

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING SECTIONS 25-39.1 THROUGH 25-39.3 OF MIAMI BEACH CITY CODE CHAPTER 25, ENTITLED "OFFENSES-MISCELLANEOUS"; AND SUBSTITUTING THEREFORE A NEW SECTION 25-39.1 ENTITLED "BURGLAR ALARMS"; PROVIDING DEFINITIONS; REQUIRING ALARM USER REGISTRATION AND PERMIT; REQUIRING CERTAIN EQUIPMENT IN BURGLAR ALARM SYSTEMS; PROHIBITING FALSE INTRUSION ALARMS; PROVIDING FOR ENFORCEMENT; PROVIDING PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, within the City of Miami Beach, there are numerous burglar alarm systems which are privately- owned and operated, and

WHEREAS, repeated malfunctions and false alarms from these systems cause substantial misuse of the manpower and resources of the City of Miami Beach Police Department by causing the dispatch of police officers to the scene of false burglar alarms, and

WHEREAS, false burglar alarms are a threat to the safety of the residents of the City by removing police from patrol duties and preventing police from responding to citizens with legitimate emergencies, and

WHEREAS, false burglar alarms have resulted in over \$400,000 worth of lost public safety services ,thereby causing an unjustified economic burden to the residents of the City,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Sections 25-39.1 through 25-39.3 of Miami Beach City Code Chapter 25, entitled "Offenses-Miscellaneous" reading as follows, are hereby repealed in their entirety:

~~Sec. 25-39.1. False burglary and robbery alarms - Definitions.~~

~~(a) As used in this section, the term "false alarm" shall mean the activation of a burglary or robbery alarm by other than forced entry, attempted false entry, robbery in progress, attempted robbery, or any other crime of a felonious nature at a time when no burglary or robbery is being committed or attempted on the premises.~~

~~(b) "False alarms" do not include signals activated by unusual weather or atmospheric condition or other causes identified by the chief of police or his designee, which are deemed to be beyond the control of the user or security alarm dealer or caused by failures in the telephone system.~~

~~(c) As used in this section the term "grace period" shall mean that if any alarm business installing such a burglary or robbery alarm user notifies the police officer dispatched to the scene of the false alarm that the alarm system has been installed within the past thirty days, then the alarm user upon whose property such alarm has been installed will be given a thirty day grace period from the date of the installation to correct any malfunctions as a result of the installation.~~

~~(d) As used in this section, the term "automatic telephone alarm system" shall mean any device which, when activated, automatically transmits by telephone a recorded alarm message or electronic or mechanical alarm signal to any telephone instrument installed in the police department and which is also referred to as an automatic telephone dialing device.~~

~~(e) As used in this section, the term "alarm business" means the business of any individual, partnership, corporation or any other business entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility. An alarm business shall be a burglar alarm specialty electrical contractor which shall have, as a qualifying agent, a master burglar alarm technician with a valid Dade County certificate of competency.~~

~~(f) As used in this section, "alarm system" means any assembly of mechanically or electrically arranged equipment to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police department is expected to respond, but does not include fire alarm or alarms installed in motor vehicles.~~

~~(g) As used in this section, "alarm user" means the person, trustee, firm, partnership, corporation, association, company, or incorporated or unincorporated business entity of any kind which is the owner or lessor of the real property containing a building, structure, or dwelling with alarm systems and/or the lessee, occupant, including the employees, agents and servants in control of any building, structure or dwelling or portion thereof, wherein an alarm system is maintained, if someone other than the owner or lessor occupies same on or about the time of the occurrence of the false alarm.~~

~~(h) As used in this section, the term annual period shall mean the yearly period of three hundred sixty-five or three hundred sixty-six days, as the case may~~

be, commencing on January 1 and ending on December 31 of each year.

~~Sec. 25-39.2. Same Responses to false alarms:~~

~~(a) A response for a false alarm shall be borne by an alarm user and shall result when any police officer dispatched to the scene of the activated alarm system determines the alarm to be false, said officer shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user, at the address of said alarm system installation location, advising the alarm user of the false alarm.~~

~~(b) The chief of police, or his designee, shall have the right to inspect any alarm system on the premises to which a response has been made and may cause the inspection of same to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this section.~~

~~(c) If a police officer of the City of Miami Beach responds to any false alarm in the city, the City of Miami Beach shall charge the following regulatory fees to the alarm user, which fees shall be collected by the city finance director:~~

~~(1) For the first, second, third and fourth response to a false alarm within an annual period, no fee shall be assessed, but the alarm user responsible for the false alarm shall take whatever corrective action necessary to insure that the fourth false alarm will be last.~~

~~(2) For each successive response after the fourth response within an annual period, a fee of twenty-five dollars (\$25.00) shall be assessed; for purposes of this subsection the annual period commences each January 1 and ends on December 31 of each year.~~

~~Sec. 25-39.3 Same Appeal; penalty; payment of collection costs and attorney fees:~~

~~(a) A hearing officer shall be appointed by the city manager to hear appeals from alarm users on the issue of whether the alarm system in question activated a false alarm, as determined by the police officer(s) dispatched to the scene of the activated alarm.~~

~~(b) The alarm user shall have ten days from the date the false alarm fee in question is assessed, to request in writing a hearing from the city manager before his appointed hearing officer.~~

~~(c) At the hearing, which must be scheduled and concluded within thirty days from the date the request for same is received, the alarm user shall have the right to present evidence and testimony.~~

~~(d) The hearing officer shall make written findings available to the alarm user and the chief of police within ten days from the date the hearing is held and concluded.~~

~~(e) A decision by the city manager, to uphold or to cancel the false alarm fee which is the subject of the hearing must be made within ten days of the receipt~~

of the above findings by the hearing officer.

~~(f) Until all of the steps set forth in the foregoing subsections have been completed, the false alarm in question will be considered to have been genuine and will be considered on the prima facie presumption that the involved alarm system is malfunctioning.~~

~~(g) Absent an appeal being taken as provided for herein, should a violation of this section continue past a reasonable time of thirty days for correction, or should an alarm user fail to pay the fees assessed for a violation within thirty days of when due, in addition to any other penalties imposed by law, a fine not to exceed five hundred dollars may be imposed by the City of Miami Beach Code Enforcement Board or by a court of competent jurisdiction for each and every violation of this section. The alarm user shall pay all costs of collection, including reasonable attorney fees incurred in the collection of false alarm fees, penalties and liens imposed by virtue of this chapter.~~

~~(h) In the event the alarm user fails to pay any fine or other penalty provided by law so imposed within thirty days of its imposition then it shall result in a certified copy of the fine to be recorded in the Public Records of Dade County, Florida, and thereafter shall constitute a lien against the real property on which the alarm system is located. Liens arising by virtue of this paragraph shall have the same dignity as lien acquired by virtue of the City Charter.~~

SECTION 2. That a new Miami Beach City Code Section 25-39.1 , entitled "Burglar Alarms" is hereby enacted to read as follows:

Section 25-39.1 Burglar Alarms

1. The purpose of this section is to place the responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false burglary and robbery alarms.

