

ARTICLE VI. - OFFENSES INVOLVING GOVERNMENTAL FUNCTIONS

DIVISION 1. - GENERALLY

Sec. 20-208. - Obstructing City Officers.

It shall be unlawful for any person to hinder, obstruct or oppose any Officer of the City or any legally authorized person in the execution of legal process or in the lawful execution of any legal duty. It shall be unlawful to hinder or interfere with any employee of the City in the performance of their official duties.

(Code 1973, § 20-21; Code 1992, § 20-146)

State Law reference— Obstructing justice, F.S. ch. 843.

Secs. 20-209—20-224. - Reserved.

DIVISION 2. - FALSE ALARMS FROM IMPROPER USE OF ALARM SYSTEMS

Sec. 20-225. - Purpose.

- (a) The purpose of this section is to encourage persons who utilize security and/or fire alarm systems to properly use and maintain the operational effectiveness of fire and security alarm systems in order to improve the reliability of fire and security alarm systems and reduce or eliminate false fire and security alarms.
- (b) This section governs fire and security alarm systems intended to summon a response from the Police or Fire Department, and establishes a system of administration.

(Ord. No. 871-G, § 1, 1-24-2008(a); Ord. No. 913-G, § 1(a), 1-8-2009; Ord. No. 150-H, § 1, 12-18-2014)

Sec. 20-226. - Definitions.

When used in this section, the following terms shall have meanings ascribed to them below unless another meaning is clearly evident from the context in which they are used:

Activation means when the security alarm alerts the fire or police department that a response is required.

Alarm initiating device means a device that is designed to respond either manually or automatically to smoke, fire or activation of a fire suppression system.

Arming station means a device that allows control of a security alarm system.

Automatic telephone dialing device or digital alarm communicator system means an alarm system which automatically sends a pre-recorded voice message or coded signal over regular telephone lines, by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.

Cancellation means the process whereby an official response is terminated, when a security or fire alarm monitoring company (designated by the responsible party) for the premises, notifies the responding Police or Fire Department that there is not an existing situation at the premises requiring an official response to the alarm. This notification must be received in the Police or Fire Communications Center prior to Police or Fire Officers' arrivals in order for the alarm call to be cancelled.

Duress alarm means a silent security alarm system signal generated by the entry of a designated code into an arming station in order to signal that the responsible party is being forced to turn off the system and requires an official response to the alarm.

Enforcement Official means the POD (currently, the False Alarms Division), Fire or Police Chief or his designated representative.

False fire alarm means the activation of any fire alarm system which results in a response by the Fire Department and which is caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, negligence or intentional misuse of the fire alarm system by the responsible party or any other activation of a fire alarm system not caused by heat, smoke or fire.

False security alarm means a security alarm malfunction or the activation of any alarm, not caused by forced entry, attempted forced entry, or robbery which results in an official response of the Police Department. A presumption exists that the alarm was false if the police officer responding to the alarm finds no evidence of criminal activity, attempted criminal activity or an emergency at the premises.

Fine means a monetary assessment for a false fire or false security alarm that is punitive in nature.

Fire alarm activation report means a document issued by the Enforcement Official indicating that the activation was deemed to be the result of a fire alarm activation due to a false fire alarm.

Fire alarm system means a system or portion of a combination system consisting of components and circuits arranged to monitor the status of a fire alarm and to initiate the appropriate response to the alarm.

Holdup alarm means a silent security alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Monitoring means the process by which a fire and/or security alarm monitoring company receives signals from a fire and/or security alarm system and relays an alarm activation for the purpose of summoning the Fire or Police Department to the alarm site.

Official response to alarm means a response to an alarm activation where any member of the Fire or Police Department is dispatched to the premises where the alarm has been activated or where any member of the Fire or Police Department learns of the activation of the alarm system, by any means whatsoever, and responds thereto by traveling to that premise. The response ends when the Officer or member has completed his investigation of the incident.

Panic alarm means a security alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring a response from the Police Department.

Premises means any building, structure or combination of buildings and structures including the curtilage thereof, which is used for residential, commercial or any other purpose. At the option of the responsible party, outbuildings, or separate or detached buildings may be deemed separate premises' for the purpose of fire or security alarm permits.

Responsible party means any person, his employees, agents or servants who owns or controls the premises in which an alarm system is installed. By way of example and not limitation, the person who controls is a person who leases, operates, occupies or manages the premises.

Security or fire alarm malfunction means the activation of any alarm which results in an official response of the Police or Fire Department caused by mechanical failure, malfunction, improper installation or lack of proper maintenance; or any other response for which the Police or Fire Department personnel are unable to gain access to the premises for any reason or are unable to determine the apparent cause of the activation.

Security alarm permit means a permit issued by the City upon receipt of an applicant's registration information and/or other required forms by the POD prior to issuance.

