

ORDINANCE #7

BERRIEN COUNTY FALSE ALARM ORDINANCE

As Amended February 18, 1993

ORDINANCE GOVERNING THE INSTALLATION AND OPERATION OF NON-FIRE ALARM SYSTEMS IN THE COUNTY OF BERRIEN, MICHIGAN, AND PROVIDING FOR PENALTIES FOR ANY VIOLATION OF THIS ORDINANCE.

THE COUNTY OF BERRIEN, STATE OF MICHIGAN, ORDAINS:

SECTION 1 – PURPOSE AND AUTHORITY

The County Board of Commissioners determines that the number of false intrusion and hold-up alarms within the County of Berrien has caused problems which necessitate the enactment of this Ordinance. Among the problems presented are:

1. Unreasonable demands upon the time and resources of public safety agencies in Berrien County, including the Berrien County Sheriff, his deputies and staff.
2. Increased danger to those public safety personnel and the citizens of the County of Berrien caused by the emergency response of public safety personnel to intrusion and hold-up alarms.
3. The unwarranted diversion of the Berrien County public safety personnel's resources to answering false alarms and the consequent reduction of resources available to deal with other police responsibilities.

MCL 46.11 authorizes the County Board of Commissioners to pass ordinances relating to County affairs. The Ordinance is intended to regulate the use of certain alarm systems and to prevent the increasing number of false alarms which not only impede the services provided by Berrien County public safety departments but also endanger the welfare and safety of Berrien County citizens. Consequently, it relates to such County affairs and is authorized under that statute.

SECTION 2 – DEFINITIONS

For the purpose of this Ordinance, certain terms and words are herein defined as follows:

- (a) “**ACTS OF GOD**” means an unusual, extraordinary, sudden, or unexpected display of the forces of nature against which the science and the skill of man are of no avail.
- (b) “**ALARM SYSTEM**” means a device or assembly of equipment or devices designed or arranged to signal the presence or existence of a hazard requiring urgent attention of public safety personnel. These systems include intrusion alarms, robbery alarms, fire alarms, medical emergency alarms and any other alarm which solicits an emergency response by public safety personnel. Alarm systems monitoring temperature or humidity or which do not solicit any public safety department's response whatsoever are excluded from this section.
- (c) “**ALARM SYSTEM USERS**” means any corporation, partnership, unincorporated entity or individual, whether owner, occupant or tenant, upon whose premises or property an alarm system is maintained or operated within the County, except for an alarm system on motor vehicles. If, however, the alarm system on a motor vehicle is connected with an alarm system on premises, the person using such a system is an alarm user.

(d) “**ALARM MONITORING AGENCY**” means any corporation, partnership, unincorporated entity or individual who monitors an alarm system existing in the County on behalf of an alarm system user with the purpose of transmitting information to a public safety agency within Berrien County, regarding the presence of a hazard requesting urgent attention to which the public safety agency is asked to respond.

(e) “**COUNTY**” means the Berrien County, Michigan government.

(f) “**COUNTY SHERIFF**” means the duly elected and serving Berrien County Sheriff, his deputies and staff.

(g) “**FALSE ALARM**” means the activation of an alarm system resulting in a signal or call being received by the Berrien County Sheriff or other public safety agency located within Berrien County when there is no immediate substantial threat to life, safety or property meriting their urgent attention in, on or at the property in regard to which the signal or call was sent. This section does not apply to signals or calls caused by criminal activity or acts of God.

(h) “**PERSON**” means one or more individuals, partnerships, limited partnerships, corporations, or other entities capable of contracting.

(i) “**PUBLIC SAFETY AGENCY**” means any police department, fire department or ambulance service which has jurisdiction in Berrien County, Michigan.

SECTION 3 – AUTOMATIC DIALERS

No person shall install, operate, arrange for or contract to provide, revise or repair an alarm system which upon activation mechanically, electronically or by other means initiates the automatic calling or dialing of, or makes a connection directly to a telephone assigned to a public safety agency in Berrien County for the purpose of delivering a recorded message to which a public safety agency is expected to respond.

SECTION 4 – FALSE ALARMS PROHIBITED

No alarm system user or alarm monitoring agency shall cause or allow a false alarm to be made. An alarm system user and/or alarm system monitor shall be in violation of this Ordinance whenever any alarm system maintained on his premises (in the case of the user) or any alarm system that he monitors (in the case of a monitor) registers more than two false alarms in any 365 day period.

SECTION 5 – PENALTIES

A person violating the provisions of this Ordinance shall be deemed responsible for a civil infraction, and upon being found responsible thereof, shall pay a fine of twenty-five (\$25.00) dollars for the first offense and fine of fifty (\$50) dollars for the second and subsequent offenses.

SECTION 6 – EXCEPTIONS

This Ordinance shall not apply to the use of an alarm system by law enforcement personnel of federal, state or local governments.

SECTION 7 – SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be declared a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8 – EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after sixty (60) days of the date of its adoption by the Berrien County Board of Commissioners.

SECTION 9 – PUBLICATIONS

This Ordinance shall be published in a newspaper of general circulation within the County of Berrien, State of Michigan, twice before the effective date hereof.

ADOPTED: January 19, 1989
AMENDED: February 18, 1993