2. Definitions. The following terms shall have the following meanings for purposes of this section:

(a) "Alarm user" shall mean the person or other entity that owns, possesses, controls, occupies, or manages any premises as defined below.

(b) "Intrusion alarm system" shall mean any assembly of equipment, mechanical

or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the Police Department may reasonably be expected to respond, but does not include fire alarms or alarms installed in motor vehicles. If a fire alarm system is connected to an intrusion alarm system, this section shall not apply to false alarms that the alarm user proves were generated by the fire alarm portion of the system.

(c) "False intrusion alarm system" shall mean a signal from an intrusion alarm system that elicits a response by the police when no emergency or actual or threatened criminal activity requiring immediate response 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 an intrusion alarm is false if the responding police officer does not discover any evidence of unauthorized entry, criminal activity, or other emergency after following normal police procedures in investigating the incident. An alarm is not false if the alarm user proves that:

1. An individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed;
or

2. The alarm system was activated by lightning, thunderstorms, severe weather conditions, or an electrical surge that caused physical damage to the system, as evidenced by testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system.

(d) "Premises" shall mean the building or structure or portion thereof upon which

an intrusion alarm system is installed or maintained.

3. Alarm registration and permit.

After the date of the enactment of this Section, anyone having a new alarm shall pay a \$50.00 Permit Fee to the City which shall be used to defray the cost of registration of the new alarm user(s) and other administrative costs associated with this program. Users who had intrusion alarms installed prior to the enactment of this Section shall pay the \$50.00 permit fee during the month following enactment of this legislation, but by no later than September 30th. Permits shall be renewed annually during the month of January. The fee for renewal will be \$10.00. Failure to pay the Permit Fee shall result in the termination of police response to intrusion alarms. The \$10.00 renewal fee will be waived for all alarm users who have had no false intrusion alarms during the past 12 months.

Before police response to any alarm is terminated under this section, the Police Department will notify the alarm user and the alarm monitoring company by certified mail, return receipt requested. The notification will inform the alarm user and the alarm monitoring company that the alarm is being operated in violation of this section and that police response to alarms will be terminated in 30 days unless the alarm is registered and the fee is paid.

The alarm company that installs an alarm system, or the user of an alarm system not installed by a company, shall file the following information with the City of Miami Beach Police Department False Alarm Section within 48 hours of such installation, excluding weekends and holidays. For alarms existing before the enactment of this ordinance, alarm users must, within 60 days of enactment of this legislation, file a completed alarm registration/permit form with the Police Department, providing the following information:

(a) the names of individuals able and authorized to enter the premises and deactivate the alarm;

(b) emergency telephone numbers by which those individuals can be reached at all times;

(c) the name and telephone number of the alarm company that is monitoring the alarm system, if applicable;

(d) the name and telephone number of the alarm company that installed the system, if different from the monitoring entity;

(e) the name and address of the alarm user. The alarm company or - where there is no alarm company - the user, must make certain that the information filed with the Police Department is current. Failure to update this information within five (5) working days of any change, excluding weekends and holidays, constitutes a violation of this section;

(f) whether the alarm is equipped with a backup power supply that will automatically be activated in the event of a power failure;

(g) whether the alarm is equipped with a device that automatically silences the alarm within fifteen (15) minutes after activation.

(4) Required Equipment in an Intrusion Alarm.

An intrusion alarm user shall not use an intrusion alarm system unless that intrusion alarm system is equipped with:

(a) a backup power supply that will automatically be activated in the event of power failure or outage; and

- (b) a device that automatically silences the alarm within fifteen (15) minutes after activation.

Within (18) months from the effective date of this section, alarm users shall be responsible to ensure that all existing intrusion alarm systems are brought into compliance with paragraphs 4(a) and 4(b) above. Intrusion alarms installed after the enactment of this legislation shall comply with the requirements of 4(a) & 4(b) before they can be activated in the City of Miami Beach.

5. Cancelling False Intrusion Alarm Calls.

Alarm monitoring companies shall in all cases attempt to verify that any activated alarm is not false. They shall, within 10 minutes of the alarm activation, notify the Miami Beach Police Department to cancel a police response to alarm calls that they have determined false as defined in 2(c). The Police Department will cancel the police response only under the following conditions:

- (a) the Police Department received notification prior to the officer's arrival at the alarm location;
- (b) the alarm is not a panic alarm.

6. False Intrusion Alarms Prohibited.

Each false intrusion alarm after the third in any dynamic twelve (12) month period shall be a violation.

7. Penalties.

Each violation of this section shall be punished as follows:

- (a) For a first violation, a fine of fifty dollars (\$50.00);

(b) For every subsequent violation, a fine of one-hundred dollars (\$100.00) will be assessed for each alarm:

(c) Upon the seventh violation in a twelve (12) month dynamic period, the police will SUSPEND response to the location for the remainder of the twelve-month period. The user will be notified by certified mail, return receipt requested, that (30) calendar days from the receipt of the notification letter, the Police Department will suspend response to the user's location.

1. If an appeal is filed by the alarm user or alarm company pursuant to 7(c), service shall not be suspended until after the appeal is heard pursuant to Section 9.

(d) An alarm user shall not be fined more than two hundred dollars (\$200.00) for false alarms that occur at the same premises in any twenty-four hour (24) period.

(e) For each violation of section 5, the alarm monitoring company shall be fined one hundred dollars (\$100.00).

8. Initial Review.

Upon review of any False Alarm Warning Notice, False Alarm Notice of Assessment, or Alarm Subscriber Permit Warning from the City, the alarm user shall have (15) days from the date the notice was postmarked to request an initial review of the facts. The alarm user will be required to submit the request for review in writing to the False Alarm Section. The request must include the specific defenses, as defined in the False Alarm Ordinance, why the activation occurred, and what actions have been taken to eliminate the cause. All such requests shall be mailed, or hand delivered to the Miami Beach Police Department False Alarm Section, 1100 Washington Avenue, Miami Beach Florida, 33139.

