

BIRCH RUN TOWNSHIP
SAGINAW COUNTY, MICHIGAN
ORDINANCE NO. 2017-01
ALARM SYSTEM ORDINANCE AMENDMENT

ADOPTED: April 18, 2017
PUBLISHED: April 26, 2017
EFFECTIVE: May 26, 2017

An Ordinance to amend Sections 1, 4, 5, 14, 16, and 17 of Birch Run Township's Alarm System Ordinance, being Ordinance No. 08-02, adopted September 9, 2008; to amend the alarm ordinance to apply to the entire Township; to eliminate alarm permit fees; and to make the permit application through the Township Office.

The Township of Birch Run hereby ordains:

Sec. 1. Section 1 of the Township of Birch Run Code, entitled "Purpose," is hereby amended to read as follows:

To regulate business security alarm systems in Birch Run Township; to require State of Michigan licensing of those engaged in the business of installation and maintenance of alarm systems, and/or combined monitoring – sales facilities; to require annual permits of those owning or occupying any premise equipped with an alarm system; to require alarm system users to supply information on other person(s) who have access to the structure from which a system emits an audible and/or visible signal; to define and stipulate a time limit on visible and/or audible external building alarm signals; to prohibit the connection of automatic dialers to certain phone numbers; to require separate system maintenance in multiple unit structures with separate entrances; to provide for the assessment of specific fees and/or fines for responding to false alarms and appeals of those fees.

Sec. 2. Section 4 of the Township of Birch Run Code, entitled "Alarm permits requirements," is hereby amended to read as follows:

- (a) A permit is required for owning or occupying premises equipped with alarm system. Any person, firm or corporation who, after the effective date of this ordinance, shall take ownership, lease or occupy a premise in which a burglar and/or fire alarm system is installed and/or maintained shall obtain a permit from the Township. Permits shall be obtained at the township office located at 8425 Main Street, Birch Run, Michigan 48415. Annual renewal applications will be mailed to the local business address from the Township.
- (b) Any person or business maintaining or operating an alarm system at more than one premise within the Township of Birch Run shall obtain an alarm permit for each separate premise.

- (c) Any alarm system user who maintains or operates an alarm system without first obtaining a permit, as required by this ordinance, and have been duly notified, shall be guilty of a Municipal Civil Infraction.
- (d) Any person or business that uses a permit for any premises other than those identified on the application for the permit shall be guilty of a Municipal Civil Infraction.
- (e) Any person or business who causes an alarm system permit, other than a permit under this Ordinance, to be bought, sold, or leased for any value or consideration in any form whatever shall be guilty of a misdemeanor.

Sec. 3. Section 5 of the Township of Birch Run Code, entitled “Application for permit,” is hereby amended by substituting the following for subsection (d):

- (d) Upon issuance of the permit, the holder(s) thereof shall notify the Township of any change to the information provided in the application for the permit. Failure to notify the Township within 10 days of the date of the change shall constitute grounds for revocation of the permit.

Sec. 4. Section 10 of the Township of Birch Run Code, entitled “False Alarm Fees” is hereby amended to read as following:

- (a) Notwithstanding any penalties provided for upon conviction for any violation of this ordinance, and notwithstanding the fact that prosecution for violation of this ordinance has or has not commenced, any person, firm, or corporation operating an alarm system which signals more than three (3) false alarms as defined in “Definitions” Section 3(f) within one calendar year shall pay to the Township of Birch Run a false alarm fee in order to defray a portion of the cost of response to false alarms. False alarm fees shall be determined and may be changed from time to time by resolution of the Township Board.

Sec. 5. Section 14 of the Township of Birch Run Code, entitled “Appeal of alarm violation,” is hereby amended to read as follows:

- (a) Within ten (10) days of the date of receipt of a Notice of Alarm Violation, an alarm user wishing to appeal a false alarm violation and the associated fee as a result of a condition described in Section 11 may do so by a written appeal request.
- (b) The appeal request, directed to the Township Clerk, shall contain documentation of the applicable condition as described in “Exceptions to alarm fees” Section 11(a), (b), (c), or (d). The Township Clerk shall provide the appeal request to the Township Supervisor.
- (c) The Township Supervisor, or a designated representative, shall make a determination on the appeal request and shall notify the alarm user of the decision in writing.
- (d) In the event the alarm user is not satisfied with the decision rendered by the Township Supervisor or a designated representative, the alarm user, within ten (10) days of the determination, may file with the Township Board a written request that the determination be reconsidered.

