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CHAPTER 7

BURGLAR ALARMS¹

7.1 DESIGNATION, PURPOSE AND SCOPE OF REGULATION.

(a) Designation. This Chapter shall be designated and known as the Village of Palmetto Bay Burglar Alarm Code. This Chapter shall be applicable to all burglar alarm systems within Village limits.

(b) Purpose of regulations. The purpose of this chapter is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false burglar alarms.

(c) Scope of regulations. This section will apply to all properties located within Village limits.

7.2 DEFINITIONS.

Alarm company shall mean any person engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring any alarm system or 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 company and, or, alarm monitoring company shall obtain an occupational license as required by Chapter 489, Florida Statutes.

Alarm owner. Shall mean the person designated in the application process as responsible for responding to alarms and giving access to the site, and who is responsible for proper maintenance and operation of the alarm and payment of penalties and fees relating to the operation of the alarm system, and specifically includes the term alarm user.

Alarm notification. Shall mean a notification intended to summon the police, which is designed either to be initiated purposefully by a person or by an alarm system that responds to stimulus characteristic of unauthorized intrusion.

Alarm user. Shall mean any person or other entity that owns, possesses, controls, occupies, or manages any premises as defined below; shall specifically include the property owner if the premises is leased, occupied and/or managed by third persons; and/or the registered owner designated in the application process.

¹ Although the entire chapter is new and therefore should be underlined, I have only underlined changes from the original ordinance found at chapter 14.

1 Burglar alarm system. Shall mean any assembly of equipment, mechanical or electrical,
2 arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and
3 to which the Police Department may reasonably be expected to respond, but does not include fire
4 alarms or alarms installed in motor vehicles. If a fire alarm system is connected to a burglar alarm
5 system, this Section shall not apply to false alarms that the alarm user proves were generated by the
6 fire alarm portion of the system.
7

8 False burglar alarm or false alarm notification. Shall mean a signal from a burglar alarm
9 system that elicits a response by the police when no emergency or actual or threatened criminal
10 activity requiring immediate response exists. This definition includes signals activated by negligence,
11 accident, mechanical failure, and electrical failure; signals activated intentionally in non-emergency
12 situations; and signals for which the actual cause of activation is unknown. It is a rebuttable
13 presumption that a burglar alarm is false if personnel responding from the Police Department do
14 not discover any evidence of unauthorized entry, criminal activity, or other emergency after
15 following normal police procedures in investigating the incident. An alarm is not false if the alarm
16 user proves that (1) an individual activated the alarm based upon a reasonable belief that an
17 emergency or actual or threatened criminal activity requiring immediate response existed; or (2) the
18 alarm system was activated by lightning or an electrical surge that caused physical damage to the
19 system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-
20 site inspection and personally observed the damage to the system; or (3) if the user experienced a
21 power outage of four or more hours, causing the alarm to activate upon restoration of power, as
22 evidenced by written documentation provided by Florida Power and Light Company or other
23 applicable provider.
24

25 Person. Shall mean an individual, corporation, partnership, association, organization or
26 similar entity.
27

28 Premises. Shall mean the building or structure or portion of a building or structure upon
29 which is installed or maintained a burglar alarm system.
30

31 **7.3 REGISTRATION OF ALARM SYSTEM AND ALARM FEES.**

32
33 (a) Registration of burglar alarm systems. All burglar alarm systems which operate at
34 locations within Village limits shall be registered by the alarm user with the Village of Palmetto Bay
35 Police Department ~~Miami-Dade County Police Department Cutler Ridge division assigned to~~
36 ~~provide police services to the Village~~ and (2) the Village Finance Director Clerk. The user shall
37 complete and submit an initial registration or an annual registration renewal with the appropriate fee.
38 Initial registration shall be necessary to register any system which is not currently registered or upon
39 a change in the users of an alarm. A separate registration is required for each alarm system.
40

41 (b) Annual registration fee. The initial registration period shall be for the period
42 beginning October 1, 2007 through December 31, 2007. After January 1, 2008, registration shall
43 occur annually. There shall be an initial and an annual registration fee of \$25.00 for all alarm
44 registrations. Separate alarm systems require separate registrations. The registration period starting
45 January 1, 2008 will be for a one (1) year period. Upon renewal for registration periods beginning

1 on or after January 1, 2008, the fee will be waived if the burglar alarm system has had no false
2 burglar alarm requiring police dispatch during the prior registration period. For those registrants
3 with a false alarm call during the year, the registration fee shall be \$25.00. Registration not renewed
4 by February 1st of the applicable year shall be considered delinquent and the owner/user shall be
5 subject to an enforcement action as is necessary to gain compliance with this Chapter.
6