Within 10 working days of receipt of the Request for Review, the False Alarm Section will review the information provided by the alarm user and determine if the defense is one allowed by ordinance. If it is, the user will be sent a Police Review Letter indicating that the alarm meets the exception criteria under this ordinance and that the alarm will be removed from the user's record as a false alarm incident.

If the defense provided is one not allowed by the ordinance, the alarm user will be sent a Police Review letter indicating that the documentation provided does not contain reasons allowed under the ordinance and that the alarm will remain a false alarm as part of the alarm user's record. In this case the Police Review Letter will also provide the alarm user with information on how and where to appeal.

9. Appeals.

(a) A hearing officer(s) shall be appointed by the City Manager to hear appeals from alarm users/alarm monitoring companies. In this section, "alarm user" and "alarm monitoring company" shall be used interchangeably and shall apply to both.

(b) Upon receipt of a Police Review Letter indicating that the alarm will remain a false alarm as part of the alarm user's record, the alarm user shall have (15) days from the date the notice was postmarked to request a hearing, in writing. All such requests shall be mailed or hand-delivered to the Miami Beach City Hall, 1700 Convention Center Drive, Attention City Clerk's Office, Miami Beach Florida 33139. The City Clerk shall notify the Police Department of the request for hearing on the next working day following receipt of same.

(c) All requests for hearings must be accompanied by a filing bond of \$75.00 in cash, money order, or certified check, for each alarm disputed. This bond will be returned to the

user if the hearing officer rules in his/her favor.

(d) At the hearing, which shall take place within (15) days from the date the request was received, the alarm user shall have the right to present evidence and testimony. Within (10) days of the hearing, the hearing officer shall make written findings available to the alarm user and the Chief of Police.

10. Notification of False Alarms.

It is the responsibility of each alarm user to monitor the occurrences of false alarms on its premises. The City shall notify the alarm user within (15) days of each false alarm occurrence. Such notice shall be provided by posting a notice on the premises; or by mailing notice to the alarm user.

11. Limitation to Police Response.

(a) Police are not required to respond:

1. To intrusion alarms at locations where seven (7) or more substantial false alarms occurred in a dynamic twelve (12) month period unless the provisions of section 9 are complied with;
2. To intrusion alarms at locations where an intrusion alarm fine was not paid within sixty (60) days of a notice of violation unless the provisions of paragraph 9 are complied with;
3. To locations where required alarm registration information was not filed within sixty (60) days of a notice of violation for failure to file alarm information.

(b) Nothing herein shall:

1. Preclude the Police Department from responding to panic or ambush alarm signals, calls describing emergencies or crimes in progress, or routine calls for service;
2. Limit the Police Department from issuing a notice of violation for alarms in violation of this ordinance;
3. Be construed to create a duty to respond in any circumstances where such a duty does not exist pursuant to the statutory or common law of Florida.

(c) A notice that police response will be discontinued, for any of the above reasons, will accompany a notice of violation and will be posted at the affected location, or be sent to the user by certified mail, return receipt requested, at least thirty (30) days prior to discontinuing service.

(d) Police response will continue while an appeal is pending under paragraph 9.

(e) Restoration of police response to burglar alarms. In order to restore police response to burglar alarms at terminated locations, the alarm user must:

1. When police response had been discontinued pursuant to 11(a)1, submit a letter or written report from a licensed alarm company certifying that the alarm system is working properly, and pay all outstanding burglar alarm ordinance fines;
2. When police response had been discontinued pursuant to 11(a)2, pay all outstanding burglar alarm ordinance fines;
3. When police response has been discontinued pursuant to 11(a)3, submit completed alarm registration information to the Police Department and pay all outstanding burglar alarm ordinance fines.

12. Enforcement.

This section shall be enforced by the Police Department of the City of Miami Beach, Florida.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 6. EFFECTIVE DATE

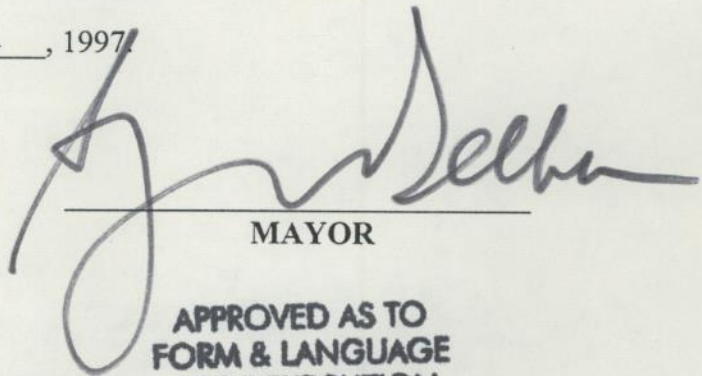
This Ordinance shall take effect on the 12th day of April, 1997.

PASSED AND ADOPTED this 2nd day of April, 1997.

ATTEST:

Robert Parcher
CITY CLERK

1st reading 3/19/97
2nd reading 4/2/97


MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

W. H. Dell 3/19/97
City Attorney Date

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
http://ci.miami-beach.fl.us



COMMISSION MEMORANDUM NO. 232-97

TO: Mayor Seymour Gelber and
Members of the City Commission

DATE: April 2, 1997

FROM: Jose Garcia-Pedrosa
City Manager

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING SECTIONS 25-39.1 THROUGH 25-39.3 OF MIAMI BEACH CODE CHAPTER 25, ENTITLED "OFFENSES - MISCELLANEOUS"; AND SUBSTITUTING THEREFORE A NEW SECTION 25-39.1 ENTITLED "BURGLAR ALARMS"; PROVIDING DEFINITIONS; REQUIRING ALARM USER REGISTRATION AND PERMIT; REQUIRING CERTAIN EQUIPMENT IN BURGLAR ALARM SYSTEMS; PROHIBITING FALSE INTRUSION ALARMS; PROVIDING FOR ENFORCEMENT; PROVIDING PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

BACKGROUND

This Ordinance was adopted passed on first reading on March 19, 1997 by the Mayor and City Commission.

The Police Department conducted a study with regard to the use of alarms in the city. The study focused on the number of false alarms that occur in the city, the police officers time that is spent answering these false alarms, and the monetary loss suffered by the city as a result of responding to false alarms. A copy of the study is attached.

