

1 Introduced by Council Member Hazouri and amended by the
2 Neighborhoods, Community Investments and Services Committee:

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4
5 **ORDINANCE 2016-562-E**

6 AN ORDINANCE REPEALING CHAPTER 168 (BURGLARY
7 AND ROBBERY ALARM SYSTEMS), *ORDINANCE CODE*, TO
8 CREATE A NEW CHAPTER 168 (BURGLARY AND ROBBERY
9 ALARM SYSTEMS); PROVIDING AN EFFECTIVE DATE.

10
11 **WHEREAS**, the City of Jacksonville has an interest in
12 maintaining the health, safety and welfare of the citizens of the
13 City and its visitors; and

14 **WHEREAS**; the current regulatory structure governing alarm
15 systems and false alarms is found in Chapter 168 of the Ordinance
16 Code; and

17 **WHEREAS**, the current regulatory structure governing alarm
18 systems and false alarms has been determined to be ineffectual and
19 inefficient; and

20 **WHEREAS**, approximately 98% of all emergency calls from
21 automated alarm systems in the City in calendar year 2015 were
22 determined to be false alarms or alarms which were canceled in
23 route; and

24 **WHEREAS**, providing a response to false alarms reduces the
25 availability of the Jacksonville Sheriff's Office and the
26 Jacksonville Fire and Rescue Department personnel for response to
27 valid alarms and for their primary purposes of reducing crime,
28 promoting quality of life, and being prepared and responding to
29 emergencies; and

30 **WHEREAS**, the Jacksonville City Council desires to amend the

1 existing regulations pertaining to alarm systems by making them
2 more responsive to the needs of the Jacksonville Sheriff's Office
3 and the Jacksonville Fire and Rescue Department, as well as
4 ensuring more efficient enforcement thereof; now therefore

5 **BE IT ORDAINED** by the Council of the City of Jacksonville:

6 **Section 1. Repealing Chapter 168 (Burglary and Robbery**
7 **Alarm Systems), Ordinance Code.** Chapter 168 (Burglary and Robbery
8 Alarm Systems), *Ordinance Code*, a copy of which is attached hereto
9 as **Exhibit 1**, is hereby repealed.

10 **Section 2. Creating a new Chapter 168 (Burglary and**
11 **Robbery Alarm Systems), Ordinance Code.** Chapter 168 (Burglary and
12 Robbery Alarm Systems), *Ordinance Code*, is hereby created to read
13 as follows:

14 **CHAPTER 168. BURGLARY AND ROBBERY ALARM SYSTEMS**

15 **Sec. 168.101 Purpose.**

16 The purpose of this chapter is to encourage alarm users and
17 alarm contractors (including, but not limited to, sales,
18 installation, and/or monitoring) to maintain the operational
19 reliability and the proper use of alarm systems so as to limit
20 unnecessary police responses to false alarms and alarm
21 malfunctions.

22 This chapter governs all alarm systems intended to summon
23 police response, and requires registration, establishes fees,
24 provides for fines for violation, and establishes a system of
25 administration and collection procedures.

26 **Sec. 168.102. Definitions.**

27 As used in this chapter:

- 28 (a) **Alarm Control Officer** means the person designated by the
29 Jacksonville Sheriff's Office to administer, control and
30 review false alarm reduction efforts and administers the
31 provisions of this ordinance.

1 (b) **Alarm Contractor** means any person, group, firm, partnership,
2 proprietorship, corporation, business entity, governmental
3 entity, utility, or educational entity that installs,
4 maintains, alters, repairs, monitors, inspects, replaces or
5 services alarm systems for compensation. An Alarm Contractor
6 shall possess a current and appropriate occupational license
7 from the city and the county, an Alarm Contractor's
8 Registration Certificate issued by the Jacksonville Sheriff's
9 Office and where applicable, shall meet the requirements for
10 an alarm system contractor pursuant to F.S. Chapter 489. Alarm
11 Contractors shall maintain a twenty-four hour emergency
12 telephone number and shall be capable of responding to an
13 emergency service call within four hours.

14 (c) **Alarm Contractor's Registration Certificate** means a
15 certificate issued by the Jacksonville Sheriff's Office
16 allowing Alarm Contractors to operate in Duval County,
17 excluding the Beaches.

18 (d) **Alarm Permit Number** means a permit issued by the Jacksonville
19 Sheriff's Office allowing the operation of an Alarm System
20 within Duval County, excluding the Beaches.

