

Sec. 50-15. - Fire alarms, regulations, penalties, enforcement.

(a)

Purpose of regulation. The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false fire alarms.

(b)

Scope of regulations. The provisions of this section shall apply throughout the geographical area serviced [by] the Miami Beach Fire Department.

(c)

Definitions.

(1)

Alarm user means the person or other entity that owns, possesses, controls, occupies or manages any premises as defined below.

(2)

False fire alarm means a signal from a fire alarm system that elicits a response by the Fire Department when no actual or threatened fire-related emergency exists. This definition includes signals activated by negligence, Accident, mechanical failure, and electrical failure signals activated intentionally in non-emergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a fire alarm is false if personnel responding from the Fire Department do not discover any evidence of fire or other emergency after following normal Fire Department operating procedures in investigating the incident. An alarm is not false if the alarm user provides evidence that (1) an individual activated the alarm based upon a reasonable belief that a fire-related emergency existed; (2) the alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system; or (3) the alarm was activated by vandals.

(3)

Fire alarm system means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related emergency, requiring urgent attention and to which Fire Department personnel may reasonably be expected to respond, but does not include household fire alarm systems installed in one- or two-family dwellings.

(4)

Household fire alarm system means a system of devices that is listed for residential use and installed in a one- or two-family dwelling other than facilities that are required to be licensed.

(5)

Premises means the building or structure, or portion of a building or structure, upon which a fire alarm system is installed or maintained.

(6)

Vandals means a person or persons who willfully cause damage to the fire alarm system which results in the activation of a fire alarm.

(d)

Fire alarms; posting requirements. A fire alarm user shall conspicuously post at the main entrance to the alarm user's premises a notice stating (1) the name of an individual or alarm company able and authorized to enter the premises and deactivate the alarm; (2) emergency telephone numbers by which those individuals can be reached at all times; and (3) the name

and address of the alarm user. The information must be kept current and failure to update this information within 48 hours of any change constitutes a violation of this section.

(e)

False fire alarms prohibited. No fire alarm user shall cause, allow, permit or suffer the fire alarm system to emit three or more false alarms in any calendar year.

(f)

Inspection requirements/post activation. After the second and each additional false fire alarm in one calendar year, the alarm user shall, within 30 days, after the second or subsequent fire alarm activation, file a written inspection and test report with the Fire Department from a licensed fire alarm contractor stating that the fire alarm system has been inspected and tested since the last false fire alarm. The report shall set forth the probable cause of the activation, description of any repairs, modifications made or actions taken to prevent additional false alarm activations. The inspection and test report shall also state that the system is currently fully functional without deficiencies.

(g)

Penalties. A violator of this section shall receive a fine(s) as follows:

(1)

For the first false alarm within a calendar year: A notice of violation with no fine.

(2)

For the second false alarm within a calendar year: A notice of violation with no fine.

(3)

For the third and fourth false alarm within a calendar year: A citation with a fine of \$250.00.

(4)

For the fifth false alarm and subsequent false alarms including the twelfth false alarm within a calendar year: A citation with a fine of \$500.00.

(5)

For the thirteenth and subsequent false alarms within a calendar year: A citation with a fine of \$1,000.00.

(h)

Enforcement. The fire inspector shall issue a citation for each false alarm. A violator who has been issued a citation under this section shall elect either to:

(1)

Pay the civil fine in the manner indicated on the citation; or

(2)

Request an administrative hearing before a special master to appeal the decision of the fire inspector which resulted in the issuance of the citation.

(i)

Appeal of a citation. The violator may appeal the citation by requesting an administrative hearing within ten days from the date of issuance. The procedures for appeal of the citation shall be as set forth in [Chapter 30](#), as may be amended from time to time.

(j)

Failure to appeal. Failure of the named violator to appeal the citation within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the citation, and fines are owed to the City. Unpaid fines may result in the imposition of larger fines and/or further enforcement as set forth in this Chapter.

(k)

Appeal of special master's decision. Any party aggrieved by the decision of a special master may appeal that decision as provided by applicable Florida Statutes and Florida Rules of Appellate Procedure.

(l)

Imposition of civil fines. The City may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the City may institute proceedings to foreclose or otherwise execute on the lien.

(Ord. No. 2015-3980, § 3, 12-9-15, eff. 4-1-16)