The problem of false alarms has become so acute on a nationwide basis that the International Association of Chiefs of Police has noted that "One of law enforcement greatest concerns over the past decade has been the overwhelming number of false alarms, which are demanding increasing amounts of time from our nation's officers."

The Police Department conducted a very thorough analysis of the problem. The analysis included a study of all alarm calls, their cost to the city, their impact on other service and emergency calls, and a review of other jurisdictions' responses to this problem.

AGENDA ITEM R5C

DATE 4-2-97

COMMISSION MEMORANDUM

Page 2

Highlights from the study include such facts as:

- * 99.43% of all alarms are false
- * False alarm calls increased 35% between 1990 and 1996
- * False alarms accounted for 14% of all incoming calls

The city is spending over \$400,000 annually in responding to false alarms. The police department has concluded that Section 25-39 of the Code of the City of Miami Beach should be amended in order to provide a more efficient service to the community we serve.

The new ordinance:

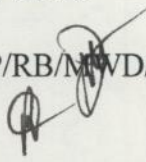
- * Requires a permit fee prior to installation;
- * Requires that the alarm be approved, have a back-up power supply, and a device that silences the alarm after 15 minutes of operation;
- * Requires all alarm locations be registered with the police department. The registration information must include emergency contact information for the alarm site and the monitoring company;
- * Requires that the monitoring company verify the alarm before it is called into the police department; and
- * Restructures the false alarm fee schedule to be consistent with schedules found throughout neighboring cities in Dade County.

This revision of the ordinance was referred to the Capital Improvements/Finance Committee by the Mayor and the City Commission on September 25, 1996. On October 10, 1996, the Capital Improvements/Finance Committee met and approved the amendment.

CONCLUSION

This amendment to the existing ordinance will benefit the citizens of Miami Beach by reducing the number of responding to false alarms and thus providing more efficient service to the community they serve.

JGP/RB/MWD/SDR/MS/led

A handwritten signature in black ink, appearing to be a stylized name, located below the typed initials.

ORIGINAL

ORDINANCE NO. 97-3078

Repealing §25-39.1 through 25-39.3 of
M.B. City Code Chapter 25, entitled
Offenses-Miscellaneous;

ORDINANCE NO. 2014-3830

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE MIAMI BEACH CITY CODE, ENTITLED "EMERGENCY SERVICES," BY AMENDING ARTICLE II THEREOF, ENTITLED "ALARM SYSTEMS," BY AMENDING SECTION 42-86, ENTITLED "FALSE ALARMS," TO PROHIBIT THREE (3) OR MORE FALSE INTRUSION ALARMS; BY AMENDING SECTION 42-89 ENTITLED "NOTIFICATION OF FALSE ALARMS," WHICH SHALL BE ENTITLED "ENFORCEMENT," AND SETS FORTH THE ENFORCEMENT AUTHORITY OF THE MIAMI BEACH POLICE DEPARTMENT AND THE ISSUANCE OF A NOTICE OF VIOLATION FOR SECTION 42-86; BY AMENDING SECTION 42-90 ENTITLED "INITIAL REVIEW UPON NOTIFICATION," WHICH SHALL BE ENTITLED "RIGHTS OF VIOLATORS; PAYMENT OF FINE; RIGHT TO APPEAR; FAILURE TO PAY CIVIL FINE OR TO APPEAL," AND SPECIFICALLY DELINEATES THE RIGHTS OF VIOLATORS, PAYMENT OF FINE, RIGHT TO APPEAR, AND FAILURE TO PAY THE CIVIL FINE OR APPEAL; BY AMENDING SECTION 42-91 ENTITLED "APPEAL OF FALSE ALARM DESIGNATION," WHICH SHALL BE ENTITLED "PENALTIES," BY PROVIDING FOR PENALTIES REGARDING A FALSE INTRUSION ALARM; BY DELETING SECTION 42-92 ENTITLED "PENALTY FOR VIOLATION OF DIVISION"; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, throughout the City of Miami Beach (the "City"), exists numerous intruder alarm systems that are privately owned, operated and maintained; and

WHEREAS, the continued false alarms from these intruder alarm systems cause substantial deviation of the City of Miami Beach Police Department resources by causing the dispatch of police officers to the scene of false intruder alarms; and

WHEREAS, these false alarms are a continued threat to the safety of the residents of the City by removing police officers from patrol duties, and preventing police officers from responding to legitimate emergencies; and

WHEREAS, the current penalty provisions fail to deter the continued malfunctioning of these false alarms, and unnecessarily diverts the patrol duties of the Miami Beach Police Department; and

WHEREAS, the Administration and the Miami Beach Police Department recommends amending the penalty provision for violation of Article II, which are necessary to accomplish the above objectives; and

WHEREAS, the City Commission accepts the recommendation of the Finance and Citywide Projects Commission Committee rendered on April 25, 2013, to amend Chapter 42, entitled "Emergency Services" by amending Article II, entitled "Alarm Systems."

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Article II, entitled, "Alarm Systems," of Chapter 42 of the Miami Beach City Code, entitled "Emergency Services," is hereby amended as follows:

CHAPTER 42

EMERGENCY SERVICES

* * *

ARTICLE II. ALARM SYSTEMS

* * *

Sec. 42-86. False alarms.

~~Each false intrusion alarm after the third in any dynamic 12-month period shall be a violation of this division. No alarm user shall cause, allow or permit the intrusion alarm system to give four (4) or more false intrusion alarms in any registered period.~~

* * *

Sec. 42-89. Notification of false alarms. Enforcement.

~~It is the responsibility of each alarm user to monitor the occurrences of false alarms on its premises. The city shall notify the alarm user within 15 days of each false alarm occurrence. Such notice shall be provided by posting a notice on the premises or by mailing notice to the alarm user.~~

The Miami Beach Police Department shall enforce the provisions of this section. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section, and all applicable laws. If an enforcing officer finds a violation of this section, the officer may issue a Notice of Violation to the violator. The Notice of Violation must inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the Violation may be appealed by requesting an administrative hearing within ten days after service of the Notice of Violation, and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a waiver of the right to a hearing.

Sec. 42-90. Initial review upon notification. Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal.

