

ORDINANCE NO. 04-06-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ENTITLED "ALARM SYSTEMS REGISTRATION"; PROVIDING FOR A PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION; PROVIDING FOR REGISTRATION FEE; PROVIDING FOR ALARM SYSTEMS IN APARTMENT COMPLEXES; PROVIDING FOR PROPER ALARM SYSTEMS OPERATION AND MAINTENANCE; PROVIDING FOR INDIRECT ALARM REPORTING; PROVIDING FOR ALARM SYSTEM OPERATING INSTRUCTIONS; PROVIDING 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, the City Council has determined that it is in the best interest of the City to adopt a Burglar Alarm Ordinance to protect the health and safety of its residents; and

WHEREAS, proper registration of all alarm systems aids the City in enforcing against false alarms thereby preventing unnecessary police emergency responses;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. This Ordinance shall be entitled "Alarm System Registration".

Section 2. Purpose.

(A) Purpose of regulation:

1. To place responsibility on the alarm owner/user to prevent, by use of appropriate mechanical, electrical, or other means, false alarms.
2. To provide an emergency contact database of each alarm user.
3. To protect the health, safety, and welfare of the general public.

Section 3. Definitions.

(A) *Alarm Administrator* means the City Manager or his/her designee who shall administer, control and review alarm registrations and false alarm notifications.

(B) *Alarm company* means 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.

(C) *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.

(D) *Alarm Site* means a single premise or location served by an alarm system or systems.

(E) *Alarm System* means any assembly of equipment, mechanical or electrical, including both local alarms and alarms sent to a central monitoring station, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the Police Department may reasonably be expected to respond, but does not include fire alarms or alarms installed in motor vehicles.

(F) *Alarm user* means any person or other entity that owns, possesses, controls, occupies, or manages any premises as defined below; and/or the registered owner designated in the application process.

(G) *Alarm Owner* means the person designated in the application process as required 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.

(H) *False Alarm Notification* means a signal from an alarm system that elicits a response by the Police when no emergency or actual, or threatened criminal activity requiring immediate response exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in nonemergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that an alarm is false if personnel responding from the Police Department do not discover any evidence of unauthorized entry, criminal activity, or other emergency after following normal Police procedures in investigating the incident. An alarm is not false if the alarm user proves that an individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed; or The alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system; or If the user experienced a power outage of four or more hours, causing the alarm to activate upon restoration of power, as evidenced by written documentation provided by Florida Power and Light Company or other applicable provider.

(I) *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.

(J) *Officer* shall mean a Miami-Dade County Police Department employee responding to an alarm covered by this Ordinance.

(K) *Monitoring Company* means a company properly licensed by the State of Florida to monitor alarm systems.

(L) *Person* means an individual, corporation, partnership, association, organization, or similar entity.

(M) *Police Chief* means the Commander of the Miami-Dade County Police Department located in Miami Gardens, Dade County, Florida or their designee.

(N) *Premises* means the building or structure or portion of a building or structure upon which is installed or maintained an alarm system.

(O) *City* means the City of Miami Gardens, Dade County, Florida.

#### Section 4. Registration of Alarm Systems Required.

(A) It is hereby deemed unlawful for any person to operate any alarm system required to be registered as provided herein prior to filing the required alarm registration. All alarm systems that operate within the City Limits shall be registered with the City prior to the operation of said alarm.

(B) A separate registration is required for each Alarm System.

(C) It shall be the duty of every Person owning, operating, or purchasing any business premises within the City Limits to comply with the requirements of this article prior to operating any alarm system.

(E) The owner/user shall complete and submit to the City an emergency contact registration form and thereafter an annual renewal registration form, with the appropriate fee(s), for each alarm in use in the City on his/her premises. Upon receipt of a completed registration form and collection of the registration fee or renewal fee, the City shall issue a numbered alarm registration sticker to the applicant to facilitate retrieval of registration information.