7 (c) Change in registration information. In the event of a change in any of the
8 information required as part of the initial or annual registration, the user shall notify the Police
9 Department of the change. An updated registration shall be filed within 10 days of any change.
10

11 (d) Application of funds. Funds collected under this chapter shall be applied to the
12 operational costs and enforcement of this ordinance, to reduce the number of false alarms received
13 by the Police Department, and to reduce the time spent by police officers handling false alarm calls.
14

15 (e) Registration form. The owner/user shall complete and submit to the Village Finance
16 Department an emergency contact registration form and thereafter an annual renewal registration
17 form, with the appropriate fee(s), for each alarm in use in the Village on the premises. Upon receipt
18 of a completed registration form and collection of the registration fee or renewal fee, the Village
19 shall issue a numbered alarm registration permit to the applicant to facilitate retrieval of registration
20 information. The registration form shall include:
21

22 (1) the name, address and daytime and evening telephone numbers of at least
23 one (1) alternative person who can be contacted in the case of activation of the alarm system
24 in the event that the alarm owner/user cannot be contacted;
25

26 (2) The classification of the alarm site as residential, commercial or apartment.
27

28 (3) When required by this Chapter, certification by a person licenses by the State
29 of Florida to install or design alarm systems stating: the date of installation or maintenance
30 of the alarm system, whichever is applicable; the current Florida State License of the person
31 performing or directly supervising the installation or maintenance of the alarm system; and
32 any other information that may be required by the Finance Director in order to obtain
33 compliance with this Chapter.
34

35 (f) Transferability.
36

37 (1) An alarm registration cannot be transferred to another person. When there
38 is a change of property ownership or business ownership a new registration form with
39 updated information must be completed by the new owner/user and a new registration fee
40 shall be applied.
41

42 (2) An alarm company and/or alarm monitoring company shall be properly
43 licensed in accordance with Chapter 489, Florida Statutes. An alarm company shall have an
44 appropriate occupational license pursuant to Chapter 489, Part II, Florida Statutes.
45

1 (3) It shall be the duty of all alarm companies, property owners, and/or alarm
2 owner/users to apply for and obtain any required permits for the installation of any alarm
3 system from the Village of Palmetto Bay.

4
5 (g) Any false statement of a material matter made by an applicant for the purpose of
6 registering an alarm shall be a violation of this Chapter and subject the violator to the appropriate
7 enforcement action.

8
9 **7.4 ALARM DISPATCH RECORDS.**

10
11 (a) The police officer responding to a dispatch resulting from any alarm covered by this
12 Chapter shall record the information as necessary to permit the Village Police Department and
13 Finance Director to maintain records, including but not limited to the following:

14
15 (1) The identification of the registered owner or, if no registration exists the
16 owner or person in charge of the premises, if know;

17
18 (2) The exact address of the alarm site;

19
20 (3) The dispatched received date, time and arrival time;

21
22 (4) The weather conditions;

23
24 (5) The area of the premises involved, if known; and

25
26 (6) The name of the registered owner's representative, if on the premises.

27
28 (b) The responding police officer shall indicate on the dispatch record whether the
29 notification was caused by criminal offense, attempted criminal offense or was a false alarm/alarm
30 notification.

31
32 (c) In the case of an assumed false alarm or alarm malfunction, the responding police
33 officer shall leave notice at the alarm site that the police department has responded to a false alarm
34 or alarm malfunction notification. The notice shall include the following information:

35
36 (1) Date and time of the police department response to the false alarm
37 notification;

38
39 (2) The identification number of the responding police officer; and,

40
41 (3) A statement that shall, in substance, urge the registered owner to ensure that
42 the alarm system is properly operated and maintained to avoid service fees.

1 (d) The Miami-Dade Police Department and/or the Village Police Department shall
2 forward a copy of the police incident report/dispatch report to the Village finance Department of
3 any necessary follow-up action required under this Chapter.

4
5 **7.5 ALARM SYSTEMS IN MULTIPLE-FAMILY/HIGH DENSITY RESIDENTIAL**
6 **PREMISES AND BUSINESSES.**

7
8 (a) The owner or property manager of any apartments, apartment hotels, hotels,
9 condominiums and/or other similar multiple-family/high density residential and business premises
10 shall obtain a master alarm registration form from the Village if any alarm system is operated on the
11 multi-family/high density premises.