- (a) ~~Upon review of any false alarm warning notice, false alarm notice of assessment or alarm subscriber permit warning from the city, the alarm user shall have 15 days from the date the notice was postmarked to request an initial review of the facts. The alarm user will be required to submit the request for review in writing to the false alarm section. The request must include the specific defenses, as defined as a false intrusion alarm in section 42-81, why the activation occurred, and what actions have been taken to eliminate the cause. All such requests shall be mailed or hand delivered to the city police department false alarm section, 1100 Washington Avenue, Miami Beach, Florida 33139.~~

- ~~(b) Within ten working days of receipt of the request for review, the false alarm section will review the information provided by the alarm user and determine if the defense is one allowed by this division. If it is, the user will be sent a police review letter indicating that the alarm meets the exception criteria under this division and that the alarm will be removed from the user's record as a false alarm incident.~~
- ~~(c) If the defense provided is one not allowed by this division, the alarm user will be sent a police review letter indicating that the documentation provided does not contain reasons allowed under this division and that the alarm will remain a false alarm as part of the alarm user's record. In this case, the police review letter will also provide the alarm user with information on how and where to appeal.~~
- (1) A violator who has been served with a Notice of Violation must elect to either:
- a. Pay the civil fine in the manner indicated on the Notice of Violation; or
 - b. Request an administrative hearing before a special master to appeal the Notice of Violation, which must be requested within 10 days of the issuance of the notice of violation.
- (2) The procedures for appeal by administrative hearing of the Notice of Violation shall be as set forth in sections 30-72 and 30-73.
- (3) If the named violator, after issuance of the Notice of Violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master may be informed of such failure by report from the officer. Failure of the named violator to appeal the decision of the officer within the prescribed time period must constitute a waiver of the violator's right to an administrative hearing before the special master, and must be treated as an admission of the violation, which fines and penalties to be assessed accordingly.
- (4) A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the recording of any such lien that remains unpaid, the City may foreclose or otherwise execute upon the lien.
- (5) Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.
- (6) The Special Master shall be prohibited from hearing the merits of the Notice of Violation or the consideration of the timeliness of a request for an administrative hearing, if the violator has failed to request the administrative hearing within ten (10) days of the issuance of the Notice of Violation.
- (7) The Special Master shall not have discretion to alter the penalties prescribed in sections 42-91 and 42-92.

Sec. 42-91. ~~Appeal of false alarm designation. Penalties.~~

- ~~(a) A hearing officer shall be appointed by the city manager to hear appeals from alarm users/alarm monitoring companies. In this section, "alarm user" and "alarm monitoring company" shall be used interchangeably and shall apply to both.~~
- ~~(b) Upon receipt of a police review letter indicating that the alarm will remain a false alarm as part of the alarm user's record, the alarm user shall have 15 days from the date the notice was postmarked to request a hearing, in writing. All such requests shall be mailed or hand delivered to city hall, 1700 Convention Center Drive, attention city clerk's office, Miami Beach, Florida 33139. The city clerk shall notify the police department of the request for hearing on the next working day following receipt of the request.~~
- ~~(c) All requests for hearings must be accompanied by an appeal fee, as approved by a resolution of the city commission, in cash, money order, or certified check for each alarm disputed. The appeal fee will be returned to the user if the hearing officer rules in his/her/its favor.~~
- ~~(d) At the hearing, which shall take place within 15 days from the date the request was received, the alarm user shall have the right to present evidence and testimony. Within ten days of the hearing, the hearing officer shall make written findings available to the alarm user and the chief of police.~~
- (a) Civil fine for violators. The following civil fines must be imposed for a violation of Section 42-86, for those violations incurred for a false intrusion alarm:
 - 1. For the fourth false burglar alarm in the user's registration period, by a fine of \$50.00.
 - 2. For the fifth false burglar alarm in the user's registration period, by a fine of \$100.00.
 - 3. For the sixth and each additional false burglar alarm in the user's registration period, by a fine of \$200.00.
 - 4. For each violation of section 42-87, the alarm monitoring company shall be fined \$100.00.
- (b) An alarm user shall not be fined more than two hundred dollars (\$200.00) for false alarms that occur at the same premises in any twenty-four-hour period.
- (c) No penalty specified hereunder shall be imposed or assessed against any entity that qualifies as tax exempt under the provisions of Section 501(c)(3) of the Internal Revenue Code provided that the premises is used exclusively by said entity for such tax exempt purposes.

Sec. 42-92. ~~Penalty for violation of division.~~

- ~~(a) Each violation of this division shall be punished as follows:~~

- (1) ~~For a first violation, a fine of \$50.00.~~
- (2) ~~For every subsequent violation, a fine of \$100.00 will be assessed for each alarm.~~
- (b) ~~Upon the seventh violation in a 12-month dynamic period, the police will suspend response to the location for the remainder of the 12-month period. The user will be notified by certified mail, return receipt requested, that 30 calendar days from the receipt of the notification letter, the police department will suspend response to the user's location. If an appeal is filed by the alarm user or alarm company pursuant to this subsection, service shall not be suspended until after the appeal is heard pursuant to section 42-91.~~
- (c) ~~An alarm user shall not be fined more than \$200.00 for false alarms that occur at the same premises in any 24-hour period.~~
- (d) ~~For each violation of section 42-87, the alarm monitoring company shall be fined \$100.00.~~

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, provision or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the 25th day of January, 2014

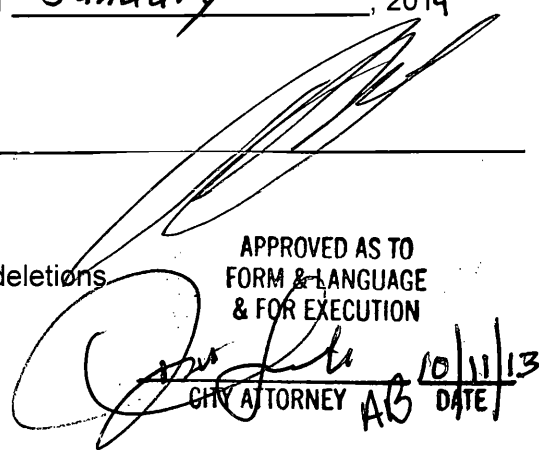
PASSED and ADOPTED this 15th day of January, 2014

ATTEST:


 RAFAEL E. GRANADO, CITY CLERK



Underline denotes additions, Strikethrough denotes deletions


 APPROVED AS TO
 FORM & LANGUAGE
 & FOR EXECUTION
 CITY ATTORNEY AS DATE 10/11/13

Condensed Title:

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE BY AMENDING ARTICLE II THEREOF, BY AMENDING § 42-86 TO PROHIBIT THREE (3) OR MORE FALSE INTRUSION ALARMS; BY AMENDING § 42-89, WHICH SHALL BE ENTITLED "ENFORCEMENT," AND SETS FORTH THE ENFORCEMENT AUTHORITY AND THE ISSUANCE OF A NOTICE OF VIOLATION FOR § 42-86; BY AMENDING § 42-90, WHICH SHALL BE ENTITLED "RIGHTS OF VIOLATORS; PAYMENT OF FINE; RIGHT TO APPEAR; FAILURE TO PAY CIVIL FINE OR TO APPEAL," AND SPECIFICALLY DELINEATES THE RIGHTS OF VIOLATORS, PAYMENT OF FINE, RIGHT TO APPEAR, AND FAILURE TO PAY THE CIVIL FINE OR APPEAL; BY AMENDING § 42-91, WHICH SHALL BE ENTITLED "PENALTIES," BY PROVIDING FOR PENALTIES REGARDING A FALSE INTRUSION ALARM; BY DELETING § 42-92 ENTITLED "PENALTY FOR VIOLATION OF DIVISION.

