

ORDINANCE 2007- 05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF CITY OF DORAL, FLORIDA, CREATING AND ADOPTING A CODE SECTION ENTITLED "SECURITY ALARMS;" TO PROVIDE A PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION, APPLICATION, TRANSFERABILITY, AND FALSE STATEMENTS; PROVIDING FOR ALARM SYSTEMS IN APARTMENT COMPLEXES; PROVIDING FOR REGISTRATION INFORMATION UPDATE; PROVIDING FOR PROPER ALARM SYSTEMS OPERATION AND MAINTENANCE; PROVIDING FOR ALARM DISPATCH RECORDS; PROVIDING FOR SYSTEM PERFORMANCE REVIEWS; TO PROVIDE FOR FALSE ALARM NOTIFICATIONS; PROVIDING FOR APPEAL OF FEES OR PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in order to ensure the timely response to security alarms and to ensure the proper registration and to minimize false alarms, staff has recommended the creation of Chapter 11 entitled Security Alarms/Emergency Services; and

WHEREAS, the City Council of the City of Doral finds it in the best interests of the citizens of Doral to authorize the creation and implementation of Chapter 11 entitled Security Alarms/Emergency Services; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
DORAL, FLORIDA:

Section 1. Chapter 11 of the Code of Ordinances of the City of Doral is hereby created to read as follows:

CHAPTER 11

SECURITY ALARMS/EMERGENCY SERVICES

Sec. 11-1. Purpose.

(a) The purpose of this article is to provide an emergency contact form for each alarm systems owner and to encourage security alarm users and alarm businesses (sales, installation, customer service and/or monitoring) to maintain the operational reliability and the proper use of alarm systems in order to limit unnecessary police emergency responses to false alarms and alarm malfunctions.

(b) This article applies to all alarm systems, including both local alarms and alarms sent to a central monitoring station, which are designed to elicit a response from the Police Department under the presumption that a crime has occurred, requires alarm system registration, provides for penalties for violations, creates a system of administration, and provides for an appeal process.

Sec. 11-2. Definitions.

Alarm administrator means a person or persons selected by the police chief to administer, control and review alarm registrations and false alarm notifications.

Alarm notification means 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 a stimulus characteristic of unauthorized intrusion. At the sole discretion of the alarm administrator, multiple false alarm notifications in a twenty-four-hour period of time may be counted as only one false alarm notification.

Alarm site means a single premise or location served by an alarm system or systems.

Alarm system means a device or system that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon, police services of the City, including, but not limited to, local alarms. Alarm system does not include:

(1) An alarm installed on a vehicle unless the vehicle is permanently located at a site.

(2) An alarm designed to alert only the inhabitants of a premise that does not have a local alarm.

City means the City of Doral, Miami-Dade County, Florida.

False alarm notification means an alarm notification to the police department, when the responding officer finds no evidence of a criminal offense or attempted criminal offense. Excluded from this definition are:

(1) Alarms occurring during electrical storms, hurricanes, tornadoes and other acts of God; where there is clear evidence of physical damage to the system requiring repair services; or

(2) The intermittent disruption or disruption of the telephone circuits used by the alarm system that are beyond the control of the alarm company and/or alarm user; or

(3) Electrical power disruption or outage in excess of two hours; or

(4) Alarms caused by a failure of the equipment at the alarm monitoring company with written verification.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of the structure protected.

Monitoring company means a company properly licensed by the State of Florida to monitor alarm systems.

Officer shall mean the City of Doral Police Department or its designee responding to an alarm covered by this article.

Person means an individual, corporation, partnership, association, organization, or similar entity.

Police chief means the chief law enforcement officer of the City or his or her designee.

Registered owner means the person designated in the application process as required in Section 11-3 who is 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.

Special trunkline means a telephone line leading into a communications center of the police department that is for the primary purpose of receiving emergency messages that originate from automatic protection devices and are transmitted directly or indirectly through an alarm monitoring company.

Sec. 11-3. Registration required; application; transferability; false statements.

