

PART II - ADMINISTRATIVE CODE
Title 12 - LAW ENFORCEMENT; COURTS; DETENTION
CHAPTER 121. - ALARM SYSTEMS
ARTICLE II. - BURGLAR AND ROBBERY ALARMS

ARTICLE II. - BURGLAR AND ROBBERY ALARMS ^[86]

⁽⁸⁶⁾ **Editor's note**— Ord. No. 00-4, § 1, adopted Feb. 8, 2000, amended art. II in its entirety to read as herein set out. Former art. II pertained to similar subject matter. It should be noted that the effective date of this article shall be July 1, 2000. See the Code Comparative Table.

⁽⁸⁶⁾ **Cross reference**— Business licenses and regulations, tit. 6; noise control, ch. 110; sheriff, ch. 271; construction codes, ch. 331; fire prevention and protection, ch. 362.

⁽⁸⁶⁾ **State Law reference**— Private wire services, F.S. § 365.01 et seq.; investigative and patrol services, F.S. § 493.30 et seq.

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Sec. 121.20. - Short title.

This article shall be known and cited as the "Alachua County False Alarm Ordinance."

(Ord. No. 00-4, § 1, 2-8-00)

Sec. 121.21. - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm administrator means a person appointed by the sheriff.

Alarm monitoring company (monitoring company) means a person or entity performing the service of monitoring as defined in § 489.505, Florida Statutes, for burglar or robbery alarms, and having customers within the territorial jurisdiction of this Article.

Alarm operator means any owner, tenant or other person or entity that uses or is in control of an alarm

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system.

Alarm review board shall consist of three members. There shall be one representative from the Alachua County Sheriff's Office, one member appointed by the Alachua County Board of County Commissioners, and one member appointed by the Alarm Association of Florida.

Alarm site means the individual location of each alarm system.

Alarm system means any device that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon, law enforcement services to the site of the alarm system. Alarm system does not include:

- (1) A device installed on a vehicle, unless the vehicle is permanently located at the site; or
- (2) A device designed to alert only the inhabitants of the device site, and that is not audible or visible from the exterior of the structure; or
- (3) A device designed for a purpose other than to alert for intrusion, burglary or robbery.

Alarm system contractor means a person licensed under F.S. chapter 489 as an electrical or alarm system contractor.

Automated dialing device means an alarm system which automatically sends, via telephone, a prerecorded voice message or coded signal indicating the existence of an emergency situation.

Commercial premises means any structure or area which is not defined in this section as a governmental or residential premises.

Deactivated alarm means an alarm system that has the primary and secondary power and the telephone line disconnected at the alarm control panel.

False alarm means the activation of an alarm system for any reason other than a robbery or unauthorized entry, and a subsequent response by the sheriff to that alarm site. A false alarm does not include:

- (1) An alarm caused by physical damage to the alarm system as a result of lightning, wind, or other meteorological event, where there is clear evidence of physical damage to the alarm system; or
- (2) An alarm caused by disconnection of a telephone circuit beyond the control of the alarm operator or his agents, verified by written communication from the telephone company; or
- (3) An alarm caused by continuous electrical power disruption in excess of four hours.

Governmental premises means a structure or area operated by a government entity. Excludes premises leased to non-government entities.

Permit year means the period starting from the date of issuance of a permit and ending one year from that date.

Residential premises means any structure serving as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household.

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Sheriff means the Alachua County Sheriff or his designee.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 00-11, § 1, 6-27-00; Ord. No. 03-06, § 1, 10-28-03)

Sec. 121.22. - Territorial jurisdiction.

This article shall apply in the City of Archer, the City of Newberry and in the unincorporated area of Alachua County.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

Sec. 121.23. - Alarm permit and fee.

(a) Except as otherwise provided under the definition of permit year, every alarm operator shall annually apply to the sheriff for a nontransferable alarm permit. The permit shall be valid for one permit year and then expire.

(b) A fee of \$15.00 shall accompany each application or renewal for alarms on residential, commercial or governmental premises.

(c) The owner or manager of any residential or commercial premises that are rented to others and which have alarm systems provided by the owner or manager shall:

- (1) Explain the operation of the alarm system to the alarm operator;
- (2) Explain the alarm operator's financial responsibilities for false alarms;
- (3) Obtain the alarm operator's signature on a form in which the alarm operator acknowledges having received and understood the information provided in Sec. (1) and Sec. (2) above; and
- (4) Furnish a blank alarm permit application to the tenant. The sheriff shall provide the owner or manager with forms upon request.

(d) No permit shall be required for a deactivated alarm system.

(e) The alarm operator shall provide the following information:

- (1) The name, address and telephone number of the alarm operator.
- (2) The address of the alarm site.
- (3) The classification of the alarm site as residential, commercial, or governmental.
- (4) The type of system, such as burglary, robbery, or panic.
- (5) The names, addresses and telephone numbers of two persons who have access to the premises, the ability to reset the alarm, and who, upon request of the sheriff, will respond to the alarm site within 30 minutes of notification.
- (6) The name, address and telephone number of the alarm monitoring company, if any.
- (7) The name, address, and telephone number of the installer and date of installation, if known.
- (8) The name, address and telephone number of the commercial entity that last performed

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maintenance on the alarm system, if known.

