

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA PERTAINING TO ALARMS AND ALARM SYSTEMS AND AMENDING THE CODE OF ORDINANCES OF THE CITY OF PLANTATION BY REPEALING ARTICLE VII “ALARMS” OF CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS; ENACTING A NEW ARTICLE VII “ALARMS” OF CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS TO ESTABLISH RULES, REGULATIONS, VIOLATIONS, PENALTIES AND REVOCATION STANDARDS RELATING TO ALARM SYSTEMS WITHIN THE CITY OF PLANTATION; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AND EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANTATION, FLORIDA, THAT:

SECTION 1: Article VII, entitled “Alarms”, of Chapter 5, “Buildings and Building Regulations”, of the Code of Ordinances of the City of Plantation, is hereby repealed in its entirety.

SECTION 2: A new Article VII, entitled “Alarms”, is enacted to read as follows:

Sec. 5-181. Definitions.

For the purposes of this Article, the following definitions shall be applicable:

Alarm administrator: the Chief of Police or his/her designee for burglar and panic alarms and the Fire Chief or his/her designee for fire and medical alarms.

Alarm business: any business operated by a person for a profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to an alarm system, or which causes any of these activities to take place.

Alarm coordinator: a person or persons selected by the Chief of Police of the City of Plantation to coordinate, control and review alarm applications, permits and false alarm notifications for burglar and panic alarms and is a person or persons selected by the Fire Chief of the City of Plantation to coordinate, control and review alarm applications, permits and false alarm notifications for fire and medical alarms.

Alarm Monitoring Company (or "Monitoring Company"): a person or entity performing the service of monitoring as defined in Section 489.505, Florida Statutes, as may be amended from time to time, and having customers within the territorial jurisdiction of this Ordinance.

Alarm notification: a notification intended to summon police, fire or medical personnel, which is designed either to be initiated purposefully by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion, or a fire or medical emergency. At the discretion of the Alarm Coordinator, multiple false alarm/alarm malfunctions in a twenty-four (24) hour period of time may be counted as only one false alarm notification, unless such alarm notification requires fire or medical response in which case each such false alarm/alarm malfunction shall count as a false alarm notification.

Alarm signal: an audible sound or a transmission of a signal or a message, as the result of the activation of an alarm system.

Alarm site: mean a single premise or location served by an alarm system or systems.

Alarm system: a burglar alarm system, a fire alarm system, a medical alert/panic alarm system, or a combination of the aforesaid systems.

Alarm user: a person(s), firm, partnership, corporation, association, organization, company, or other entity in control of a premise where an alarm system is located.

Audible alarm: an alarm system which generates an audible sound when it is activated.

Burglar alarm system: any mechanical or electrical device sold or installed, which is designed for use for the detection of an unauthorized entry into a building, structure, facility, or enclosed area, or for alerting others of the commission of an unlawful act within a building, structure, facility or enclosed area, and which transmits a signal or message when activated. Excluded from the definition of "burglar alarm system" are devices which are not designed to generate, directly or indirectly, a police response to the protected building, structure, facility or enclosed area; audible alarms installed in motorized conveyances; auxiliary devices installed

by telephone companies to protect telephone systems from damage or disruption of service; or fire alarm systems.

Calendar year: a twelve (12) month period beginning on the date the alarm permit is issued.

Deactivated Alarm: an alarm system that has the primary and secondary power and the telephone line disconnected at the alarm control panel.

Enforcement officer: the Police Chief or any person serving under the direction of the Police Chief for burglar and panic alarms or the Fire Chief or any person serving under the direction of the Fire Chief for fire alarms and medical alert/panic alarms, or a Code Enforcement Board Code Inspector regardless of the type of alarm system involved.

