Wilton Manors, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 7 - ALARM SYSTEMS >>

# Chapter 7 - ALARM SYSTEMS [33]

Sec. 7-1. - Definitions.

Sec. 7-2. - Alarm permit.

Sec. 7-3. - Duties of the alarm user.

Sec. 7-4. - Use of licensed contractors.

Sec. 7-5. - Duties of an alarm company.

Sec. 7-6. - Prohibited acts.

Sec. 7-7. - Enforcement of provisions.

Sec. 7-8. - Cancellation.

Sec. 7-9. - Appeals.

Sec. 7-10. - Government immunity.

## Sec. 7-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm administrator means a person or persons designated by the city to administer, control and review false alarm reduction efforts and to administer the provisions of this chapter.

Alarm company means a person subject to the licensing requirements and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems.

Alarm permit means a permit issued by the city allowing the operation of an alarm system within the city.

Alarm signal means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement is, requested to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, domestic violence alarms or alarms designed to elicit a medical response.

*Alarm user* means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Automatic dial protection device means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the police department a recorded message or code signal indicating a need for law enforcement response.

Cancellation means the process where response is terminated when the alarm company (designated by the alarm user) notifies the police department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

City means the City of Wilton Manors.

False alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the police department, evidence indicates that no unauthorized entry, robbery or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

*Non-residential* includes, but is not limited to: small business concerns, churches, schools, pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, hotels and motels and nursing homes.

1 of 4 12/26/2012 10:34 AM

Permit year means the one-year period beginning the day and month on which the alarm permit is issued.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The police department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

(Ord. No. 931, § 3, 4-8-2008)

# Sec. 7-2. - Alarm permit.

- (a) Permit required. No person shall use an alarm system without first obtaining a permit for such alarm system from the city. A fee of twenty-five dollars (\$25.00) is required for the initial registration. A fee of twenty-five dollars (\$25.00) is required for annual renewals, by the day and month on which the alarm permit was issued to be paid to the city through the police department. The renewal fee shall be waived if there are no reports of a false alarm for the alarm user during the preceding permit year; however, the alarm user shall be responsible for submitting updated registration information. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.
- (b) Application. The permit shall be requested on an application form provided by the city. An alarm user has the duty to obtain an application from the city.
- (c) Transfer of possession. When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within thirty (30) days of obtaining possession of the property. Alarm permits are not transferable.
- (d) Reporting updated information. Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the city within thirty (30) days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the city a form requesting updated information. The permit holder shall complete and return this form to the city when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.
- (e) Multiple alarm systems. If an alarm user has one or more alarm systems protecting two (2) or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

(Ord. No. 931, § 3, 4-8-2008)

## Sec. 7-3. - Duties of the alarm user.

An alarm user shall:

- (1) Obtain an alarm permit;
- (2) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms;
- (3) Provide the alarm company the permit number (the number must be provided to the police communications center by the alarm company to insure dispatch);
- (4) Detective or cause the deactivation of the alarm system within thirty (30) minutes of a false alarm activation;
- (5) Respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when requested by the police department;
- (6) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by the alarm system provider; and
- (7) Obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

(Ord. No. 931, § 3, 4-8-2008)

## Sec. 7-4. - Use of licensed contractors.

A registered alarm owner or person in control of an alarm system shall not contract or retain an alarm company which is not properly licensed. Unlicensed alarm contracting is a violation of Florida Statutes and punishable by fine and/or imprisonment.

(Ord. No. 931, § 3, 4-8-2008)

## Sec. 7-5. - Duties of an alarm company.

An alarm company performing monitoring services shall:

- (1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.
- (2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
- (3) Communicate any available information about the location of the alarm.
- (4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination

2 of 4 12/26/2012 10:34 AM

that response is unnecessary.

(Ord. No. 931, § 3, 4-8-2008)

## Sec. 7-6. - Prohibited acts.

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain or use an audible alarm system which can sound continually for more than ten (10) minutes.
- (c) It shall be unlawful to install, maintain or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the police department.