Security alarm system means any mechanical, electrical or radio controlled device which is designed to be used for the detection of any unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful act at or within a building, structure or facility, or both, which

emits a sound or transmits a signal or message when activated. Without limiting the generality of the foregoing, alarm systems shall be deemed to include audible alarms at the site of the installation of the detection device, proprietor alarms, and automatic telephone direct dial devices or digital communicator systems.

Excluded from the definition of security alarm systems are devices which are designed or used to register alarms that are audible, visible or perceptible, in or attached to any motor vehicle, or auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service.

Takeover means the transaction or process by which a new party takes over control of a premises where there is an existing security or fire alarm system previously controlled by the prior responsible party.

Verify means an attempt by the security or fire alarm monitoring company to contact the responsible party by telephone and/or other electronic means unless otherwise exempted by State statutes, whether or not actual contact with the responsible party is made, to determine whether an alarm signal is valid before requesting an official response to the alarm, in an attempt to avoid an unnecessary official response. Telephone verification shall require that a second call be made to a different number if the first attempt fails to reach the responsible party who can properly identify themselves to determine whether an alarm signal is valid before requiring an official response to the alarm.

(Code 1973, § 20-29; Code 1992, § 20-147(b); Ord. No. 154-G, § 2(a), 8-4-1994; Ord. No. 228-G, § 1(a), 4-25-1996; Ord. No. 871-G, § 1(b), 1-24-2008; Ord. No. 913-G, § 1, 1-8-2009; Ord. No. 150-H, § 2, 12-18-2014; Ord. No. 209-H, § 1, 12-17-2015)

Sec. 20-227. - Alarm system operations.

- (a) The City, its officers, employees and agents, shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned security or fire alarm system, those duties or responsibilities being solely those of the responsible party as defined in this division.
- (b) The responsible party shall be required to silence and reset an activated security alarm. All security alarm systems shall automatically reset/silence the audible alarm within 15 minutes of activation.
- (c) All security alarm systems shall have a backup power supply that will automatically become available for a minimum of four hours in the event of a power failure or outage, without activation of the security alarm system.

(Code 1973, § 20-29; Code 1992, § 20-147(c); Ord. No. 154-G, § 2(b), 8-4-1994; Ord. No. 228-G, § 1(b), 4-25-1996; Ord. No. 871-G, § 1(c), 1-24-2008; Ord. No. 913-G, § 1(c), 1-8-2009; Ord. No. 150-H, § 3, 12-18-2014)

Sec. 20-228. - Alarm permits.

- (a) Every person who installs, owns, leases, possesses or operates any security alarm system within the City may obtain a security alarm permit prior to activation of the security alarm system.
- (b) Applications for a security alarm permit are available from, and may be filed with, the POD (currently, the False Alarms Division) and shall be on forms provided by the POD. Upon approval of the application, the POD shall issue a security alarm permit which shall be valid for the calendar year in which the application is submitted.
- (c) All permits issued by the POD expire annually on December 31 at 11:59 p.m. Annual renewal applications must be submitted to the POD prior to December 1 to obtain an alarm permit for the following calendar year.

(Code 1973, § 20-29; Code 1992, § 20-147(d); Ord. No. 154-G, § 2(c), 8-4-1994; Ord. No. 228-G, § 1(c), 4-25-1996; Ord. No. 871-G, § 1(d), 1-24-2008; Ord. No. 913-G, § 1(d), 1-8-2009; Ord. No. 39-H, § 9, 8-16-2012; Ord. No. 53-H, § 5, 11-1-2012; Ord. No. 150-H, § 4, 12-18-2014; Ord. No. 209-H, § 1, 12-17-2015)

Sec. 20-229. - Responsibility for alarm activation, responsible party response, alarm malfunction, corrective action, and fines.

- (a) The responsibility for false alarms shall be borne by the responsible party for the premises at the time of the false alarm.
- (b) When responding to an alarm at which there are no individuals present on the premises, and there is evidence of a break in, attempted break in, tampering with the security alarm system, or circumstances which the officer reasonably believes requires the presence of the responsible party, the responsible party or authorized representative will be contacted and required to respond to the premises within 45 minutes, for the purposes of conducting a security check of the premises and resetting the alarm system. If the responsible party or authorized representative is not available after notification is attempted, or fails or refuses to respond to the premises as required herein, the responsible party shall be assessed a fine of \$40.00, notwithstanding that it is later determined that the alarm activation was not a false alarm or alarm malfunction.
- (c) If the POD determines that the alarm was activated by severe weather conditions which includes but is not limited to hurricanes, tornadoes, or a direct lightning strike to the premises and the alarm system had a back-up power source as required by this chapter, the fine may be cancelled by the POD upon presentation by the responsible party of evidence of the same. If the alarm was activated as a result of an alarm malfunction that was not the result of human error, including but not limited to mechanical defects in sensors or other detection equipment, the fine may be cancelled by the POD upon showing that the reason for the alarm malfunction has been corrected or repaired by the alarm company or is scheduled to be so repaired within ten days of the date of the notice of false alarm. Such proof may include, but is not limited to, work orders showing the system has been repaired or scheduled to be repaired. If the alarm is scheduled to be repaired the fine will not be cancelled until proof of repair is provided to the POD.

