

ORDINANCE NO. 1250-09

AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA, ESTABLISHING A POLICY FOR THE REGULATION, REGISTRATION AND USE OF SECURITY ALARM SYSTEMS WITHIN THE MUNICIPAL LIMITS; PROVIDING FOR DUTIES OF ALARM USERS AND COMPANIES; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR AN ALARM PERMIT FEE; PROVIDING FOR GOVERNMENT IMMUNITY; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Lake Alfred is an unincorporated municipality of the State of Florida charged with providing police public safety and emergency response service; and

WHEREAS, the City Commission of the City of Lake Alfred has determined it is in the best interest of the citizens of the City of Lake Alfred to implement charges for security alarm registration and permitting, excessive number of false alarms within a 365 day period, and penalties for violations of prohibited acts; and

WHEREAS, the registration prior to activation of new and existing alarms will enhance response time within our Police and Fire departments service areas; and

WHEREAS, excessive security system false alarm responses unduly burden and restrict law enforcement resources; and

WHEREAS, the regulation of alarm systems will hold the user and alarm companies monetarily accountable for prohibited acts and significantly reduce the false alarms.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Lake Alfred, Florida, that

SECTION 1. The City of Lake Alfred hereby establishes a policy for the regulation, registration and use of security alarm systems within the City limits of Lake Alfred, as outlined in Exhibit "A" included with this ordinance.

SECTION 2. Codification: The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 3. Severability: If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

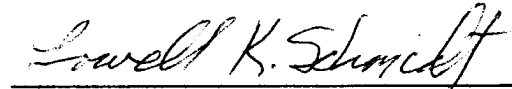
SECTION 4. Conflicts: All ordinances in conflict herewith are repealed.

SECTION 5. Effective Date: The provisions of this Ordinance shall take effect immediately upon passage after second reading. One hundred twenty (120) days after enactment, the terms and conditions of this ordinance will apply to currently non-conforming alarm users. Within one hundred twenty (120) days after passage, all current alarm systems and their respective alarm users must obtain an alarm permit from the City of Lake Alfred; fully comply with the provisions of this Ordinance or be subject to the penalties provided herein.

INTRODUCED AND PASSED on first reading at regular session of the City Commission on the 16th day of February, 2009.

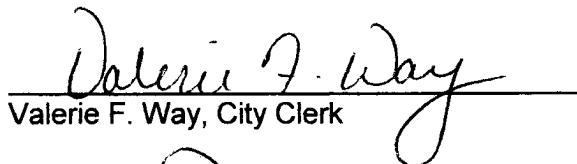
PASSED AND ADOPTED on second and final reading at regular session of the City Commission on the 2nd day of March, 2009.

**CITY OF LAKE ALFRED, FLORIDA
CITY COMMISSION**



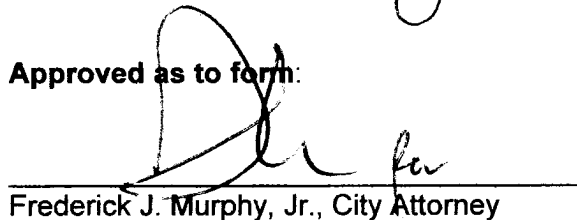
Lowell K. Schmidt, Mayor

ATTEST:



Valerie F. Way, City Clerk

Approved as to form:



Frederick J. Murphy, Jr., City Attorney

**Ordinance 1250-09
Exhibit "A"**

Security Alarm System Control

I. DEFINITIONS

Except where the content clearly indicates a different meaning, the following words, terms and phrases shall have the meanings ascribed to them for the purpose of interpretation and administering of this ordinance:

Alarm Company – person or company that engages in selling, leasing, installing, servicing or monitoring security alarm systems and is subject to state county or municipal licensing.

Alarm Permit – a written document issued by the City of Lake Alfred to administer the provisions of this ordinance.

Alarm Signal – detectable audible or visual signal generated by a security alarm system.

Alarm System – device or equipment designed to signal the occurrence of fire or an illegal or unauthorized entry into a building, real property, or other activity that requires emergency personnel. Motor vehicle or boat alarms; domestic violence alarms; 911 or E911 emergency phone calls or alarms designated to elicit a medical response are excluded from this ordinance.

