

1 **WHEREAS**, due to negligence, improper use, mechanical malfunction and poor design, the use of
2 security alarms within the incorporated limits of Belle Isle frequently result in a number of false alarms being
3 reported to which law enforcement personnel must respond in force; and

4 **WHEREAS**, the incidence of false alarms causes a significant misuse of manpower and resources by
5 causing the dispatch of multiple units to the scene of each false alarm, rendering said units out of service and
6 unavailable for response to legitimate emergency situations; and

7 **WHEREAS**, the continued frequency of false alarms carries the potential for creating complacency in
8 responding officers, thereby posing a danger to their safety as well as the safety of the citizens of Belle Isle;
9 and

10 **WHEREAS**, the City Council finds it necessary to prohibit automatic alarm communication devices
11 which are programmed to make connection with the same telephone lines utilized by police services, which
12 could seize and hold said lines to the exclusion of legitimate emergency calls; and

13 **WHEREAS**, the prohibition against the aforementioned automatic alarm communication devices as
14 well as the regulation of alarm systems and their use will result in a significant reduction of false alarms, with
15 the resultant savings in public resources, as well as the safety of the citizens of Belle Isle.

16 **NOW THEREFORE, BE IT ENACTED** by the City Council of the City of Belle Isle, Florida, as follows:

17 **SECTION 1. Recitals Incorporated.**

18 The above recitals are true and correct and are incorporated herein and constitute the legislative
19 findings of the City of Belle Isle.

20 **SECTION 2. City Code Amendment.**

21 Chapter 15 of the Belle Isle City Code is hereby amended to add a new Article IV containing the
22 following provisions, which shall be known and may be cited as the "City of Belle Isle Alarm Control
23 Ordinance".

24 **ARTICLE IV. – ALARM CONTROL**

1 **Sec. 15-72. - Definitions.**

2 Unless it is clear from the context that another meaning is intended, the following words, when used
3 in this Article, shall have the meaning attributed to them by this Section:

4 A. *Alarm System* - means any mechanical, electrical or radio controlled device which is designed
5 to be used for the detection of an unauthorized entry into a building, structure or facility, or for alerting others
6 to the commission of an unlawful action within a building, structure or facility, and which emits a sound or
7 transmits a signal or message when activated. Excluded from this definition are devices that do not register
8 alarms that are audible or visible and that do not otherwise communicate outside of the protected building,
9 structure or facility; auxiliary devices installed by telephone companies to protect telephone systems from
10 damage or disruption of service; and alarm systems installed in conveyances for the exclusive protection of
11 such conveyances. Alarms that indicate malfunctions in public utilities are also excluded from this definition.

12 B. *Alarm User* -means the person, firm, business, partnership, association, corporation or other
13 entity who either;

- 14 1. Owns the premises in which an alarm system is installed; or
- 15 2. Who leases or occupies the premises; or
- 16 3. Who is designated as the registered agent of the premises; or
- 17 4. Is the rental/property management company for the premises.

18 C. *Automatic Alarm Communication System* - means any automatic communication device or
19 automatic telephone dialing alarm system which, upon being activated, automatically transmits to any
20 telephone in the Belle Isle Police Department a recorded message or coded signal indicating the need for an
21 emergency response.

22 D. *Belle Isle*- The City of Belle Isle, Florida.

1 E. False Alarm - means an activated alarm that elicits a response by the Belle Isle Police
2 Department when no criminal activity, reasonable threat of criminal activity, unauthorized entry or other
3 emergency requiring the services of the police department exists.

4 This definition includes signals activated by accident, negligence, mechanical failure, electrical failure,
5 signals activated intentionally in non-emergency situations and signals for which the actual cause of activation
6 is unknown. A rebuttable presumption shall exist that an alarm is false if in the case of a security alarm,
7 personnel from the police department find no evidence of an unauthorized entry, criminal activity, a
8 reasonable threat of criminal activity, or another emergency requiring the services of the police department
9 after following normal operating procedures. This presumption may be overruled if the alarm user proves
10 that:

- 11 1. In case of a security alarm, an individual activated the alarm based upon a reasonable belief
12 that an unauthorized entry, criminal activity, a reasonable threat of criminal activity, or
13 another emergency requiring the services of the police department actually existed; or
- 14 2. The alarm system was activated by lightning or an electrical surge that caused physical
15 damage to the alarm system, as evidenced by the testimony of the state-certified or
16 registered alarm system technician who conducted an on-site inspection of the system; or
- 17 3. The alarm system was activated by some other cause beyond the alarm user's reasonable
18 control.

19 F. Key Holder- means any person authorized by the alarm user to enter or provide access to the alarm
20 user's premises for the purposes of enabling the police department to investigate and determine the validity
21 of an alarm and to reset the alarm.