(9) Any dangerous or special conditions present at the alarm site.

(10) Other information as required by the sheriff.

(f) No permit will be issued when a fine is outstanding, when a reason for a previous revocation has not been corrected, or if the applicant provides false information.

(g) The alarm operator shall submit interim updated application information within 15 days of when the on file information has changed. A permit may be revoked if it is found to contain inaccuracies.

(h) If an alarm operator has no false alarms in a permit year at an alarm site, then permit fee for that alarm site for the following permit year shall be \$5.00 if paid prior to the expiration of the current permit.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 00-11, § 1, 6-27-00; Ord. No. 03-06, § 1, 10-28-03)

Sec. 121.24. - False alarm penalties.

(a) Responsibility for false alarms shall be borne by the permit holder.

(b) The following fines shall be required for each false alarm per alarm system within one permit year:

(1) First and second false alarms: \$25.00 each; however, if the alarm operator has a valid alarm permit, then there is no fine for the first false alarm;

(2) Third and fourth false alarms: \$50.00 each;

(3) Fifth and sixth false alarms: \$100.00 each;

(4) Seventh and eighth false alarms: \$200.00 each;

(5) Ninth and above false alarms: \$400.00 each;

(6) The additional fine for false alarms from a non-permitted alarm system is \$200.00. The sheriff may reduce this amount to \$50.00 if the alarm system is permitted within ten days of the false alarm.

(c) The sheriff may offer an alarm awareness class to alarm operators. Alarm operators may attend the class in lieu of paying one fine per permit year.

(d) After responding to an alarm and determining that the alarm was false, the sheriff shall leave written notice at the alarm site that there was a false alarm. The notice shall include the identity of the deputy and time of response.

(e) However, the alarm operator shall not be liable for a false alarm that occurs at an alarm site for which the operator has previously given a disconnection notice to the monitoring company.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 00-11, § 1, 6-27-00; Ord. No. 03-06, § 1, 10-28-03)

Sec. 121.25. - Suspension, revocation, or reinstatement of alarm permit.

(a) In addition to the imposition of fines as provided for in this chapter, the eighth false alarm

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response in a permit year shall result in a suspension of the alarm permit, which remains effective until such time as:

- (1) The alarm operator has taken action to remedy the causes of the false alarms; and
 - (2) The sheriff has reinstated the permit.
- (b) A fine unpaid in excess of 30 days shall result in a suspension of the alarm permit.
- (c) The sheriff may revoke an alarm permit if it is determined that:
- (1) There is a false statement of a material matter in the permit application; or
 - (2) Ten or more false alarms have been received by the sheriff from the alarm site within a permit year.
- (d) An alarm operator whose alarm permit has been revoked may be issued a new permit if that alarm operator:
- (1) Submits an updated application and pays a \$50.00 permit fee; and
 - (2) Pays all fines issued to the alarm operator under this chapter.
- (e) The sheriff shall notify the alarm operator of a suspension, revocation, or reinstatement.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 00-11, § 1, 6-27-00)

Sec. 121.26. - Appeals of fines, suspensions, and revocations.

(a) An alarm operator may appeal a fine, suspension, or revocation under this article. The alarm operator shall notify the alarm administrator in writing within twenty calendar days of service of notice of fine, suspension or revocation. Proper notification of the alarm administrator shall stay the imposition of a fine, suspension or revocation until adjudication. The alarm administrator shall conduct an informal hearing and consider evidence presented by the alarm operator. Faulty or overly sensitive equipment, user error, or failure to renew the alarm permit shall not be sufficient basis to grant an appeal.

(b) If the alarm operator is not satisfied with the ruling of the alarm administrator, then the operator may appeal to the alarm review board (ARB). The request for an ARB appeal must be provided to the sheriff, on a form provided by the sheriff, within 20 days from the date of the alarm administrator's ruling. Proper notification shall stay the imposition of a fine, suspension or revocation until adjudication. The ARB shall conduct a hearing and consider evidence presented by the alarm operator and by other interested persons. Faulty or overly sensitive equipment, user error, or failure to renew the alarm permit shall not be sufficient basis to grant an appeal. The ARB shall make a decision based on the preponderance of the evidence standard, and provide a decision within 30 days. The decision of the ARB is the final administrative remedy as to the county.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

Sec. 121.27. - Response to alarm.

The alarm operator or a responder listed on the alarm permit shall respond to the alarm site within 30 minutes from the time of notification by the sheriff of the activation of the alarm, whether false or not. The failure to respond, when directed by the sheriff, shall be deemed a violation by the alarm operator.

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(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

Sec. 121.28. - Deactivation of audible alarms.

The alarm operator shall deactivate the alarm within 15 minutes or adjust the alarm to automatically deactivate within 15 minutes of activation.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

State law reference— Audible alarms, F.S. § 489.530.

Sec. 121.29. - Alarm monitoring companies.

