

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 16 – 08

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE BONITA SPRINGS FALSE ALARM ORDINANCE; SECTIONS 18-20 THROUGH 18-29; REVISING TO CONFORM WITH STATUTORY CHANGES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENERS ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the Bonita Springs City Council is the governing body in and for the incorporated area comprising the City of Bonita Springs; and

WHEREAS, Bonita Springs City Council adopted the Bonita Springs False Alarm Ordinance to minimize the misuse of the resources of the Lee County Sheriff's Office by causing the dispatch of units to the scene of a false alarm that renders these units unavailable to respond to legitimate emergency situations; and

WHEREAS, Florida Statutes §553.7931 was created, which necessitates changes to this ordinance, along with other changes consistent with the amendments by the Lee County Board of County Commissioners; and

WHEREAS, City Council finds that the amendments to the Bonita Springs False Alarm Ordinance are necessary as a result of changes in Florida Statutes.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: AMENDMENTS

The City of Bonita Springs False Alarm Ordinance is amended by showing strikethroughs of deleted text and by underlining new text, as indicated to §§18-20, 18-21, 18-22, 18-23, 18-27, and 18-29, as set forth below:

Sec. 18-20. - 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 monitoring company (monitoring company) means a person or entity performing the service of monitoring as defined in F.S. § 489.505, as may be amended from time to time, 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 system.

Alarm review authority (ARA) means the sheriff or his designees.

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. The term "alarm system" does not include:

- (1) A device installed on a vehicle, unless the vehicle is permanently located at the site;
- (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. ch. 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 governmental or residential premises, including, but not limited to, religious and not-for-profit organizations, hotels, motels and educational institutions.

Contractor means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489.

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 bona fide incident, such as a burglary or unauthorized entry, and a subsequent response by the sheriff to that alarm site. The term "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;
- (2) An alarm caused by disconnection of a telephone circuit beyond the control of the alarm operator or his agents; or
- (3) An alarm caused by continuous electrical power disruption in excess of four hours.

Governmental premises means a structure or area owned and operated by a government entity.

Low Voltage Alarm System means an alarm system that is hardwired and operating at low voltage, which includes, but is not limited to, home-automation equipment, thermostats, and video cameras.

Permit year means the period starting from the date of issuance of a permit.

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.

Sheriff means the county sheriff or his designees.

Sheriff's office means the designated authority charged with administration and enforcement of the Bonita Springs False Alarm Ordinance.

Verification means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this article, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Wireless alarm system means a burglar alarm system that is not hardwired.

Sec. 18-21. - Alarm permit and fee.

- (a) Every alarm operator shall apply through the county sheriff's department for a nontransferable alarm permit. The permit shall be valid for so long as the operator uses or controls the alarm system at the property identified in the alarm permit. In the event the alarm operator sells, relocates from, or in any other way no longer uses or controls the alarm at the property identified in the alarm permit, then the alarm permit shall be deemed to be terminated, invalid and in no further force or effect. The alarm operator shall notify the county sheriff's department with any change that will affect the validity of the alarm permit within 15 days of the changes taking place. If, for any reason, an alarm permit becomes invalid or is revoked then the alarm operator of the alarm system shall be responsible for applying for a new, nontransferable permit.
- (b) A fee, in the amount filed in the city clerk's office, which may be revised by resolution adopted by the city council, 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 subsection (c)(1) and (2) of this section; 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, telephone number, and current mailing address to include any forwarding addresses necessary to receive correspondence;
 - (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, fire, 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 with 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 alarm system contractor that last performed maintenance on the alarm system, if known;
 - (9) Any dangerous or special conditions present at the alarm site; and
 - (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) A contractor is required to give notice of the registration requirement to the alarm operator of the new alarm.
- (i) Notwithstanding the foregoing, this section applies to all low-voltage alarm system projects for which a permit is required.
- (j) Consistent with Florida Statutes §553.793(2), as amended, for a wireless alarm system, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the wireless alarm system. However, registration of wireless alarm systems with the Lee County Sheriff's Office is required for any wireless alarm system that dispatches law enforcement to a specific location.

Sec. 18-22. - False alarm penalties.

- (a) Responsibility for false alarms shall be borne by the permit holder alarm operator. A contractor or alarm system monitoring company is not liable for civil penalties and fines assessed or imposed for failing to register an alarm system, for dispatch to an unregistered user, or for excessive false alarms unless attributed to the alarm system

monitoring error or improper installation by the contractor or alarm system monitoring company.

