

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20030147

1. REQUESTED MOTION:

ACTION REQUESTED: Request authorization to advertise for and conduct a Public Hearing on **Tuesday, March 11, 2003, at 5:00 p.m.**, in Chambers to consider the adoption and execution of the proposed "Lee County False Alarm Ordinance".

WHY ACTION IS NECESSARY: Board must formally adopt Ordinance at a Public Hearing.

WHAT ACTION ACCOMPLISHES: Sets March 11, 2003, at 5:00 p.m. for the Public Hearing date and time allows the process to go forward.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C12B

3. MEETING DATE:

02-18-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT
- C. DIVISION

BY: Scott S. Coover
Assistant County Attorney

7. BACKGROUND:

The Lee County Sheriff's Office and the County Attorney's Office have worked together to draft an Ordinance establishing the Lee County False Alarm Ordinance. The Sheriff's Office presented the need for this Ordinance to reduce the number of false alarms causing the Lee County Sheriff's Office to dispatch units to the scene of a false alarm that renders these units unavailable to respond to legitimate emergency situations.

The latest draft of the False Alarm Ordinance is attached for Board of County Commissioners' review. *RL*

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | F Budget Services | | | | G County Manager |
|-----------------------------|------------------------------------|-------------------------|------------|-------------------------|----------------------|---------------------|-----------------------|---------------------|------------------------|
| N/A | N/A | N/A | N/A | <i>RL 3/4/03</i> | OA <i>2/4/03</i> | OM <i>2/4/03</i> | RISK <i>2/4/03</i> | GC <i>2/4/03</i> | <i>1-6-03</i> |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

**RECEIVED BY
COUNTY ADMIN. *RL***
2-4-03
9:00
**COUNTY ADMIN.
FORWARDED TO: *PF***
2/11/03 12:30 PM

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, ESTABLISHING THE LEE COUNTY FALSE ALARM ORDINANCE; PROVIDING FOR SHORT TITLE, PURPOSE AND TERRITORIAL SCOPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR ALARM PERMIT AND FEE; PROVIDING FOR FALSE ALARM PENALTIES; PROVIDING FOR REVOCATION AND REINSTATEMENT OF ALARM PERMIT; PROVIDING FOR APPEALS OF FINES, AND REVOCATIONS; PROVIDING FOR RESPONSE TO ALARM; PROVIDING FOR DEACTIVATION OF AUDIBLE ALARMS; PROVIDING FOR ALARM MONITORING COMPANIES; PROVIDING FOR ALARM VERIFICATION CALLS REQUIRED; PROVIDING FOR ALARM SYSTEM CONTRACTORS; PROVIDING FOR AUTOMATIC DIALING DEVICES PROHIBITED; PROVIDING FOR MODIFICATION OF EXISTING ALARM SYSTEMS; PROVIDING FOR AUXILIARY POWER SUPPLY; PROVIDING FOR NO PUBLIC DUTY; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR DISPOSITION OF FEES AND FINES; PROVIDING FOR REPORTING; PROVIDING FOR ANNUAL AUDITING; CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County; and

WHEREAS, the Lee County Board of County Commissioners recognizes that false alarms cause a 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, the Board finds that the continued high incidence of false alarms is a threat to the health, safety and welfare of the citizens of Lee County; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS of Lee County, Florida:

SECTION ONE: SHORT TITLE, PURPOSE AND TERRITORIAL SCOPE

- A. This Ordinance will be known and cited as the Lee County False Alarm Ordinance.
- B. The provisions of this Ordinance will apply to all the unincorporated areas of Lee County.

SECTION TWO: DEFINITIONS

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

- A. **Alarm Monitoring Company** (monitoring company) means a person or entity performing the service of monitoring as defined in §489.505, Florida Statutes, as may be amended from time to time, and having customers within the territorial jurisdiction of this Ordinance.
- B. **Alarm Operator** means any owner, tenant or other person or entity that uses or is in control of an alarm system.
- C. **Alarm Review Authority (ARA)** shall mean the Sheriff or his designee(s).
- D. **Alarm Site** means the individual location of each alarm system.
- E. **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.

F. **Alarm System Contractor** means a person licensed under Chapter 489, Florida Statutes, as an electrical or alarm system contractor.

G. **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.

H. **Commercial Premises** means any structure or area which is not defined in this section as a governmental or residential premises, including but not limited to, religious and not for profit organizations, hotels, motels and educational institutions.