(a) All alarm monitoring companies shall register annually with the sheriff. Each registration shall be valid for 12 months. The alarm monitoring company shall provide the following information:

- (1) Name, street address and telephone number;
- (2) The names, street addresses, and telephone numbers of all alarm operators contracted with within the territorial jurisdiction of this article;
- (3) The procedure used to verify the legitimacy of an alarm prior to notification of the sheriff;
- (4) The name, street address and telephone number of the qualifying agent.

(b) Upon registration, the monitoring company shall be provided with a telephone number for alarm reporting.

(c) Monitoring companies shall maintain, for a period of at least one year, records relating to alarm notification and shall provide such records to the sheriff upon request.

(d) Monitoring companies shall ensure that their databases of contracted alarm operators reflect current, accurate names, street addresses, telephone numbers and operational status. If an alarm operator provides notice of disconnection to a monitoring company, the company shall modify its database accordingly. The monitoring company is liable for any false alarms that occur after such notice is provided.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

State law reference— Business organizations, F.S. § 489.521.

Sec. 121.30. - Alarm verification calls required.

All burglary or intrusion alarm systems that have central monitoring shall have a central monitoring verification call made to the alarm site, prior to alarm monitor personnel contacting a law enforcement agency for alarm dispatch. However, if the alarm has properly operating visual or auditory sensors that enable the monitoring company to verify the alarm signal, verification calling is not required.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

State law reference— Alarm verification, F.S. § 489.529.

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Sec. 121.31. - Alarm system contractors.

- (a) All alarm system contractors shall register annually with the sheriff. Each registration shall be valid for 12 months.
- (b) No person shall install, maintain, repair, alter, service or monitor alarm systems for compensation without being an alarm system contractor.
- (c) All alarm system contractors shall furnish each of its agents with identification cards in accordance with § 489.518, Florida Statutes.
- (d) Alarm system contractors shall not install or maintain systems or equipment or use methods of installation that do not meet or exceed minimum Underwriters Laboratories or American National Standards Institute requirements for the appropriate installation and which do not use control panels tested for conformance to the Security Industry Association's Control Panel Standard.
- (e) Alarm system contractors shall not activate or service an alarm system unless it is permitted.
- (f) Alarm system contractors shall not cause a false alarm during the servicing, repairing, testing or inspection of an alarm system. The alarm operator shall not be charged with such false alarms.
- (g) Alarm system contractors shall provide all alarm operators with a blank alarm permit application, whenever installing, maintaining, repairing, altering or servicing an alarm system, unless the alarm system contractor reasonably believes that the system is permitted.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

Sec. 121.32. - Automatic dialing devices prohibited.

The alarm operator shall not operate an alarm system equipped with an automatic dialing device programmed to connect directly to the sheriff.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

Sec. 121.33. - Modification of existing alarm systems.

Whenever an existing alarm system is serviced, modified, or inspected, the following features shall be removed by the alarm system contractor:

- (1) Single action, non-recessed switches that activate a panic alarm; and
- (2) Duress or "one-plus" programming that activates a panic alarm.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

Sec. 121.34. - Auxiliary power supply.

An alarm operator shall not operate an alarm system which does not have a minimum four hour auxiliary power supply.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

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Sec. 121.35. - No public duty.

The permitting of an alarm system is not intended to, nor will it create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering the alarm system, the alarm operator acknowledges that law enforcement response may be based on factors such as: availability of law enforcement units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.

(Ord. No. 00-4, § 1, 2-8-00)

Sec. 121.36. - Administration and enforcement.

- (a) The sheriff shall be responsible for the administration and enforcement of this article.
- (b) Unless otherwise stated in this article, fines for violations of this article shall be equal to those amounts set forth in section 24.14, Alachua County Code of Ordinances. The sheriff has the authority to compromise assessments of fines.
- (c) The sheriff may issue a civil citation for any violation of this article. The citation shall be issued in accordance with section 24.14, Alachua County Code of Ordinances and § 162.21, Florida Statutes.
- (d) The sheriff may use any legal means to collect unpaid fees or fines. The costs of collection may be added to total amount owed.
- (e) The sheriff may enter into agreements with governmental entities to provide for the implementation of this article.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)

Sec. 121.37. - Disposition of fees and fines.

- (a) Fees and fines collected by the sheriff pursuant to this article shall be deposited by the sheriff into a special revenue fund and shall first be applied to the administration of this article. The sheriff shall provide to the county manager, by October 31st of each year, a statement of the previous fiscal year's activities which will include an accounting of all fees and fines collected by the sheriff, pursuant to this article, and the interest earned thereon. The statement shall include only direct costs for personal services, and operating and capital expenses incurred during the previous fiscal year for the administration of this article within the unincorporated area of Alachua County.
- (b) The sheriff will deduct these direct costs from the total fees and fines collected on behalf of the board. Total funds collected shall also include interest earned on the board's funds. The excess of revenues over expenses shall be remitted to the board no later than October 31st of each year in a separate check. The excess fees shall be invested allowing for excess and interest earnings to be used as a funding source for operating costs or capital projects that have a substantial and direct benefit to the combined communications center.

(Ord. No. 00-4, § 1, 2-8-00; Ord. No. 03-06, § 1, 10-28-03)