Alarm User – means any person; corporation; partnership; proprietorship; governmental; educational; or any other entity that owns, leases, or operates of the device protecting the property or the property upon which a security alarm is maintained and used for the protection of the premises.

Alarm User Awareness Class – means a class conducted for the purpose of educating alarm users about the responsible use, operation and maintenance of alarm systems and the problems created by false alarms.

Automatic Dial Protection Device – means an automatic telephone dialing alarm system, or any such similar system, which when activated automatically sends a recorded message or code signal to the Lake Alfred Police Department to indicate law enforcement or fire personnel is needed.

Cancellation – means the post dispatch request to terminate an emergency response to a signaled alarm. Cancellation occurs when an alarm company or alarm user notifies the City of Lake Alfred that there is not an existing situation requiring police/fire response at the signaled alarm site.

City - means the City of Lake Alfred or its designated agent.

False Alarm – means a mechanical or electronic failure, malfunction, improper installation, or user negligence causing a signal to dispatch law enforcement when no emergency situation exists. The determination will be considered false upon response with no evidence discovered to indicate an unauthorized entry, robbery or other crime. Exclusions are inclement weather

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disruptions, alarm testing procedures with prior authorization, and other extra ordinary circumstances beyond control of the user.

Local Alarm – an alarm company or user installed alarm that emits an exterior on-site audible or visual signal and is NOT monitored by a remote alarm monitoring facility.

365 Day Period – means any consecutive 365 day period.

Runaway Alarm – means an alarm system that produces repeated alarm signals for no determined cause or action by a human.

SIA Control Panel Standard CP-01 – means the current and from time updated American National Standard Institute (ANSI) standard for security alarm system control panel design and related features, inclusive of arming and disarming devices to reduce false alarms. Security alarm system control panels built to this standard and tested by a nationally recognized testing organization are marked: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

Verification – the attempt made by the alarm monitoring company or its representatives to contact the alarm site or user by telephone or other electronic means, but not necessarily in person, to confirm the validity of the alarm prior to dispatch. For the purpose of verification by telephone, if a first attempt at reaching the alarm user fails, the making of a second call to a different telephone number for the alarm user is minimally expected to properly authenticate the alarm signal before law enforcement dispatch is requested unnecessarily.

II. SECURITY ALARM SYSTEM REGISTRATION WITH FEE IMPOSED

- (a) Alarm Permit Required. Prior to installation, activation, or operation of a security alarm within the city limits, any intended alarm user must first register the alarm system with the City of Lake Alfred by obtaining a non-transferable Alarm Permit. Each alarm system, unit or structure requires a separate permit at a fee of \$25.00 each collected at the time the application is filed. Before activating or monitoring an installed alarm, the alarm company is required to ensure an approved alarm permit has been obtained from the City of Lake Alfred.
- (b) Alarm Permit Term of Effectiveness. An authorized permit shall remain in effect for until such time as the system is no longer functioning, a change in residence occurs by the alarm user, or a change of ownership or possession of the property transpires.
- (c) Change of Address, Ownership of Possession. In the event of a change of address, ownership or possession of the premises where an already registered and permitted alarm system is maintained, the person or entity retaining or acquiring possession and ownership of the premises shall, within thirty (30) days of said transaction occurring, file

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a new Alarm Permit application and pay the required registration fee to the City of Lake Alfred.

III. REVIEW OF FEES AND MONETARY PENALTIES

On October 1st of each year after this ordinance is initially adopted, all fees and monetary penalties imposed herein shall automatically be "indexed" to inflation by applying to each established fee and monetary penalty an incremental percentage increase in the amount equivalent to the Consumer Price Index (CPI-U) percentage increase promulgated for that year, but in any event shall not be less than the equivalent of a 2.5% annual adjustment. At no time shall any of the fees be adjusted downward. A schedule of the Security Alarm System Control Ordinance fees and monetary penalties shall be published and maintained on file in the City Clerk's Office.

