

Sec. 16-5. - False alarms.

(a) *Definitions.* The following words, when used in this section, shall have the meanings ascribed herein unless the context indicates otherwise:

Agreement [means] police and/or fire department contract with a billing/collection contractor to provide false alarm billing and collection services.

Alarm business means any business 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 signal means an audible sound or a transmission of a signal or a message as the result of the activation of an alarm system.

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

Alarm user means any person on whose premises an alarm system is maintained within the town.

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

Burglar alarm system means 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 designated 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.

Contractor means any person authorized by the police and/or fire department to act for it in the alarm permit business by serving to provide billing and collection services.

Enforcement officer means the police chief or any person serving under the direction of the police chief for burglar alarms or medical alert/panic alarms, or the fire chief or any person serving under the direction of the fire chief for fire alarms, or a code inspector regardless of the type of alarm system involved.

False alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the alarm user or his agents and employees, or any alarm business associated with the maintaining, leasing, or generating responses to such alarm system. Such terminology does not include alarms caused by hurricanes, tornadoes, lightning or other similarly violent conditions, which are identified and determined by the enforcement officer of the town to be beyond the control of the user.

Fire alarm system means 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, water flow 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.

Medical alert/panic alarm system means any mechanical or electrical device which is principally designed or used to generate a police response as a result of a perceived medical or criminal emergency by the alarm user. Excluded from the definition of a "medical alert/panic alarm system" is any mechanical or electrical device which is principally designed or used to generate only a medical (i.e., private ambulance or public emergency medical service) response, with no police or fire response, to a perceived medical emergency.

Notice unless otherwise specified, means written notice, given by first class mail, personal delivery upon the addressee, or by posting at last known address or location of the alarm registration. There is hereby created a presumption of receipt of the notice within three (3) days of posting. The notice required by this section is not that which shall be required for a notice of violation issued for a code enforcement special magistrate hearing.

Police-response commercial alarm permit means a permit intended to be used for a business, office, retail, or other commercial use.

Police-response residential alarm permit means a permit intended to be used for single-family residences, multifamily residences, houses of worship, public schools and other publicly owned buildings, or other noncommercial uses.

Telephone alarm device means 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.

(b) *Required registration.* Before placing an alarm system into operation, every alarm user shall obtain from the appropriate town agency or its billing/collection contractor an alarm user registration which shall be completed for each alarm system operated by such alarm user within the town.

(1) Applications for a police-response burglar alarm system or a medical/alert panic alarm system may be made on registration forms provided by the police department or its billing/collection contractor.

(2) Police-response alarm registration is required by the police department or its billing/collection contractor and shall include the following alarm types:

a. Police-response commercial alarm registration is for business, office, retail, and other commercial uses; such commercial permits shall be renewed on an annual basis and the alarm user shall certify that the registration information is current.

b. Police-response residential alarm registration is for single-family residences, multifamily residences, houses of worship, public schools and other publicly owned buildings, and other noncommercial uses; such residential permits shall be renewed on an annual basis.

(3) Police-response registration fees shall offset the administrative costs in ensuring that required alarm response information and monitoring alarm activity records are current.

a. Police-response commercial alarm registration fee shall be twenty-five dollars (\$25.00) and each registration renewal fee thereafter shall be twenty-five dollars (\$25.00).

(4) This subsection does not require that an alarm business register 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 register for such system as required in this section. All alarm businesses installing, leasing, maintaining, or monitoring alarm systems in the town 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 section and of the requirement for registering their alarm system; however, failure to receive this notice shall not excuse an alarm user from any provisions of this section.

(c) *Alarm user registration application.*

(1) Subject to paragraph [(d)] below, [the] police department or the billing/collection contractor shall issue or renew the police-response alarm registration 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, an individual alarm registration shall be required for location and alarm system irrespective of the alarm types.

(2) The alarm user applying for any alarm registration required in this section shall state on an application form provided by the appropriate town agency or billing/collection contractor, his/her name; the address of the residence or the business or businesses in or on which the alarm system

has been or will be installed; his/her telephone number; his/her address, if different than the premises serviced by the alarm system; the name, address, and telephone number of the lessor of the system if leased; whether the system was installed by the alarm user and, if not installed by the alarm user, the State of Florida 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. 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, and 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.