(a) All persons must complete and submit to the City an emergency contact registration form for their alarm if they operate or cause to be operated an alarm system in the City. A separate registration is required for each alarm system. Failure to register each alarm will make the alarm owner subject to the assessment of a seventy five dollar (\$75.00) fine. Upon receipt of a completed registration form, the police department shall send a letter of acknowledgment ~~issue a numbered alarm sticker to the applicant to facilitate retrieval of registration information.~~ Each registration information must include the following information:

(1) The name, address and daytime and evening telephone numbers of the property owner (if different) and the person who is responsible for the proper maintenance and operation of the alarm system under this article;

(2) The name, address and daytime and evening telephone numbers of at least one alternative person who can be contacted in the case of activation of the alarm system in the event that the alarm owner cannot be contacted;

(3) The classification of the alarm site, as residential, commercial or apartment;

(4) Alarm systems shall be registered on an annual basis by the alarm user to ensure that the alarm user certifies that the registration information maintained in the City's records is correct. ~~The registration shall be effective for the period of January 1 to December 31 of each calendar year.~~ The initial registration fee shall be twenty-five dollars (\$25.00), and each registration renewal fee thereafter shall be twenty-five dollars (\$25.00). Registered owners who fail to renew their alarm registration prior to the expiration date will be subject to a seventy five dollar (\$75.00) fine. This fee shall offset the City's administrative costs in ensuring that required alarm response information is up to date, monitoring alarm activity records and implementing this section of the Code. The renewal fee shall be waived if there are no reports of a false alarm for the alarm user during the preceding calendar year; however, the alarm user shall be responsible for submitting updated registration information as further articulated in Section (5) below. For the initial year of this Ordinance, residents who provide proof that their alarm was registered with the County and that no false alarms occurred in the prior year, shall also have the registration fee waived. Proof of compliance must be given to the City prior to October 1, 2004 to qualify for this exemption.

(a) Effective January 1, 2007, residential registration shall expire each year on the registered owner's birthday. During the transition period, all residential registrations shall be renewed by December 31, 2007.

(b) Effective January 1, 2007, commercial registrations shall be staggered based on the alphabet. Business names beginning with the letters A through K shall expire January 31st. Business names beginning with letters L through Z shall expire

March 31st. During the transition period, all commercial registration shall be renewed by March 31, 2008.

(5) When required by this article, certification by a person licensed by the State of Florida to install or design systems stating:

(a) The day of installation or maintenance of the alarm system, whichever is applicable; and

(b) The current Florida State License of the person performing or directly supervising the installation or maintenance of the alarm system.

(6) Any other information required by the City which is required for enforcement of this article.

(a) Any false statement of a material matter made by an applicant for the purpose of registering an alarm shall be a violation of law.

(b) An alarm registration cannot be transferred to another person. When property changes ownership a new registration form with updated information must be completed by the new owner within 30 days of change in ownership.

Sec. 11-4. Alarm systems in apartment complexes.

(a) The owner or property manager of an apartment complex shall obtain a master alarm registration form from the City if any alarm system is operated on their premises.

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

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

(d) A tenant of an apartment complex shall also obtain an alarm registration form from the City before obtaining or causing the operation of an alarm system in the tenant's residential unit.

Sec. 11-5. Registration information update.

(a) It is the responsibility of alarm system owners to notify the police department within 15 days of any changes in registration or emergency contact information.

(b) If the police department responds to an alarm and finds that the registration or emergency contact information are incorrect, they shall forward a certified letter, return receipt requested, to the alarm owner, or in the absence of correct registration information to the location where the alarm system is installed. This letter shall include a blank registration form and shall inform them of the requirement to supply registration information.

(c) The alarm system owner must submit correct updated information to the police department within 15 days of receipt of this letter. Failure to do so will make the alarm system owner subject to the assessment of a twenty-five-dollar fee. This fee shall then be imposed for every instance where the police respond and the alarm owner has failed to supply current information and shall be in addition to any other fees imposed.

Sec. 11-6. Proper alarm systems operations and maintenance.

(a) A registered alarm owner or person in control of an alarm system shall:

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

(2) Respond or cause his/her representative to appear at the systems location within a reasonable period of time when notified by the City to deactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;

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

(4) Post any alarm sticker issued by the City on a window nearest to the front door of the residence or business of the alarm site or in the case of a gated house where it can be easily seen by responding officers.