21 (e) **Alarm Permit Year** means a twelve (12) month period beginning
22 and ending on the day and month on which an Alarm Permit
23 Number is issued.

24 (f) **Alarm Registration** means the notification by an Alarm
25 Contractor or an Alarm User to the Alarm Control Officer that
26 an Alarm System has been installed and is in use at an Alarm
27 Site.

28 (g) **Alarm Signal** means the audible sound or a transmission of a
29 signal or a message as the result of the activation of an
30 Alarm System or an audible alarm.

31 (h) **Alarm Site** means a single fixed premises or location served by

1 an Alarm System. Each unit, if served by a separate alarm
2 system in a multi-unit building shall be considered a separate
3 alarm site.

4 (i) **Alarm User** means any person, corporation, partnership,
5 proprietorship, governmental or educational entity or any
6 other person or entity owning, leasing, or operating an Alarm
7 System, or on whose premises an Alarm System is used.

8 (j) **Alarm User Awareness Class** means a class conducted for the
9 purpose of educating Alarm Users about the responsible use,
10 operation, and maintenance of Alarm Systems and the problems
11 created by false alarms.

12 (k) **Alarm System** means any mechanical or electrical or radio-
13 controlled device, or other such similar devices, which is
14 designed to be used for the detection of smoke or fire or any
15 unauthorized entry into a building, structure or facility, or
16 for alerting others of the commission of an unlawful act
17 within a building, structure or facility, or both, which emits
18 a sound or transmits a signal or message when activated. Alarm
19 Systems include direct dial telephone devices, audible,
20 silent, fire and panic alarms and proprietor alarms. Excluded
21 from the definition of Alarm Systems are devices which are not
22 designed or used to register alarms that are audible, visible
23 or perceptible outside of the protected building, structure or
24 facility; or auxiliary devices installed by telephone
25 companies to protect telephone systems from damage or
26 disruption of service; or audible alarms that are affixed to
27 motor vehicles. If an Alarm System is designed to activate an
28 audible alarm, the Alarm System shall be designed so as to
29 automatically deactivate the audible alarm after fifteen (15)
30 minutes of operation.

31 (l) **Automatic Dial Protection Device** means an automatic dialing

1 device or an automatic telephone dialing Alarm System and
2 shall include any system which, upon being activated,
3 automatically initiates to the Jacksonville Sheriff's Office a
4 recorded message or code signal indicating a need for law
5 enforcement response.

6 (m) **The Beaches** means the cities of Atlantic Beach, Jacksonville
7 Beach, and Neptune Beach within Duval County.

8 (n) **Cancellation** means the process where response is terminated
9 when the Alarm Contractor (designated by the Alarm User)
10 notifies the Jacksonville Sheriff's Office that there is not
11 an existing situation at the Alarm Site requiring law
12 enforcement response after an alarm dispatch request. If
13 cancellation occurs prior to law enforcement arriving at the
14 scene, this is not a false alarm for the purpose of civil
15 penalty, and no penalty will be assessed.

16 (o) **Commercial Premises** means any structure or area which is not
17 defined herein as Residential Premises.

18 (p) **False Alarm** - An alarm is false within the meaning of this
19 chapter when, upon inspection by the Jacksonville Sheriff's
20 Office, evidence indicates that no unauthorized entry,
21 robbery, or other such crime was committed or attempted in or
22 on the premises which would have activated a properly
23 functioning Alarm System.

24 (q) **Non-Monitored Alarm** means an Alarm System that emits a signal
25 at an Alarm Site that is audible or visible from the exterior
26 of a structure and is not monitored by a registered Alarm
27 Contractor, whether installed by an Alarm Contractor or Alarm
28 User.

29 (r) **Notice of Alarm Violation** means a notification of a false
30 alarm by mail or by personal service upon the Alarm User
31 provided by the Jacksonville Sheriff's Office when it is

1 determined that there is no evidence of a crime or other
2 activity which warrants a call for immediate police
3 assistance.

4 (s) **Panic/Distress; Robbery Alarm** means alarms that are designed
5 to be manually triggered (usually via an alarm button or
6 keypad) to notify an alarm monitoring company without emitting
7 an audible signal.

8 (t) **Residential Premises** means any structure or combination of
9 structures which serve as dwelling units, including single-
10 family as well as multifamily units.

