, irrefutable evidence must support the finding that the occurrence did not fit the definition of "false alarm" set forth in this chapter.

(iii) In the event that the Fire Chief agrees that the appeal has no merit, or that the appeal should be granted, such decision shall be final, and if fees must be paid by the alarm user pursuant to this Ordinance, such fees shall be paid within 10 days of the date the Township Manager forwards the final decision to the appellant via first class mail or personal service.

(iv) If an appeal is granted, the result shall be that the determination fo a false alarm shall be overturned, and the alarm occurrence shall not be counted with future false alarm occurrences for purposes of the progressive penalties in this ordinance. If the appeal is denied, the result shall be that the determination of a false alarm shall stand, and the false alarm occurrence may be counted with future false alarm occurrences for purposes of the progressive penalties in this Ordinance.

(v) False alarm determinations may not be appealed after a subsequent false alarm occurrence is determined to have occurred, nor may they be appealed upon the passage of 12 months from the date of the occurrence.

Section 7. Violations and penalties for intentional false alarms

This section shall be known and referred to as “Section 7.”

The foregoing Ordinance amendment was offered by Trustee Shipley, supported by Treasurer Korstange. The roll call vote being as follows:

YEAS: Shipley, McDonald, Koessel, Korstange, Noordhoek, and Lesperance

NAYS: None

ABSENT: Slater

ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Sue Slater
Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of the an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 26th day of April, 2023.

Sue Slater
Cascade Charter Township Clerk