(b) A person in control of a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than ten minutes after being activated (or 15 minutes for systems operating under UL 365 or UL 609).

Sec. 11-7. Signals sent to governmental agencies.

(a) No person in charge of a local alarm or alarm system shall permit an alarm indication from such alarm to be sent directly to any City governmental entity or facility without specific written permission of the City.

(b) In the event that such permission is obtained, the person in control of the local alarm or alarm system that sends its alarm signal indication directly to the City governmental entity or facility shall adjust the mechanism, or cause the mechanism to

be adjusted, so that upon activation of the alarm the system will not transmit another alarm signal without being manually reset.

Sec. 11-8. 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.

Sec. 11-9. Indirect alarm reporting.

A person who is engaged in the business of relaying alarm notifications to the City shall:

- (1) Be properly licensed as required by the State of Florida and any jurisdiction where they have an actual place of business;
- (2) Report alarms only over special trunklines or other communications facilities designed by the City or its contractor; and
- (3) Communicate alarm notifications to the City in a manner and form determined by the City.

Sec. 11-10. Alarm system operating instructions.

A person in control of an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations or passwords should not be included in these instructions.

Sec. 11-11. Alarm dispatch records.

(a) The officer responding to a dispatch resulting from any alarm covered by this article shall record such information as necessary to permit the Police Department to maintain records, including but not limited to the following:

- (1) The identification of the registered owner or, if no registration exists, the owner or person in charge of the premises, if known;
- (2) The exact address of the alarm site;
- (3) The dispatched received date, time and arrival time;
- (4) The weather conditions;
- (5) The area of the premises involved, if known; and

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

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

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

(1) Date and time of the police response to the false alarm notification;

(2) The identification number of the responding officer; and

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

Sec. 11-12. System performance reviews.

It shall be considered prima facia proof in any alarm system that experiences seven or more false alarms within a registration year that there is reason to believe that the alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms and/or alarm malfunction. In such instances as detailed in section 11-13 below, the City shall have the authority to order the alarm owner to attend a meeting with the Police Department where the alarm permit holder and the individual or association responsible for maintenance of the alarm system come to the police station to review the circumstances of each false alarm/alarm malfunction. As a result of this meeting the Police Department may require certain improvements to the alarm system such as, but not limited to, power, telephone and remote circuit surge protectors. Failure to either meet with the Police Department or to comply with the systems improvement recommendations within 30 days of written notification is grounds for charging an additional \$200.00 fee for each additional false alarm notification.

Sec. 11-13. False alarm notifications.

The owner of the real property or the landlord of the leasehold premises where an alarm system is located and the owner of an alarm or the person in control of an alarm shall be subject to fees or penalties concerning the alarm(s) located on the property, within the leasehold premises or under their control depending on the number of false alarm notifications emitted from an alarm system covered by this article within a 12-month registration period commencing on January 1 of each year based upon the following schedule:

(1) No fee shall be assessed for the first three false alarm(s) malfunctions at the same specific alarm site during each twelve-month permit period commencing on January 1 of each year. Thereafter the following fees shall be paid by the permit holder for each false alarm.

Number of False Alarms/Alarm Malfunctions	Fee per False Alarm
<u>First through Third</u>	<u>No Charge</u>
Fourth	\$100.00
Fifth	\$200.00
Sixth and above	\$300.00

(2) In the event of a second alarm within a twenty-four-hour period occurring at a business premises during non-business hours, the owner, or their designated emergency contact, shall respond within 45 minutes to the alarm site upon notification by the police department. Failure to comply with the provisions of this paragraph shall result in a two hundred-dollar fee.

(3) Any person who operates a newly installed alarm system shall not be subject to false alarm notifications during the 60 calendar days following the systems completion provided a completed emergency contact form is received by the Police Department. The completion date of the alarm installation shall be certified by a person currently licensed by the State of Florida or the form shall show the purchase date of self-installed systems.

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

Sec. 11-14. Appeal of fees or penalties.