- (e) The Township Board shall decide whether to uphold or set aside in whole or in part, the decision reached by the Township Supervisor. The alarm user shall be notified of that decision in writing.

Sec. 6. Section 16 of the Township of Birch Run Code, entitled “Revocation of permit,” is hereby amended by replacing the first paragraph with:

An alarm system permit issued by the Township may be revoked by the Township Supervisor upon the occurrence of any of the following conditions:

- (a) Furnishing of false or misleading information on the application for permit, or failing to notify the Township of any changes to the information provided in the application for permit.
- (b) Failure of the alarm user or the person(s) responsible for extinguishing or resetting the alarm or device as identified on the alarm user’s permit to respond within thirty (30) minutes of notification by the Police or Fire Department of a response by the department to an activation of the alarm system.
- (c) Failure to repair or replace an alarm system that is defective as described in “Defective Alarms” Section 15 after notification by the Township Clerk’s office.
- (d) Failure or refusal of the alarm user, or the agent or employee of the alarm user, to reasonably cooperate with contracted law enforcement agency personnel or members of the Township office in the administration of this ordinance.
- (e) Intentionally activating an alarm system to test the response time of police and fire units. Any alarm user who shall intentionally activate an alarm system to test response time of police and fire units shall also be guilty of a misdemeanor.
- (f) Failure or refusal of the alarm use to pay all outstanding false alarm fees as required by this ordinance.

Sec. 7. Section 17 of the Township of Birch Run Code, entitled “Appeal of Revocation,” is hereby amended to read as follows:

- (a) Within ten (10) business days after notification of revocation by the Township Supervisor, the alarm user may file, with the Township office, a written request for a hearing before the Township Board to review the revocation.
- (b) The alarm user shall be notified of the date and time set for the hearing by the Township Board. Following said hearing the Township Board may confirm such revocation or reinstate the permit.

Sec. 8. Section 18 of the Township of Birch Run Code, entitled “Obligation,” is hereby amended to read as follows:

This ordinance does not constitute a contract for the Township of Birch Run or the contracted law enforcement agency or Birch Run Township Fire Department to answer any alarms, whether

false or otherwise. Further, this ordinance does not guarantee that the Police or Fire Department will respond to any alarm from any source. This ordinance does not obligate the Township of Birch Run or its contracted Police Agency and/or Birch Run Township Fire Department in any manner to assist, respond, or answer any alarm system subscribed to or owned by an individual, organization or business.

Sec. 9. The remaining provisions of Ordinance 08-02 are hereby ratified and confirmed.

Sec. 10. The sections and provisions of this Ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining section or provisions of this Ordinance.

Sec 11. This Ordinance shall take effect 30 days from the date of its adoption and publication, and all ordinances or any part of any ordinance in conflict with this ordinance shall be repealed.

CERTIFICATION

ADOPTED: April 18, 2017

YEAS: Sheridan, Totten, Trinklein, Moore, Kiessling, Letterman, Parlberg
NAYS:

TOWNSHIP OF BIRCH RUN

By: _____
RAY LETTERMAN, Township Supervisor

By: _____
COREY TRINKLEIN, Township Clerk

STATE OF MICHIGAN)
) SS
COUNTY OF SAGINAW)

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Birch Run, Michigan, held on the 18th day of April, 2017, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the 26th day of April, 2017, I caused a notice of such adoption to be published in the Birch Run/Bridgeport Herald, a newspaper circulated in the Township of Birch Run, and that said Ordinance and the record of publication was duly recorded in the Book of Ordinances of the Township of Birch Run and is available for public use and inspection at the offices of the Birch Run Township Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 19th day of April, 2017.

Corey Trinklein, Clerk
Birch Run Township