#### Section 5. Registration Information.

(A) Each registration form must include the following information:

- (1) The name, address and daytime and evening telephone numbers of the person who is responsible for the proper maintenance and operation of the alarm system under this Ordinance;

- (2) The name, address and daytime and evening telephone numbers of at least one (1) alternative person who can be contacted in the case of activation of the alarm system in the event that the alarm owner/user cannot be contacted;
- (3) The classification of the alarm site, as residential, commercial or apartment;
- (4) When required by this Ordinance, certification by a person licensed by the State of Florida to install or design alarm 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.
  - (c) Any other information that may be required by the Director in order to obtain compliance with this Ordinance.

(B) Any false statement of a material matter made by an applicant for the purpose of registering an alarm shall be a violation of this code and subject the violator to the appropriate enforcement action.

Section 6. Transferability.

(A) An alarm registration cannot be transferred to another person. When there is a change of property ownership or business ownership a new registration form with updated information must be completed by the new owner/user and a new registration fee applies.

(B) Additionally, in the event of a change in any of the information required as part of the initial or annual registration, the owner/user shall notify of the City of the change. An updated registration shall be filed within ten (10) days of any change.

(C) An alarm company and/or alarm monitoring company shall be properly licensed in accordance with Chapter 489, Florida Statutes. An alarm company shall have an appropriate occupational license pursuant to state statute, Chapter 489, Part 11.

(D) It shall be the duty of all alarm companies, property owners, and/or alarm owners/users to apply for and obtain any required permits for the installation of any alarm system from the City of Miami Gardens or Miami-Dade County.

Section 7. Alarm Registration Fee.

Fees to be charged for the purpose of administering this ordinance are hereby imposed as follows:

(A) The City shall charge an alarm registration fee in the amount of thirty-five (\$35.00) dollars for all new registrations.

(B) Thereafter, there shall be an annual registration fee of fifteen dollars (\$15.00) for the renewal of all alarm registrations.

Section 8. Due Date for Payment and Term of Alarm Registration.

(A) No Alarm Registration shall be issued for more than one year, and all registrations shall expire on September 30<sup>th</sup> of each year.

(B) Alarm Registrations shall be accepted by the City, commencing on August 1<sup>st</sup> of each year. Both the Alarm Registration renewal form and renewal fee of fifteen (\$15.00) dollars shall be due on or before October 1<sup>st</sup> of each year. If October 1<sup>st</sup> falls on a weekend or holiday, the fee shall be due and payable on or before the first working day following October 1<sup>st</sup>.

(C) Those registrations not renewed by October 1<sup>st</sup> shall be considered delinquent and the owner/user shall therefore be subject enforcement action as necessary to gain compliance with this ordinance.

Section 9. Alarm Systems in Multiple-Family/High Density Residential Premises.

(A) The owner or property manager any Apartments, Apartment Hotels, Hotels, Condominiums, and or any other similar Multiple-Family/High Density Residential Premises 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 any Apartments, Apartment Hotels, Hotels, Condominiums, and or any other similar Multiple-Family/High Density Residential Premises 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 or unit owner in any Apartments, Apartment Hotels, Hotels, Condominiums, and or any other similar Multiple-Family/High Density Residential Premises 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.

Section 10. Proper Alarm Systems Operations and Maintenance.

(A) A registered alarm owner/user 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 Miami-Dade County Police Department 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 the 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 a conspicuous location where the responding officers can easily see the sticker.

(B) An alarm owner/user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will automatically silence within ten (10) minutes after being activated (or 15 minutes for systems operating under UL 365 or UL 609).

(C) An alarm owner/user shall not operate an alarm system unless that system is equipped with a backup power supply that will become effective in the event of power failure or outage.

Section 11. Alarm Companies Responsibilities.

(A) It shall be the responsibility of any licensed person selling and/or monitoring any alarm system to provide the owner/user with the registration form and the Miami Gardens Alarm Registration Ordinance.

- (1) An alarm company may not charge a customer a fee, other than the required registration fee, to register any alarm system within the City of Miami Gardens. A copy of the current/valid contractors license must be on file with the City.

(B) Any person within the City of Miami Gardens which sells alarm systems to a potential user must include a copy of the City Alarm Registration Ordinance and registration form and with each system sold.

(C) Any person testing and/or working on an alarm system shall promptly cancel any

activation so that police will not be dispatched.