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

J. **False Alarm** means the activation of an alarm system for any reason other than a bonafide incident, such as a burglary 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; or
3. an alarm caused by continuous electrical power disruption in excess of four (4) hours.

K. **Governmental Premises** means a structure or area owned and operated by a government entity.

L. **Permit Year** means the period starting from the date of issuance of a permit and ending twelve (12) months from date of issuance.

M. **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.

N. **Sheriff** means the Lee County Sheriff or his designee(s).

O. **Sheriff's Office** means the designated authority charged with administration and enforcement of the Lee County False Alarm Ordinance.

P. **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 Ordinance, 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.

SECTION THREE: 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 \$25.00, which may be revised by Resolution adopted by the Board of County Commissioners, 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; and
 - 2. explain the alarm operator's financial responsibilities for false alarms;
 and
 - 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; and
 - 2. the address of the alarm site; and
 - 3. the classification of the alarm site as residential, commercial, or governmental; and
 - 4. the type of system, such as burglary, robbery, fire, or panic; and
 - 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 thirty (30) minutes of notification; and
 - 6. the name, address and telephone number of the alarm monitoring company, if any; and
 - 7. the name, address, and telephone number of the installer and date of installation, if known; and
 - 8. the name, address and telephone number of the alarm system contractor that last performed maintenance on the alarm system , if known; and
 - 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 fifteen (15) days of when the on file information has changed. A permit may be revoked if it is found to contain inaccuracies.

SECTION FOUR: 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; and
 - 2. third and fourth false alarms \$50.00 each; and
 - 3. fifth and sixth false alarms \$100.00 each; and
 - 4. seventh and eighth false alarms \$200.00 each; and
 - 5. ninth and above false alarms \$400.00 each; and
 - 6. the additional fine for false alarms from a non-permitted 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.

SECTION FIVE: 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; or
 - 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 \$50.00 permit fee; and
 - 2. pays all fines issued to the alarm operator under this Ordinance; and.
- C. The Sheriff shall notify the alarm monitoring company of a revocation, or reinstatement.
- D. The alarm monitoring company shall not telephone the Lee County Sheriff's Office if a permit has been revoked, or a \$100.00 fine may be assessed against the alarm monitoring company.

SECTION SIX: APPEALS OF FINES AND REVOCATIONS

- A. An alarm operator may appeal a fine or revocation under this Ordinance. The alarm operator shall notify the Sheriff in writing within ten (10) days of receipt of notice of fine or revocation. Proper notification of the Sheriff shall stay the imposition of a fine, or revocation, until adjudication by the Alarm Review

Authority.

- B. The Alarm Review Authority (ARA) shall conduct a hearing and consider evidence presented by the alarm operator and by other interested persons. The ARA shall make a decision based on the preponderance of the evidence standard. The decision of the ARA is the final administrative remedy as to the County.

SECTION SEVEN: RESPONSE TO ALARM

The alarm operator or a responder listed on the alarm permit shall respond to the alarm site within thirty (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, may be deemed a violation by the alarm operator.

SECTION EIGHT: DEACTIVATION OF AUDIBLE ALARMS

The alarm operator shall deactivate the alarm within fifteen (15) minutes or adjust the alarm to automatically deactivate within fifteen (15) minutes of activation. § 489.530 Florida Statutes, audible alarms.

SECTION NINE: ALARM MONITORING COMPANIES

- A. All alarm monitoring companies shall register annually with the Sheriff. Each registration shall be valid for twelve (12) months. The alarm monitoring company shall provide the following information:
1. name, street address and telephone number; and
 2. names, street addresses, and telephone numbers of all alarm operators contracted with, within the territorial jurisdiction of this

Ordinance; and

3. the procedure used to verify the legitimacy of an alarm prior to notification of the Sheriff; and
 4. 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 (1) year, records relating to alarm notification and shall provide such records to the Sheriff within three (3) business days.
- 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 company shall modify its database within five (5) calendar days. The monitoring company may be liable for any false alarms that occur after such notice is provided.

SECTION TEN: 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 monitoring personnel contacting a law enforcement agency for alarm dispatch. However, if the alarm has properly operating visual or auditory sensors that enable the monitoring to verify the alarm signal, verification calling is not required. (See Exhibit A). § 489.529, Florida Statutes, alarm verification.