(Code 1973, § 20-29; Code 1992, § 20-147(e); Ord. No. 154-G, § 2(d), 8-4-1994; Ord. No. 228-G, § 1(d), 4-25-1996; Ord. No. 871-G, § 1(e), 1-24-2008; Ord. No. 913-G, § 1(e), 1-8-2009; Ord. No. 150-H, § 5, 12-18-2014; Ord. No. 209-H, § 1, 12-17-2015)

Sec. 20-230. - Fines for alarm malfunctions or for false alarms.

- (a) False alarm or alarm malfunction fine schedules. A fine shall be assessed under this section for each false security alarm or fire alarm occurrence at the same premises responded to by the Police or Fire Department during each calendar year. False alarms or alarm malfunctions occurring within 48 hours will be counted as a single false alarm or alarm malfunction for the purpose of assessing fines under this chapter. The following fines shall be paid by the responsible party for each false alarm or alarm malfunction as follows:
 - (1) *False security alarm or alarm malfunction fine schedule.*

Number of False Alarm Occurrences	Fine per Occurrence with Security Alarm	Fine per Occurrence without Security Alarm
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	Permit	Permit
First occurrence	\$0.00	\$0.00
Second occurrence	\$0.00	\$200.00
Third occurrence	\$50.00	\$400.00
Fourth occurrence	\$100.00	\$500.00
Fifth occurrence	\$200.00	\$500.00
Sixth and seventh occurrence	\$300.00	\$500.00
Eight and ninth occurrence	\$400.00	\$500.00
Tenth and above occurrence	\$500.00	\$500.00

(2) *False fire alarm or alarm malfunction fine schedule.*

Number of Alarms	Fine per Occurrence
First occurrence	\$0.00
Second through fifth occurrence	\$130.00
Sixth through ninth occurrence	\$400.00
Tenth and above occurrence	\$500.00

- (b) Each fine shall be paid to the City within 30 calendar days from the date of the written notification of the fine. These fines are separate and apart from any fines that may be assessed for a violation of this division, either through a municipal ordinance violation or other code enforcement process.
- (c) Payments not made within 30 calendar days from the date of the written notification of the fine shall be charged a late fee of \$15.00.

(Code 1973, § 20-29; Code 1992, § 20-147(f); Ord. No. 154-G, § 2(e), 8-4-1994; Ord. No. 228-G, § 1(e), 4-25-1996; Ord. No. 871-G, § 1(f), 1-24-2008; Ord. No. 913-G, § 1(f), 1-8-2009; Ord. No. 150-H, § 6, 12-18-2014; Ord. No. 209-H, § 1, 12-17-2015)

Sec. 20-231. - Administrative review and appeals.

- (a) Administrative review. The responsible party may request an administrative review by the Enforcement Official within 15 calendar days of the date of the notice of false alarm or fine to determine the responsible party's eligibility for cancellation of the fine pursuant to any of the criteria provided in this division. Such request shall be in writing and filed with the Enforcement Official. It is the responsibility of the responsible party to provide any and all paperwork or evidence required by this division in order to prove the responsible party qualifies for any of the fine cancellation criteria. The Enforcement Official shall provide a written decision upholding or cancelling the fine to the responsible party within ten calendar days of the request for administrative review. The responsible party may not file an appeal unless they have timely obtained an administrative review.
- (b) Appeals. The responsible party may appeal within ten calendar days of the date of a written determination of the Enforcement Official to uphold any false alarm fine, to contest the determination of the Enforcement Official. The appeal shall be in writing on such forms provided by the POD and accompanied by a copy of the determination of the Enforcement Official and an appeal fee of \$35.00, which shall be refunded if the responsible party prevails. Said request related to a false security alarm or false fire alarm shall be directed to the City Clerk. The City Administrator or designee shall hold a hearing within 20 calendar days from the date the responsible party files the request for a hearing with the City Clerk. The responsible party shall be given notice of the hearing and shall have the opportunity to present evidence on their behalf, to cross-examine any witnesses, and to be represented by counsel. Within ten calendar days of the hearing, the City Administrator or designee shall issue a written determination affirming or denying the action taken by the Enforcement Official and advising the responsible party of the action needed. The written determination shall be final and conclusive.
- (c) If the responsible party is unsuccessful in their administrative review or appeal, the responsible party shall have 30 calendar days from the date the Enforcement Official or the City Administrator or designee issued the written determination, whichever is later, to satisfy the requirements set forth in the written determination.

