

LODI TOWNSHIP
WASHTENAW COUNTY
MICHIGAN

Ordinance No. 95-1
Effective Date June 7, 1995

[AN ORDINANCE TO ESTABLISH A SERVICE CHARGE FOR RESPONDING TO A FALSE POLICE AND/OR FIRE ALARM(S) AND TO PROVIDE NOTICE OF AND ADMINISTRATIVE RELIEF FROM SUCH CHARGES]

THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN ORDAINS:

SECTION 1. SHORT TITLE.

This ordinance shall be known and may be cited as The Lodi Township False Fire and Police Alarm Ordinance.

SECTION 2. DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the following meanings:

"Alarm System" means an assembly of equipment and devices, or a single device, arranged to signal the presence of a hazard requiring urgent attention and to which police and/or fire personnel are expected to respond.

"False Alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employee or agent, but shall not include an alarm caused by a hurricane, tornado, earthquake, or other violent condition beyond the control of the owner or lessee of an alarm system or of their employee or agent.

"Township" means Lodi Township.

SECTION 3. FALSE ALARM FEE.

For the purpose of defraying the cost of responding to false alarms, any person, corporation, partnership or other legal entity who owns, uses, leases, installs, or directs the installation of an alarm system; or any person who owns, occupies, leases, or controls property where an alarm system is installed, shall pay the service charge provided in Section 4 whenever an alarm system is activated, a township police and/or fire officer responds to the location where the alarm was activated, and one or more of the following circumstances exist:

(A) There is no evidence of illegal entry or an attempt to gain entry;

- (B) There is no evidence of fire or hazardous fumes;
- (C) Activation of the alarm was due to a malfunction in the system;
- (D) Activation of the alarm was caused by a mistake; or
- (E) The alarm was activated by a person(s) working on the alarm system and the appropriate police and fire agency was not previously notified that the work was being done.

SECTION 4. FEE SCHEDULE, PUBLICATION, EFFECTIVE DATE.

The service charge to be imposed by the Township for its responding to a false alarm, as provided for under Section 3, shall be determined by resolution of the Township Board of Trustees. The charge shall not exceed the cost of police and/or fire service resulting from a response to the false alarm. The service charge established by the Township Board of Trustees shall be published once in a newspaper having general circulation in the Township and shall become effective 30 days after the date of publication.

SECTION 5. REPORT TO CLERK; NOTICE OF FEE; ADMINISTRATIVE REVIEW; COLLECTION.

The Police or Fire agency responding to a false alarm as provided in Section 3 shall provide to the Clerk of the Township the following information:

- (i) name and address of person(s) to be charged;
- (ii) date, time and place at which the false alarm occurred and state whether an officer, police, sheriff and/or fire department responded to such location;
- (iii) the basis set forth under Subsection 3 (A)-(E) for the service charge; and
- (iv) the number of times within the then calendar year the police and/or fire agency responded to a false alarm at the location specified in subsection 5 (ii).

The Clerk shall send notice of the service charge by ordinary mail. Payment, if any, shall be payable to the Clerk of the Township within 30 days of invoice. Funds so received shall be credited to the general fund for police and fire protection.

A person who is assessed a service fee as provided in Section 3 may dispute the charge within 30 days of invoice by requesting review before the Township Board of Trustees. The request for review shall be in writing. The Board of Trustees by a majority vote of those voting shall determine whether the facts warrant the service charge by a preponderance of evidence. The Board's

determination shall be final and appealable as provided by law.

A person who fails to pay a service charge assessed pursuant to Section 3 and fails to request review as provided herein shall be subject to additional charges as provided in this ordinance including, but not limited to, actual costs and attorney fees incurred by Township for collection of charges properly assessed under this ordinance.

SECTION 6. EXCEPTIONS.

1. Notwithstanding anything herein to the contrary, no owner or lessee shall be required to pay the costs required in Section 3 on the first occasion of a false alarm in any one calendar year, but shall be advised in writing of said false alarm and of the existence of this ordinance.

2. The costs required in Section 3 shall not be charged in any case where the false alarm was activated by severe weather or other violent conditions.

SECTION 7. REPEALER AND SEVERABILITY.

All ordinances or resolutions, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 8. PUBLICATION AND EFFECTIVE DATE.

A true copy of the within Ordinance shall be published within 30 days after the date hereof in the ^{SALINE REPORTER}~~Ann Arbor News~~, a newspaper having general circulation in said Township. This Ordinance shall be effective 30 days after date of publication.

Adopted: May 2, 1995
Published: May 3, 1995
Effective: June 2, 1995

Erwin Frederick
Erwin Frederick, Supervisor
Elaine E. Masters
Elaine Masters, Clerk

LODI TOWNSHIP
WASHTENAW COUNTY
MICHIGAN

[RESOLUTION TO ESTABLISH SERVICE CHARGES FOR
POLICE AND/OR FIRE DEPARTMENT RESPONSES TO
FALSE ALARMS]

At a regular meeting of the Lodi Township Board of Trustees ("Township") held on the 2 day of May, 1995 at 8:00 P.m. at the Township Hall located at 3755 Pleasant Lk., Ann Arbor, Michigan, the following preamble and resolution were offered by member Hodek and supported by member Masters.

WHEREAS, the Township recognizes that substantial Township police and fire protection resources are consumed each year by police and fire responses to false alarms; and

WHEREAS, the Township seeks to make the users of such alarm systems more responsible for its proper use and installation and to recover its costs in needlessly responding to such false alarms.

NOW THEREFORE be it RESOLVED:

1. The Township adopts Ordinance No. 95-1, being The Lodi Township False Fire and Police Alarm Ordinance.
2. The Service Charge provided for under Section 4 of the Lodi Township False Fire and Police Alarm Ordinance is as follow:

(1) First false alarm requiring response by a police/fire department in the calendar year	NO CHARGE
(2) Second false alarm requiring response by a police/fire department in the calendar year	\$ 50.00
If not paid within thirty days	\$ 60.00
(3) Third false alarm requiring response by a police/fire department in the calendar year	\$100.00
If not paid within thirty days	\$120.00

- (4) Fourth and each subsequent false alarm requiring response by a police/fire department in the calendar year \$200.00
- If not paid within thirty days \$240.00
- (5) For each additional 30-day period or part thereof an additional charge of \$ 5.00

The following members voted:

AYES: Frederick Masters, Giodale

NAYS: None

ABSTAIN or ABSENT: Dorow Lindemann

RESOLUTION DECLARED ADOPTED.

Dated: May 2, 1995

Elaine E. Masters
 Elaine Masters, Clerk
 Lodi Township

CERTIFICATE

I, Elaine Masters, Clerk of the Township of Lodi, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Lodi Township Resolution and Ordinance No. 95-1, which was duly adopted by the Board of Trustees of Lodi Township at a Regular Meeting of said Board, held on May 2, 1995.

I further certify that Member Godek moved for adoption of said Ordinance, and that Member Masters supported said motion.

I further certify that the following Members voted for adoption of said Ordinance Frederick Masters, Godek; that the following Members voted against adoption of said Ordinance none; and that the following Members were absent or abstained from voting on the adoption of said Ordinance absent - Dorow, Lindemann.

I further certify that after its passage, the Ordinance was published in the ~~Ann Arbor News~~ ^{and Saline Reporter} newspaper on May 3, 1995, in accordance with statutes made and provided for such purpose.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Dated: May 2, 1995

Elaine J. Masters
Elaine Masters, Clerk
Lodi Township