



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

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Dated: March 27, 2012

ORDER NO. S-173

RE: Fire Prevention Code – False Fire Alarms Ordinance

TO: Sherikia Hawkins, City Clerk ✓
Ronald Spears, Waterford Township Fire Chief

The Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011) in Section 17(1) empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. Section 19(1) provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and the governing body concerning the adoption, amendment, and enforcement of ordinances...; and 19(2) ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

It is hereby ordered:

1. That the attached ordinance to amend the zoning map of the City of Pontiac, being Ordinance No. 2252 is adopted, effective upon publication.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance on the City books and records, including publication of the notice of the newly adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and the Law Department and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.

A handwritten signature in cursive script that reads "Louis H. Schimmel". The signature is written in black ink and is positioned above a horizontal line.

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

ORDINANCE NO. 2252

AN ORDINANCE TO AMEND CHAPTER 62, CAPTIONED "FIRE PREVENTION AND PROTECTION", ARTICLE II, ENTITLED "FIRE PREVENTION CODE", BY REVISING SECTIONS 62-35 AND 36, INSERTING A NEW SECTION 62- 37, RENUMBERING THE REMAINING SECTIONS IN ARTICLE II AND MODIFYING THE RENUMBERED SECTION 62-38 TO ADDRESS FALSE FIRE ALARMS.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

Sections 62-35 through 62-39 of the Code of Ordinances shall be amended to read as follows:

FIRE PREVENTION CODE

62-35. False Fire Alarms Definitions.

As used in this Chapter, the following terms shall be defined as:

"Alarm System and/or Fire Alarm" shall mean an assembly of electrical or mechanical equipment and/or devices or a single device arranged to signal the presence of a hazard or a situation requiring urgent attention which the Fire Department may be summoned directly or indirectly to respond to, including but not limited to a system designed for the detection of fire, smoke, or heat within a building or structure.

"Alarm Originator" shall mean the person, partnership, corporation, or limited liability company who requested the installation of the alarm system, or who has either an ownership interest in the premises, a leasehold interest in or occupies the premises where the alarm system is operated, maintained or used within the City of Pontiac.

"False Fire Alarm" shall mean any alarm activation or other report of a fire, or potential fire condition that is registered at or reported to the Fire Department not resulting from a fire or potential fire condition. This includes the activation of an alarm system through a mechanical failure, malfunction, improper installation or the negligence of the owner or user of an alarm system or negligence of the occupant of the residence and/or building in which the alarm system is located or of their employees or agents. False Fire Alarm also means any alarm condition not resulting from a fire or potential fire condition.

“Fire Alarm Response Costs and/or Fees” shall mean all actual response and investigation expenses incurred by the City of Pontiac in responding to a false alarm.

“Fire Chief” shall mean the Chief of the Waterford Township Fire Department.

“Fire Department” shall mean the Waterford Township Fire Department.

Section 62-36. False Fire Alarm Response Costs and/or Fees.

- (a) An Alarm Originator shall be responsible for all costs incurred by the Fire Department in responding to a False Fire Alarm at the Alarm Originator’s premises. Following the False Fire Alarm, the Fire Department shall send a bill and/or invoice to the Alarm Originator for the False Fire Alarm Response Costs and/or Fees. All False Fire Alarm Response Costs and/or Fees shall be due and payable within thirty (30) calendar days of the billing and/or invoice date.
- (b) The activation of an alarm system during the course of maintenance and/or repair of the alarm system shall not be considered a false alarm, and no false alarm bill and/or invoice will be sent to the Alarm Originator provided that the person, business, corporation or firm performing the maintenance and/or repair has, prior to performing the maintenance or repair, notified the Fire Department that said maintenance and/or repair would be undertaken.
- (c) Fees shall be established upon recommendation of the Fire Chief and the Finance Director by resolution of the city council during adoption of the annual budget, and may be amended from time to time and shall take into consideration:
 - 1. Charges reflect person (local hourly rate, fringe benefits, turnout gear, etc.); apparatus (replacement cost, fuel, maintenance, etc.); and administrative costs (incident command, billing and/or invoice fee, communications, etc.)
 - 2. Expendable items (i.e. foam, first aid supplies, etc) will be included, at replacement costs, in billing and/or invoice.
 - 3. A minimum charge of one (1) hour, for each apparatus responding to an incident, will be assessed. Subsequent time will be billed per apparatus, in one-hour increments.
 - 4. Charges to users will be based upon total Fire Department apparatus, equipment, and personnel responding to a False Alarm.

Section 62-37. Procedure for Appealing Billing and/or Invoice for False Fire Alarm Response Costs and/or Fees.

Any Alarm Originator who receives a bill and/or invoice for False Fire Alarm Response Costs and/or Fees shall have an opportunity to meet with the Fire Chief or his or her designee to request a modification of the False Fire Alarm Response Costs and/or Fees. A fee may only be modified if the alarm system was activated by an act of God or a disruption of electricity. The Alarm Originator shall request in writing such meeting within seven (7) calendar days of the date of the bill and/or invoice assessing the costs and/or fees.

Section 62-38 Effect of Payment.

The payment of False Fire Alarm Response Costs and/or Fees shall not be construed to contravene, enlarge, or reduce any civil or criminal liability of the person billed for the actual costs of responding to the false alarm under applicable local, state or federal law.

Section 62-39. Action to Recover Costs.

In the event that the Alarm Originator fails to make payment to the Fire Department for the False Fire Alarm Response Costs and/or Fees within thirty (30) calendar days, the Fire Department may initiate legal action in the appropriate Court to recover the False Fire Alarm Response Costs and/or Fees due and owing, including reasonable attorney fees and costs or the Fire Chief may request that the City Treasurer place a lien on the parcel in question, with such charges placed on the next available tax roll.

Section 2. SEVERABILITY. If any section, subsection, 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 deemed a separate, distinct and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 3. SAVINGS CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced or arose.

Section 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. **EFFECTIVE DATE.** Pursuant to Section 3.112, of the Home Rule Charter of the City of Pontiac, Michigan, entitled Ordinance Procedure, Subsection (e), this Ordinance shall take effect immediately upon the date of adoption and/or approval by the Emergency Financial Manager which action is necessary for the immediate preservation of the health and safety of the residents of and visitors to the City of Pontiac and for the usual daily operation of the Fire Department.