- (D) All Alarm companies and/or Monitoring Companies shall:
- (1) Be properly licensed as required by the State of Florida and any jurisdiction where they have an actual place of business.
  - (2) Communicate alarm notifications to the City in a manner and form determined by the City.

Section 12. Indirect Alarm Reporting.

No Alarm Company, Monitoring Company, and/or person in charge of a local alarm or alarm system shall permit an alarm indication from such alarm to be sent directly to the City.

Section 13. Use of Licensed Contractors.

A registered alarm owner/user or person in control of an alarm system shall not contract or retain an alarm company, which is not properly licensed. The use or employment of such an unlicensed alarm contractor is a violation of Florida Statutes and punishable by fine and/or imprisonment.

Section 14. Alarm System Operating Instructions.

Any and all alarm owners'/users' 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.

Section 15. Alarm Dispatch Records.

(A) The officer responding to a dispatch resulting from any alarm covered by this Ordinance shall record such information as necessary to permit the Police Chief and The Alarm Administrator 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.

(D) The Miami-Dade Police Department shall forward a copy of the Police Incident Report/Dispatch Report to the City for any necessary follow up action.

#### Section 16. Alarm Verification Calls.

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

#### Section 17. System Performance Reviews.

It shall be considered prima facie proof in any alarm system that experiences seven (7) 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 The City Manager or designee shall have the authority to order the alarm owner to attend a meeting with the Police Chief, or his/her designee, and the City Building Official, or his/her designee 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, involved city staff may require certain improvements to the alarm system such that are intended to prevent further false alarms. Failure to either meet with the Police Chief and Building Official or to comply with the systems improvement recommendations

shall subject the alarm owner/user to enforcement action as provided for herein.

Section 18. Canceling False Alarm Calls.

Alarm monitoring companies shall notify the Police Department to cancel dispatches to alarm calls the company initiated within ten (10) minutes of being notified that the alarm is false by the alarm owner/user or his authorized representative. However, the City will not cite the company for failure to meet the ten-minute criterion if notification of a false alarm is received before an Officer arrives on the scene.

Alarm monitoring companies will make available to the Police Department records providing proof that the police department was contacted within the ten-minute criterion.

Section 19. False Alarm Notifications.

(A) The owner/user of an alarm or the person in control of an alarm system shall be subject to fees or penalties concerning their alarm depending upon the number of false alarm notifications emitted from an alarm system covered by this Ordinance within the registration period of each fiscal year.

(B) No penalties shall be assessed for the first three (3) false alarms/alarm malfunctions at the same specific alarm site during each twelve (12) month registration period.

(C) In the event of a second alarm within a twenty-four (24) hour period occurring at a business premises during non-business hours, the owner, or their designated emergency contact, shall respond within forty-five (45) minutes to the alarm site upon notification by the Police Department.

(D) Alarm activation caused by an actual criminal offense or with evidence of a criminal attempt shall not be counted as a False Alarm Notification.

(E) No penalty specified hereunder shall be imposed or assessed against any entity that qualifies as tax exempt under the provisions of Section 501 (c)(3) of the Internal Revenue Code provided that the premises is used exclusively by said entity for such tax exempt purposes.

(F) At the sole discretion of the Alarm Administrator, multiple false alarm notifications in a twenty- four (24) hour period of time may be counted as only one False Alarm Notification.

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

Section 20. Schedule of Fines; Penalties; Liens.

(A) Fees, fines, 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 Ordinance. 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. The penalty for this violation shall be a charge of not more than two hundred fifty dollars (\$250).

(B) Should any fee be assessed pursuant to this Ordinance and remain unpaid in excess of one hundred (100) calendar days from the date that the charge is billed, a collection fee in the amount of twenty percent (20%) of the outstanding balance shall be assessed and shall be payable by the owner of the premises or owner/user of the alarm system in addition to the original fee. The owner of the premises or owner/user of the alarm system shall also be responsible for any legal fees or costs incurred by the City in enforcement of this Ordinance.

(C) Any person who violates any section of this code shall be subject to the issuance of a civil penalty in the amount of \$100.00, unless otherwise specified herein.