11 (u) **Runaway Alarm** means an Alarm System that produces repeated
12 alarm signals that do not appear to be caused by separate
13 human action. The Jacksonville Sheriff's Office may in its
14 discretion discontinue responses to signals from what appears
15 to be a Runaway Alarm.

16 (v) **SIA Control Panel Standard CP-01** means the American National
17 Standard Institute (ANSI) approved Security Industry
18 Association (SIA) CP-01 Control Panel Standard, as may be
19 updated from time to time, that details recommended design
20 features for security system control panels and their
21 associated arming and disarming devices to reduce false
22 alarms. Control panels built and tested to this standard by a
23 nationally recognized testing organization, will be marked to
24 state: "Design evaluated in accordance with SIA CP-01 Control
25 Panel Standard Features for False Alarm Reduction".

26 (w) **Telephone Alarm Device** means any device which, when activated,
27 automatically transmits a recorded alarm signal to any
28 telephone instrument installed in the Jacksonville Sheriff's
29 Office.

30 (x) **Verify** means an attempt by the Alarm Contractor, or its
31 representative, to contact the Alarm Site and/or Alarm User by

1 telephone and/or other electronic means, whether or not actual
2 contact with a person is made, to attempt to determine whether
3 an Alarm Signal is valid before requesting law enforcement
4 dispatch, in an attempt to avoid an unnecessary alarm dispatch
5 request. For the purpose of this ordinance, telephone
6 verification shall require as a minimum that a second call,
7 also known as "Enhanced Call Verification", be made to a
8 different number, if the first attempt fails to reach an Alarm
9 User who can properly identify himself or herself to attempt
10 to determine whether an Alarm Signal is valid before
11 requesting law enforcement dispatch.

12 **Sec. 168.103. Alarm Registration required (Alarm Users);**
13 **fees; Alarm Permit Number.**

- 14 (a) It shall be unlawful for an Alarm User within Duval County
15 (excluding the Beaches) to operate or maintain an Alarm System
16 on the premises without first filing an Alarm Registration
17 Application with the Jacksonville Sheriff's Office along with
18 an Initial Alarm Registration Application Fee as set by the
19 Jacksonville Sheriff's Office. The Alarm User shall be
20 assigned a unique Alarm Permit Number by the Jacksonville
21 Sheriff's Office for each Alarm Site. The Alarm User shall
22 provide the Alarm Permit Number to the Alarm Contractor to
23 facilitate law enforcement dispatch.
- 24 (b) Each Alarm Permit Number must be renewed annually and can be
25 renewed up to thirty (30) days before and after the annual
26 expiration date at no cost. The Jacksonville Sheriff's Office
27 **shall not respond** to Alarm Sites with Alarm Permit Numbers
28 that have expired for more than thirty (30) days unless it is
29 a Panic/Distress Alarm. If the Alarm User renews the Alarm
30 Permit Number after the Alarm Permit Number has expired for
31 more than thirty (30) days, the Alarm User will be required to

1 pay a reinstatement fee as set by the Jacksonville Sheriff's
2 Office. If an Alarm User renews their Alarm Permit Number more
3 than thirty (30) days after the Alarm Permit Number has
4 expired, the renewal date of the Alarm Permit Number shall not
5 be extended to the time of actual renewal but shall be based
6 on the original expiration date of the Alarm Permit Number.

7 (c) If the information provided on the Alarm Registration
8 Application changes during the alarm permit year, the Alarm
9 User shall provide the updated information to the Jacksonville
10 Sheriff's Office within thirty (30) days of the change.
11 Failure to provide updated information within thirty (30) days
12 of the change will result in an administrative fee as set by
13 the Jacksonville Sheriff's Office.

14 (d) When possession of an Alarm Site is transferred, the Alarm
15 User obtaining possession of the site shall file an
16 application for an Alarm Permit Number along with the initial
17 Alarm Registration Application fee within thirty (30) days of
18 obtaining possession of the property. Alarm Permit Numbers
19 are not transferable between Alarm Sites or Alarm Users.

20 (e) If an Alarm System is used for monitoring two or more separate
21 Alarm Sites having different addresses and/or Alarm Users, a
22 separate Alarm Permit Number is required for each address
23 and/or Alarm User.

24 (f) All fines and fees owed by an Alarm User must be paid before
25 an alarm registration is issued or renewed at the noted Alarm
26 Site. All fines and fees owed by an Alarm User must be paid
27 before an alarm registration is issued or renewed to an Alarm
28 User.

