

AN ORDINANCE AMENDING CHAPTER 2-5, ARTICLE VI OF THE CHARLOTTE COUNTY CODE, PRIVATELY OWNED ALARM SYSTEMS; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGISTRATION OF ALARM SYSTEMS; ESTABLISHING DUTIES OF ALARMS USERS AND ALARM COMPANIES; PROVIDING FOR FEES AND PENALTIES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in calendar year 2001, there were 5,500 security alarm calls; of these all but 29 were false alarms. The rate of false alarms to total alarms in 2001 was 99.47%; and

WHEREAS, in the first six months of calendar year 2002, there were 3,645 security alarm calls; of these all but 2 were false alarms. The rate of false alarms to total alarms this year has increased to 99.95%. If the rate of calls stays the same for the rest of calendar year 2002, the number of calls for the year will be close to 7,300. An increase of almost 33% over last year; and

WHEREAS, the cost of responding to false alarms in 2002 could exceed \$180,000; and

WHEREAS, responding to false alarms drains the resources of law enforcement and may have a detrimental effect on the ability of law enforcement to respond to legitimate calls; and

WHEREAS, requiring registration of security alarm systems, establishing duties and responsibilities of alarm users and alarm companies, imposing fines for false alarms and other violations after fair warning, and instituting an educational program for the prevention of false alarms, will help reduce the number of false alarms and the high cost associated therewith.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of

Charlotte County, Florida that:

Section 1. Charlotte County Code ' 2-5-141 is amended to read as follows:

Sec. 2-5-141. Definitions.

For the purposes of this article, words used in the singular shall include the plural, and the plural shall include the singular, words used in the present tense shall include the future tense. The word “shall” is mandatory and not discretionary. The word “may” is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use. When used in this article, the following words and terms shall have the meanings ascribed thereto:

Alarm coordinator means the person designated by the Charlotte County Sheriff’s Office to administer, control and review false alarm reduction efforts and administer the provisions of this article.

Alarm installation company means a person or entity whose business includes the selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing security alarm systems.

Alarm monitoring company means a person or entity whose business includes receiving signals from security alarm systems for the purpose of relaying related information to third parties, including law enforcement, for the purpose of initiating a response thereto.

Alarm registration means the registration issued by the alarm coordinator for the security alarm system at an alarm site.

Alarm site means a fixed premises or location intended to be protected by the security alarm

system. Each unit, if served by a separate security alarm system, in a multi-unit building or complex shall be considered a separate alarm site.

Alarm user means the owner, lessor or occupant of an alarm site.

False alarm means activation of a security alarm system, for a reason other than an actual unauthorized entry or exit or other illegal activity, which results in a law enforcement officer response. Included in this definition are alarms caused by negligence, those intentionally caused in non-emergency situations, and those responded to by the law enforcement officer when the law enforcement officer finds no evidence of a criminal offense or attempted criminal offense.

Responder means the owner, manager or individual (18 years of age or older) designated by the alarm user on the alarm registration application as capable of responding to the alarm site within 30 minutes after request, and authorized and able to enter the alarm site and deactivate or reset the security alarm system.

Security alarm system means a device or system which is designed to be used for the detection of unauthorized entry or exit or other illegal activity in a building, structure or facility, that emits, transmits or relays a remote or local signal intended to summon, or that would reasonably be expected to summon, the services of a law enforcement officer. Excluded from this definition are (1) public utility alarms used to warn of equipment failure, such as those used at lift stations, and electric and telephone relay stations, (2) alarms installed in motor vehicles, boats, and aircraft, and (3) portable personal safety alarms.

Section 2. Charlotte County Code ' 2-5-142 is amended to read as follows:

Sec. 2-5-142. Registration of security alarm systems.

(a) *Registration required.* No security alarm system shall be operated without a current alarm registration. A separate alarm registration is required for each alarm site at which a security alarm system is in use.

