

ARTICLE III. BURGLAR/PANIC/DURESS ALARMS

Sec. 42-71. Intent.

(a) The intent of this article is to encourage security alarm users and alarm businesses (sales, installation, customer service and/or monitoring) to maintain the operational reliability and the proper use of alarm systems in limiting unnecessary police emergency responses to false alarms/alarm malfunctions.

(b) This article governs burglary and robbery systems, requires registrations, establishes fees, provides for penalties for violations, creates a system of administration, and sets conditions for suspension or loss of registration.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-72. Definitions.

The following words, terms, and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm administrator means the chief of police or his/her designee.

Alarm notification means a notification intended to summon the police, 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.

Alarm operator means any person, who (which) has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm system, which is not monitored, maintained or repaired under contract.

Alarm review board shall consist of the chief of police or his/her designee, one representative from a licensed alarm company and three members of the public at large, one representing industrial property, one representing commercial property and one representing residential property, appointed by the city commission.

Alarm site means a single control unit/signal served by an alarm system or systems.

Alarm system means a device or system that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon, police services of the city, including but not limited to local alarms. Alarm system does not include:

- (1) An alarm installed on a vehicle unless the vehicle is permanently located at a site; or
- (2) An alarm designed to alert only the inhabitants of a premise that does not have a monitored alarm.

Alarm system contractor means a person licensed under Chapter 489 of the Florida State Statutes, as an electrical or alarm system contractor.

Automated dialing device means an alarm system, which automatically sends, via telephone, a prerecorded voice message or coded signal indicating the existence of an emergency situation.

Designated authority means the chief of police or his/her authorized representative/designee.

False alarm notification (F.A.N.) means the activation of an alarm system for any reason other than a robbery or unauthorized entry, and subsequent response by the police department to that alarm site. A false alarm does not include:

- (1) An alarm caused by physical damage to the alarm system as a result of lightning, wind, or other meteorological events, where there is clear evidence of physical damage to the alarm system; or
- (2) An alarm caused by disconnection of a telephone circuit beyond the control of the alarm operator or his/her agents, verified by written communication from the telephone company; or
- (3) An alarm caused by continuous electrical power disruption in excess of four hours.
- (4) Multiple mechanical false alarm/alarm malfunction notifications in a 24-hour period of time shall be counted as only one false alarm notification.

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

Registration holder means the person designated in the application as required in section 42-73 who is responsible for: responding to alarms and giving access to the site; showing evidence of compliance with alarm system agent certification as mandated in F.S. 489.518; proper maintenance and operation of the alarm system; and, payment of fees.

Registration year means the period starting from the date of issuance of a registration and ending one year from that date.

Special trunk line means a telephone line leading into the communications center of the police department that is for the primary purpose of receiving emergency messages that originate from automatic protection devices and are transmitted directly or through an alarm monitoring company.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-73. Alarm system operator requirements; registration required; application; fee; transferability; false statements.

- (a) No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration.
- (b) A separate registration is required for each alarm site.
- (c) Each alarm system operator shall not contract or retain an alarm system contractor, which is not properly licensed and/or employs alarm system agents who are not in compliance with F.S. 489.518. Unlicensed alarm contracting is a violation of state statute and punishable by fine and/or imprisonment.
- (d) The fee for an alarm registration or an alarm registration renewal shall accompany each alarm site application for residential, commercial, and governmental locations; and is set forth below and shall be paid by the alarm user. No refund of a registration or registration renewal fee will be made. The initial alarm registration fee must be submitted to the alarm administrator within 30 days after the alarm system installation or alarm system takeover.
- (e) Upon adoption of this article, each current alarm operator has a 90-day grace period to register each alarm site.
- (f) Failure to register each alarm site shall result in a fine (see fees and fines table).
- (g) As part of the application process, the alarm operator shall provide the following information to the alarm administrator:
 - (1) The name, address and telephone numbers of the alarm operator;
 - (2) The address of the alarm site;
 - (3) The classification of the alarm site as residential, commercial, or governmental;