- (3) The alarm user applying to register an alarm system shall further state on the alarm registration 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 annunciator (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 the same to be activated.
 - (4) Alarm registrations issued by the town are non-assignable and are issued and effective only for the registered alarm system and registered user.
 - (5) Before placing a system into operation, every alarm user shall prominently post on the premises the alarm system's registration number at or near the front entrance of the premises so that it is visible from the outside of the structure.
 - (6) Every alarm user registered under this section shall be required to provide the appropriate town agency or its contractor with any changes in the information required to be submitted on the registration application when such changes occur.
- (d) *Alarm registration issuance.*
- (1) *Single-family residence.* An alarm registration for a single-family residence may be issued upon satisfactory completion of the application required in paragraph (c) above for police response alarm systems.
 - (2) *Buildings or structures other than single-family residences.* In addition to satisfactory completion of the application required in paragraph (c), an alarm registration for a location which 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 alarm systems must comply with applicable provisions of the town 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 subsections (1) and (2) above, no registration shall be issued if the application thereof discloses the name of an alarm business which has an outstanding fine as a result of a violation of this section.
- (e) *Alarm system operating standards and authorized disconnection.*

- (1) 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.
 - (2) The alarm system annunciator (for police-response burglar and medical alert/panic alarm systems only) must automatically silence within fifteen (15) minutes for noncommercial permitted systems and thirty (30) minutes for registered commercial systems after activation, and such alarm systems shall not sound again unless a new criminal act or emergency triggers the alarm or causes the same to be activated.
 - (3) 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 registration application or, if contacted, fail to appear within thirty (30) minutes of such contact to deactivate the alarm system or audible alarm, or if such alarm system (when the same is a police-response 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 State of Florida 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 town 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 notice of an invoice for the same from the appropriate town agency or its billing/collection contractor.
- (f) *Presumed fire-response false alarms.* There is a presumption of a false alarm created when an alarm signal is investigated by any enforcement officer and there is no sign of a fire emergency, or there is no sign of a medical emergency. For the first presumed false alarm, the contractor shall give notice to the residential or commercial alarm user of the conditions and requirements of this section. This notice shall advise the alarm user that the alarm system has had a presumed false alarm and that the second false alarm in any twelve-month period for a commercial alarm user will result in the imposition of a fine; however, a residential alarm user shall be permitted a second false alarm within a twelve-month period without imposition of a fine; additionally, and upon said second occurrence, each alarm user shall be informed that any subsequent false alarm in any twelve-month period will result in an additional fine.
- (g) *Fire-response penalties and fines.* The fines for false alarms shall be as follows:
- (1) Commercial establishments shall receive no penalty for the first occurrence of a fire-response false alarm within a twelve-month period.
 - (2) The second fire-response false alarm for any commercial establishment within a twelve-month period will result in a one hundred dollar (\$100.00) fine.
 - (3) The third and each subsequent fire-response false alarm at any commercial establishment within a twelve-month period, will result in a fine of two hundred fifty dollars (\$250.00) per false alarm.
 - (4) Residential establishments shall receive no fine for the first and second occurrence of a fire-response false alarm within a twelve-month period.
 - (5) The third and each subsequent fire-response false alarm at any residential establishment within a twelve-month period will result in a fine of one hundred dollars (\$100.00) per false alarm.

For failure to comply with the penalties as set forth herein, the town code enforcement special magistrate shall have nonexclusive jurisdiction over violations of this section.

Fire-Response Schedule of Alarm Fees and Fines

Type of Action	Residential	Commercial
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Registration		
False Alarm (1st)	None	None
False Alarm (2nd)	None	\$100.00
False Alarm (3rd)	\$100.00	\$250.00
False Alarm (All)	\$100.00	\$250.00
Renewal	None	None
Failure to Renew	None	None