29 (g) Any Alarm User who has an Alarm System installed prior to the
30 enactment of this ordinance shall have ninety (90) days from
31 the date on which the online alarm registration system is

1 activated by Jacksonville Sheriff's Office to register an
2 existing Alarm System. If the previously installed alarm is
3 registered within ninety (90) days of the date on which the
4 online alarm registration system is activated by Jacksonville
5 Sheriff's Office, the initial Alarm Registration Application
6 fee will apply. If the Alarm User registers the previously
7 installed alarm after ninety (90) days from the date on which
8 the online alarm registration system is activated by
9 Jacksonville Sheriff's Office, the Alarm User will be required
10 to pay an alarm registration reinstatement fee as set by the
11 Jacksonville Sheriff's Office.

12 (h) The Jacksonville Sheriff's Office may revoke any Alarm Permit
13 Number issued pursuant to this section if the Alarm User has
14 violated any provision of this chapter for which payment of a
15 fee or penalty is provided and has not been paid within the
16 required time period.

17 (i) The Alarm Permit Number issued pursuant to this section shall
18 be in addition to and not in lieu of any other permit, license
19 or certification required by local, state or federal law.

20 **Sec. 168.104. Alarm Contractor Registration Certificate**
21 **required (Alarm Contractors); fees.**

22 (a) It shall be unlawful for any Alarm Contractor to install,
23 maintain, alter, repair, monitor, inspect, replace or service
24 Alarm Systems for compensation within Duval County (excluding
25 the Beaches) without first obtaining an Alarm Contractor
26 Registration Certificate issued by the Jacksonville Sheriff's
27 Office. The Jacksonville Sheriff's Office **shall not respond**
28 to addresses in which Alarm Contractors Registration
29 Certificates have not been issued unless it is a
30 Panic/Distress Alarm. The Alarm Contractor Registration
31 Certificate shall be obtained by submitting an Alarm

1 Contractor Registration Application form to the Jacksonville
2 Sheriff's Office along with the Alarm Contractor initial
3 registration certificate application fee as set by the
4 Jacksonville Sheriff's Office. The Alarm Contractor
5 Registration Certificate shall be valid for a period of one
6 (1) year, unless revoked as provided for in this chapter.

7 (b) Each Alarm Contractor Registration Certificate must be renewed
8 annually and can be renewed up to thirty (30) days before and
9 after the annual expiration date by submitting the Alarm
10 Contractor Registration Application Form, accompanied by the
11 annual fee as set by the Jacksonville Sheriff's Office. If
12 the Alarm Contractor renews the Alarm Contractor Registration
13 Certificate after the Alarm Contractor Registration
14 Certificate has expired for more than thirty (30) days, the
15 Alarm Contractor will be required to pay an Alarm Contractor
16 Registration Certificate reinstatement fee as set by the
17 Jacksonville Sheriff's Office. If an Alarm Contractor renews
18 their Alarm Registration Certificate more than thirty (30)
19 days after the Alarm Registration Certificate has expired, the
20 renewal date of the Alarm Registration Certificate shall not
21 be extended to the time of actual renewal but shall be based
22 on the original expiration date of the Alarm Registration
23 Certificate. The Jacksonville Sheriff's Office shall not
24 respond to addresses in which Alarm Contractor's Registration
25 Certificates have expired for more than thirty (30) days
26 unless it is a Panic/Distress Alarm.

27 (c) The Jacksonville Sheriff's Office may revoke any Alarm
28 Contractor Registration Certificate issued pursuant to this
29 section if the Alarm Contractor has violated any provision of
30 this chapter for which payment of a fee or penalty is provided
31 and has not been paid within the required time period.

1 (d) The Alarm Contractor Registration Certificate issued pursuant
2 to this section shall be in addition to and not in lieu of any
3 other permit, license or certification required by local,
4 state or federal law.

5 (e) Any Alarm Contractor doing business in Duval County (excluding
6 the Beaches) prior to the enactment of this ordinance shall
7 have ninety (90) days from the date on which the online alarm
8 registration system is activated by Jacksonville Sheriff's
9 Office to apply for an Alarm Contractor Registration
10 Certificate. If the Alarm Contractor is registered within
11 ninety (90) days of the date on which the online alarm
12 registration system is activated by Jacksonville Sheriff's
13 Office, the initial Alarm Contractor Registration Application
14 fee will apply. If the Alarm Contractor registers after
15 ninety (90) days from the date on which the online alarm
16 registration system is activated by Jacksonville Sheriff's
17 Office, the Alarm Contractor will be required to pay an Alarm
18 Contractor registration reinstatement fee as set by the
19 Jacksonville Sheriff's Office.