False alarm: an alarm dispatch request to the Police Department or the Fire Department, when the Police Department or the Fire Department finds no evidence of an unlawful criminal act, fire, smoke, or medical emergency. is the activation of an alarm system which generates a City response to the location of the system in which neither life safety is threatened nor a significant risk of damage to property is threatened, as evident to and determined by the City representatives at the time of their arrival at the location, and which activation is due to mechanical failure, malfunction, improper installation, or the negligence of the alarm user or his agents and employees, or any alarm business associated with maintaining, leasing, or generating responses to such alarm system. Such terminology does not include alarms caused by hurricanes, tornadoes, earthquakes or other similarly violent atmospheric conditions, if identified and determined by the enforcement officer of the City to be clearly beyond the control of the user or beyond the ability of the alarm system to avoid an alarm activation. A false alarm does not include:

- (a) an alarm caused by physical damage to the alarm system as a result of lightning, wind, or other meteorological event, where there is clear evidence of physical damage to the alarm system; or
- (b) an alarm caused by disconnection of a telephone circuit beyond the control of the alarm user or his or her agents; or
- (c) an alarm caused by continuous electrical power disruption in excess of four (4) hours.

Fire alarm system: a system of devices, excluding solely battery-operated single-station smoke detectors, designed and used in a building or structure for the detection of fire or smoke, waterflow from a fire sprinkler or standpipe system, or a manual pull station, for the purpose of alerting others, which emits a signal or message when activated, ultimately generating a Fire Department response, which

such signal may or may not be audible. Excluded from the definition of “fire alarm system” are devices which are not designed to generate, directly or indirectly, a Fire Department response to the protected building, structure, facility or enclosed area, audible alarms installed in motorized conveyances, auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service, or burglar alarm systems.

Hearing Representative(s): the Police Chief’s appointee(s) for burglar and panic alarms and the Fire Chief’s appointee(s) for fire and medical alarms.

Local alarm: an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.

Medical alert alarm system: any mechanical or electrical device which is principally designed or used to generate a fire response as a result of a perceived medical emergency by the alarm user.

Notice: unless otherwise specified, is written notice, given either by first class mail or personal service upon the addressee. There is hereby created a presumption of receipt within three (3) days of posting.

Panic alarm system: any mechanical or electrical device which is principally designed or used to generate a police response as a result of a perceived criminal emergency by the alarm user.

Permit holder: the person designated in the application as required in Sec. 5-182 below, who is responsible for responding to alarms and giving access to the site, and who is responsible for maintenance and operation of the alarm system and payment of fees.

Person: an individual, corporation, partnership, association, organization, or similar entity.

Telephone alarm device: any device which, when activated, automatically transmits by telephone line a recorded alarm message or electronic mechanical alarm signal to any telephone instrument installed at the office of the enforcement officer.

Sec. 5-182. Alarm user permits.

(a) Required permit. Before placing an alarm system into operation, every alarm user shall obtain from the Alarm Coordinator an alarm user permit for each alarm system they operate within the City. Applications for a medical alert/ fire alarm system may be made on forms provided by the Fire Department and applications for a burglar alarm system or panic alarm system may be made on forms provided by the Police Department. Alarm permits shall be valid for one (1) permit

year and then expire. Alarm permits shall be renewed on an annual basis, provided that the alarm user certifies that the permit information maintained on the City's records is correct. This Subsection does not apply to a deactivated alarm system. In addition, this Subsection does not require that an alarm business obtain a permit under this Section when it leases or provides service to alarm system users. If an alarm business, however, does use an alarm system to protect its own premises, it shall obtain a permit for such system as required in this Section. All alarm businesses installing, leasing, maintaining, or monitoring alarm systems in the City shall, not later than the time of installation, furnish written notice to all persons and businesses for whom an alarm is installed, maintained, or monitored by it of the regulations in this Article and of the requirement for permitting. However, failure to receive this notice shall not excuse an alarm user from any provision of this Article.

(b) *Permit fees.* The first permit year fee shall be twenty-five dollars (\$25.00) and each permit year renewal fee thereafter shall be ten dollars (\$10.00) regardless of the type of alarm permitted. If the payment of any permit year renewal fee is more than seven (7) business days delinquent, then an additional processing late fee of five dollars (\$5.00) shall be paid in addition to the ten dollar (\$10.00) permit year renewal fee. This fee shall offset the City's administrative costs in ensuring that required alarm response information is up-to-date, and for monitoring alarm activity records. Permit fees may be revised by Resolution adopted by the City governing body. In residential districts, the City may waive the ten dollar (\$10.00) permit year renewal fee, if the alarm user has not emitted any false alarms from the permitted location during the previous permit year.