12
13 (b) The individual or entity named in the master alarm registration form is responsible
14 for false alarm notifications emitted from unoccupied residential units or business units.

15
16 (c) The owner or property manager of any building identified in subsection (a) shall
17 provide a separate completed registration form for any alarm system operated in a non-residential
18 area of the apartment complex, including, but not limited to common tenant areas, offices, storage,
19 and equipment areas.

20
21 (d) A tenant or unit owner in any building identified in subsection (a) shall also obtain an
22 alarm registration form from the Village before obtaining or causing the operation of an alarm
23 system in the tenant's residential unit.

24
25 **7.6 REQUIRED EQUIPMENT IN A BURGLAR ALARM AND PROPER**
26 **OPERATION OF ALARM SYSTEM**

27
28 (a) A burglar alarm user shall not use a burglar alarm system unless that burglar alarm
29 system is equipped with:

30
31 (1) a backup power supply that will become effective in the event of power
32 failure or outage; and

33
34 (2) a device that automatically silences the alarm within 15 minutes after
35 activation.

36
37 (b) A registered alarm owner/user shall:

38
39 (1) Maintain the premises and the alarm system in a manner that will minimize
40 or eliminate false alarm notifications;

41
42 (2) Respond or cause the representative to appear at the systems location within
43 a reasonable period of time when notified by the Village Police Department to deactivate a
44 malfunctioning alarm system, to provide access to the premises or to provide security for the
45 premises;

1
2 (3) Not manually activate an alarm for any reason other than an occurrence of
3 an event that the alarm system was intended to report, and;
4

5 (4) Any and all alarm owners'/users shall maintain at each alarm site a complete
6 set of written operating instructions for each alarm system. Special codes, combinations or
7 passwords should not be included in these instructions.
8

9 (5) It shall be the duty of every person owning, operating using, or purchasing
10 any business premises within the Village limits to comply with the requirements of this
11 Chapter prior to operating an alarm system.
12

13 7.7 ALARM COMPANIES RESPONSIBILITIES.

14
15 (a) It shall be the responsibility of any licensed person selling and, or, monitoring an
16 alarm system to provide the user with the registration form and the "Village of Palmetto Bay Burglar
17 Alarm Ordinance Information" form. The registration form provided to the user shall include the
18 person's name, address, and State of Florida burglar alarm contractor's license number, and other
19 information required on the registration form. An alarm company may not charge a customer a fee,
20 other than the required registration fee, to register any alarm system with the Village. ~~A copy of the~~
21 ~~current and valid contractor's license must be on file with the Police Department.~~
22

23 ~~(b) Any person within Village limits who sells burglar alarm systems to a potential user~~
24 ~~must include a copy of the Village of Palmetto Bay Burglar Alarm Ordinance Information form and~~
25 ~~registration form with each system sold.~~
26

27 (be) Any person testing and, or, working on an alarm system shall promptly cancel any
28 activation so that police will not be dispatched.
29

30 (c) All alarm companies and/or monitoring companies shall be properly licensed as
31 required by the State of Florida and any jurisdiction in which they have an actual place of business;
32 and shall communicate alarm notifications to the Village in a manner and form determined by the
33 Village. Additionally, no alarm company, monitoring company, and/or person in charge of a local
34 alarm or alarm system shall permit an alarm indication from such alarm to be sent directly to the
35 Village.
36

37 7.8 ALARM CALL VERIFICATION, CANCELING FALSE ALARMS AND FALSE 38 ALARM PROHIBITION.

39
40 (a) Alarm call verification. All residential or commercial intrusion and/or, burglar
41 alarms, that have central monitoring, must have a central monitoring verification call made to the
42 premises generating the alarm signal, prior to alarm monitor personnel contacting the Police
43 Department for dispatch. This does not apply to panic or holdup type alarms. Alarm monitoring
44 companies will make available to the Police Department upon request, records providing proof that
45 the monitoring company made the verification calls.

1
2 (b) Canceling false burglar alarm calls. Alarm monitoring companies shall notify the
3 Police Department to cancel dispatches to alarm calls the company initiated within 10 minutes of
4 being notified that the alarm is false by the alarm user or his authorized representative. However,
5 police will not cite the company for failure to meet the 10-minute criterion if notification of a false
6 alarm is received before a police officer arrives on the scene. Alarm monitoring companies will
7 make available to the Police Department records providing proof that the Police Department was
8 contacted within the ten-minute criterion. An emergency line has been provided by the Police
9 Department to call in and, or, cancel panic or holdup type alarms. Use of this line for non-
10 emergency alarm calls is prohibited.