22 G. Lock Box System - is a secure key and premise information holding system utilized by the Belle Isle
23 Police Department for the purpose of entering and determining the nature of an alarm activation. Belle Isle
24 Police Department personnel shall not be classified as "key holders".

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2 H. *Panic Alarm*- means any mechanical, electrical or radio-controlled device which is personally
3 activated by the alarm user and which indicates that a clear and present danger is presently confronting the
4 alarm user.

5 I. *Police Department*- means the City of Belle Isle Police Department.

6 J. *Responding Officer*- means an officer with the Belle Isle Police Department responding to a security
7 alarm.

8 K. *Three Hundred Sixty-Five (365) day period*- means any consecutive Three Hundred Sixty-Five (365)
9 day period.

10 **Sec. 15-73. - Automatic Alarm Communication Systems Prohibited.**

11 A. _____ It shall be unlawful for any person, firm, business, partnership, association, corporation or
12 other entity to install, maintain, or operate an automatic alarm communication system, as defined herein. The
13 owner, operator or lessee of such a system shall disconnect such system within seventy-two (72) hours of
14 receiving notice to do so.

15 B. _____ Failure to comply with this section shall constitute a misdemeanor of the second degree,
16 punishable as provided in Chapter 775, Florida Statutes.

17 **Sec. 15-74. - Response to Alarms; Determination of Validity.**

18 A. _____ Upon responding to any alarm activated in the incorporated limits of Belle Isle, the responding
19 officer shall make a complete and thorough inspection of the building or premises to determine the validity of
20 the alarm.

21 B. _____ If the responding officer determines the alarm to be false, the officer shall so notify the
22 Sheriff's Office communications section in the case of a security alarm. Upon request by the police
23 department, the alarm monitoring company shall provide the name, physical/ mailing address, and phone
24 number of the alarm premises' owner, the alarm premises lessee/occupant, the rental/property management

1 company or the registered agent. This information shall be used to maintain a current database to ensure
2 compliance with the provisions of this Ordinance. Failure by the alarm monitoring company to provide such
3 information, upon request, will result in fines and penalties for false alarms imposed pursuant to Section 6 of
4 this Ordinance against the alarm monitoring company.

5 C. Alarm users shall respond to each activated alarm at their premises within forty-five (45)
6 minutes of notification. Response means arrival at the scene of the alarm. Response by a key holder shall
7 constitute response by an alarm user for the purposes of this subsection. In addition to any other penalty
8 provided for herein, failure to respond within forty-five (45) minutes of notification without good cause shall
9 result in a fine of fifty dollars (\$50.00). In addition, the police department may, in their sole discretion, choose
10 not to respond to an alarm in the event they have been informed by the alarm user or some other reliable
11 source that neither the alarm user nor a key holder for the alarm user will respond to the alarm and no
12 legitimate reason for such failure to respond exists. However, the police department shall attempt to respond
13 in all cases where a panic alarm has been activated and in all cases where they have received reliable
14 information that an emergency in fact exists.

15 **Sec. 15-75. - False Alarms; Required Corrective Action and Penalties.**

16 A. Regardless of the number of false alarms an alarm user has had within any period of time,
17 whenever it appears that a false alarm was caused by a system malfunction rather than human error or some
18 other external source, the alarm user shall within fifteen (15) days have his or her alarm system inspected and,
19 if necessary, repaired by a state-certified or state-registered alarm contractor. The alarm user shall submit
20 written proof of such inspection and, if applicable, repair to the police department in the case of a security
21 alarm within thirty (30) days of the false alarm.

22 B. The penalties for false alarms shall be as follows:

23 l. No fine shall be imposed for the first false alarm within any ninety (90) day period. A
24 warning letter will be issued to the alarm owner.

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2 2. No fine shall be imposed for the second false alarm within any one hundred and
3 eighty (180) day period unless the alarm user has failed to comply with the requirements of
4 subsection (A), in which case a fine in the amount of Fifty Dollars (\$50) shall be imposed.

5 3. The fine for a third false alarm within a one hundred and eighty (180) period shall be
6 in the amount of One Hundred and Fifty Dollars (\$150), and any subsequent false alarm shall be in the
7 amount of Two Hundred and Fifty Dollars (\$250), except that the listed fines shall be doubled if the
8 alarm user is not in compliance with subsection (A) at the time of the false alarm triggering the fine
9 occurs.

10 C. If an alarm user fails to pay any fine imposed herein within thirty (30) days of the issuance of a
11 citation or does not prevail in an appeal pursuant to Section 8, Appeal, the alarm user forfeits the right to
12 operate his or her alarm system and, unless otherwise required by law, may not operate said system until such
13 fine is paid. Operation of an alarm system in violation of this subsection shall constitute a misdemeanor of the
14 second degree, punishable as provided in Chapter 775, Florida Statutes.

