

PINELLAS COUNTY ORDINANCE NO. 09- 6

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE PINELLAS COUNTY CODE; AMENDING SECTION 54-1 AMENDING THE TERRITORIES EMBRACED; CREATING SECTION 54-2 PROVIDING FOR FALSE ALARMS RESULTING FROM THE USE OF ALARM SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR TERRITORY EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING.

WHEREAS, The Pinellas County Sheriff's Office responds to security alarms within the Sheriff's service area, and

WHEREAS, Many of the security alarms to which the Sheriff's Office responds were not activated due to unlawful behavior, and

WHEREAS, The time required by deputies to respond to false security alarms creates an undue burden on the Sheriff's Office, and

WHEREAS, It is in the best interest of Pinellas County that the Sheriff's Office recoup some of the costs of responding to false alarms and that such costs be shared by those responsible for the activation of false alarms, and further to provide an incentive for security alarm owners and operators to provide proper maintenance and oversight of their respective alarm systems.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, THAT THE PINELLAS COUNTY CODE IS AMENDED AS FOLLOWS:

Section 1. Section 54-1(e) is amended to read as follows:

(e) Areas embraced. All territory within the legal boundaries of the county, including all incorporated areas, shall be embraced by the provisions of this section except those areas embraced by section 54-2(g), unless specifically excluded by municipal ordinance or in conflict with municipal ordinance to the extent of such conflict.

Section 2. Section 54-2 is created to read as follows:

Sec. 54-2. Unlawful false alarms resulting from the improper use of alarm systems.

(a) When used in this section, the following terms shall have meanings ascribed to them below unless another meaning is clearly evident from the context in which they are used:

Automatic telephone dialing device or digital alarm communicator system means an alarm system which automatically sends a pre-recorded voice message or coded signal over telephone lines, by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.

Enforcement official means the Sheriff or his designated representative(s).

False alarm means the activation of a security alarm system resulting in the response and arrival of the Sheriff's Office when a situation requiring a response by the Sheriff's Office does not exist and:

- (1) which is caused by mechanical failure, malfunction, improper maintenance or installation of the alarm system, regardless of whether the alarm user is at fault; or the negligent or intentional activation of the alarm system, and
- (2) is not caused by unlawful entry, attempted unlawful entry, or robbery. A presumption exists that the alarm was not caused by unlawful activity if the law enforcement officer responding to the alarm finds no evidence of criminal activity, attempted criminal activity or an emergency at the premises.

Fee means the assessment of costs imposed pursuant to this article to defray the expense of responding to a false alarm.

Premises means any building, structure or combination of buildings and structures including the curtilage thereof, which is used for residential, commercial or any other purpose. At the option of the responsible party, out buildings, separate or detached buildings may be deemed separate premises' for the purpose of security alarm permits.

Registration year means 12 continuous months of days beginning on the date of registration for the alarm permit. Alarm permits shall be renewed annually at the conclusion of the registration year.

Responsible party means any person or entity that owns or controls the premises in which an alarm system is installed, including, but not limited to, a person or entity that leases, operates, occupies or manages the premises.

Security alarm system means any mechanical, electrical or radio controlled device which is designed to be used for the detection of any unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful act at or within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Without limiting the generality of the foregoing, alarm systems shall be deemed to include audible alarms at the site of the installation of the detection device, proprietary alarms, and automatic telephone direct dial devices or digital communicator systems. Excluded from the definition of security alarm systems are devices which are designed or used to register alarms that are audible, visible or perceptible, in or attached to any motor vehicle, or auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service.

(b) Responsibility for security alarm activation, owner response, security alarm malfunction, corrective action, and fees.

(1) The responsibility for false alarms shall be borne by the responsible party for the premises. In the absence of the specific assignment of responsibility for the alarm, the person or persons occupying or controlling the premises on which the alarm is located at the time of the false alarm will be held liable.

(2) Every person who owns, operates or leases any alarm system as defined herein, whether existing or to be installed in the future, shall within thirty (30) days of the effective date of this article or installation thereafter, register the alarm and receive an alarm permit by notifying the Sheriff on forms to be provided, of the following:

- (a) The type, make, and model of the alarm system,
- (b) Whether the alarm is installed in a residential or commercial premise,
- (c) The name, address, and telephone number of the owner or lessee of the alarm system, and
- (d) The names, addresses, and telephone numbers of no less than two (2) persons to be notified in the event of alarm activation.
- (e) The name, address, and 24-hour telephone number for any monitoring service for the alarm system.

The responsible person shall provide to the Sheriff's Office any changes in the information required by subsections (a) through (e), above, within fifteen (15) days of such change.

(3) When responding to an alarm at which there are no persons on the premises, and there is evidence of a break in, attempted break in, tampering with the security alarm system, or circumstances which the deputy reasonably believes requires the presence of the responsible party, the responsible party or authorized representative will be contacted and required to respond to the premises immediately, for the purposes of conducting a security check of the premise and resetting the alarm system.

(4) Each false alarm more than twenty-four (24) hours apart for which the Sheriff's Office makes a separate response is subject to a separate fee assessment.

(5) No person shall be held liable under this section for any false alarm transmitted under a reasonable mistake of fact that a crime was being or had been committed.

(c) Fees--Service charges for multiple security alarm malfunctions or for false alarms.