- (4) The type of system, such as burglary, robbery, or panic;
 - (5) The names, addresses, and telephone numbers of two persons who have access to the premises, the ability to reset the alarm, and who, upon request of the police department, will respond to the alarm;
 - (6) The date of installation, conversion or takeover of the alarm system, whichever is applicable;
 - (7) The name, address, and telephone number of the commercial alarm monitoring company;
 - (8) Provide proof that a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, has been provided by the alarm system contractor;
 - (9) Provide a copy the current state alarm system agent certification, as mandated in F.S. 489.518;
 - (10) The name, address, and telephone number of the installer and date of installation, if known;
 - (11) The name, address, and telephone number of the commercial entity that last performed maintenance on the alarm system, if known;
 - (12) Any dangerous or special conditions present at the alarm site;
 - (13) Other information required by the alarm administrator, which may be necessary for the enforcement of this article;
- (h) The alarm administrator shall issue an alarm registration to an applicant unless the applicant has:
- (1) Failed to pay a fee assessed under section 13; or,
 - (2) Had an alarm registration for the alarm site suspended or revoked, and the violation(s) causing the suspension(s) or revocation(s) has not been corrected; or,
 - (3) Failed to provide on-site alarm system agent credentials as mandated in F.S. 489.518.
- (i) Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.
- (j) An alarm registration cannot be transferred to another person. A registration holder shall inform the designated authority in writing of any change that alters any information listed on the registration application within 30 days. No fee will be assessed for such changes.
- (k) All fees owed by an applicant must be paid before a registration may be issued or renewed.
- (l) No registration is required for a deactivated alarm system.
- (Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-74. Registration duration and renewal.

- (a) Each alarm registration shall expire one year from the date of issuance, and must be renewed annually by submitting an updated application to the alarm administrator.
- (b) The alarm administrator shall send alarm registration renewal notices no less than 30 days prior to the expiration of the alarm registration.
- (c) It is the responsibility of the alarm system operator to submit an application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered alarm system and citations and penalties shall be assessed without waiver.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-75. Proper alarm system operation and maintenance.

An alarm system operator shall:

- (1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm notifications, and;
- (2) Respond or cause his/her representative to appear at the systems location within a 30 minute response time, when notified by the city to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises;
- (3) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report;
- (4) In the case of monitored residential or commercial intrusion/burglary alarm systems, provide a central monitoring verification call to the premises generating the alarm signal, prior to alarm monitor personnel contacting a law enforcement agency for alarm dispatch;
- (5) Not operate any alarm site with an automatic dialing device programmed to connect directly to the police department or the sheriff's communications center, or a fine shall be assessed;
- (6) Not operate an alarm site which does not have a minimum of a four hour auxiliary power supply, or a fine shall be assessed;
- (7) Install a device to automatically terminate the audible signal within 15 minutes of activation, and,
- (8) A person in control of a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than 15 minutes after being activated, or a fine will assessed.

(Ord. No. 04-1, § 1, 1-22-2004)

State law references: F.S. § 489.530.

Sec. 42-76. Modification of existing alarm systems.

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

- (1) Single action, non-recessed switches that activate a panic alarm; and
- (2) Duress or "one-plus" programming that activates a panic alarm, or a fine will be assessed.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-77. Manual reset required.

An organization or person in control of an alarm site that causes an alarm notification to be sent directly to the city's contracted communications center, shall adjust the mechanism or cause the mechanism to be adjusted so that upon activation the system will not transmit another alarm signal without being manually reset.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-78. Alarm monitoring companies.

- (a) All alarm monitoring companies shall register annually with the chief of police; and obtain the appropriate city occupational license(s) [from] the city building and zoning department. Each alarm monitoring registration shall be valid for 12 months.

- (b) The alarm monitoring company shall provide the following:
 - (1) Name, street address, and telephone number;
 - (2) The names, street addresses, and telephone numbers of all alarm system operators contracted with within the city limits;
 - (3) The procedures used to verify the legitimacy of an alarm prior to notification of the police department;
 - (4) The name, street address, and telephone number of the qualifying agent.
 - (c) Upon registration, the alarm monitoring company shall be provided with a telephone number for alarm reporting.
 - (d) Monitoring companies shall maintain, for a period of one year, records relating to alarm notification and shall provide such records to the chief of police upon his/her request.
 - (e) Monitoring companies shall ensure that their databases of contracted alarm system operators reflect current data to include:
 - (1) Names of alarm system operators;
 - (2) Emergency contact person(s), with addresses and telephone numbers, and;
 - (3) Operational status of each alarm site.
 - (f) If an alarm operator provides notice of disconnection to the monitoring company, the company, and a false alarm(s) occurs, the alarm monitoring company shall be liable for any and all alarm activations.
- (Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-79. Alarm verification calls required.

All burglary or intrusion alarm systems that are monitored by a central monitoring company shall have a verification call made to the alarm site, by the alarm monitoring company prior to contacting the police department. However, if the alarm site has functioning visual or auditory sensors that verify the alarm signal, verification is not required.

(Ord. No. 04-1, § 1, 1-22-2004)

State law references: F.S. § 489.529.

Sec. 42-80. Use of licensed contractors.