(b) *Applications.* Applications for a security alarm system registration shall be made on the forms provided by the alarm coordinator. Completed applications must be submitted to the alarm coordinator within 10 days after the security alarm system is first placed in service. Applications for registration of security alarm systems in use prior to November 1, 2002, the effective date of this article, shall be made no later than December 31, 2002.

(c) *Annual registration period.* Security alarm system registrations shall expire one year from the date of issuance. Thirty days prior to the expiration of the registration period, the alarm coordinator shall notify each registered alarm user of the need to renew.

(d) *Fees.*

Initial registration \$25

Renewals \$10

Renewal fees will be waived if there have been no false alarms at the alarm site during the preceding registration period.

A late fee of \$5 per month, or portion thereof, shall be assessed, up to a maximum of \$25, if the renewal application is received more than 30 days after the expiration of the prior registration period.

All fees are non-refundable and all registrations are non-transferable.

Fees are payable to the Charlotte County Sheriff's Office and shall be used to defray

the cost associated with the registration of security alarm systems, the false alarm prevention program and the tracking of violations.

Section 3. Charlotte County Code '2-5-143 is amended to read as follows:

Sec. 2-5-143. Duties of alarm users.

- (a) An alarm user shall maintain the alarm site and the security alarm system in a manner that will eliminate false alarms.
- (b) An alarm user shall make reasonable efforts to have a responder to the alarm site within 30 minutes after request.
- (c) An alarm user shall not activate a security alarm system for any reason other than an occurrence of an event that the security alarm system was intended to report, e.g. activation of a holdup alarm for any reason other than an actual holdup.
- (d) An alarm user shall insure that the security alarm system is set so that audible alarms will sound no longer than 15 minutes after being activated. See, Section 489.530, F.S.
- (e) An alarm user shall not use automatic dialers that ring directly into a law enforcement office.
- (f) An alarm user shall maintain a set of written operating instructions at each alarm site for each security alarm system.

Section 4. Charlotte County Code '2-5-144 is amended to read as follows:

Sec. 2-5-144. Duties of alarm installation companies and alarm monitoring companies.

(a) Alarm installation companies.

- (1) An alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of the security alarm system. Instructions shall include information necessary to turn the security alarm system on and off and how to avoid false alarms.
- (2) An alarm installation company shall not install single-action, non-recessed panic, duress or holdup alarm buttons.
- (3) An alarm installation company shall not install automatic voice dialers that ring directly into a law enforcement office.

(b) Reporting Alarms.

- (1) An alarm monitoring company shall verify with the alarm user every alarm signal, except panic, duress and holdup alarms, before requesting a law enforcement response.
- (2) An alarm monitoring company shall report signals to the law enforcement agency and make alarm dispatch requests using only the telephone numbers designated by the alarm coordinator and shall provide all information requested by the law enforcement agency.
- (3) An alarm monitoring company shall communicate cancellations of alarm dispatch requests as required by the alarm coordinator.
- (4) An alarm monitoring company shall promptly advise the law enforcement

agency whether a responder is on the way to the alarm site.

(c) *Training.* Alarm installation companies and alarm monitoring companies shall insure that all alarm users of security alarm systems equipped with panic, duress and holdup alarms are given adequate training on their proper use.

(d) *Record keeping.*

(1) An alarm monitoring company shall maintain for a period of not less than one year from an alarm dispatch request, records relating to the alarm dispatch request. Such records shall include the name, address and telephone number of the alarm user, the security alarm system zone activated, the time of the alarm dispatch request and evidence of the attempt to verify the alarm signal with the alarm user. Such records shall be disclosed to the law enforcement agency upon request. If such a request is made within 60 days of the alarm dispatch request, the information shall be provided to the alarm coordinator within three business days. If such a request is made after 60 days from the alarm dispatch request, the information shall be provided to the alarm coordinator within 30 days.

(2) An alarm monitoring company shall upon request provide a list of its accounts in Charlotte County to the alarm coordinator.