IV. DUTIES OF THE ALARM USER

At all times, a person or entity maintaining and using an alarm system within the limits of the City of Lake Alfred shall:

- (a) Maintain the premises and alarm system in a manner that will reduce or eliminate false alarms;
- (b) Provide the alarm company with the permit number issued by the City, as this will ensure proper dispatching of law enforcement or fire personnel in the event of an emergency;
- (c) Make a solemn endeavor to respond to the alarm location within thirty (30) minutes of being notified that deactivation of an alarm system, right of entry to the premises or alternative security of the premises is necessary
- (d) Only manually activate an alarm for its intended reason, to signal an event warranting law enforcement response, or to perform prior announced and approved routine maintenance as prescribed by the alarm company or system provider;
- (e) Update any existing alarm permit information when a change occurs.

V. DUTIES OF THE ALARM COMPANY

At all times, an alarm company monitoring any alarm system located within the city limits of the City of Lake Alfred shall:

- (a) Be licensed under and in compliance with the authority of Chapter 489 of the Florida Statutes;
- (b) Obtain and maintain any required state, county or city license and business tax receipts;
- (c) Provide the name, address and telephone number of the alarm company license holder or designee who can be called in an emergency at any time, 24-hours a day, and will respond to alarm call within two (2) hours of being notified of the need to do so;
- (d) Provide written notification to alarm users referencing the provisions of this Ordinance;
- (e) Provide the City of Lake Alfred with the most current contact information of any alarm user subscribing to the alarm company's services;
- (f) Ninety (90) days after this ordinance is enacted, only install, re-install and use alarm control panels that meet SIA Control Panel Standard CP-01;

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- (g) Prior to activating any alarm system, provide the alarm user with system use instructions and explain in detail how the system is to be safely and properly operated;
- (h) Give the alarm user written materials outlining how alarm system service is to be obtained from the alarm company;
- (i) With the exception of a video or audio recorded crime in progress, a panic alarm signal or a robbery-in-progress alarm signal, verify an alarm signal before contacting law enforcement and requesting dispatch;
- (j) Upon request, provide law enforcement with Alarm Permit numbers and available alarm signal location information; and
- (k) As soon as possible, contact the City of Lake Alfred to cancel law enforcement when it is determined that response to an alarm is unnecessary.

VI. PROHIBITED ACTS

It shall be unlawful for any person or company within the limits of the City of Lake Alfred to:

- (a) Activate an alarm system for testing, repair or maintenance that has not been announced and approved in advance;
- (b) Activate an alarm intentionally when there is not a burglary, robbery, fire, or life endangering situation occurring on the premises or to cause a false alarm as otherwise defined herein;
- (c) Install, maintain, or use an alarm system that creates an audible signal for more than ten (10) consecutive minutes
- (d) Install, maintain or use an automatic dial protection device that reports or causes to be reported, any recorded message to the City of Lake Alfred Police Department
- (e) Fail to pay an assessed permit fee or monetary penalty pursuant to this ordinance.
- (f) Violate any of the provisions of this ordinance.

VII. ENFORCEMENT AND PENALTIES

- (a) Enforcement Notwithstanding anything herein to the contrary, violations of any provisions of this ordinance shall be subjected to enforcement action by the City of Lake Alfred as provided for by general law, and may include a code violation citation provided for by Chapter 162, Florida Statutes, or prosecution pursuant to the City's Code of Ordinances. Each act shall constitute a punishable violation and penalty announced here within.
- (b) Monetary and Administrative Penalties Imposed Failure to obtain a required permit, excessive number of false alarms within a 365 day period, four or more, and runaway alarms that constrict law enforcement resources, constitute a public nuisance will be considered unlawful and are subjected to the fines and penalties as follows:

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|---|--------------------------|
| Failure to Register-Obtain Alarm Permit | \$100.00 each occurrence |
| Excessive False Alarms | |
| Fourth and Fifth | \$50.00 each occurrence |

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| | |
|-----------------------------|--|
| Sixth and Seventh | \$100.00 each occurrence |
| Eighth and Ninth Occurrence | \$250.00 each occurrence |
| Tenth and Beyond | \$500.00 each occurrence |
| Runaway Alarms | Discontinuance of law enforcement response at City Manager's discretion. |

False alarm determinations for the 365 day period will be analyzed by the review of records proceeding the 364 days of the most recent false alarm. Furthermore, if a response is cancelled prior to the arrival of law enforcement it shall not constitute or count as a false alarm.

