

## **2005 FALSE ALARM ORDINANCE QUESTIONS & ANSWERS**

**(1)** Will the new ordinance apply to 9-1-1 calls or requests for medical assistance?

**A:** No. At the beginning of this project, the committee agreed that the city should never discourage residents and visitors from using 9-1-1 to call for help. Even if a 9-1-1 call is accidental or mistaken, it will not be considered a “false alarm” under the ordinance. The ordinance is only concerned with the triggering of security and fire alarms due to mechanical failures, poor maintenance, improper installation, or negligence.

**(2)** How did the committee arrive at the fine schedules regarding the difference between residential and commercial police false alarms along with the escalation in fees per multiple offenders?

**A:** The difference between residential and commercial police responses reflect the average time spent on scene for each response. Commercial properties cover more area and it takes, on average, triple the amount of police time to assure their security. In larger buildings where an open door is found, additional resources are brought in, including a K-9 for interior searches. Time on scene for this type of response could take well over an hour waiting for the proper resources and assuring that the building is secure.

The escalating fee schedule was established to accomplish three objectives: (1) To reduce the amount of false alarms through user-fee incentives. (2) To recover costs expended in responding to the false alarms. (3) To ensure that the fees imposed compare to surrounding communities with the same type of ordinance. In arriving at a fee schedule the committee first calculated the actual cost for each response to a false alarm for police and fire. Surrounding communities that have alarm ordinances were contacted regarding their fine schedules, which were then compared to our actual costs. Our new fee schedule is on the lower end of the scale.

**(3)** Will warning letters be sent out to inform commercial and residential property owners of the false alarm ordinance?

**A:** Yes. The committee has prepared a draft letter that will be sent to approximately 400 commercial and 140 residential properties that have triggered more than 1 false fire or police response during 2004. The letter will also explain the new ordinance provisions that require an alarm user to take responsibility for false alarms and take steps to remedy the problem.

**(4)** How will the 12-month period be calculated for counting false alarms?

**A:** After a false alarm is documented against a property, the EnablePoint software will scan its database to determine how many other false alarms occurred during the preceding 12-month period. The number of false alarms received within the preceding 12 months from that property would determine the action to be taken under the terms of the new ordinance.

**(5)** Would any of the following circumstances constitute a false alarm?

An incapacitated senior citizen activates an alarm due to perceived medical distress and upon arrival of emergency medical responders find no medical condition exists.

A person believes to be having a heart attack activates an alarm and upon arrival of emergency medical responders find it not to be a heart attack, or medical emergency.

A citizen believes that his/her home is being broken into and hit a panic alarm. The police respond and find that nobody had actually attempted to break into the home.

A student in a school intentionally pulls the fire alarm for a prank.

**A:** None of the listed examples will constitute a false alarm. The new ordinance includes the following definition: **“False alarms that are intentionally activated shall not constitute a false alarm for the purposes of this chapter, but may be prosecuted as criminal offenses.”** This means that the intentional activation of a burglar or fire alarm will never constitute a false alarm under the ordinance. However, if a person intentionally triggers an alarm with criminal or malicious intent, the person may face criminal charges if the County Prosecutor believes charges are warranted.

When drafting this ordinance, the committee discussed 9-1-1 and other medical emergency calls, and decided that the city should not discourage individuals from calling the police through either 9-1-1 or by intentionally tripping an alarm. The focus of the ordinance is on mechanical failure, faulty equipment, improper installations, and negligence of the alarm user. The intent of the ordinance is to facilitate the more efficient use of police and fire resources for true emergencies and for people who genuinely believe they need police or fire assistance. The ordinance will not be used to discourage residents from seeking help; rather, the ordinance will be used to prompt residents and businesses to correct mechanical and operational alarm system deficiencies.

**(6)** Why would the city proceed in Circuit Court rather than utilizing 41-A District Court as addressed in the penalty section of the new ordinance?

**A:** The new ordinance states that six or more false alarms within a 12-month period are deemed to be a public nuisance. At that point, the City Attorney is authorized by the ordinance to seek abatement of the nuisance by prosecuting the violation in 41A District Court. However, such action may not result in a permanent abatement of the problem, or it may be limited to a period of probation that will eventually expire. If the 41-A District Court action does not solve the underlying problem, the Macomb County Circuit Court could be used as a last resort to seek permanent abatement of the nuisance.

**(7)** Under what circumstances would a municipal civil infraction be issued?

**A:** The issuance of a municipal civil infraction is an option that the City Treasurer may utilize when alarm users fail or refuse to pay their false alarm response fees under the ordinance. This option provides the City Treasurer with an alternative when the fees cannot be added to the tax rolls, or when filing a civil lawsuit to collect the fees are not practical. Issuance of a municipal civil infraction will either generate fees (if the offender simply pays the ticket), or it will allow the 41-A District Court to address the delinquency and order the offender to pay the outstanding fees.

**(8)** Are there any current ordinances that conflict with this new false alarm ordinance?

**A:** No. The new ordinance is limited to recurring false alarms.

**(9)** How does the new appeal process work?

**A:** After a false alarm determination, the alarm user may submit a written appeal letter to the City Manager, explaining why the alarm event was not “false” under the ordinance.

**(12)** Do any universal or model standards exist for regulating alarm systems?

**A:** Yes. For example, the city currently requires fire alarms to be U.L. Certified per the Fire Code. However, although standards exist for burglar and security alarms, they are complex and burdensome to meet.

The American National Standards Institute (ANSI) and the Central Station Alarm Association (CSAA) have created standard procedures for alarm verification and notification. However, these procedures are primarily designed to regulate alarm-monitoring companies by outlining the steps to follow when attempting to verify the validity of an alarm signal.

Underwriters’ Laboratories (U.L.) has also adopted standards for residential burglar alarm systems. The standards are extensive and complex, with some

documents exceeding 100 pages. The scope of each standard is available online, but the standards themselves must be purchased from U.L.

- (13)** Why not impose these standards for alarm users in Sterling Heights?
- (15)** The primary goal of the new ordinance is to encourage alarm users to repair, replace, and properly maintain their alarm systems. The ordinance is therefore designed to impose increasing consequences for failure to do so. It is targeted at the repeat offenders, rather than others who do not have any false alarm occurrences.
- (16)** Do other communities utilize false alarm ordinances?
- A:** Yes. Many communities throughout the country and Michigan have adopted false alarm ordinances that are similar to the Sterling Heights ordinance. In Michigan, communities such as Battle Creek, Livonia, Dearborn, Clinton Township, Mount Pleasant, St. Clair Shores, Shelby Township, Saginaw, Lincoln Park, Kalamazoo, Port Huron, and Southfield have adopted false alarm ordinances with similar restrictions, remedies, and penalties.