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ORDINANCE

NUMBER 2017-045

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-5, ARTICLE VI, SECTIONS 2-5-141, 2-5-142, AND 2-5-145 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA GOVERNING SECURITY ALARM SYSTEMS; AMENDING DEFINITION OF ALARM USER; CLARIFYING THAT TRANSFER OF REAL PROPERTY BY OPERATION OF LAW REQUIRES A NEW REGISTRATION; AMENDING FORMS OF PAYMENT ACCEPTED; AMENDING PENALTIES FOR VIOLATIONS OF ANY PROVISION OF THE ARTICLE; DELETING PROVISION FOR PREVENTION TRAINING CREDITS; PROVIDING FOR PASSAGE OF AN ALARM QUIZ TO QUALIFY ALARM USERS TO QUALIFY FOR AN ADDITIONAL WARNING DURING THE REGISTRATION PERIOD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners, by Ordinance No. 98-059, enacted Chapter 2-5, Article VI of the Code of Laws and Ordinances of Charlotte County, Florida, regulating privately owned security alarm systems for the purpose of reducing the substantial misuse of manpower and resources of the Charlotte County Sheriff's Office, which must respond to numerous false alarm notifications; and

WHEREAS, the Board of County Commissioners, by Ordinance No. 2002-034, amended Chapter 2-5, article VI, Charlotte County Code; and

WHEREAS, the Board of County Commissioners, by Ordinance No. 2004-051, further amended Chapter 2-5, article VI, Charlotte County Code; and

WHEREAS, the administration of the security alarm system code by the Charlotte County Sheriff's office has been effective in reducing the number of false alarms in the County; and

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36 WHEREAS, implementation of the registration process and its amendments has
37 revealed over time that additional amendments to the Article's definitions, registration and
38 warning procedures, penalties, fees and methods of payment are warranted; and

39 WHEREAS, the promotion of the purposes of the law without unduly burdening
40 alarm users requires that the ordinance be amended.

41 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners
42 of Charlotte County, Florida:

43 **Section 1.** Charlotte County Code Chapter 2-5, Article VI, § 2-5-141 is hereby
44 amended by adding the underlined language and by ~~deleting the stricken~~ language to
45 provide as follows:

46 **Sec. 2-5-141. Definitions.**

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

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

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

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

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

65 *Alarm site* means the contiguous parcel or contiguous premises of an alarm user.

66 *Alarm user* means the person or entity that registers the alarm, including but not
67 limited to an owner, tenant, or any person or entity deriving its possession or ownership
68 of the alarm site through, under or by the owner or tenant. ~~which owns leases or occupies~~
69 ~~the parcel or premises intended to be protected by one or more security alarm systems.~~

70 *Bar code* means the unique identification number assigned to a security alarm
71 system or location served by a security alarm system.

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

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

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

89 **Section 2.** Charlotte County Code Chapter 2-5, Article VI, § 2-5-142 is hereby
90 amended as follows:

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

92 (a) *Registration required.* All alarms must be registered and no ~~No~~ security
93 alarm system ~~shall~~ may be operated unless it is identified ~~included~~ in a current alarm
94 registration. Multiple security alarm systems at the same alarm site may be registered
95 under a single registration. Bar codes shall be assigned to each security alarm system.
96 Where more than one structure is served by a single security alarm system, each
97 structure may be assigned a bar code. A new registration is required upon transfer of any
98 alarm site by operation of law or upon change of any alarm user, including but not limited
99 to transfer upon order of a court of competent jurisdiction.

100 (b) *Applications.* Applications for a security alarm system registration shall be
101 made on the forms provided by the alarm coordinator. Completed applications must be
102 submitted to the alarm coordinator within 10 days after the security alarm system is first
103 placed in service. Applications for registration of security alarm systems in use prior to

104 November 1, 2002, the effective date of this article, shall be made no later than December
105 31, 2002.

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

110 (d) *Fees.* Fees must be paid in a form acceptable to the Charlotte County
111 Sheriff's Office.

112 Initial registration \$25

113 Renewals \$10

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

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

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

120 Fees are payable in a form acceptable to the Sheriff's Office and shall be used to
121 defray the cost associated with the registration of security alarm systems, the false alarm
122 prevention program and the tracking of violations.

123 **Section 3.** Charlotte County Code Chapter 2-5, Article VI, § 2-5-145 is hereby
124 amended as follows:

125 **Sec. 2-5-145. Penalties.**

126 (a) ~~In the event~~ If a law enforcement officer responds to a false alarm, the alarm

127 user shall be assessed a fine or given a warning as provided in this section.

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

130	First violation	Warning
131	Second violation	Warning
132	Third violation	\$25.00 <u>\$35.00</u> fine
133	Fourth violation	\$50.00 <u>\$60.00</u> fine
134	Fifth violation	\$75.00 <u>\$85.00</u> fine
135	Sixth and subsequent violations	Notice to appear and a fine of \$100 to
136		\$500 and/or imprisonment in the county
137		jail not to exceed 60 days.

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139 The Charlotte County Sherriff may impose an administrative fee not to
140 exceed \$10.00 in addition to the above described fines.