20 **Sec. 168.105. Duties of the Alarm User.**

21 It shall be the duty of the Alarm User to:

22 (a) Maintain the premises and the Alarm System in a manner that
23 will reduce or eliminate false alarms.

24 (b) Provide the Alarm Contractor with the Alarm Permit Number to
25 facilitate dispatch by the Jacksonville Sheriff's Office
26 Communications Center.

27 (c) Shall respond or cause a representative to respond to the
28 Alarm Site within thirty (30) minutes when notified by the
29 Jacksonville Sheriff's Office. If any such person or
30 representative does not arrive at the Alarm Site within thirty
31 (30) minutes after being notified to do so, the Alarm User

1 shall be required to pay a fee as set by the Jacksonville
2 Sheriff's Office.

3 (d) Shall not manually activate an alarm for any reason other than
4 an occurrence of an event that the Alarm System was intended
5 to report.

6 (e) An Alarm User must obtain a new Alarm Permit Number and pay
7 any associated fees if there is a change in address or
8 ownership of a business or residence.

9 **Sec. 168.106. Duties of the Alarm Contractor.**

10 It shall be the duty of the Alarm Contractor to:

11 (a) Comply with all relevant provisions of Chapter 489, Florida
12 Statutes, and Section 553.7931, Florida Statutes.

13 (b) Obtain and maintain the required state and/or county
14 license(s).

15 (c) Provide name, address, and telephone numbers of the Alarm
16 Contractor, or their designee as identified in the Alarm
17 Contractor Registration Certificate, who can be called in an
18 emergency, 24 hours a day; and be able to respond to an alarm
19 call, when notified, within a reasonable amount of time.

20 (d) Be able to provide the most current contact information for
21 the Alarm User. Ninety (90) days after enactment of this
22 Ordinance the Alarm Contractor shall, on all new and up-graded
23 installations, use only alarm control panel(s) which meet SIA
24 Control Panel Standard CP-01.

25 (e) Prior to activation of the Alarm System, the Alarm Contractor
26 must provide instructions explaining the proper operation of
27 the Alarm System to the Alarm User.

28 (f) Provide written information to the Alarm User explaining how
29 to obtain service for the Alarm System.

30 (g) An Alarm Contractor performing monitoring services shall:

- 1 (1) EXCEPT in the case of a Panic/Distress or Robbery-in-
2 progress Alarm, or in cases where a crime-in-progress
3 has been verified by video and/or audible means,
4 attempt to Verify whether an alarm signal is valid by
5 calling the Alarm Site and/or Alarm User by telephone
6 before requesting dispatch.
- 7 (2) If the first attempt to reach an Alarm User who can
8 properly identify himself to attempt to determine
9 whether an Alarm System is valid, fails, the Alarm
10 Contractor must make a second attempt to call the
11 Alarm User at a different telephone number from the
12 first telephone number.
- 13 (3) Provide the Alarm Permit Number to the Jacksonville
14 Sheriff's Office's Communications Center to facilitate
15 dispatch and/or cancellations.
- 16 (4) Communicate a cancellation to the Jacksonville
17 Sheriff's Office's Communications Center within ten
18 (10) minutes of the original alarm dispatch call
19 following a determination that response is not
20 necessary. If cancellation is received after ten (10)
21 minutes of the original request, but prior to the
22 Jacksonville Sheriff's Office arrival on the scene, it
23 will be accepted as a cancellation and the Alarm User
24 will not be subject to a false alarm fine.
- 25 (5) Communicate any available information about the
26 physical location of the alarm and specific drop
27 information.
- 28 (6) Provide notification in writing to an Alarm User,
29 either by providing a registration form or by
30 providing online registration information, of the
31 requirements of Section 168.103 (Alarm Registration

1 required (Alarm Users); fees; Alarm Permit Number)
2 upon installation, activation or reactivation of an
3 Alarm System.