(Ord. No. 931, § 3, 4-8-2008)

# Sec. 7-7. - Enforcement of provisions.

- (a) Failure to register. Civil penalties for failure to register an alarm shall be assessed against residential alarm users in the amount of one hundred dollars (\$100.00) and non-residential alarm users in the amount of two hundred dollars (\$200.00). If the alarm user registers the alarm and pays the required registration fee within ten (10) days of the invoice date for failure to register, the penalty for failure to register the alarm shall be waived.
- (b) Excessive false alarms. It is hereby found and determined that two (2) or more false alarms within a permit year is excessive, constitutes a public nuisance and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against:

RESIDENTIAL alarm user as follows:	
Second, third, and fourth false alarm	\$ 50.00
Fifth, sixth and seventh false alarm	\$100.00
Eighth and ninth false alarm	\$250.00
Tenth and over false alarms	\$500.00
NON-RESIDENTIAL alarm user as follows:	
Second, third, and fourth false alarm	\$100.00
Fifth, sixth and seventh false alarm	\$200.00
Eighth and ninth false alarm	\$500.00
Tenth and over false alarms	\$750.00

- (c) Payment of civil penalty(ies). Civil penalty(ies) shall be due within thirty (30) days from the due date of the invoice.
- (d) Late charge assessment. Every thirty (30) days from the due date of the invoice that an alarm user has failed to make payment of any civil penalty(ies) under this chapter, a twenty-five dollar (\$25.00) late charge shall be assessed. The alarm user shall also be responsible for any legal fees or costs incurred by the City in the enforcement of this article.
- (e) Discontinuance of law enforcement response. The failure of an alarm user to make payment of any civil penalty(ies) assessed under this chapter within thirty (30) days from the due date of the invoice may result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received. In addition, failure to register and obtain an alarm permit may result in no law enforcement response to an unregistered alarm.
- (f) Other civil penalty(ies). Violations not outlined in subsections 7(a), (b) and (d) will be enforced through the assessment of civil penalty(ies) in the amount of one hundred dollars (\$100.00) per violation.
- (9) Collection of civil penalty(ies). Civil penalty(ies) shall be due to Wilton Manors Police Department, ATTN: Alarm Administrator. It shall be the responsibility of the police department to verify that the civil penalty(ies) has been made.

(Ord. No. 931, § 3, 4-8-2008)

## Sec. 7-8. - Cancellation.

Cancellation of an alarm permit shall be utilized by the alarm user when they disconnect their alarm or move from the property.

(Ord. No. 931, § 3, 4-8-2008)

## Sec. 7-9. - Appeals.

- (a) Appeal process. Assessments of civil penalty(ies) and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Wilton Manors Police Department, ATTN: Alarm Administrator within ten (10) days after the date of notification of the assessment of civil penalty(ies) or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty(ies) or other enforcement decision.
- (b) Administrative process. Appeals shall be heard by a special magistrate during an administrative process established by the city. The alarm user shall pay a fifty dollars (\$50.00) administrative fee for such process. If the special magistrate dismisses the civil penalty(ies) and reverses the enforcement decision, the administrative fee shall be refunded to the alarm user.
- (c) Appeal standard. The special magistrate shall review an appeal from the assessment of civil penalty(ies) or other enforcement decision using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the

3 of 4 12/26/2012 10:34 AM

- evidence supports the assessment of civil penalty(ies) or other enforcement decision, the special magistrate shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted. The special magistrate's decision is subject to review by proceedings in the nature of certiorari. The decision of the special magistrate is final as to administrative remedies within the city, but does not preclude an appeal to any court of competent jurisdiction.
- (d) Fees and costs. Fees and costs incurred either as service charges for false alarms, late fees, violations and/or hearing assessments shall constitute a lien against the premises to the same extent as a lien for special assessment, and with the same penalties and same rights of collection for foreclosure sale and forfeitures obtained for special assessment liens, and may be handled in that manner by the city. It shall be unlawful for any person to refuse or fail to pay any cost assessed pursuant to this article. The refusal or failure to make payment within thirty (30) days of being notified of such expenses after assessment or once an appeal has been concluded shall constitute a separate offense against the city.

(Ord. No. 931, § 3, 4-8-2008)

## Sec. 7-10. - Government immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

(Ord. No. 931, § 3, 4-8-2008)

## FOOTNOTE(S):

(33) Editor's note— Ord. No. 931, §§ 2, 3, adopted Apr. 8, 2008, repealed Ch. 7 in its entirety and enacted a new Ch. 7 to read as set out herein. Former Ch. 7 pertained to similar subject matter and derived from Ord. No. 703, § 1, adopted Dec. 10, 1991. (Back)

(33) Cross reference— Code enforcement, § 2-66 et seq.; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 8; licenses and business regulations, Ch. 10; police, Ch. 15; fire hydrant installation, § 20-41. (Back)

4 of 4