(1) For registered users, no fee shall be assessed under this section for the first two false alarms at the same premises responded to by the Sheriff's Office during the registration year. Thereafter, the following fees shall be paid by the responsible party for each false alarm during the registration year as set forth below:

False Security Alarm or
Alarm Malfunction Fee Schedule

Number of Alarms	Fee per Alarm
Three	\$ 75.00
Four	\$100.00
Five	\$150.00
Six	\$300.00
Seven and above	\$500.00

For non-registered users the following fee schedule applies:

Number of Alarms	Fee per Alarm
One through Three	\$175.00
Four	\$200.00
Five	\$250.00
Six	\$400.00
Seven and above	\$600.00

(2) All fees/service charges assessed in the carrying out of this ordinance shall be assessed to the responsible party and considered a bill owed by the responsible party, payable to the Sheriff's Office. Each fee shall be paid within thirty (30) calendar days from the date of the receipt of the written notification of the fee. The fees are separate and apart from any fines that may be assessed for a violation of this ordinance.

(d) *Appeals.*

(1) The responsible party may request a hearing within thirty (30) calendar days of the date of receipt of any notice of false alarm or fee assessment to contest the validity of any notice of false alarm or fee assessment. The request for a hearing shall be in writing and accompanied by an appeal fee of \$25.00, which shall be refunded if the responsible party prevails. Said request shall be directed to the General Counsel of the Pinellas County Sheriff's Office.

(2) The Sheriff or designee shall schedule a hearing within twenty (20) calendar days from the date the responsible party files the request for a hearing with the General Counsel of the Pinellas County Sheriff's Office. The hearing shall be conducted by an independent hearing officer. The responsible party shall be given notice of the hearing and shall have the opportunity to present evidence, cross-examine any witness, and to be represented by counsel. The formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Within ten (10) calendar days of the hearing, the hearing officer shall issue a written determination affirming or denying the initial determination that a false alarm existed, and advising the responsible party of the action(s) needed to avoid revocation of the alarm permit. The written determination shall be final and conclusive, subject to judicial review by common law certiorari in the circuit court for Pinellas County.

(3) The responsible party shall have thirty (30) calendar days from the date of the written determination to satisfy the requirements set forth in the written determination. The failure to satisfy the requirements set forth in the written determination is a violation of this section is punishable as provided in section 1-8.

(4) If the hearing officer determines that the alarm was activated by severe weather conditions which includes, but is not limited to, hurricanes, tornadoes, or lightning strikes in the proximity of the premises, the hearing officer shall determine that alarm was not a false alarm. However, within fifteen (15) calendar days from the date the Hearing Officer issues the written determination, the responsible party may be required to present

the Sheriff's Office written evidence from a licensed alarm technician certifying the alarm system is operating properly, or the Sheriff's Office may revoke the permit.

(e) *Newly installed alarm systems.* Except for the application requirements of sub-section (b)(2), the provisions of this section shall not apply to any newly installed alarm system for a period of thirty (30) days from the date of the installation.

(f) *Testing alarm systems.* Notwithstanding any other provision of this chapter, it shall not be a violation of this section to test an alarm system pursuant to the testing procedures of the contracted alarm monitoring provider, or in the absence of such provider, under the following conditions:

(1) Where there is no visual, audio, electronic or other indication of the alarm which can be seen, heard, or received beyond the boundaries of the property upon which the test is occurring; or

(2) Where there is a visual, audio, electronic, or other indication of the alarm which can be seen, heard, or received beyond the boundaries of the property upon which the test is occurring, and one of the following two precautions are observed:

(a) Adequate measures are taken to ensure that anyone seeing, hearing, or receiving the indication of an alarm will not report it either directly or indirectly to the Sheriff's Office as an alarm requiring assistance of the Sheriff's Office or

(b) The Sheriff's Office is notified that the test is to occur and is instructed not to respond by the responsible party.

(g) *Territory Embraced.* This section shall be effective within the unincorporated areas of Pinellas County and those incorporated areas contracting with the Pinellas County Sheriff for law enforcement services, including Belleair Beach, Belleair Bluffs, Belleair Shores, Dunedin, Indian Rocks Beach, Madeira Beach, N. Redington Beach, Oldsmar, Redington Beach, Safety Harbor, Seminole, and South Pasadena.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of

competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 4. Inclusion in the Pinellas County Code

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

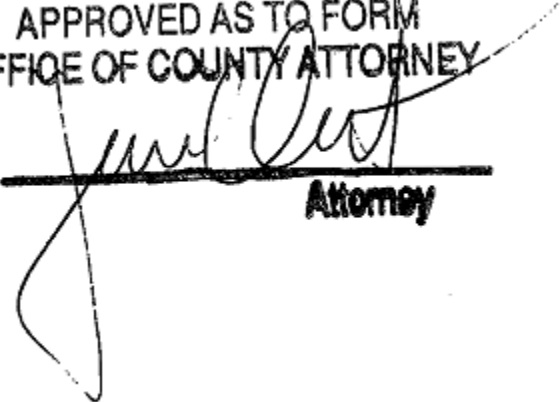
Section 5. Filing of Ordinance: Effective Date.

Pursuant to section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State. No fines may be issued pursuant to section (c) for false alarms occurring within thirty (30) days after the effective date of this Ordinance.

APPROVED and ADOPTED by the Board of County Commissioners of Pinellas County, Florida, on this the Third day of February, 2009.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By

A handwritten signature in black ink, appearing to be "J. M. [unclear]", written over a horizontal line. The signature is somewhat stylized and cursive.

Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY That the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on February 3, 2009 relative to:

PINELLAS COUNTY ORDINANCE NO. 09- 6

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE PINELLAS COUNTY CODE; AMENDING SECTION 54-1 AMENDING THE TERRITORIES EMBRACED; CREATING SECTION 54-2 PROVIDING FOR FALSE ALARMS RESULTING FROM THE USE OF ALARM SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR TERRITORY EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this February 5, 2009.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners



Cynthia N. Haumann, Deputy Clerk