(Code 1973, § 20-29; Code 1992, § 20-147(h); Ord. No. 154-G, § 2(g), 8-4-1994; Ord. No. 228-G, § 1(g), 4-25-1996; Ord. No. 871-G, § 1(h), 1-24-2008; Ord. No. 913-G, § 1(h), 1-8-2009; Ord. No. 150-H, § 8, 12-18-2014; Ord. No. 209-H, § 1, 12-17-2015)

Editor's note— Ord. No. 150-H, § 7, adopted Dec. 18, 2014, repealed the former § 20-231 which pertained to revocation of an alarm system permit and derived from § 20-29 of the 1973 Code; § 20-147(g) of the 1992 Code; Ord. No. 154-G, § 2(f), adopted Aug. 4, 1994; Ord. No. 228-G, § 1(f), adopted April 25, 1996; Ord. No. 871-G, § 1(g), adopted Jan. 24, 2008; and Ord. No. 913-G, § 1(g), adopted Jan. 8, 2009. Section 8 of Ord. No. 150-H renumbered the former § 20-232 as § 20-231 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 20-232. - Automatic telephone dialing alarm device.

It shall be unlawful for any person to possess, operate or maintain an alarm system that includes an automatic dialing system that automatically dials the statewide emergency telephone number (911), or any other telephone number assigned to the Police or Fire Department, except when required by federal or State law or local ordinance.

(Code 1973, § 20-29; Code 1992, § 20-147(j); Ord. No. 154-G, § 2(i), 8-4-1994; Ord. No. 228-G, § 1(i), 4-25-1996; Ord. No. 871-G, § 1(j), 1-24-2008; Ord. No. 913-G, § 1(j), 1-8-2009; Ord. No. 150-H, § 10, 12-18-2014)

Note— See the editor's note to § 20-231.

Sec. 20-233. - Newly installed alarm systems.

The provisions of this section shall not apply to a single false alarm generated by a newly installed alarm system for a period of 30 days from the date of the installation. The 30-day grace period may also be applied to new owners or lessees of a property with a previously installed alarm system for a single false alarm malfunction. Proof of date of installation or commencement of occupancy must be provided to the POD.

(Code 1973, § 20-29; Code 1992, § 20-147(k); Ord. No. 154-G, § 2, 8-4-1994; Ord. No. 228-G, § 1, 4-25-1996; Ord. No. 871-G, § 1, 1-24-2008; Ord. No. 913-G, § 1, 1-8-2009; Ord. No. 150-H, § 11, 12-18-2014; Ord. No. 209-H, § 1, 12-17-2015)

Editor's note— Ord. No. 150-H, § 9, adopted Dec. 18, 2014, repealed the former § 20-233 which pertained to reinstatement after revocation and derived from § 20-29 of the 1973 Code 1973; § 20-147(i) of the 1992 Code; Ord. No. 154-G, § 2(h), adopted Aug. 4, 1994; Ord. No. 228-G, § 1(h), adopted April 25, 1996; Ord. No. 871-G, § 1(i), adopted Jan. 24, 2008; and Ord. No. 913-G, § 1(i), adopted Jan. 8, 2009. Section 11 of Ord. No. 150-H renumbered the former § 20-235 as § 20-233 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 20-234. - Testing alarm systems.

Notwithstanding any other provision of this chapter, it shall not be a violation of this section to test an alarm system under the following conditions:

- (1) Where there is no visual, audio, electronic or other indication of the alarm which can be seen, heard or received beyond the boundaries of the property upon which the test is occurring; or
- (2) Where there is a visual, audio, electronic or other indication of the alarm which can be seen, heard or received beyond the boundaries of the property upon which the test is occurring, and one of the following two precautions are observed:
 - a. Adequate measures are taken to ensure that anyone seeing, hearing or receiving the indication of an alarm will not report it either directly or indirectly to the City as an alarm requiring assistance of the Police or Fire Department of the City; or
 - b. The Police or Fire Department of the City is notified, in writing, in advance of the test and is instructed not to respond by the responsible party for the property upon which the test is to occur.

(Ord. No. 871-G, § 1(m), 1-24-2008; Ord. No. 913-G, § 1(m), 1-8-2009; Ord. No. 150-H, § 13, 12-18-2014; Ord. No. 209-H, § 1, 12-17-2015)

Editor's note— Ord. No. 150-H, § 12, adopted Dec. 18, 2014, repealed the former § 20-236 which pertained to alarm awareness class and derived from Ord. No. 871-G, § 1(l), adopted Jan. 24, 2008; and Ord. No. 913-G, § 1(l), adopted Jan. 8, 2009. Further, § 13 of Ord. No. 150-H

renumbered the former § 20-237 as § 20-234 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.