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142 (c) Warnings and fines are determined by the number of violations assigned to
143 the particular bar code. Violations are cumulative, that is, the violator shall pay the next
144 highest fine for the next violation at that bar code without regard to the time that has
145 elapsed since the previous violation, except that:

146 (1) if one year (~~six months for government-owned security alarm~~
147 ~~systems~~) passes without a violation at the alarm site that bar code, a "clean
148 slate" status shall be granted to the alarm site that bar code and the next
149 violation shall be considered a first violation, or

150 (2) if a new security alarm system is installed at the alarm site, upon
151 notification to the alarm coordinator by an alarm system installation

152 company or alarm monitoring company and the payment of all unpaid
153 penalties and registration fees (including late fees), the security alarm
154 system shall be considered a new system with no prior violations.

155 (d) A false alarm violation may be waived by the alarm coordinator in the event
156 the false alarm resulted from any of the following. The burden of showing that a false
157 alarm was due to one of the following shall rest on the alarm user.

158 (1) Electrical storms, hurricanes, tornadoes and acts of God, where
159 there is clear evidence of physical damage to the security alarm system;

160 (2) Disruption of the telephone circuits beyond the control of the alarm
161 user, responder, alarm installation company or alarm monitoring company;

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

163 (4) Alarms caused by the failure of the equipment of the alarm
164 monitoring company provided written verification is provided by the alarm
165 monitoring company;

166 (5) Malicious causes beyond the control of the alarm user or responder.

167 (e) The alarm coordinator may grant, in lieu of a fine as described in § 2-5-
168 145(b), prevention training credits a third warning during the registration period to alarm
169 users upon successful completion of an educational program for the prevention of false
170 alarms. ~~A prevention training credit may be used against a future violation occurring within~~
171 ~~the current registration period or against a prior violation which occurred within the~~
172 ~~previous 30 days. Only one prevention training credit per alarm site per registration period~~
173 ~~will be allowed. A prevention training credit may not be used against a fifth or subsequent~~
174 ~~violation.~~

175 (f) Each violation of this article shall constitute a separate offense. In addition
176 to the fines and criminal sanctions contained herein, violators may be subject to other
177 legal action, including emergency injunctive action, to enforce the provisions of this article.

178 (g) The clerk of the circuit court shall collect the fines established in this section
179 and shall remit the same to the Charlotte County Sheriff's Office monthly, less five (5)
180 percent, which is to be retained as fee income of the office of the clerk of the circuit court.

181 **Section 4.** Severability. If any subsection, sentence, clause, phrase, or portion of
182 this Ordinance is for any reason held invalid or unconstitutional by any court of competent
183 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision
184 and such holding shall not affect the validity of the remainder of this Ordinance.

185 **Section 5.** Codification. It is the intention of the Board of County Commissioners
186 of Charlotte County, Florida and it is hereby ordained that the provisions of this Ordinance
187 shall become and be made a part of the Code and Laws and Ordinances of Charlotte
188 County, Florida ("Code"), and the sections of this Ordinance may be renumbered to
189 accomplish such intention. In the event this Ordinance conflicts with any provisions of the
190 Code, the provisions of this Ordinance shall control to the extent of any such conflict.

191 **Section 6.** Effective Date. This ordinance shall take effect upon its filing in the
192 Office of the Secretary of State, State of Florida.

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PASSED AND DULY ADOPTED this 10th day of October, 2017.

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BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

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By: William Jones
William Jones, Chairman



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ATTEST:

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Roger D. Eaton, Clerk of the Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

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By: Michelle D. Bernardino
Deputy Clerk

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APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

214

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By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR2017-0376

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ECONOMIC IMPACT ESTIMATE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-5, ARTICLE VI OF THE CHARLOTTE COUNTY CODE, SECURITY ALARM SYSTEMS; AMENDING DEFINITION OF ALARM USER AS THE LESSOR; CLARIFYING THAT UPON TRANSFER OF PROPERTY PURSUANT TO A PROBATE COURT'S ORDER REQUIRES A NEW REGISTRATION; AMENDING FORMS OF PAYMENT ACCEPTED; AMENDING PENALTIES FOR VIOLATIONS OF ANY PROVISION OF THE ARTICLE; DELETING PROVISION FOR PREVENTION TRAINING CREDITS; PROVIDING FOR PASSAGE OF AN ALARM QUIZ TO QUALIFY ALARM USERS TO QUALIFY FOR AN ADDITIONAL WARNING DURING THE REGISTRATION PERIOD; AND PROVIDING FOR AN EFFECTIVE DATE.

PURPOSE: The Charlotte County Sheriff wishes to amend the security alarm ordinance based on issues revealed during the implementation of the registration process revealed. The Sheriff wishes to amend the definition of alarm user to reflect: (a) that a commercial lessor must be the responsible party; (b) that the public must be notified that a new registration is required upon transfer by operation of law (e.g., by order of a court); (c) that payment methods be made in a form accepted by the Sherriff's office (i.e., cash is not accepted); (d) that the penalties for failure to comply with the Article be changed to better reflect the costs of enforcement; and, (e) that the procedure for awarding an additional warning has changed to an online quiz.

IMPACT: *A. Costs of Implementation:* No cost of implementation; this regulatory provision already exists. The ordinance increases penalties and changes the methods of payment accepted (no cash).

B. Source of Funds/Ultimate Burden of Costs: No source of funds is required; the ultimate burden of costs falls upon those persons or entities whose alarm systems repeatedly generate false alarms.

C. Benefits of Implementation: The ordinance updates policies and procedures to ensure that a commercial property tenant is responsible for controlling its alarm system; states clearly that a new registration is required when a property transfers by operation of law (e.g., upon order of a court); empowers the Sheriff to identify acceptable methods of payment; and permits a mechanism to award an additional warning under limited circumstances.