(D) No alarm owner/user shall cause, allow, or permit the burglar alarm system to give four (4) or more false alarms in any registration period.

(1) For the fourth false burglar alarm in the owner's/user's registration period, a fine of fifty dollars (\$50.00) shall be issued.

(2) For the fifth false burglar alarm in the user's registration period, a fine of one hundred dollars (\$100.00) shall be issued.

(3) For the sixth and each additional false burglar alarm in the users registration period, a fine of two hundred dollars (\$200.00) shall be issued.

(4) An Alarm User shall not be fined more than two hundred dollars (\$200.00) for false alarms that occur at the same premises in any twenty-four hour period.

Section 21. Non-Response to Frequent False Alarms.

(A) The Police Department may disregard an alarm notification if the alarm notification comes from a premise that has had six (6) or more false alarms reported in the user's registration period.

(B) A notice stating that Police response will be discontinued on a date certain shall accompany the Civil Violation Notice for the sixth (6<sup>th</sup>) false alarm, prior to discontinuing service.

If the alleged violator chooses to appeal the Civil Violation Notice and accompanying fine, Police response shall continue while an appeal is pending.

(C) After sustaining the first Police response termination in a registration period for accruing six (6) false alarms, the alarm user may sustain subsequent response terminations for every three (3) additional false alarms occurring in the same registration period.

(D) To regain Police response to terminated locations, the alarm owner/user shall:

- (1) Submit a written report from a licensed alarm company certifying that the system has been inspected, repaired if required, and that it is functioning properly.
- (2) Pay all outstanding fines and/or fees.
- (3) Submit an alarm registration form, if necessary.

(E) Nothing herein shall;

- (1) Preclude the Police Department from responding to panic or am-bush alarm signals, calls describing emergencies or crimes in progress, or routine calls for service;
- (2) Limit the City from issuing civil violation notices for alarms in violation of this ordinance; or
- (3) Be construed to create a duty to respond in any circumstances where such a duty does not exist pursuant to the statutory or common law of Florida. The Ordinance imposes or creates no duties on the part of the City or its Departments and employees, and the obligation of complying with the requirements of the ordinance, and any liability for failure to do so is placed upon the parties responsible for owning, operating, monitoring or maintaining security alarms.
- (4) Preclude the Police Department from responding to any alarm signal at the discretion of the Police Chief.

Section 1-22. Severability.

Provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional, shall decision shall not affect the validity of the remaining section, 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 23. Inclusion in Code.

It is the intention of this Commission and is hereby ordained that the provisions of this Ordinance shall become and made part of the City of Miami Gardens Code; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to Section or other appropriate word.

Section 24. Repealer.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed. All provisions of the Code of Miami-Dade County as made applicable to the City pursuant to its Charter, which are in conflict with this Ordinance, are hereby repealed.

Section 25. Effective Date.

This Ordinance shall take effect ten (10) days after adoption on second reading.

PASSED on first reading this 11<sup>th</sup> day of February, 2004

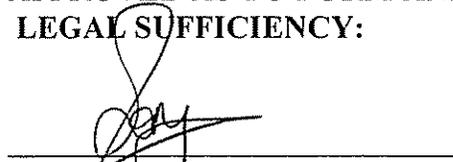
PASSED AND ADOPTED on second reading this 25<sup>th</sup> day of February, 2004.

  
Shirley Gibson, Mayor

**ATTEST:**

  
Ronetta Taylor, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
Sonja K. Knighton, City Attorney

**VOTE: 7-0**

Mayor Shirley Gibson	<u>  x  </u> (Yes)	<u>      </u> (No)
Vice Mayor Aaron Campbell	<u>  x  </u> (Yes)	<u>      </u> (No)
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>      </u> (No)
Councilman Oscar Braynon II	<u>  x  </u> (Yes)	<u>      </u> (No)
Councilwoman Audrey King	<u>  x  </u> (Yes)	<u>      </u> (No)
Councilwoman Sharon Pritchett	<u>  x  </u> (Yes)	<u>      </u> (No)
Councilwoman Barbara Watson	<u>  x  </u> (Yes)	<u>      </u> (No)