- (h) *Presumed police-response false alarms.* 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 medical emergency. For the first presumed false alarm, the contractor shall give notice to the alarm user of the condition and requirements of this section without being assessed a fine for either commercial or residential police-response alarm registrations. This notice shall advise the alarm user that the alarm system has had a presumed false alarm and that the second false alarm in any twelve-month period will result in the imposition of a twenty-five dollar (\$25.00) fine, and that each subsequent false alarm in any twelve-month period will result in a one hundred dollar (\$100.00) fine.
- (i) *Police-response penalties and fines.* The fines for false alarms shall be as follows:
- (1) The first police-response false alarm shall not be assessed any fine.
 - (2) The second false alarm within any twelve-month period will result in a twenty-five dollar (\$25.00) fine.
 - (3) For the third and all subsequent false alarms within any twelve-month period, the fine is one hundred dollars (\$100.00) per false alarm.
 - (4) The failure to register a police-response commercial alarm within ten (10) days of a commercial alarm installation shall result in a twenty-five dollar (\$25.00) fine.
 - (5) The failure to renew a police-response commercial alarm within ten (10) days after notice of its expiration shall result in a one hundred dollar (\$100.00) fine.
 - (6) For failure to comply with the penalties as set forth herein, the town code enforcement special magistrate shall have nonexclusive jurisdiction over violations of this section. A code inspector or police officer may enforce such violations by application of any legal remedy including but not limited to code enforcement methods for municipal code violations.

Schedule of Police Response Alarm Fees and Fines

Type of Action	Residential	Commercial
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Registration	None	\$25.00
False Alarm (1st)	None	None
False Alarm (2nd)	\$25.00	\$25.00
False Alarm (3rd)	\$100.00	\$100.00
False Alarm (All)	\$100.00	\$100.00
Renewal	None	\$25.00
Failure to Renew	None	10 days after notice or \$100.00 penalty

(j) *Alarm user violations.* An alarm user shall violate this section when any of the following occurs:

- (1) For the alarm user or designated agent to fail to respond to the premises within a one-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 registration application.
- (3) For the alarm user to fail to immediately inform the police or fire department, the billing/collection contractor or other appropriate town agency of any and all changes in the information required in the alarm user registration application.
- (4) To operate an alarm system without an appropriate building permit or alarm system registration as required.

In the event that evidence of operation of an alarm system without a registration is an alarm signal, a violation of this section shall be presumed, and the enforcement officer need not present any additional evidence for the code enforcement special magistrate or other jurisdiction to conclude by the greater weight of evidence that a violation of the 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 special magistrate or other jurisdiction to find by the greater weight of evidence that a violation has occurred.

- (5) Nonpayment of any penalty imposed herein for false alarms. In the event the code enforcement special magistrate or other jurisdiction 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 section for such false alarm.
- (6) For any alarm system not to meet the operating standards established in subsection (e) of this section, and for any alarm user not to pay the costs 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 section.

- (k) *Enforcement of violations.* Any violation of this section may be prosecuted before a code enforcement special magistrate or other appropriate court of competent jurisdiction. The enforcement officer may prosecute a series of alleged false alarm violations in one (1) notice of violation, provided each alleged false alarm is identified. The code enforcement special magistrate or other appropriate court of competent jurisdiction may impose a separate fine for each determined separate violation even though they were prosecuted simultaneously. If the code enforcement special magistrate or other appropriate court of competent jurisdiction determines that any of the alleged false alarm violations in the notice of violation were violations of the [fire prevention] code, the special magistrate or other appropriate court of competent jurisdiction may treat the first fire-response false alarm violation as having a maximum fine of one thousand dollars (\$1,000.00), and treat each subsequently determined separate false alarm violation in such group as a repeat violation, each of which will be subject to a maximum fine of five thousand dollars (\$5,000.00) notwithstanding what is written in this section.
- (l) The police department and/or fire department may adopt a contract or enter into an agreement to oversee false alarm billing and collection services. The contractor's powers and duties under the contract or agreement may be adopted as a code section upon its approval.
 - (1) The police department and/or fire department by executing an agreement with their contractor do hereby invest in the contractor the regulatory authority to perform all duties identified in the scope of services of that certain agreement, including false alarm billing and collection services.
 - (2) Any contract or agreement between the police department and/or fire department and a billing/collection contractor may be adopted into the town code of ordinances in its entirety upon its execution by the party or parties, as approved, and as may be amended from time to time.
- (m) *Severability.* If any section, subsection, sentence, clause, phrase, or portion of this Code and section is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Code and section.

(Code 1964, § 10-14.2; Ord. No. 85-38, § 1, 4-17-85; Ord. No. 86-45, § 1, 10-15-86; Ord. No. 96-054, § 1, 12-18-96; Ord. No. 2010-31, § 2, 11-3-10; Ord. No. 2011-6, § 1, 1-5-11)