

**AUGUSTA CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**FALSE ALARM FINE ORDINANCE**

**ORDINANCE NO: 08-01  
INTRODUCED: 09/09/08  
APPROVED: 10/14/08  
EFFECTIVE DATE: 11/01/08**

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND  
GENERAL WELFARE BY THE ADOPTION OF REGULATIONS  
CONCERNING THE COST OF RESPONDING TO FALSE ALARMS AND TO  
DISCOURAGE THE CONTINUATION OF REPEAT FALSE ALARMS.**

**THE CHARTER TOWNSHIP OF AUGUSTA, WASHTENAW COUNTY, MICHIGAN,  
ORDAINS:**

**Section 1: Title**

This Ordinance shall be known and may be cited as the AUGUSTA Charter Township False Alarm Ordinance.

**Section 2: Purpose and Preamble**

The Township is empowered by Act 359 of the Public Acts of 1947, as amended, MCL 42.1 *et.seq.*, and by Section 6a of Act 33 of the Public Acts of 1951, as amended, to adopt Ordinances regulating the public health, safety and general welfare of persons and property, including but not limited to regulations concerning the cost of responding to false alarms and to discourage the continuation of repeat false alarms, and to provide fines for responses to false alarms.

The purpose of this ordinance is to defray the cost of responding to false alarms and to discourage the continuation of repeat false alarms.

**Section 3: Definitions**

As used in this ordinance, the terms below shall be defined as follows:

Alarmed premises means any building, property, or premises equipped with an alarm system.

Alarm system means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention by the police department or fire department.

False alarm means an alarm, which summons or causes the police department or fire department to respond to a property or premises within AUGUSTA Charter Township when in fact the service called for is not needed.

#### **Section 4: Regulations**

The owner and lessee of any alarmed premises shall be jointly and severally responsible to pay the Township fines for each occasion on which the Township Police Department (or other agency with whom the Township contracts for police services, including the Washtenaw County Sheriff's Department) or Township Fire Department (or other agency with whom the Township contracts for fire services including assistance by way of mutual aid) responds to a false alarm from an alarmed premises. The Township Board shall establish an annual schedule of fines for such false alarm responses.

The police department and fire department shall report, monthly, a list of false alarms, identifying the alarmed premises and the responsible owner and lessees. The Township Clerk shall bill each responsible owner and lessee for the amounts due in accordance with the established schedule of fines. All amounts billed shall be paid to Augusta Charter Township and delivered to the Township Treasurer and under this ordinance shall be due within 30 days after each billing. The Township Supervisor is authorized to prosecute collection procedures for any overdue amounts within 60 days after the due date.

#### **Section 5: Appeals**

- (a) Appeal. Any owner or lessee of an alarmed premises may appeal the assessment of a false alarm fine to the Township Board. Such appeal shall be in writing, shall be filed with the Township Clerk within ten (10) days after written notification of the assessment by the Township Treasurer, and shall state adequate, verifiable facts showing that the false alarm occurred under circumstances that could not be reasonably anticipated or controlled by the owner or lessee of the alarmed premises. The Township Board shall render a decision on the appeal within forty-five (45) days following the receipt of the written appeal, and shall notify the appellant and the Township Treasurer of the decision in writing.
- (b) Exceptions. The following circumstances shall not constitute a false alarm, and no fine under this section shall be assessed.
  - (1) Alarm conditions activated by a person working on the alarm system with prior notification to the Township Police Department or Fire Department.
  - (2) Alarms activated by damage to public utility lines, when the affected Public utility corroborates that the damage to such lines caused the alarm.

#### **Section 6: Severability**

The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reasons by any court of competent jurisdiction, such declaration shall not affect any portion of the Ordinance other than said part or portion thereof.

#### **Section 7: Repeal**

All Ordinances in conflict with this Ordinance are hereby repealed.

**Section 8: Effective Date**

This Ordinance shall become effective November 1, 2008 following the required legal publication.

Upon roll call vote, the following voted "Aye": Giszczak, Dew, Tobler, Kidder, Goodwin, Jackson, Manty. "Nay": None.

The Supervisor declared the ordinance adopted.

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Kathy Giszczak, Clerk

**CERTIFICATE**

I, Kathy Giszczak, the duly elected and acting Clerk of Augusta Charter Township, Washtenaw County, Michigan, hereby certify that this is a true copy of an Ordinance adopted by the Augusta charter Township Board for first reading at a meeting held on September 9, 2008 and for final reading on October 14, 2008, that said meetings were conducted and public notice of said meetings were given pursuant to and in full compliance with the Open Meetings Act, being 1976 PA 267, that a quorum of the Board was present and voted in favor of said Ordinance; and that minutes of said meetings were kept and will be or have been made available as required by said Open Meetings Act. This Ordinance shall become effective on the eight day following publication of second and final reading, or such later date as may be provided herein or by law, with an effective date of November 1, 2008.

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Kathy Giszczak, Clerk  
Augusta Charter Township

Introduced: 09/09/08

Published: 10/09/08

Adopted: 10/14/08

Published: 10/23/08

Effective: 11/01/08

**Charter Township of Augusta  
Washtenaw County, Michigan**

**RESOLUTION TO ESTABLISH FALSE ALARM FINE SERVICE CHARGES**

**RESOLUTION NUMBER 08-04**

**DATE PROPOSED: September 9, 2008**

**DATE ADOPTED: October 14, 2008**

**EFFECTIVE DATE: November 1, 2008**

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 the Township's costs in needlessly responding to such false alarms; and

WHEREAS, the Township has adopted Ordinance No. 08-01, being the Augusta Charter Township False Alarm Fine Ordinance; NOW, THEREFORE,

BE IT RESOLVED, that the fines provided for in Section 4 of said Augusta Charter Township False Alarm Ordinance be established as follows:

- |    |  |           |
|----|--|-----------|
| 1. | First false alarm requiring response by a police or fire department in a calendar year   | no charge |
| 2. | Second false alarm requiring response by a police or fire department in a calendar year  | \$ 50.00  |
|    | if not paid within thirty (30) days  | \$ 60.00  |
| 3. | Third false alarm requiring response by a police or fire department in a calendar year   | \$100.00  |
|    | if not paid within thirty (30) days  | \$120.00  |
| 4. | Fourth or more false alarm requiring response by a police or fire department in a calendar year  | \$200.00  |
|    | if not paid within thirty (30) days  | \$240.00  |
| 5. | For each additional thirty (30) day period or part thereof that a fee established by this resolution remains unpaid, an additional charge of | \$ 5.00   |

Motion by Giszczak, 2<sup>nd</sup> by Tobler and upon roll call vote, the following voted "Aye": Goodwin, Manty, Tobler, Jackson, Giszczak, Dew and Kidder. "Nay": NONE.

The Supervisor declared the resolution adopted.

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K Giszczak, Augusta Charter Township Clerk

CERTIFICATE

I, Kathy Giszczak, the duly elected and acting Clerk of Augusta Charter Township, hereby certify that the foregoing resolution was adopted by the Township Board of said Township, as presented at a regular meeting of said Board held on October 14, 2008, at which meeting a quorum was present by a roll call vote of said members as hereinbefore set forth; that said resolution was ordered to take immediate effect.

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Kathy Giszczak, Clerk

Kathy Giszczak, Charter Township Clerk