(c) *Alarm user permit application.*

- (1) Subject to paragraph (d) below the Alarm Coordinator shall issue or renew an alarm permit only after receiving the completed application and payment of the applicable fee. If any business or residence has two (2) or more separate alarm systems, only one (1) alarm permit shall be required per alarm panel.
- (2) The alarm user applying for the permit required in this Section shall state on a permit application form provided by the Alarm Coordinator the following information:
 - a. their name, the address of the residence or the business or businesses in or upon which the alarm system has been or will be installed, his telephone number, his address if different than the premises serviced by the alarm system, and the name, address, and telephone number of the lessor of the system;

- b. If leased, whether the system was installed by the alarm user, and if not installed by the alarm user, the state certificate of competency number of the business installing the alarm system. In the event that an alarm business is going to install, maintain, repair, replace, service, lease, respond, monitor, or sell the alarm system to the alarm user, the application will require the name and address of the alarm business to be disclosed;

- c. The applicant shall give the name and telephone number of at least two (2) other persons [in the case of a noncommercial alarm user applicant, at least one (1) person] who can be reached at any time, day or night, who is authorized to respond to an alarm signal, and who may enter the premises in which the alarm system is installed. The application shall also provide the Police and Fire Departments with the specific authority to enter the premises wherein the alarm system is installed whenever responding to such alarm, and further, shall contain an appropriate hold harmless and indemnity provision for any property damage deemed reasonably necessary by the Police or Fire Department in order to respond adequately to such alarm;

- d. the classification of the alarm site as residential, commercial or apartment;

- e. for each alarm system located at the alarm site, the purpose of the alarm system, i.e., burglary, robbery, or personal hostage or panic; and

- f. when required by this Section, certification from a person licensed by the State of Florida/Broward County/City of Plantation to install or design systems, stating:
 - 1. the date of installation or maintenance of the alarm system, whichever is applicable;

 - 2. the applicable State license of the person performing or directly supervising the installation or maintenance of the alarm system; and,

3. other information required by the Alarm Administrator that is necessary for the enforcement of this Section.
- (3) The alarm user applying for the permit shall further state on the permit application the following information:
 - a. that the alarm system has the capacity to prevent false alarms by the use of a backup power supply; and
 - b. that the alarm system enunciator (for a burglar alarm system and medical alert/panic alarm system only) has the capacity to automatically silence within fifteen (15) minutes for noncommercial permitted systems and thirty (30) minutes for commercial permitted systems after activation and such alarm system will not sound again unless a new criminal act or emergency triggers the alarm or causes same to be activated.
 - (4) Alarm permits issued by the Alarm Coordinator are nonassignable and are issued and effective only for the permitted alarm system and permitted user.
 - (5) Before placing a system into operation, every alarm user shall prominently post on the premises the alarm system's permit number at or near the front entrance of the premises so that it is visible from the outside of the structure. The Alarm Coordinator shall issue replacement decals to alarm users for such purposes upon payment of a five dollar (\$5.00) replacement decal fee.
 - (6) Every alarm user permitted under this Section shall be required to provide the Alarm Coordinator with any changes in the information required to be submitted on the permit application when such changes occur.
- (d) Alarm permit issuance.
- (1) Single-family residence: An alarm permit for a single-family residence may be issued upon satisfactory completion of the application required in paragraph (c) above.

- (2) Buildings or structures other than single-family residences. In addition to satisfactory completion of the application required in paragraph (c), an alarm permit for a location that is not a single-family residence location may be issued only upon certification from an approved alarm business or other competent person that the alarm system meets the minimum standards as set forth in this Article. All fire alarms systems must comply with the applicable provisions of the City Fire Prevention Code, and further, the equipment must be approved by UL (Underwriters' Laboratories), FM (Factory Mutual), or other approved testing laboratory for its intended usage. Furthermore, all alarm system installations must comply with the Florida Building Code.
- (3) Notwithstanding subparagraphs (1) and (2) above, no permit shall be issued if the application therefor discloses the name of an alarm business that has an outstanding fine as a result of a violation of this Article, when a reason for a previous revocation has not been corrected, or if the applicant provides false information.
- (4) The alarm user shall submit interim updated application information within fifteen (15) days of when the on file information on file with the Police Department or Fire Department has changed. A permit may be revoked if it is found to contain inaccuracies.