Key Intended Outcome Supported:

Increase Resident and Business ratings of Public Safety.

Supporting Data (Surveys, Environmental Scan, etc.): According to the Center For Research and Public Policy Residential and Business Satisfaction Survey of City of Miami Beach residents in 2009, indicated that their three top most important areas of for the City of Miami Beach to address in an effort to improve public safety throughout the City is Preventing Crime 44.9%, Enforcing Traffic Laws 36.1% and Increasing Visibility of Police in Neighborhoods 32.4%.

Issue:

Shall the Mayor and City Commission adopt the proposed amendments to the false intrusion alarm provisions of the City Code?

Item Summary/Recommendation:

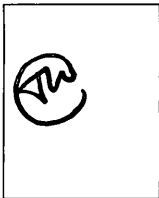
The false alarm ordinance was discussed in the Finance and Citywide Projects Committee on April 25, 2013. Chief Martinez presented the department's analysis, and proposed amending the City of Miami Beach Code to mirror the false burglar alarm code in Miami-Dade County.

The Committee members voted to amend the false intrusion alarm fine schedule to mirror Miami-Dade County burglar alarm provisions, with the exception of increasing the per year registration permit fee and maintaining it at \$10.

Advisory Board Recommendation:

N/A

Financial Information:

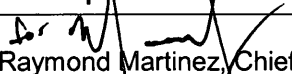

Source of Funds:		Amount	Account
 OBPI	1	\$17,000	011-8000-354-001
	2		
	3		
	4		
	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Dolores M. Mejia, Miami Beach Police Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
 Raymond Martinez, Chief		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 15, 2014



SECOND READING PUBLIC HEARING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE MIAMI BEACH CITY CODE, ENTITLED "EMERGENCY SERVICES," BY AMENDING ARTICLE II THEREOF, ENTITLED "ALARM SYSTEMS," BY AMENDING SECTION 42-86, ENTITLED "FALSE ALARMS," TO PROHIBIT THREE (3) OR MORE FALSE INTRUSION ALARMS; BY AMENDING SECTION 42-89 ENTITLED "NOTIFICATION OF FALSE ALARMS," WHICH SHALL BE ENTITLED "ENFORCEMENT," AND SETS FORTH THE ENFORCEMENT AUTHORITY OF THE MIAMI BEACH POLICE DEPARTMENT AND THE ISSUANCE OF A NOTICE OF VIOLATION FOR SECTION 42-86; BY AMENDING SECTION 42-90 ENTITLED "INITIAL REVIEW UPON NOTIFICATION," WHICH SHALL BE ENTITLED "RIGHTS OF VIOLATORS; PAYMENT OF FINE; RIGHT TO APPEAR; FAILURE TO PAY CIVIL FINE OR TO APPEAL," AND SPECIFICALLY DELINEATES THE RIGHTS OF VIOLATORS, PAYMENT OF FINE, RIGHT TO APPEAR, AND FAILURE TO PAY THE CIVIL FINE OR APPEAL; BY AMENDING SECTION 42-91 ENTITLED "APPEAL OF FALSE ALARM DESIGNATION," WHICH SHALL BE ENTITLED "PENALTIES," BY PROVIDING FOR PENALTIES REGARDING A FALSE INTRUSION ALARM; BY DELETING SECTION 42-92 ENTITLED "PENALTY FOR VIOLATION OF DIVISION"; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

KEY INTENDED OUTCOME SUPPORTED

- Increase Resident and Business ratings of Public Safety.
- Ensure Compliance with code within a reasonable time frame.

ANALYSIS

The Miami Beach Police Department has experienced over 5,400 false alarm calls in Fiscal Year 2012/13. As the Code currently stands, the Miami Beach Police Department is responsible for the administrative process for false alarms, including notifying residents and businesses of each false alarm incident, notification to residents and business payment and collection and false alarm incidents which require the payment of a fine, and collecting the fines.

Due to limited staffing, the Miami Beach Police Department has been completing the false alarm processing via overtime assignments. This has caused backlogs in processing, as well as delays in collecting fees. Year over year, the Miami Beach Police Department has seen a decrease in the collection of false burglar alarm fees.

The table below reflects fee collection from 2008 to 2012:

YEAR	REVENUE
2008	\$13,610
2009	\$13,060
2010	\$10,950
2011	\$7,050
2012	\$2,800

Currently, fines and appeals for this section of the City Code are under the purview of the Miami Beach Police Chief. It is further recommended that these provisions would be included in Chapter 30 of the City Code to provide jurisdiction to the Special Master.

As part of the due diligence process, the Miami Beach Police Department reviewed local false alarm provisions, as illustrated below:

	Miami-Dade County	City of Hialeah	Current - Miami Beach
Registration - 1st violation	\$50	\$50	\$10
Registration - 2nd violation and all subsequent	\$100	\$100	N/A
1st false alarm	\$0	\$0	\$0
2nd false alarm	\$0	\$0	\$0
3rd false alarm	\$0	\$0	\$0
4th false alarm	\$50	\$100	\$50
5th false alarm	\$100	\$100	\$100
6th false alarm and all subsequent in registration period	\$200	\$200	\$100
Violation of alarm verification call, cancelling false alarm subsections	\$100	\$100	N/A
Cap (in a 24-hour period)	\$200	\$200	\$200

Miami Beach Police Department personnel also contacted several billing and collections agencies who serve other local law enforcement departments for false alarm billing and collections.