4 (7) Update current customer contact information by
5 reviewing the updated contact information provided by
6 Alarm Users to the Jacksonville Sheriff's Office,
7 which shall be available to the Alarm Contractor. As
8 part of the annual Contractor's Registration
9 application, the Alarm Contractor will provide an
10 attestation to the Jacksonville Sheriff's Office that
11 it has complied with this provision.

12 **Sec. 168.107 Duty of Alarm Monitoring Company.**

13 An alarm monitoring company which is responsible for the
14 ongoing service and/or monitoring of an Alarm System that was not
15 installed by the alarm monitoring company shall notify each of
16 their customers by verbal notice, at a minimum (but may provide
17 written notification), of the requirements of Section 168.103
18 (Alarm Registration required (Alarm Users); fees; Alarm Permit
19 Number). As part of the annual Contractor's Registration
20 application, the alarm monitoring company will provide an
21 attestation to the Jacksonville Sheriff's Office that it has
22 complied with this provision.

23 **Sec. 168.108. False Alarms; Prohibited Acts; Enforcement of**
24 **Provisions.**

25 (a) Responsibility for false alarms under this chapter shall be
26 borne by the Alarm User. For each response by the Jacksonville
27 Sheriff's Office to any false alarm, any violation shall
28 constitute a Class D offense against the City as follows:

29 (1) It is hereby found and determined that three or more
30 false alarms within a permit year is excessive,
31 constitutes a public nuisance, and shall be unlawful.

Civil penalties for false alarms within a permit year shall be assessed against an Alarm User.

- (2) Each and every response to premises during any permit year where there have already occurred two responses to false alarms during that same period, shall be deemed to constitute a violation of this chapter and shall be punishable by a civil penalty. False alarm fines will be assessed as follows:

Number of False Alarms	Fines
1 st Offense in any one calendar year	No Charge
2 nd Offense in any one calendar year	No Charge
3 rd Offense in any one calendar year	\$50.00
4 th Offense in any one calendar year	\$100.00
5 th Offense in any one calendar year	\$150.00
6 th Offense in any one calendar year	\$250.00
7 th Offense or more in any one calendar year	No Response by the Jacksonville Sheriff's Office EXCEPT in the case of a panic or robbery-in-progress alarm (\$250.00 fine will continue to apply to false panic or robbery-in-progress alarms)

- 1 (b) It shall be unlawful to activate an Alarm System for the
2 purpose of summoning law enforcement when no burglary,
3 robbery, or other crime against life or property is being
4 committed or attempted on the premises, or otherwise to cause
5 a false alarm. Alarm Users will be issued a notice of alarm
6 violation for officers dispatched to this type of false alarm.
- 7 (c) It shall be unlawful to install, maintain, or use an audible
8 alarm system which can sound continually for more than fifteen
9 (15) minutes.
- 10 (d) It shall be unlawful to install, maintain, or use an automatic
11 dial protection device that reports, or causes to be reported,
12 any recorded message to the Jacksonville Sheriff's Office.
- 13 (e) Other civil penalties and violations will be enforced through
14 the assessment of civil penalties established by the
15 Jacksonville City Council.
- 16 (f) Payment of civil penalties shall be paid within thirty (30)
17 days from the date of the invoice.
- 18 (g) The failure of an Alarm User to make payment of any civil
19 penalty assessed under this ordinance within thirty (30) days
20 from the date of the invoice shall **result in discontinuance of**
21 **law enforcement response** to alarm signals that may occur at
22 the premises described in the Alarm User's permit until
23 payment is received. In addition, failure to register and
24 obtain a permit may result in no law enforcement response to
25 an unregistered alarm.
- 26 (h) A violation of any of the provisions of this subsection shall
27 be a civil violation and shall not constitute a criminal
28 offense.

29 **Sec. 168.109. Certain telephone alarm devices prohibited.**

30 It shall be unlawful for any person to install, maintain, own,
31 possess or operate any telephone alarm device regulated or

1 programmed to make connection with any telephone installed in any
2 facility of the Jacksonville Sheriff's Office.

3 **Sec. 168.110. Unlawful activation of Alarm Systems.**

4 It shall be unlawful for any person to activate any Alarm
5 System or audible alarm except in the event of an actual attempted
6 burglary or robbery or other valid emergency or for routine testing
7 purposes.