Sec. 5-183. Alarm systems in rental apartment complexes and commercial rental enterprises.

(a) The owner or property manager of a rental apartment complex or commercial rental enterprise shall obtain an alarm permit from the City if any burglar or panic alarm system is operated in any unoccupied rental unit on the premises.

(b) A tenant of a rental apartment complex or commercial rental enterprises shall also obtain an additional burglar or panic alarm permit from the City before operating or continuing the operation of an alarm system in the tenant's residential or commercial rental unit.

(c) For purposes of enforcing this Section against an individual residential unit, the alarm permit of the tenant supersedes the alarm permit of the rental apartment complex or commercial rental enterprise and the tenant is responsible for false alarms emitted from the alarm system in the tenant's residential unit. At such time the tenant relinquishes occupancy of the rental unit, the

responsibility for false alarms emitted from the rental unit reverts back to the owner or property manager's original permit.

(d) The owner or property manager of a rental apartment complex shall obtain a separate alarm permit for any alarm system operated in a nonresidential area of the rental apartment complex, including, but not limited to common tenant areas and offices, storage and equipment areas.

(e) Residential or commercial premises. The owner or manager of any residential or commercial premises that are rented to others and which have alarm systems provided by the owner or manager shall:

- (1) explain the operation of the alarm system to the alarm user;
- (2) explain the alarm user's financial responsibilities for false alarms;
- (3) obtain the alarm user's signature on a form in which the alarm user acknowledges having received and understood the information provided in (1) and (2) above; and,
- (4) furnish a blank alarm permit application to the tenant. The Alarm Coordinator shall provide the owner or manager with forms upon request.

Sec. 5-184. Alarm system operating standards and authorized disconnection.

(a) Audible burglar alarm systems and audible medical alert/panic alarm systems shall be modified to include a timer to prevent the alarm from ringing from the time the premises are entered by an authorized person until the system is shut off.

(b) The alarm system enunciator (for burglar and medical alert/panic alarm systems only) must automatically silence within fifteen (15) minutes for noncommercial permitted systems and thirty (30) minutes for commercial permitted systems after activation and such alarm systems shall not sound again unless a new criminal act or emergency triggers the alarm or causes same to be activated.

(c) If the persons authorized to enter the premises and deactivate the alarm system or audible alarm cannot be contacted at the telephone numbers listed on the permit application, or if contacted, fails to appear within thirty (30) minutes of such contact to deactivate the alarm system or audible alarm, or if such alarm system (when same is a burglar alarm system or medical alert/panic alarm system) does not deactivate as required above, then the enforcement officer may disconnect such alarm system or audible alarm or may have a company or individual who has an appropriate certificate of competency designating such person as a specialty

electrician disconnect such alarm system, unless such disconnection is not permitted by applicable provisions of the City Fire Prevention Code. All costs incurred in disconnecting the alarm system or audible alarm shall be the responsibility of the alarm user and must be paid within ten (10) days of receipt of an invoice for same.

(d) A permit holder or person in charge of an alarm system shall:

1. maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm notifications;
2. respond or cause his/her representative to appear at the system’s location within a reasonable period of time [twenty (20) minutes] when notified by the City to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security to the premises; and
3. not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report, except in the case of fire alarm pursuant to fire drills and alarm maintenance testing, for which the permit holder shall have informed the Fire Department and received authorization to conduct such drills and/or testing.

Sec. 5-185. Presumed false alarms.