FINANCE AND CITYWIDE PROJECTS COMMITTEE

The false alarm ordinance was discussed in the Finance and Citywide Projects Committee on April 25, 2013. Chief Martinez presented the department's analysis, and proposed amending the City of Miami Beach Code to mirror the false burglar alarm code in Miami-Dade County.

The Committee members voted to amend the false intrusion alarm fine schedule to mirror Miami-Dade County burglar alarm provisions, with the exception of increasing the

per year registration permit fee and maintaining it at \$10.

The table below illustrates the committee's recommendation:

	Finance Committee Approved - Miami Beach False Alarm Fine Schedule
Registration - 1 st violation	\$10
Registration - 2 nd violation and all subsequent	\$100
1 st false alarm	\$0
2 nd false alarm	\$0
3 rd false alarm	\$0
4 th false alarm	\$50
5 th false alarm	\$100
6 th false alarm and all subsequent in registration period	\$200
Violation of alarm verification call, cancelling false alarm subsections	\$100
Cap (in a 24-hour period)	\$200

FISCAL IMPACT

The purpose of the fines is to encourage compliance with the Code, and it is anticipated that revenue from these fines will decrease from year to year with the increase in compliance. The cost associated with responding to a false alarm calls involves personnel responding to the call; however, this cost is funded from the general fund as a standard Police Department function. The revenue projected from these fines in Fiscal Year 2013/14 total \$17,000; however, it is difficult to predict revenue without an established ordinance and track record.

CONCLUSION

For the Miami Beach Police Department, burglar alarms are an additional tool in helping keep residents and businesses safe. Lack of enforcement relative to burglar alarm registration, as well as false alarms diverts public safety resources and impacts response time. The new fine schedule, appeals procedures and outsourcing of administrative processing for billing and collections will assist the department in facilitating consistency and compliance with these provisions of the City Code.


JLM/RAM/MS

MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that the following public hearings, and open and continued (OAC) items will be heard by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, January 15, 2014:

10:10 a.m. - A Resolution Adopting The First Amendment To The General Fund, Enterprise Fund, Internal Service Fund, And Special Revenue Fund Budgets For Fiscal Year (FY) 2013/14. (Public Hearing) *Inquiries may be directed to the Office of Budget & Performance Improvement at (305) 673-7510.*

10:16 a.m. - A Resolution Adopting The Second Amendment To The Capital Budget For Fiscal Year 2013/2014. (Public Hearing) *Inquiries may be directed to the Office of Budget & Performance Improvement at (305) 673-7510.*

10:20 a.m. - An Ordinance Amending Chapter 42 Of The Miami Beach City Code, Entitled "Emergency Services," By Amending Article II Thereof, Entitled "Alarm Systems," By Amending Section 42-98, Entitled "False Alarms," To Prohibit Three (3) Or More False Intrusion Alarms; By Amending Section 42-99 Entitled "Notification Of False Alarms," Which Shall Be Entitled "Enforcement," And Sets Forth The Enforcement Authority Of The Miami Beach Police Department And The Issuance Of A Notice Of Violation For Section 42-98; By Amending Section 42-99 Entitled "Local Hearing Officer," Which Shall Be Entitled "Rights Of Violators," Payment Of Fine; Right To Appeal; Failure To Pay Civil Fine Or To Appeal," And Specifically Delineates The Rights Of Violators, Payment Of Fine, Right To Appeal, And Failure To Pay The Civil Fine Or Appeal; By Amending Section 42-91 Entitled "Appeal Of False Alarm Designation," Which Shall Be Entitled "Penalties," By Providing For Penalties Regarding A False Intrusion Alarm; By Deleting Section 42-92 Entitled "Penalty For Violation Of Divisor," (Public Hearing) *Inquiries may be directed to the Police Department at (305) 673-7925.*

10:26 a.m. - An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 108, Entitled "Traffic And Vehicles," By Amending Article XI, Entitled "Adoption Of The Mart Wendall Traffic Safety Act And Program," By Amending Section 108-480, Entitled "Adoption Of State Act And Program," That Delineates The Statutory Authority For Using Traffic Infraction Detectors In The City Of Miami Beach; By Amending Sections 108-481 Through 108-484, Entitled "Reserved" By Adding Section 108-481, Entitled "Local Hearing Officer," Which Authorizes A Local Hearing Officer To Conduct Hearings For A Violation Of Section 316.0083 Of The Florida Statutes; By Providing The Process For The Selection Of A Local Hearing Officer; By Authorizing The Miami Beach Clerk's Office To Serve As Staff For The Local Hearing Officer; By Limiting The Authority Of The Local Hearing Officer; And Setting Forth Penalties And Costs To Be Imposed By The Local Hearing Officer. (Public Hearing) *Inquiries may be directed to the Police Department at (305) 673-7925.*

10:30 a.m. - Temporary Business Signs on Public Property / An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights-Of-Way," Division 6, "Prohibited Signs Over Public Property," Section 82-411, "Prohibited Signs Generally; Exemptions; Barriers; Removal," To Permit The Placement Of Temporary Business Signs On City Rights-Of-Way During Public Construction Projects. (Public Hearing) *Inquiries may be directed to the Planning Department at (305) 673-7550.*

10:36 a.m. - Accessory Setback Encroachments / An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Section 142-1132 To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; By Amending Section 142-1183 To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts. (Public Hearing) *Inquiries may be directed to the Planning Department at (305) 673-7550.*

10:46 a.m. - Single Family Development Regulations / An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending The Criteria And Procedures For The Review And Approval Of Single-Family Residential Construction, By Replacing The Single-Family Residential Review Panel, By Clarifying And Amending The Standards And Procedures For Reviewing New Construction And Additions In Single Family Districts, Including Modifications To Lot Coverage, Unit Size And Overall Height, By Clarifying The Below Flood Level Construction Requirements For Affected Properties In High Flood Zones, And By Clarifying Setback And Lot Coverage Requirements; Providing Codification, Repealer, Severability; And An Effective Date. (OAC) *Inquiries may be directed to the Planning Department at (305) 673-7550.*

11:00 a.m. - Architecturally Significant Single Family Home Retention Incentives / An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "Single-Family Residential Districts," By Revising The Standards And Review Requirements For New Construction, Additions And Modifications To Properties That Contain An Architecturally Significant Single Family Home Not Located Within A Designated Historic District; Providing For Repealer, Codification, Severability And An Effective Date. (OAC) *Inquiries may be directed to the Planning Department at (305) 673-7550.*