- (c) Penalty Assessment - All monetary and administrative penalties shall be assessed by administrative Final Order of the Alarm Coordinator. Final Orders shall be mailed by United States Mail, certified return receipt requested, to the alarm user of record. In the event there is no alarm user contact information on file, the Final Order shall be mailed by United States Mail, certified return receipt, to the address where the false alarm occurred. Should any Final Order be returned and marked as undeliverable, a copy of the Final Order shall be posted at the false alarm or runaway alarm event site and City Hall, with the posting date serving as the receipt date for appellate period calculation purposes.

All monetary penalty Final Orders shall be due payable to the City of Lake Alfred within thirty (30) days of receipt. After the due date expires and to the extent provided by law, any non-paid monetary penalty shall operate as a lien and privilege on the false alarm subject property; shall be superior in right and dignity to all other liens or privileges, including mortgages equal to the lien of taxes until paid, and shall accrue interest at the judgment rate in effect at the time of issuance.

VIII. ALARM USER AWARENESS CLASS

The City of Lake Alfred will develop and may periodically offer an Alarm User Awareness Class to promote the understanding of security alarm systems operations, the problems created by false alarms and runaway alarms and to provide alarm user instruction on how to reduce false alarms. Area alarm companies may be invited to assist with class development and implementation. The one time option of an alarm user attending this class in lieu of paying a single assessed monetary penalty may be granted by the Alarm Coordinator, subject to the approval of the City of Lake Alfred.

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IX. APPEAL

An alarm user may file a written notice of appeal to the City of Lake Alfred contesting the penalty assessment within ten (10) days of receipt of Final Order. The alarm user's written appeal must clearly state the basis of an appeal and contain all other relevant information. Failure to submit a timely notice of appeal shall constitute a waiver of rights to contest the penalty assessment. The City of Lake Alfred will establish the administrative appeal process and holds the decision making authority. The City of Lake Alfred may enforce, modify, or void the penalty assessment Final Order based on the investigation of the appeal.

Upon receipt of a properly filed written notice of appeal, the City of Lake Alfred shall review the penalty assessment in its entirety to determine if it should be sustained or amended. Written notice of the appeal determination shall be issued to the appellant within thirty (30) days of the notice of appeal being received by the City of Lake Alfred. Any decision by the City of Lake Alfred may only be further appealed by the alarm user filing a petition for writ of certiorari to the Tenth Judicial Circuit of Florida in accordance with the applicable rules of appellate procedure.

X. GOVERNMENT IMMUNITY

Alarm registration is not intended to nor will it create a contract, duty or obligation, either expressed or implied, for response by the City of Lake Alfred. The alarm user, at the time of registration, acknowledges law enforcement and fire response may be influenced by factors such as personnel availability, call priority, weather conditions, traffic conditions, emergency conditions, and history of prior response to alarm user property. Any and all liability or consequential damage resulting from an inability to respond to a security alarm notice is hereby disclaimed and governmental immunity as provided by law is retained.

**CITY OF LAKE ALFRED
ALARM PERMIT APPLICATION
NOTICE OF INSTALLATION AND REGISTRATION**

Permit Number: _____

Date: _____

Any person, company, or entity that owns, leases, possesses or operates any alarm system within the limits of the City of Lake Alfred shall notify the City of Lake Alfred of the existence of the alarm system prior to placing said system in service.

ALARM OWNER INFORMATION

The name, address, business and home telephone number of the owner, lessee, operator, manager or person in possession of the premises wherein the alarm system is installed:

Business or Resident Name: _____

Address: _____

Business/Home Telephone: _____ Work Telephone: _____

Type of Alarm Installed: Audible Burglary Robbery Panic Fire
 Smoke Medical Water Flow Other: _____

ALARM MONITORING COMPANY INFORMATION

Name of Alarm / Installation Company: _____

Alarm Company Address: _____

Alarm Company Telephone: _____ Date of Installation: _____

EMERGENCY REPRESENTATIVE – CONTACT INFORMATION

Name: _____ Telephone: _____

Address: _____

Name: _____ Telephone: _____

Address: _____

Name: _____ Telephone: _____

Remit form to the address below with the \$25 Alarm Permit Fee. Checks are made payable to the City of Lake Alfred.

City of Lake Alfred
120 E. Pomelo Street
Lake Alfred, FL 33850