(a) There is a presumption of a false alarm created when an alarm signal is investigated by an enforcement officer and there is no sign of an unauthorized attempted entry or crime in progress evident to the officer, or there is no sign of a fire emergency in which life, property or both are exposed to an actual risk of significant harm, or there is no sign of a life-threatening medical emergency. The holder of an alarm permit or the person in control of an alarm system shall be subject to warnings, fees, or loss of permit depending upon the number of false alarms emitted from an alarm system within a twelve (12) month period based upon the schedule below.

- (1) **Police Department.** No fee shall be assessed for the first three (3) false alarms at the same premises responded to by the Police Department during each twelve (12) month period. Thereafter, the following fees shall be paid by the owner for each false alarm responded to by the Police Department at the same premises during said twelve (12) month period:

<u>Number of False Alarms</u>	<u>Fee per False Alarm</u>
<u>Fourth</u>	<u>\$ 75.00</u>
<u>Fifth</u>	<u>\$ 75.00</u>
<u>Sixth</u>	<u>\$ 90.00</u>

Seventh and subsequent \$ 105.00

- (2) **Fire Department.** No fee shall be assessed for the first three (3) false alarms at the same premises responded to by the Fire Department during each twelve (12) month period. Thereafter, the following fees shall be paid by the owner for each false alarm responded to by the Fire Department at the same premises during said twelve (12) month period:

<u>Number of False Alarms</u>	<u>Fee per False Alarm</u>
<u>Fourth</u>	<u>\$ 150.00</u>
<u>Fifth</u>	<u>\$ 250.00</u>
<u>Sixth</u>	<u>\$ 400.00</u>
<u>Seventh and subsequent</u>	<u>\$ 500.00</u>

- (3) Response to any deactivated or unmonitored alarm system shall be \$75.00 per false alarm in addition to any and all accrued fines.

- (4) The Alarm Administrator may offer an alarm awareness class to alarm users. Alarm users may attend the class in lieu of paying the first fine per permit year.

(b) The notice shall also advise the alarm user that an appeal may be made to the City in writing, within fifteen (15) days from the date of the notice, to a City Hearing Representative(s) whose name and City address appear in the notice. If timely sought, the City Hearing Representative(s) shall set a hearing. Written notice of the date, time and place will be given in writing to the alarm user at least ten (10) business days in advance. Failure of the alarm user to timely appeal the notice will result in waiver of such right to a hearing and such alarm response costs as are otherwise due shall be payable within thirty (30) days from the date of the notice. If the alleged violator wishes to appeal the decision rendered by a Hearing Representative(s), the appeal must be made in writing and provided to the respective department head or designee (Police Chief or Fire Chief, as the case may be), within thirty (30) days from the date of the Hearing Representative(s)' decision. Failure to timely appeal a decision constitutes waiver of the right to appeal. In such case, the respective department head or designee will review the Hearing Representative(s)' decision, the appellant's reasons for the appeal and subsequently render a written decision affirming, reversing or modifying the Hearing Representative(s)' decision, with a brief explanation of the reasons for any reversal or modification, if applicable. If appellant wishes to then appeal the departmental decision, such decision may be appealed, in writing, to the Mayor or his/her designee; however, such appeal must be presented to the Mayor within thirty (30) days from the date the departmental decision was rendered or the right to do so will be waived. The Mayor or his/her

designee may then review the appeal and the Mayor or designee may affirm, reverse or modify the department head's decision. If the appellant still does not concur with the mayoral decision, the appellant may file a petition for certiorari in the Circuit Court of Broward County, Florida, within thirty (30) days from the date the mayoral decision was rendered. Payment of cost reimbursements are due within thirty (30) days from the date of the nonappealable final decision.

(c) The Alarm Coordinator may revoke the alarm permit if it is determined that:

- (1) there is a false statement of a material matter in the application for a permit;
- (2) the permit holder has violated any provision within Sections 5-186 or 5-187;
- (3) the permit holder has failed to make timely payment of a fee assessed under Section 5-185(a); or,
- (4) nine (9) or more false alarms have been emitted from the alarm site within a twelve (12) month period.

(d) Police response may not be dispatched on any further alarm activations until the alarm permit has been reinstated.