8 **Sec. 168.111. Alarm User Awareness Class.**

9 The Jacksonville Sheriff's Office supports the development of
10 an Alarm User Awareness Class administered by local contract alarm
11 companies. The class shall inform Alarm Users of the problems
12 created by false alarms and instruct alarm users how to help reduce
13 false alarms. The Jacksonville Sheriff's Office may grant the
14 option of attending a class, once every twenty-four months, in lieu
15 of paying one (1) assessed fine, not to exceed one hundred dollars
16 (\$100).

17 **Sec. 168.112. Appeals.**

18 (a) **Appeals process.** Assessments of civil penalties and other
19 enforcement decisions made under this ordinance may be
20 appealed by filing a written notice of appeal with the
21 Jacksonville Sheriff's Office within ten (10) days after the
22 date of notification of the assessment of civil penalties or
23 other enforcement decisions. Failure to give notice of appeal
24 within this time period shall constitute a waiver of the right
25 to contest the assessment of penalties or other enforcement
26 decision. Appeals shall be heard through an administrative
27 process established by the Jacksonville Sheriff's Office. The
28 hearing officer's decision is subject to review in the county
29 court by proceedings in the nature of certiorari.

30 (b) **Appeal standard.** The Alarm Control Officer shall review
31 appeals from the assessment of civil penalties or other

1 enforcement decisions using a preponderance of the evidence
2 standard. Notwithstanding a determination that the
3 preponderance of the evidence supports the assessment of civil
4 penalties or other enforcement decision, the Alarm Control
5 Officer shall have the discretion to dismiss or reduce civil
6 penalties or reverse any other enforcement decision where
7 warranted.

8 **Sec. 168.113. Confidentiality.**

9 In the interest of public safety, all information contained in
10 and gathered through the alarm registration applications, no
11 response records, applications for appeals and any other alarm
12 records shall be held in confidence by all employees and/or
13 representatives of the Jacksonville Sheriff's Office, pursuant to
14 Sections 281.301 and 119.071, *Florida Statutes*.

15 **Sec. 168.114. Government Immunity.**

16 Alarm registration is not intended to, nor will it, create a
17 contract, duty or obligation, either express or implied, of
18 response. The City of Jacksonville and Jacksonville Sheriff's
19 Office is immune from tort liability except to the extent it is
20 waived in Section 768.28, *Florida Statutes*. By applying for an
21 alarm registration, the alarm user acknowledges that the
22 Jacksonville Sheriff's Office response may be influenced by factors
23 such as: the availability of law enforcement officers, priority of
24 calls, weather conditions, traffic conditions, emergency
25 conditions, staffing levels and prior response history.

26 **Sec. 168.115. Penalty.**

27 Except as otherwise specified herein, any act or omission
28 which is stated in this Chapter to be unlawful shall be punishable
29 as a Class D offense against the city.

30 **Section 3. Providing for an educational component.**

31 Within ninety (90) days of the effective date of this

1 ordinance, the Jacksonville Sheriff's Office shall provide for an
2 educational program regarding the requirements of this ordinance
3 for those residential premises and commercial premises affected by
4 this ordinance. This shall include updating information on the
5 Jacksonville Sheriff's Office website and the City of Jacksonville
6 website to include links to the newly enacted ordinance and other
7 information regarding the requirements for registration of alarm
8 systems. The Jacksonville Sheriff's Office may also provide
9 information concerning the alarm registration requirements through
10 social media, public service announcements, community outreach
11 participation or events, or direct mail-outs. In addition, the
12 Jacksonville Sheriff's Office shall encourage alarm contractors and
13 alarm monitoring companies to provide notice to their customers in
14 billing statements or other correspondence with the customer
15 regarding the enactment of this ordinance and the requirements for
16 registration of alarm systems.

17 The Jacksonville Sheriff's Office shall not begin enforcement
18 of this ordinance until the ninety (90) day education program is
19 concluded and the alarm registration system is available for use
20 online.

21 **Section 4. Severability.** The provisions of this
22 ordinance are severable. If a court determines that a work, phrase,
23 clause, sentence, paragraph, subsection, section, or other
24 provision is invalid or that the application of any part of the
25 provision to any person or circumstance is invalid, the remaining
26 provisions and the application of those provisions to other persons
27 or circumstances are not affected by that decision.

28 **Section. 5. Effective Date.** This ordinance shall become
29 effective upon signature by the Mayor or upon becoming effective
30 without the Mayor's signature.

1 Form Approved:

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4 /s/ Paige Hobbs Johnston

5 Office of General Counsel

6 Legislation Prepared By: Paige Hobbs Johnston

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