(3)

Section 5. Charlotte County Code ' 2-5-145 is amended to read as follows:

Sec. 2-5-145. Penalties.

(a) In the event a law enforcement officer responds to false alarm, the alarm user shall be assessed a fine or given a warning as provided in this section.

(b) Violations of any provision of this article, including a response to a false alarm, shall be subject to the following penalties:

First violation	Warning
Second violation	Warning
Third violation	\$25.00 fine
Fourth violation	\$50.00 fine
Fifth violation	\$75.00 fine
Sixth and subsequent violations	Notice to appear and a fine of \$100 to \$500 and/or imprisonment in the county jail not to exceed 60 days.

(c) Violations are cumulative, that is, the violator shall pay the next highest fine for the next violation without regard to the time that has elapsed since the previous violation, except that:

- (1) if one year passes without a violation at the alarm site, a “clean slate” status shall be granted to the alarm site and the next violation shall be considered a first violation, or
- (2) If a new security alarm system is installed at the alarm site, upon notification to the alarm coordinator by an alarm system installation company or alarm monitoring company and the payment of all unpaid penalties and registration fees (including late fees), the security alarm system shall be considered a new system with no prior violations.

(d) A false alarm violation may be waived by the alarm coordinator in the event the false

alarm resulted from any of the following. The burden of showing that a false alarm was due to one of the following shall rest on the alarm user.

- (1) Electrical storms, hurricanes, tornadoes and acts of God, where there is clear evidence of physical damage to the security alarm system;
 - (2) Disruption of the telephone circuits beyond the control of the alarm user, responder, alarm installation company or alarm monitoring company;
 - (3) Electrical power disruption or failure in excess of two hours;
 - (4) Alarms caused by the failure of the equipment of the alarm monitoring company provided written verification is provided by the alarm monitoring company;
 - (5) Malicious causes beyond the control of the alarm user or responder.
- (e) The alarm coordinator may grant prevention training credits to alarm users upon successful completion of an educational program for the prevention of false alarms. A prevention training credit may be used against a future violation occurring within the current registration period or against a prior violation which occurred within the previous 30 days. Only one prevention training credit per alarm site per registration period will be allowed. A prevention training credit may not be used against a fifth or subsequent violation.
- (f) Each violation of this article shall constitute a separate offense. In addition to the fines and criminal sanctions contained herein, violators may be subject to other legal action, including emergency injunctive action, to enforce the provisions of this article.
- (g) The clerk of the circuit court shall collect the fines established in this section and shall

remit the same to the Charlotte County Sheriff's Office monthly, less five (5) percent, which is to be retained as fee income of the office of the clerk of the circuit court.

Section 6. Charlotte County Code ' 2-5-146 is amended to read as follows:

Sec. 2-5-146. Right to contest.

- (a) A person or entity found in violation of this article may contest a citation and request a hearing before the county court. Requests for hearing shall be made in writing or by telephone to the clerk of the circuit court within 30 days of the citation. Persons contesting the citation may, upon a finding of violation, be subject to a fine up to the maximum civil penalty of \$500, plus court costs.
- (b) Upon notification by the sheriff's office to do so, the clerk of the circuit court is authorized to dismiss any action on a citation issued pursuant to this article.

Section 7. The heading to Chapter 2-5, Article VI, is amended to read as follows:

“Article VI. ~~PRIVATELY OWNED~~ SECURITY ALARM SYSTEMS”

Section 8. Severability. In the event any portion of the foregoing conflicts with any other Charlotte County Code or other applicable law, the more restrictive shall apply. If any subsection, sentence, clause, phrase, or portion of these sections is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of the chapter.

Section 9. Effective Date. This ordinance shall take effect on November 1, 2002, and shall be repealed on November 1, 2004, unless extended by ordinance adopted by the board of county commissioners.

PASSED AND DULY ADOPTED this ____ day of August, 2002.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By _____
Mac Horton, Chairman

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners

By _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Reneé Francis Lee, County Attorney