Exception: This shall not preclude the City Police Department from responding to a crime in progress or similar situation affecting the health, safety and welfare of the City, as determined at the sole discretion of the department.

(e) A person commits an offense if he/she operates an alarm system during the period in which his/her alarm permit is revoked.

(f) Alarm permits shall be revoked in the following manner:

- (1) The Alarm Coordinator shall notify the alarm user by certified mail or personal delivery, that their alarm permit has been revoked. The alarm user shall have fourteen (14) days from the date of mailing or personal delivery to submit a written report to the Alarm Coordinator describing actions taken or to be taken to identify and eliminate the cause of the false alarms, and to request that their alarm user's permit be reinstated.

- (2) If the alarm user submits a written report requesting reinstatement of their alarm user's permit, the Alarm Coordinator shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms. If the Alarm Coordinator determines that the action will substantially reduce the likelihood of false alarms, he/she shall notify the alarm user, via certified mail or personal delivery, that the request to reinstate the alarm user's permit has been approved.
- (3) If the alarm user's permit is reinstated, and the Police Department responds to subsequent false alarm activation in the same calendar year at the protected premises, the Alarm Coordinator shall proceed with the permit revocation process again as described in this Section. The alarm user shall also be assessed a fee in the amount of \$100 for each subsequent false alarm through the remainder of the calendar year.
- (4) If the Alarm Coordinator determines that the action taken, or to be taken, will not substantially reduce the likelihood of false alarms, the request for reinstatement shall be denied. The Alarm Coordinator shall give notice by certified mail or personal delivery to the user that the permit will be revoked without further notice.
- (5) An alarm user whose permit has been revoked by the Alarm Coordinator may, within fourteen (14) days of receipt of the notice of revocation, appeal this decision by filing a written request for a review meeting with the Alarm Administrator.
- (6) If a review meeting with the Alarm Administrator is requested, written notice of the time and place of the review meeting will be served on the alarm user by the Alarm Administrator by certified mail or personal delivery within fourteen (14) days of the request by the alarm user.
- (7) The Alarm Coordinator and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination by both parties.
- (8) If the Alarm Administrator determines that the user has not taken action which substantially reduces the likelihood of the false alarms, the Alarm Administrator shall issue written findings to that effect and an order denying reinstatement of the alarm user's permit.

- (9) Except in the cases of a fire alarm permit, if the Alarm Administrator determines that the alarm user has taken action which substantially reduces the likelihood of false alarms, the Alarm Administrator shall issue written findings to that effect and an order approving reinstatement of the alarm user's permit. The Alarm Administrator may require payment of all outstanding fines and fees as a condition of reinstatement.
- (10) If the alarm user's permit is reinstated, pursuant to the preceding subparagraph (9), and the Police Department responds to subsequent false alarm activation in the same calendar year at the protected premises, the Alarm Coordinator shall proceed with the permit revocation process again as described in this Section. The alarm user shall also be assessed a fee in the amount of one hundred dollars (\$100.00) for each subsequent false alarm activation through the remainder of the calendar year.
- (11) If the alarm user's request for reinstatement of their alarm permit has been denied by the Alarm Administrator, the alarm user may, within fourteen (14) days appeal this decision by filing a written request for a review meeting with the City Hearing Representative(s).
- (12) If the City Hearing Representative(s) determines that the user has not taken action which substantially reduces the likelihood of false alarms, the City Hearing Representative(s) shall issue written findings to that effect and an order denying reinstatement of the alarm user's permit. The decision of the City Hearing Representative(s) shall be final.
- (13) If the City Hearing Representative(s) determines that the alarm user has taken action which substantially reduces the likelihood of false alarms and all outstanding fines and fees are paid in full, the Alarm Coordinator shall issue written findings to that effect and an order approving reinstatement of the alarm user's permit.
- (14) If the alarm user's permit is reinstated pursuant to the preceding subparagraph (13), and the Police Department responds to subsequent false alarm activation in the same calendar year at the protected premises, the Alarm Coordinator shall proceed with the permit revocation process again as described in this Section. The alarm user shall also

be assessed a fine in the amount of one hundred dollars (\$100.00) for each subsequent false alarm activation through the remainder of the calendar year.