11:16 a.m. - Alton Road Historic District Buffer Overlay / An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-668 "Location And Purpose," And Section 142-669 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio, Maximum Building Height, Minimum Setbacks, Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverages And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. (Public Hearing) *Inquiries may be directed to the Planning Department at (305) 673-7550.*

11:20 a.m. - An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pitki Program Off-Leash Area For Dogs In South Pointe Park Through And Including April 30, 2014. (Public Hearing) *Inquiries may be directed to the Parks and Recreation Department at (305) 673-7275.*

11:50 a.m. - A Resolution Setting Forth An Order (Granting Or Denying) An Appeal Request Filed By Patricia Fuller, Petitioner To A Decision Of The Design Review Board ("DRB") For The Property Located At 1 Washington Avenue - South Pointe Park (File No. 22877). (OAC) *Inquiries may be directed to the Planning Department at (305) 673-7550 or the Parks and Recreation Department at (305) 673-7730.*

Dr. Stanley Sznack Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sznack Citizen's Forum have been changed to 8:30 a.m. and 1:00 p.m., or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33138. Copies of these items are available for public inspection during normal business hours in the City Clerk's Office, 1st Floor, City Hall, Miami Beach, Florida 33138. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Rafael E. Granado, City Clerk
City of Miami Beach

Pursuant to Section 286.0106, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at (305) 673-7411 (voice) or TTY users may also call the Florida Relay Service at 711.

ORDINANCE NO. 2017-4099

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "EMERGENCY SERVICES," OF ARTICLE II, ENTITLED "ALARM SYSTEMS," BY AMENDING DIVISION 3, ENTITLED "BURGLAR ALARMS," BY CREATING SECTION 42-92, THEREOF TO BE ENTITLED "SECURITY CAMERA VOLUNTARY REGISTRATION PROGRAM," BY PROVIDING INCENTIVES TO PRIVATE PROPERTY OWNERS THAT INSTALL AND REGISTER SECURITY CAMERAS WITH THE CITY, AND FURTHER INCENTIVIZING THOSE PRIVATE PROPERTY OWNERS THAT DIRECTS A SECURITY CAMERA TOWARDS THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, security or surveillance cameras serve to deter individuals from committing crimes, and further provide assistance to law enforcement in the apprehension of those persons that commit these criminal offenses; and

WHEREAS, the Miami Beach Police Department believes that access to recorded video footage and images, which are captured by these security or surveillance cameras, would result in the securing of essential evidence that would be likely utilized in solving criminal cases; and

WHEREAS, the Mayor and City Commission seek to encourage private property owners to point at least one (1) security or surveillance camera, which are located on their property, toward the City's right-of-way in order to support the Miami Beach Police Department with their criminal investigations; and

WHEREAS, the Mayor and City Commission believe that a voluntary registry for private security or surveillance cameras will encourage those individuals, who have these security or surveillance cameras on their property, to directly point these camera(s) toward the City's right-of-way; and

WHEREAS, the Mayor and City Commission seeks to provide direct incentives to encourage the registration, and the future installation of security or surveillance cameras by private property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 42 entitled "Emergency Services," of Article II entitled "Alarm Systems," of Division 3 entitled "Burglar Alarms," of the Code of the City Miami Beach is hereby amended to create Section 42-92 to be entitled "Security Camera Permit," as follows:

CHAPTER 42

EMERGENCY SERVICES

* * *

Article II. Alarm Systems

* * *

Division 3. Burglar Alarms

* * *

Sec. 42-92. ~~Reserved.~~ Security Camera Voluntary Registration Program.

(a) Registry. The City is hereby establishing a voluntary security or surveillance camera registry, and encourages private property owners (commercial and residential) to point at least one (1) security or surveillance camera, which is directly located upon their property, toward the City's right-of-way and register the location of that security or surveillance camera with the City.

(b) Incentives. Private property owners that voluntarily register their private security or surveillance cameras with the City, which are currently installed upon the property or that will be installed upon the property and registered with the City, will receive the following incentives:

(1) Waiver of those permit fee(s) and expedited permit approval process for the installation of a new alarm system that includes security or surveillance cameras, or the upgrade of a current alarm system that will include the installation of new or additional cameras; and

(2) Waiver of those permit fee(s) and expedited permit approval process for the installation of any new security or surveillance cameras system (without an alarm system), or the upgrade of an existing security and surveillance system that will include the installation of new or additional security or surveillance cameras;

(3) Private property owners who register, or install and register their security or surveillance cameras, and who point at least one (1) security or surveillance camera toward the City's right-of-way, will be permitted three (3) false alarms waivers for every calendar year.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

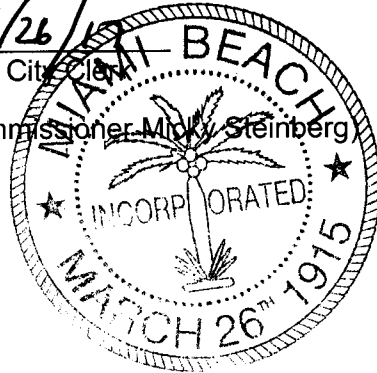
SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

PASSED AND ADOPTED this 17 day of May, 2017.

ATTEST:

RA 5/26/17
Rafael E. Granado, City Clerk
(Sponsored by Commissioner Micky Steinberg)



Mayor Philip Levine

[Handwritten signature]

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Handwritten signature]

City Attorney AB

4/20/17

Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, City Attorney
DATE: May 17, 2017

10:55 a.m. Second Reading Public Hearing

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "EMERGENCY SERVICES," OF ARTICLE II, ENTITLED "ALARM SYSTEMS," BY AMENDING DIVISION 3, ENTITLED "BURGLAR ALARMS," BY CREATING SECTION 42-92, THEREOF TO BE ENTITLED "SECURITY CAMERA VOLUNTARY REGISTRATION PROGRAM," BY PROVIDING INCENTIVES TO PRIVATE PROPERTY OWNERS THAT INSTALL AND REGISTER SECURITY CAMERAS WITH THE CITY, AND FURTHER INCENTIVIZING THOSE PRIVATE PROPERTY OWNERS THAT DIRECTS A SECURITY CAMERA TOWARDS THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

Commissioner Micky Steinberg has proposed an Ordinance amendment to Chapter 42, by creating Section 42-92 that will be titled "Security Camera Voluntary Registration Program." The proposed Ordinance is intended to provide incentives to private property owners to install and register security cameras with the City.

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Micky Steinberg

ATTACHMENTS:

Description

- Creating Sec 42-92 Security Camera Voluntary Registration Program (Alarm Systems)