11
12 (c) False burglar alarms prohibited. No burglar alarm user shall cause, allow, or permit
13 the burglar alarm system to give four or more false alarms in any registration period.

14 7.9 PENALTIES.

15
16 (a) The owner/user of an alarm or the person in control of an alarm system shall be
17 subject to fees or penalties concerning their alarm depending upon the number of false alarm
18 notifications emitted from an alarm system covered by this Chapter within the registration period of
19 each fiscal year. Each violation of this section shall be punished as follows:
20

21 (1) A fine of \$50.00 for first violation of sections 7.5, 7.6, 7.7 or 7.10.

22 (2) A fine of \$100.00 for a second or any additional violation of sections 7.5, 7.6,
23 7.7 or 7.10.

24 (3) For the fourth false burglar alarm in the user's registration period, by a fine
25 of \$50.00.

26 (4) For the fifth false burglar alarm in the user's registration period, by a fine of
27 \$100.00.

28 (5) For the sixth and each additional false burglar alarm in the user's registration
29 period, by a fine of \$200.00.

30 (b) Violations of remaining Sections of this Chapter.

31 (1) Any person who violates any of the remaining Sections of this Chapter shall
32 be subject to the issuance of a civil penalty in the amount of \$100.00, unless otherwise
33 specified herein.

34 (c) Maximum fine. An alarm user shall not be fined more than \$200.00 for false alarms
35 that occur at the same premises in any 24-hour period. Payment of fines shall be made to the ~~Police~~
36 ~~Department~~ Village's Finance Director, or designee. The Police Department and Finance
37 Department shall keep record of all violations and all payments by violators under this Chapter.

1
2 (d) Fees, fines, and costs incurred either as service charges for false alarms, late fees,
3 violations and/or hearing assessments shall constitute a lien against the premises to the same extent
4 as a lien for special assessment, and with the same penalties and same rights of collection for
5 foreclosure sale and forfeitures obtained for special assessment liens, and may be handled in that
6 manner by the Village. It shall be unlawful for any person to refuse or fail to pay any cost assessed
7 pursuant to this Chapter. The refusal or failure to make payment within 30 days of being notified of
8 such expense after assessment or once a timely appeal has been concluded shall constitute a separate
9 offense against the Village. The penalty for this violation shall be a charge of not more than
10 \$250.00. Tax exemption for certain nonprofit organizations. No penalty specified under this
11 Chapter shall be imposed or assessed against any entity that qualifies as tax exempt under the
12 provisions of section 501(e)(3) of the Internal Revenue Code provided that the premise is used
13 exclusively by the entity for the tax-exempt purposes.

14
15 (e) Should any fee be assessed pursuant to this Chapter and remain unpaid in excess of
16 100 calendar days from the date that the charge is billed, a collection fee in the amount of 20 percent
17 of the outstanding balance shall be assessed and shall be payable by the owner of the premises or
18 owner/user of the alarm system in addition to the original fee. The owner of the premises or
19 owner/user of the alarm system shall also be responsible for any legal fees or costs incurred by the
20 Village in enforcement of this Chapter.

21
22 (f) Alarm activation caused by an actual criminal offense or with evidence of a criminal
23 attempt shall not be counted as a false alarm notification.

24
25 (g) If a fire alarm system is connected to a burglar alarm system, this section shall not
26 apply to false alarms that the alarm user proves were generated by the fire alarm portion of the
27 system.

28 29 **7.10 APPEAL PROCESS.**

30
31 All citations for violations under this Chapter may be appealed within 20 days of the issued
32 citation, to the special master, as provided in Section 2-205 of the Village of Palmetto Bay Code of
33 Ordinances. Police response will continue while an appeal is pending.

34 35 **7.11 PROCEDURE FOR FALSE ALARMS.**

36
37 (a) Notification of false alarms. It is the responsibility for each alarm user and owner to
38 monitor the occurrences of false alarms on its premises. The Police Department shall notify the
39 alarm user of each false alarm. Whenever an alarm is activated requiring response to a location by
40 the police or fire department, a police officer or firefighter on the scene of the activated alarm
41 system will inspect the area protected by the system and shall determine whether the emergency
42 response was, in fact, required as indicated by the alarm system or whether the same was a false
43 alarm.