- (15) The Alarm Coordinator shall notify the alarm monitoring company of a revocation or reinstatement of an alarm permit, if such information is available.

Sec. 5-186. Alarm user violations.

occurs: (a) An alarm user shall violate this Article when any of the following

- (1) for the alarm user or designated agent to fail to respond to the premises within a one (1) hour period following the activation of the alarm system when notified to do so by the enforcement officer;
- (2) for the alarm user to have falsified any information contained in the alarm user permit application;
- (3) for the alarm user to fail to inform immediately the enforcement officer of any and all changes in the information required in the alarm user permit application;
- (4) to operate an alarm system without an appropriate permit. In the event that evidence of operation of an alarm system without a permit is an alarm signal, a violation of this Article shall be presumed, and the enforcement officer need not present any additional evidence for the Code Enforcement Board to conclude by the greater weight of evidence that a violation of this Article occurred. In the event evidence of unauthorized alarm operation is a fact other than an alarm signal, the enforcement officer shall cite such fact and request the alleged violator to prove that the alarm system is disconnected. Absent proof of disconnection by the requested date, a violation of the Article shall be presumed and the enforcement officer need not present any additional evidence of unauthorized alarm operation for the Code Enforcement Board to find by the greater weight of evidence that a violation has occurred;
- (5) for the alarm system to have more than three (3) false alarms in any twelve (12) month period, with each false alarm in excess of three (3) false alarms in any twelve (12) month

period to constitute a separate violation. In the event the City (pursuant to Section 5-185 above) determines that a false alarm was clearly the fault of an alarm business, such finding shall preclude a finding that the alarm user violated this Article for such false alarm;

- (6) for any alarm system not to meet the operating standards established in Section 5-184 of this Article, and for any alarm user not to pay the costs incurred by the City under Subsection 5-185 when due;
- (7) to install, maintain, operate or use any telephone alarm device regulated or programmed to make connection with any telephone installed in any facility of any law enforcement or fire prevention office. Telephone alarm devices are permitted when not connected directly to such enforcement offices, but they are subject to all other provisions of this Article;
- (8) a permit holder or person in control of an alarm system shall not contract or retain an alarm company that is not properly licensed; or,
- (9) a permit holder or person in control of an alarm system that is deactivated and causes a false alarm.

Sec. 5-187. Alarm business violations.

Alarm businesses which lease an alarm system and are responsible for the maintenance of the system, and alarm businesses responsible for generating appropriate responses to an alarm system, shall also be responsible to ensure that false alarms do not occur. False alarm responses create an unnecessary risk of injury to persons and property and an unnecessary expenditure of police and fire prevention resources. If more than three (3) false alarms occur in any twelve (12) month period, then in addition to citing the alarm user with a violation of this Article, the enforcement officer may also cite any responsible alarm business which failed to ensure that false alarms did not occur. Each false alarm in excess of three (3) per permit year shall be deemed a violation of this Article. Procedures applicable to such violations will be otherwise identical to those prescribed in Section 5-186, above.

Sec. 5-187. System performance reviews.

If there is a reason to believe that an alarm system is not being used or maintained in a manner that insures proper operation and suppresses false alarms and/or alarm malfunctions, the Alarm Administrator may require a conference with an alarm permit holder and the individual or association responsible for maintenance

of the alarm system to review the circumstances of each false alarm/alarm malfunction. An alarm user shall not operate an alarm system which does not have a minimum four (4) hour auxiliary power supply.

Sec. 5-188. Reinstatement of permit.

(a) A person whose alarm permit has been revoked may be issued a new permit if the person:

- (1) submits an updated application and pays a fifty dollar (\$50.00) permit fee;
- (2) pays, or otherwise resolves, all outstanding fees or other violations issued to the person pursuant to this Section; and,
- (3) upon submission of certification from a licensed professional alarm company to install or design alarm systems stating that the alarm system has been inspected and maintained by, or with the direct supervision and approval of the licensed qualifier of said company.