- (b) The following civil 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; and
 - (6) The additional fine for false alarms from a nonpermitted alarm system, or from an alarm system with a revoked permit, 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.

Sec. 18-23. - Revocation and reinstatement of alarm permit.

- (a) 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;
 - (2) Ten or more false alarms have been received by the sheriff from the alarm site within a permit year; or
 - (3) There is a permit that has not been renewed or fines have not been paid at the time of renewal.
- (b) 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 permit fee in the amount on file ~~in the city clerk's office~~ at the Lee County Sheriff's Office; and
 - (2) Pays all civil fines issued to the alarm operator under this article.
- (c) The sheriff shall notify the alarm monitoring company of a revocation, or reinstatement.
- ~~(d) The alarm monitoring company shall not telephone the county sheriff's office if a permit has been revoked, or a \$100.00 fine may be assessed against the alarm monitoring company.~~

Sec. 18-27. - Alarm monitoring companies.

- (a) All alarm monitoring companies shall register annually with the sheriff. Failure to register annually with the sheriff's office may result in a \$125.00 fine and/or any other administrative action against the alarm monitoring company. Each registration shall

be valid for 12 months. The alarm monitoring company shall provide the following information:

- (1) The name, telephone number, and current mailing address to include any forwarding addresses necessary to receive correspondence;
 - (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; and
 - (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 within three business days. Failure to maintain such records may result in a \$125.00 fine.~~
- (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 systems contractor provides notice of disconnection to a monitoring company, the monitoring company shall modify its database within five calendar days. ~~The monitoring company may be fined \$125.00 if the sheriff is telephoned after a disconnection notice is received.~~

Sec. 18-29. - Alarm system contractors.

- (a) All alarm system contractors shall register annually with the sheriff. Failure to register annually with the sheriff may result in a \$125.00 fine and/or any other administrative action against the alarm system contractor. Each registration shall be valid for 12 months. The alarm systems contractors shall provide the following information:
- (1) The name, telephone number, and current mailing address to include any forwarding addresses necessary to receive correspondence;
 - (2) The names, street addresses, and telephone numbers of all alarm operators contracted with, within the territorial jurisdiction of this article; and
 - (3) The name, street address and telephone number of the qualifying agent.
- (b) No person shall install, maintain, repair, alter, service or monitor alarm systems for compensation without being a licensed alarm system contractor. Performance of alarm work without a license may result in a fine of \$125.00. The alarm system contractors shall submit a Uniform Notice of a Low-Voltage Alarm System Project within 14 days of the installation of a low-voltage alarm system meeting the requirements of F.S. §553.793.
- (c) All alarm system contractors shall ensure that each of its agents are in compliance with F.S. § 489.518.

- (d) Alarm system contractors ~~shall provide initial/new installation registration information, collect the fees and forward to the sheriff in a computerized format specified by the sheriff shall provide written notice, on paper or electronically, to an owner, lessee, or occupant, or an authorized representative thereof, before activating or reactivating an alarm system, that registration of the alarm system is required.~~
- (e) Alarm system contractors shall not install new 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, C.P.-01, (or equivalent listing), or a fine of \$125.00 may be assessed.
- (f) Alarm system contractors shall not cause a false alarm during the servicing, repairing, testing or inspection of an alarm system, or a fine of \$125.00 may be assessed. The alarm operator shall not be charged with such false alarms.
- (g) ~~Alarm system contractors shall complete the application, collect the registration fees, and forward the application to the sheriff's office whenever installing, maintaining, repairing, altering or servicing an alarm system, unless the alarm system contractor reasonably believes that the system is permitted. Failure of the alarm system contractor to provide the application and registration fees to the sheriff's office may result in a fine of \$125.00.~~

SECTION TWO: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive requirements shall apply.

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provision of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION FOUR: CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS

It is the intention of the City Council for the City of Bonita Springs that the provisions of this Ordinance shall become and be made a part of the Bonita Springs Code; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in



the code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION FIVE: EFFECTIVE DATE

The effective date of this ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 20th day of July, 2016.

AUTHENTICATION:

 Mayor
 City Clerk

APPROVED AS TO FORM:


City Attorney

Vote:

DeWitt	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye	Slachta	Aye
O'Flinn	Aye		

Date filed with City Clerk:

7/21/16