



OWOSSO PUBLIC SAFETY

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MEMORANDUM

DATE: April 25, 2022

TO: Owosso City Council

FROM: Kevin Lenkart
Owosso Public Safety Chief

RE: Amend the Code of Ordinances, Chapter 18, Article VI, *False Alarms*

Recommendation:

Recommend Council approve the attached resolution setting a public hearing for May 16, 2022 at 7:30 p.m. in Council Chambers to receive citizen comment regarding the proposed changes to Chapter 18, Article VI, *False Alarms* of the Code of Ordinances.

Background:

Chapter 18, Nuisances, Article VI, *False Alarms*, of the Code of Ordinances was adopted in 1992. The recommended changes would update the language for both the police and fire department's response to false alarms.

RESOLUTION NO.

**AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING FOR
THE PROPOSED AMENDMENTS TO CHAPTER 18, NUISANCES, ARTICLE VI, *FALSE ALARMS*,
OF THE CODE OF ORDINANCES**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has a Nuisances Ordinance containing provisions for false alarms that was adopted in 1992; and

WHEREAS, it is necessary to update the ordinance to reflect changes in the Public Safety Department's response to false alarms; and

WHEREAS, it is the long-standing practice of the City Council to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

NOW THEREFORE BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS THAT:

SECTION 1. AMENDMENT. That Chapter 18, Nuisances, Article VI, *False Alarms*, of the Code of Ordinances of the City of Owosso be amended as follows:

Sec. 18-131. Declared nuisance.

Any false alarm in excess of ~~one (1)~~ **two (2)** in any calendar year from the same location is hereby declared to be a public nuisance.

Sec. 18-132. Definitions.

The following words 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.

Alarm user shall mean any person or other entity on whose premises an alarm system is maintained within the city except for alarm systems on motor vehicles. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premise, the person using such system is an alarm user. Also excluded from this definition and from the coverage of this article are persons or entities who use an alarm system to alert or signal persons within the premises in which the alarm systems are located, of an attempted unauthorized intrusion, holdup attempt or fire hazard. If such a system, however, employs an audible signal emitting sounds or flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of an alarm system and shall be subject to this article.

Alarm system shall mean any device or assembly of equipment and devices arranged to signal the presence of a condition requiring urgent attention and to which police officers or fire department personnel are expected to respond. In this article, the term "alarm system" shall include the terms "automatic hold-up alarm system", "burglar alarm system", "intrusion alarm system", "hold-up alarm system", "manual hold-up alarm system", "temperature fire alarm system", "manual fire alarm system", "fire alarm system", and "automatic sprinkler water-flow alarm system".

False alarm shall be defined as any alarm signal which is registered at the police or fire department, any central dispatch center, or elsewhere not resulting from criminal or fire activity for which the alarm was intended, or in the case of a fire alarm any alarm signal which is registered at the police or fire department or elsewhere not resulting from a fire or potential fire condition or life threatening medical emergency.

Sec. 18-133. False alarm fee.

- (a) The alarm user shall be required to pay to the city **an amount approved by resolution of the Owosso City Council the sum of ten dollars (\$10.00) for a second false alarm, and twenty-five dollars (\$25.00)** for each additional false alarm in any given calendar year. No alarm user shall be

required to pay said fee on the first ~~occasion~~ **two calls** of a false alarm during any one (1) calendar year, but shall be advised in writing of said false alarm and of the existence of this article.

(b) Alarms caused by the following extenuating circumstances shall not constitute a false alarm and no false alarm fee shall be charged by the city:

(1) Alarm system malfunctions.

(2) Storm conditions.

(3) Alarms activated by persons working on the alarm system with prior notification to the police or fire department.

(4) Alarms activated by disruption or disturbance.

~~(5) When the alarm system is the responsibility of a lessee and the lessor provides the city the name of such lessee.~~

~~(6) In paragraphs (1), (2), (4) and (5) of this subsection (b), it shall be the responsibility of the alarm user to notify the police department by filling out the alarm card and returning it to the police department within five (5) working days. Failure to notify the police department will result in an automatic billing to the user.~~

~~(c) At the direction of the police chief, an "alarm notification card" shall be designed and used as required by this article.~~

~~(d) On the first business day following the response of police officers to an alarm call, a representative to the police chief shall mail an alarm notification card to the alarm user.~~

~~(e) Within ten (10) working days of the date of the mailing by the police department of the alarm notification card, the alarm user shall return the completed card to the police department explaining which exclusion applies. If the exclusion is not accepted, the alarm user shall be billed. Failure by the alarm user to return the card shall cause an automatic billing of the false alarm fee to be sent to the alarm user.~~

(c) The fee is due and payable within thirty (30) calendar days from the date of notification.

~~(f)~~(d) If, upon receiving a false alarm fee notice, the alarm user wishes to request a waiver of the assessment of the fee due to extenuating circumstances, he may do so in writing within ten (10) working days of the assessment date. The notice to the **Public Safety Chief or their designee police department** shall contain documentation of the extenuating circumstances involved. Within ten (10) working days of the receipt of the waiver request by the **Public Safety Chief or their designee, police department, the police chief or his designee** shall make a determination on the waiver request and shall notify the alarm user of the decision.

~~(g)~~ (e) In the event that the alarm user is not satisfied with the decision rendered by the **Public Safety Chief or their designee, police chief**, an additional written request for waiver may be filed within ten (10) working days of the date of the decision by the **Public Safety Chief or their designee police chief, with** to the city manager. Within ten (10) working days of the receipt of the waiver request and documentation of extenuating circumstances, the city manager or **his** their designated representative shall review the request, make a determination on the waiver, and shall notify the alarm user of the decision.

Sec. 18-134. Assessment of fees.

Any billing to an alarm user for a false alarm fee which remains unpaid for a period in excess of ten (10) calendar days shall be assessed a fee approved by resolution of city council ~~later charge of ten (10) percent and shall bear interest at the rate of six (6) percent until paid~~, and shall be certified to the city assessor who shall place the same on the next tax roll and assess the fees, penalties and interest

against the real or personal property assessment of the user to be collected in the same manner as general city taxes pursuant to Chapter 9 of the City of Owosso Charter.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, May 16, 2022 at 7:30 p.m. in the City Hall Council Chambers for the purpose of receiving citizen comment regarding the proposed revision to the Code of Ordinances.

SECTION 3. AVAILABILITY. This ordinance may be viewed on the City's website at www.ci.owosso.mi.us or purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 4. EFFECTIVE DATE: This amendment shall become effective twenty days after passage.