- (a) All alarm system contractors shall register annually with the chief of police; and obtain the appropriate city occupational license(s) from the city building and zoning department. Each registration shall be valid for 12 months.
- (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 furnish each of its agents with identification cards in accordance with § 489.518, Florida Statutes.
- (d) Alarm system contractors shall not install 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.
- (e) Alarm system contractors shall not activate or service an alarm system unless it is registered.

(f) Alarm system contractors shall not cause a false alarm during the servicing, repairing, testing or inspection of an alarm system, unless it is [registered] by the alarm administrator.

(g) Alarm system contractors shall not install, maintain, repair, alter or service an alarm system, unless the alarm system contractor reasonably believes that the system is registered, or a fine shall be assessed.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-81. Alarm system operating instructions.

A person in control of an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations, or passwords should not be included in these instructions.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-82. Alarm dispatch records.

(a) The officer responding to a dispatch resulting from a burglary, robbery, personal hostage or robbery alarm notification shall record such information as necessary, including but not limited to the following information:

- (1) Identification of the registration holder,
- (2) Identification of the alarm site,
- (3) Arrival time and dispatch-received time,
- (4) Time of day, date, and time,
- (5) Weather conditions,
- (6) Area and/or sub-area of premise involved,
- (7) Name of registration holder's representative on premises, if any.

(b) The responding officer shall indicate on the dispatch record whether the notification was caused by a criminal offense, an attempted criminal offense, or was a false alarm/alarm malfunction.

(c) In the case of an assumed false alarm or alarm malfunction, the responding officer shall leave notice at the alarm site that the police department has responded to a false alarm or alarm malfunction notification. The notice must include the following information:

- (1) The date and time of police response to the false alarm notification,
- (2) The identification number of the responding patrol officer, and
- (3) A statement urging the registration holder to ensure that the alarm system is properly operated and maintained in order to avoid service fees.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-83. System performance reviews.

If there is 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 chief of police or his/her designee may require a conference with an alarm registration holder and the individual or association responsible for maintenance of the alarm system to review the circumstances of each false alarm/alarm malfunctions.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-84. False alarm notifications and penalties.

The holder of an alarm registration or the person in control of an alarm system shall be subject to warnings, suspensions, and revocations, or loss of registration depending on the number of false alarm notifications emitted from an alarm system within a 12-month period based upon the following schedule:

- (1) No fee shall be assessed for the first two false alarms/alarm malfunctions at the same premises responded to by the police department during each calendar year. Thereafter, a fine shall be assessed and paid by the alarm registration holder for each false alarm/alarm malfunction, responded to by the police department at the same premises during said calendar year;
 - (2) Upon the third or more false alarm/alarm malfunctions responded to by the police department, the owner shall be assessed a graduated fine unless within 30 days he/she submits to the police department an "Affidavit of Service/Repair" deemed satisfactory by the designated authority. For those false alarm/alarm malfunctions for which the owner returned a satisfactory "Affidavit of Service/Repair", those malfunctions occurring each calendar year shall be exempt from any fees in excess of the administrative feeschedule set forth in this subsection. In those cases in which the owner provided the designated authority with a satisfactory "Affidavit of Service/Repair," administrative fees shall be paid by the alarm registration holder for each false alarm/alarm malfunction responded to by the police department during each registration period.
 - (3) Any person who operates a newly installed system will not be subject to false alarm notifications (F.A.N.) during the 30 days following the system completion provided a registration application is received by the designated authority. The completion date shall be certified by a person currently licensed by the State of Florida according to F.S. 489.518, or the date of the purchase receipt for self-installed systems.
 - (4) Alarm activations, caused by actual criminal offense or with evidence of a criminal attempt, shall not be counted, nor false alarm notification accumulation.
- (Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-85. Suspension of alarm registration.

The tenth false alarm notification shall result in a notice of suspension of registration to remain effective until such time as:

- (1) Registration holder has responded by acknowledging the suspension in writing as directed by the designated authority, and
 - (2) Registration holder has taken action to remedy cause(s) of false alarm and reported as directed by the designated authority and,
 - (3) The designated authority has issued a removal of suspension of registration.
- (Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-86. Revocation or loss of alarm registration.

The designated authority shall revoke the alarm registration if it is determined that:

- (1) There is a false statement of a material matter in the application for a registration,
- (2) The registration holder has violated section 42-75--42-78, or
- (3) The registration holder has failed to make timely payment of a fee assessed under section 42-82 or,

(4) Ten or more false alarm notifications have been emitted from the alarm site within a 12-month period,

(5) A person commits an offense if he operates an alarm system during the period in which his alarm registration is revoked.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-87. Suspension of response.