(b) Should any fee assessed pursuant to this Section remain unpaid in excess of one hundred twenty (120) days from the date the charge is billed, a collection fee in the amount of thirty-five percent (35%) of the outstanding balance shall be assessed and shall be payable by the owner of the premises in addition to the original fee. The owner shall also be responsible for any legal fees or costs incurred by the City in enforcement of this Section.

(c) The above fee shall be deemed a lien on said property and assessed and foreclosed or otherwise enforced in the same manner as any other lien is enforced or foreclosed by the City and in accordance with the law. The lien provided for herein shall be superior to all other liens on such lands liened except for those for state, county, municipal or other governmental taxes. Upon an action for foreclosure, the City shall receive all costs including reasonable attorney's fees.

Sec. 5-189. Alarm Monitoring Companies.

All burglary, panic, or medical alarm systems that have central monitoring shall have a central monitoring verification call made to the alarm site prior to the alarm monitoring personnel contacting a public safety unit for alarm dispatch. However, if the alarm has properly operating visual or auditory sensors that enable the monitoring to verify the alarm signal, verification calling is not required. (See Section 489.529 Florida Statutes, Alarm verification calls required.)

Sec. 5-190. Alarm System Contractors.

(a) All alarm system contractors shall register annually with the Building Department. Each registration shall be valid for twelve (12) months. The alarm system contracts shall provide the following information:

- (1) name, street address and telephone number;
- (2) names, street addresses, and telephone numbers of all alarm users contracted with, within the territorial jurisdiction of this Ordinance;
- (3) the procedure used to verify the legitimacy of an alarm prior to notification of the Building Department; and,
- (4) name, street address and telephone number of the qualifying agent.

(b) No person shall install, maintain, repair, alter, service or monitor alarm systems for compensation without being an alarm system contractor.

(c) All alarm system contractors shall ensure that each of its agents is in compliance with Section 489.518, Florida Statutes.

(d) Alarm system contractors shall provide registration information in a format specified by the Building Department.

(e) Alarm system contractors shall not install new systems or equipment or use methods of installation that do not meet or exceed minimum Underwriters Laboratories or American National Standards Institute requirements for the appropriate installation and which do not use control panels tested for conformance to the Security Industry Association's Control Panel Standard C.P.-01, (or equivalent listing), or a fine of one hundred twenty five dollars (\$125.00) may be assessed.

(f) Alarm system contractors shall not cause a false alarm during the servicing, repairing, testing or inspection of an alarm system. The alarm users shall not be charged with such false alarms. Alarm system contractors that cause a false alarm during the servicing, repairing, testing or inspection of an alarm system shall be assessed a fine in the amount of seventy-five (\$75.00) for false alarm notifications for burglar and panic alarms, and a fine in the amount of one hundred fifty dollars (\$150.00) for false alarm notifications for fire and medical alarms.

(g) Alarm system contractors shall provide all alarm users with a blank alarm permit application, whenever installing, maintaining, repairing, altering or servicing an alarm system, unless the alarm system contractor reasonably believes that the system is permitted.

Sec. 5-191. Modification of Existing Alarm Systems.

Whenever an existing alarm system is serviced, modified, or inspected, the following features shall be removed by the alarm contractor:

- (a) Single action, non-recessed switches that activate a panic alarm; and
- (b) Duress or other programming that activates a panic alarm.

Sec. 5-192. No Public Duty.

The permitting of an alarm system is not intended to create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering the alarm system, the alarm user acknowledges that public safety units response may be based on factors such as: availability of public safety units, priority calls, weather conditions, traffic conditions, emergency conditions, and staffing levels.

SECTION 2: Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 3: This Ordinance shall take effect immediately upon passage on second reading by the City Council and signature by the Mayor.

PASSED AND ADOPTED ON SECOND READING by the City Council this ____ day of _____, 2004.

SIGNED by the Mayor this ____ day of _____, 2004.

MAYOR

ATTEST:

CITY CLERK

REQUESTED BY: _____ APPROVED _____ DATE _____

DEPT. OK: _____

ADMIN. OK: _____

ATTY. OK: Quentin E. Morgan

8/25/04

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8/31/2004

