



CITY of NOVI CITY COUNCIL

**Agenda Item B
June 6, 2011**

SUBJECT: Approval of adoption of Ordinance No. 11-23.27, to amend Chapter 22, "Offenses," Article II, "Offenses Against Public Administration," Section 22-36, "Penalty for excessive false alarms," to amend the standards for the regulation of alarm systems to clarify that residential burglar alarms are subject to excessive false alarm penalties. **SECOND READING**

SUBMITTING DEPARTMENT: Police Department *JCS*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The City Council recently adopted Ordinance No. 11-23.26, which amended Chapter 22, Offenses, of the City Code to add fire alarms to the existing false alarm provisions of the Code. Before that adoption, the affected provisions imposed a penalty for excessive false alarms, starting with the third false alarm in a calendar year, for essentially any alarm **other than** fire alarms—i.e., including residential burglar alarms.

However, as a result of the placement of language intended to limit the false fire alarm penalties to "commercial, business, office, retail, manufacturing, or other non-residential" alarms, the ordinance can be read as no longer allowing charges for excessive false residential burglar alarms. The police department regularly responds to residential burglar alarms, and a number of homes within the City go beyond the two "free" false alarms in a calendar year, thereby incurring a penalty. Because it is no longer clear that the ordinance would allow that long-standing practice, the proposed ordinance amendment makes clear that such penalties still apply.

RECOMMENDED ACTION: Approve adoption of Ordinance No. 11-23.27, to amend Chapter 22, "Offenses," Article II, "Offenses Against Public Administration," Section 22-36, "Penalty for excessive false alarms," to amend the standards for the regulation of alarm systems to clarify that residential burglar alarms are subject to excessive false alarm penalties.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Fischer				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Staudt				
Council Member Wrobel				

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 11-23.27

AN ORDINANCE TO AMEND CHAPTER 22, "OFFENSES," ARTICLE II, "OFFENSES AGAINST PUBLIC ADMINISTRATION," SECTION 22-36, "PENALTY FOR EXCESSIVE FALSE ALARMS," TO AMEND THE STANDARDS FOR THE REGULATION OF ALARM SYSTEMS TO CLARIFY THAT RESIDENTIAL BURGLAR ALARMS ARE SUBJECT TO THE EXCESSIVE FALSE ALARM PENALTIES.

The City of Novi Ordains:

PART I.

Chapter 22, "Offenses", Article II, "Offenses against Public Administration," Section 22-36 is hereby amended to read as follow:

Sec. 22-36. Same--Penalty for excessive false alarms.

(a) Violations of Section 22-34 through 22-36 shall be a municipal civil infraction. Notwithstanding the fact that a prosecution for violation of this section has or has not been commenced, in order to defray the cost of responding to false alarms, the owner, lessee, or user of (i) any commercial, business, office, retail, manufacturing, or other non-residential property protected by any alarm system, or (ii) the owner of residential property protected by an entry or burglar alarm system (but not a fire alarm), or (iii) any property outside of the City, protected by any alarm system shall pay to the city the following fees:

(1) – (8) [Unchanged]

(b) [Unchanged].

(c) The city shall notify the owner, lessee, or user of the property any commercial, business, office, retail, manufacturing or other non-residential property, any property outside of the City, protected by an alarm system in writing by first class mail of the occurrence of a false alarm, and of the imposition of fees pursuant to subsection (a) above. The notice shall provide that the person may contest the classification of the activation as a false alarm, or, as provided below, may provide information regarding the circumstances of the false alarm demonstrating that it would be inequitable to impose the charges. Such an appeal shall be filed by forwarding to the director of public safety a written request to contest such matter within twenty (20) days of the

date of such notice. Upon receipt of such a request, the director of public safety, or his designee, shall schedule a hearing on the matter within thirty (30) days, and notify the person by first class mail of the time and place of the hearing. Upon conclusion of the hearing the director of public safety, or his designee, shall make a written determination of one (1) or more of the following:

(1) – (3) [Unchanged]

(d) – (f) [Unchanged]

Part II.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART III.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART IV.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2011.

DAVID B. LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

CERTIFICATION OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of an Ordinance passed at a regular meeting of the Novi City Council, held on the _____ day of _____, 2011.

MARYANNE CORNELIUS – CITY CLERK

Adopted:
Published:
Effective:

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