(a) The alarm administrator may suspend law enforcement response to an alarm site upon revocation of an alarm registration if it is determined that:

(1) The alarm user has ten or more false alarms in a 12-month period excluding duress, holdup or panic alarms;

(2) There is a statement of a material fact known to be false in the application for a registration;

(3) The alarm user has failed to make timely payment of a fines; or

(4) The alarm user has failed to submit a written certification from an alarm installation company that complies with the requirements of this article, stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm installation company.

(b) A person commits an offense if he/she operates an alarm system during the period in which his alarm registration is revoked and is subject to enforcement and penalties set in sections 42-77 and 42-82. A monitoring company commits an offense if it continues alarm dispatch requests to an alarm site after notification by the alarm administrator that the registration has been revoked and is subject to enforcement and penalties set forth in section 42-82.

(c) Unless there is separate indication that there is a crime in progress, the police department will refuse law enforcement response to an alarm dispatch request at an alarm site for which the alarm registration is revoked.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-88. Appeal of denial, suspension, or revocation of a registration.

(a) If the designated authority denies the issuance or renewal of a registration, or suspends or revokes a registration, he shall send written notice of his action and a statement of the right to an appeal, by certified mail, return receipt requested, to both the applicant or registration holder and the applicable alarm installing/service company.

(b) The applicant or registration holder may appeal the decision to the alarm administrator, by notifying the chief of police within ten business days of the receipt of notice for denial, fine, suspension, or revocation. The applicant or registration holder shall set forth the reasons for the appeal and describe desired remedies.

(c) Filing of a request for appeal shall stay the action by the designated authority of revoking a registration until the alarm administrator has completed his review. If a request for appeal is not made within the ten-day period, the action of the designated authority is final.

A review ordered under section 42-82, requires the attendance of both registration holder and applicable alarm company.

(d) Registration holders shall be entitled to a hearing, if requested within ten business day's receipt of notice of a sustained revocation of registration by the alarm review board.

The hearing shall be conducted by the alarm review board, at their next scheduled meeting.

(e) The alarm review board shall conduct a formal hearing and consider the evidence by any interested person(s). The board shall make their decision on the basis of a preponderance of the evidence presented at the hearing. The board must render a decision within 30 days after the hearing is conducted. The board shall affirm, reverse, or modify the action of the designated authority. The decision of the board is final as to administrative remedies with the city.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-89. Reinstatement of registration.

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

- (1) Submits an updated application and pays a \$50.00 registration fee, and
- (2) Pays, or otherwise resolves, all citations issued to the person under this article;
- (3) Upon submission of certification from a professional alarm company, licenses by the state/county 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 alarm company.

(b) Should any fee assessed pursuant to this chapter remain unpaid in excess of 120 days from the date the charge is billed, a collection fee in the amount of 35 percent 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 chapter.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-90. No obligation to respond.

Alarm registration is not intended to, nor will it, 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 applying for an alarm registration, the alarm user acknowledges that law enforcement response may be influenced by factors such as; the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-91. Alarm system fees & fines schedule.

TABLE INSET:

Type of Service/Violation	Administrative Action	Fees/Fines
Alarm Registration - Initial - systems in place and operating prior to July 1, 2004	Registration & decal issued	\$0-
Alarm Registration - Initial -	Registration & decal	\$25.00

systems installed on or after July 1, 2004	issued	
Alarm Registration - Renewal	Registration renewed	No Fee assessed for owners with no recorded false alarms within prior year; \$25.00 with documented false alarms
Failure to register alarm site(s)	Fine	\$100.00
Reinstatement of alarm registration	Fee	\$50.00
Automatic phone dialer installed	Fine	\$25.00
Battery backup not installed (minimum 4 hour)	Fine	\$25.00
Automatic 15 minute audible termination device or adjustment not installed	Fine	\$25.00
Failure to modify existing system(s) as required within section 42-76	Fine	\$25.00
Alarm system contractor(s) installing, maintaining, repairing, altering or servicing an alarm system, that is not [registered]	Fine	\$100.00
First false alarm/alarm malfunction within calendar year -- Residential and commercial	On-site written notice	No Fine/Fee
Second false alarm/alarm malfunction within calendar year -- Residential and commercial	On-site written notice/warning letter #1	No Fine/Fee
Third false alarm/alarm malfunction within calendar year -- Residential	On-site notice/notice of violation	\$25.00
Commercial		\$50.00
Fourth false alarm/alarm malfunction within calendar year -- Residential	On-site notice/notice of violation	\$45.00
Commercial		\$75.00
Sixth to ninth false alarm/alarm	On-site notice/notice of	\$100.00

malfunctions within a calendar year -- Residential	violation	
Commercial	On-site notice/notice of violation	\$150.00
Tenth false alarm/alarm malfunction -- Residential and commercial	Violation/revocation of alarm registration	N/A

(Ord. No. 04-1, § 1, 1-22-2004)