1 (1) If the police officer or firefighter at the scene of the activated alarm system
2 determines the alarm to be false, such police officer or firefighter shall make a report of the
3 false alarm, a notification of which shall be mailed, delivered, or posted to the alarm user, at
4 the address of the alarm system installation location. Where the user is not the owner, then
5 the owner will also be notified at the address furnished by the alarm user certificate
6 application or recorded in the current property ownership records maintained by the Village.
7 The alarm user and/or property owner will be advised of the false alarm and any applicable
8 charges therefore. The notification shall be sent by regular mail or posted at the property.
9

10 (2) Once there have been six or more false alarm within a calendar year, the
11 alarm user shall be required to have a licensed alarm contractor complete the Village
12 prescribed alarm affidavit confirming that appropriate action has been taken to correct any
13 possible defects. The affidavit shall be filed with the Finance Department within 30 days
14 from notice, and will state that the alarm system has been inspected and is functioning
15 properly, and in accordance with this Chapter. Failure to comply with the above may result
16 in a revocation of the alarm user certificate and a penalty charge as established by a civil
17 citation.
18

19 (b) Limitations to police response. Police are not required to respond:

20
21 (1) To burglar alarms at locations where six (6) or more false alarms occurred in
22 the user's annual registration period. After sustaining the first police response termination in
23 a registration period for accruing six (6) false alarms, the alarm user ~~will~~ may, at the
24 discretion of the police department, sustain subsequent response terminations for every
25 three (3) additional false alarms occurring in the same registration period. Should the police
26 continue to respond to false alarms, the fine established under section 7.9(a)(5) shall apply.
27

28 (2) To burglar alarms at locations where a burglar alarm fine was not paid within
29 60 days of a civil violation notice; or
30

31 (3) To locations where required alarm registration information was not filed
32 within 30 days of a civil violation notice for failure to file alarm information.
33

34 (c) Nothing in this Chapter shall:

35
36 (1) Preclude the Police Department from responding to panic or ambush alarm
37 signals, calls describing emergencies or crimes in progress, or routine calls for service;
38

39 (2) Limit the Police Department from issuing civil violation notices for alarms in
40 violation of this Chapter; or
41

42 (3) Be construed to create a duty to respond in any circumstances where such a
43 duty does not exist pursuant to the statutory or common law of Florida. This Chapter
44 imposes or creates no duties on the part of the Village or its Departments and employees,
45 and the obligation of complying with the requirements of the Chapter, and any liability for

1 failing to do so is placed upon the parties responsible for owning, operating, monitoring and
2 maintaining security alarms.

3
4 (4) Preclude the Police Department from responding to any alarm signal at the
5 discretion of the Police Commander.

6
7 (d) Notice of Discontinued Service: A notice that Police response will be discontinued
8 will accompany a civil violation notice, be posted at the affected location, or be sent to the user by
9 certified mail at least 30 days prior to discontinuing service.

10
11 (e) Restoring police response to terminated locations. To restore Police response to
12 burglar alarms at terminated locations, the alarm user must:

13
14 (1) When Police response has been discontinued pursuant to subsection
15 7.11(b)(1), submit a written report from a licensed burglar alarm company certifying that the
16 system has been inspected, repaired if required, and that it is functioning properly. In
17 addition, the alarm user must pay all outstanding burglar alarm ordinance fines; or

18
19 (2) When Police response has been discontinued pursuant to subsection
20 7.11(b)(2) and (3), submit burglar alarm registration information and pay all outstanding
21 burglar alarm ordinance fines.

22
23 **7.12 FALSE ALARMS AND REPORTS.**

24
25 (a) False alarms. It shall be unlawful for any person intentionally to make, turn in, or
26 give a false alarm of fire, or a false alarm of the need for police or ambulance assistance; and it shall
27 be unlawful for any person to aid or abet in the commission of any such act.

28
29 (b) False reports. It shall be unlawful to make or file with the Police Department any
30 false, misleading or unfounded statement or report concerning the commission or alleged
31 commission of any crime, or offense, occurring within the county or any municipality within the
32 county.

33
34 * * *

35
36 Section 2. All ordinances or parts of ordinances in conflict with the provisions of this
37 ordinance are repealed, and specifically Sections 14-19 through 14-28 of the Village Code are
38 repealed.

39
40 Section 3. This ordinance shall be codified and included in the Village of Palmetto Bay
41 Code of Ordinances.

42
43 Section 4. If any section, clause, sentence, or phrase of this ordinance is for any reason
44 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the
45 validity of the remaining portions of this ordinance.