15 **Sec. 15-76. - Citation Procedure.**

16 The police department may issue citations for violations of this Ordinance. Citations may be issued to
17 the alarm user in person or by certified mail. As provided in Section 6(c), an alarm user shall have thirty (30)
18 days from the issuance of a citation to pay the fine imposed pursuant to the citation. In the event an alarm
19 user fails to pay any false alarm charge within the thirty (30) day period, the enforcement official may, at his or
20 her discretion, determine that there shall be no response to any alarm activation by the alarm system which
21 has been the cause for the false alarm citation until the fine is paid.

22 **Sec. 15-77. - Appeal.**

23 Any alarm user who receives a citation for a false alarm fine shall be entitled to an appeal hearing
24 before the City Manager, or his or her authorized designee. A request for an appeal hearing must be in writing

1 with the reasons why the fine should not be assessed, and shall be made within twenty (20) days from the
2 issuance of the citation. Once the request has been received by the City Manager, a hearing will be scheduled
3 and subsequently conducted as soon as practicable. At the hearing, the alarm user shall have the opportunity
4 to be heard, and to introduce testimony and evidence. Following the conclusion of the hearing, the City
5 Manager, or his or her authorized designee, shall review the testimony, the evidence, and shall determine
6 whether the alarm user has shown good cause why the fine should be withdrawn. The City Manager or
7 designee shall render a decision on the appeal within five (5) business days thereafter. The decision of the City
8 Manager, or designee, shall be the final administrative action by the City of Belle Isle. Upon making a decision
9 on the matter, the City Manager or designee shall notify the alarm user of the decision in writing.

10 Failure to either pay the applicable fine or to request an appeal within the aforementioned time
11 periods shall constitute a waiver of the alarm user's right to contest the citation.

12 **Sec. 15-78. - Alarm System Operations.**

13 The City of Belle Isle, its officers, employees and agents shall not assume any duty or responsibility for
14 the installation, maintenance, operation, repair or effectiveness of any privately owned alarm system. Those
15 duties or responsibilities shall be the sole responsibility of the owner of the particular premises and system.
16 Additionally, it shall be the responsibility of the alarm user or his or her authorized representatives to silence
17 an activated alarm and thereafter reset it.

18 **Sec. 15-79. - Applicability.**

19 This Ordinance shall apply in the incorporated limits of the City of Belle Isle, Florida.

20 **Sec. 15-80. - Limitation of Liability.**

21 Nothing in this Article shall be construed as to create a duty on the part of the Police Department or
22 the City of Belle Isle to respond to any alarm or to otherwise guarantee the safety of any member of the
23 public. Further, the Belle Isle Police Department and the City of Belle Isle expressly retain the discretion to
24 determine whether or not to respond to an alarm, and to otherwise determine the most efficient deployment

1 of law enforcement resources. Nothing in this Article shall be construed as a waiver of sovereign immunity by
2 the City of Belle Isle.

3 **Sec. 15-81. - Disposition of Penalties and Fines.**

4 Fines collected for false alarms shall be forwarded to the director of finance who shall deposit funds
5 received for false security alarms, less costs of notification and collection, into a separate police account for
6 false security alarm funds. These funds shall be used by the police department for training and
7 communication.

8 **SECTION 3. Codification.**

9 It is the intention of the City Council of the City of Belle Isle that Section 2 of this Ordinance shall
10 become and be made a part of the Code of the City of Belle Isle, and that the sections of this Ordinance may
11 be renumbered or relettered, and the word "Ordinance" may be changed to "Section", "Article", or such other
12 appropriate word or phrase in order to accomplish such intentions.

13 **SECTION 4. Liberal, Non-Conflicting Construction.**

14 The provisions of this Ordinance shall be liberally construed such that its purpose is effectively
15 rendered in the interest of the health, safety and welfare of the citizens and residents of the City of Belle Isle.
16 Likewise, such provisions shall be interpreted so as to not to conflict with, but be supplemental to, all
17 applicable City of Belle Isle Codes, and all other laws, rules, ordinances and regulations.

18 **SECTION 5. Severability.**

19 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by
20 any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining
21 sections of this Ordinance.

22 **SECTION 6. Effective Date.**

23 This Ordinance shall take effect immediately upon its approval and publication as required by law.
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FIRST READING: December 4th, 2018

SECOND READING: _____, 2018

ADOPTED this ____ day of _____, 2018, by the City Council of the City of Belle Isle, Florida.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Jeremy Weinsier	_____	_____	_____
Mike Sims	_____	_____	_____
Harvey Readey	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

Lydia Pisano, Mayor

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality,

Kurt Ardaman, City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document

4 ORDINANCE 18-14 was duly and legally passed by the Belle Isle City Council, in session assembled on the

5 _____ day of _____, 2018, at which session a quorum of its members were present.

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7 _____

8 Notary

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