(a) If the City, through the police chief, assesses administrative fees or penalties, the Police Department shall send by registered mail, return receipt requested to the owner of the real property, or landlord of the leasehold premises where the alarm system is located and the alarm owner or the applicable alarm company written notice of the assessment of a fee and of the right to an appeal.

(b) The owner of the real property, landlord of the leasehold premises where the alarm is located, the alarm owner or the alarm company may appeal the decision of the City to a special master appointed by the City by submitting a written request for a review, together with a fee of \$50.00, setting forth the reasons for the appeal within ten days, after receipt of the notice from the City. If a request for an appeal is not filed within ten days the decision of the Police Department is final. If the applicant is successful upon appeal, the \$50.00 fee shall be returned.

(c) Filing of a request for an appeal shall stay the imposition of fees or penalties by the Police Department until the special master has completed his/her

review and rendered a decision. A hearing shall be scheduled and concluded within 30 days from the date of written request for same as received unless rescheduled by mutual agreement.

(d) The decision of the special master shall be determined by the conducting of a formal hearing and consideration of the evidence of any interested parties.

(e) The special master shall render his/her decision within 20 days after the hearing is conducted.

(f) In the case of penalties for excess false alarm notifications, this decision shall be based upon whether a preponderance of the evidence establishes that the alarm system has experienced the number of false alarm notifications based upon the criterion for false alarm notifications contained in this article.

(g) In any other cases, the decision shall be made upon a preponderance of evidence that either establishes or fails to affirm any other applicable violation of this article.

(h) The special master shall affirm, reverse, or modify the action of the police chief.

(i) The decision of the special master is final as to administrative remedies within the City, but does not preclude an appeal to any court of competent jurisdiction.

(j) 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 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. The penalty for this violation shall be a charge of ~~not more than~~ \$250.00.

(k) Should any fee be assessed pursuant to this article and remain unpaid in excess of ~~100~~ 90 calendar days from the date that the charge is billed, a collection fee in the amount of 18 percent of the outstanding balance shall be assessed and shall be payable by the owner of the premises or permit holder in addition to the original fee. The owner or permit holder shall also be responsible for any legal fees or costs incurred by the City in enforcement of this article.

(l) Business owners who owe alarm fees will not be permitted to renew their occupational license(s) until such fees are satisfied.

Sec. 11-15. Alarm awareness class.

(a) The City may provide an alarm awareness class to inform alarm users of problems created by false alarm dispatches and teach alarm users how to operate alarm systems without generating false alarms.

(b) Successful completion of the alarm awareness class by the alarm user will result in the award of a class completion certificate. The certificate may be used as a credit against one chargeable false alarm report and the imposition of any related administrative fee as a result of that one false alarm. The certificate must be used within twelve months from the date of issuance.

Section 16. Repeal of Conflicting Provisions. To the extent any provisions of the Code, as made applicable to the City through Section 8.03 of the City Charter conflict with this Chapter, those provisions are repealed in its entirety.

Section 17. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 18. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 19. Effective Date. This Ordinance shall be effective upon adoption at second reading.

The foregoing Ordinance was offered by Councilwoman Ruiz who moved its adoption. The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Councilmember Peter Cabrera	Yes
Councilmember Michael DiPietro	Absent
Councilmember Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED on First Reading this 12th day of February, 2007.

PASSED AND ADOPTED on Second Reading this 14th day of March, 2007.



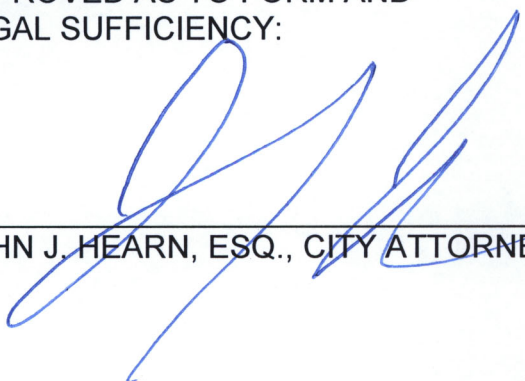
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JOHN J. HEARN, ESQ., CITY ATTORNEY