SECTION ELEVEN: ALARM SYSTEM CONTRACTORS

- A. All alarm system contractors shall register annually with the Sheriff. Each registration shall be valid for twelve (12) months. The alarm systems contracts shall provide the following information:
1. name, street address and telephone number; and
 2. names, street addresses, and telephone numbers of all alarm operators contracted with, within the territorial jurisdiction of this Ordinance; and
 3. the procedure used to verify the legitimacy of an alarm prior to notification of the Sheriff; and
 4. 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 an alarm system contractor.
- C. All alarm system contractors shall ensure that each of its agents are in compliance with § 489.518, Florida Statutes.
- 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.
- 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. 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.

SECTION TWELVE: 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.

SECTION THIRTEEN: 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:

- A. single action, non-recessed switches that activate a panic alarm; and
- B. duress or "one-plus" programming that activates a panic alarm.

SECTION FOURTEEN: AUXILIARY POWER SUPPLY

An alarm operator shall not operate an alarm system which does not have a minimum four (4) hour auxiliary power supply.

SECTION FIFTEEN: 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 calls, weather conditions, traffic conditions, emergency conditions and staffing levels.

SECTION SIXTEEN: ADMINISTRATION AND ENFORCEMENT

- A. The Sheriff shall be responsible for the administration and enforcement of this Ordinance.
- B. The Sheriff has the authority to compromise assessments of fines.
- C. The Sheriff may use any legal means to collect unpaid fees or fines.

SECTION SEVENTEEN: DISPOSITION OF FEES AND FINES

Fees and fines collected by the Sheriff pursuant to this Ordinance shall be deposited by the Sheriff into a special revenue fund to be used exclusively for the administration of this Ordinance.

SECTION EIGHTEEN: REPORTING

The Lee County Sheriff's Office shall provide a semi-annual monitoring report to the Lee County BOCC showing performance/activity for the False Alarm Ordinance.

SECTION NINETEEN: ANNUAL AUDIT

The Lee County Sheriff's Office in compliance with Florida Statute is required to have an annual audit performed. As part of this audit, the False Alarm Special Revenue Fund shall be audited.

SECTION TWENTY: 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 TWENTY ONE: 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 TWENTY TWO: CODIFICATION SCRIVENER'S ERRORS

The Lee County Board of County Commissioners intends that this Ordinance will be made part of the Lee County Code; and that sections of this Ordinance can be renumbered or relettered and the word "Ordinance" can be changed to "Section," "Article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for public hearing.

SECTION TWENTY TWO: EFFECTIVE DATE

This Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to vote, the vote was as follows:

BOB JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
ANDREW W. COY _____
JOHN E. ALBION _____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2003.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM:

BY: _____
Office of the County Attorney

EXHIBIT A

ENHANCED TELEPHONE VERIFICATION OF BURGLAR ALARM SIGNALS

A. EXTENDED TIME

The time permitted for enhanced verification of non-certificated system may be extended beyond the time constraints imposed for certificated systems defined in UL Standard 827 as appropriate under the facts known by monitoring center personnel.

B. PROCEDURE

For alarm signals received from non-certificated commercial burglar alarm systems or any residential alarm system signal such as a burglar, duress or panic, the following procedures shall be followed:

1. **CALL 1**
The monitoring facility shall attempt telephone verification to the protected premises after receipt of the alarm signal.
2. **CALL 2**
If a monitoring facility operator gets a busy signal or no answer on the first call to the protected premises, a second call or calls shall be made to an alternate phone number such as a cellular, work or second number at the protected premises.
3. **ANSWERING MACHINES**
If the first or second call reaches an answering machine, a message should be left clearly stating that it is the alarm company calling and leaving necessary information for the alarm user to promptly contact the monitoring facility.
4. **PERSON ON PREMISES WITHOUT PROPER CODE**
If the operator reaches the protected premises on the first or second call and the person answering the phone does not have the proper pass code, then the operator shall attempt to make a 3-way call with the premises person retained as a party to the call. The 3-way call shall attempt to reach others on the call list to verify the authenticity of the person on the protected premises. If this process fails to resolve the issue, then the operator should proceed to notify the dispatch authority.

5. **SCHEDULED EVENTS**

If an alarm signal is received in connection with a scheduled opening or closing event, additional numbers shall be called on the call list in order to determine whether an opening or closing error caused the alarm signal.

6. **VERIFIED FALSE**

If the alarm is verified as being false during the first, second or succeeding call as a result of getting a valid pass code, the operator shall suspend activities relating to the specific signal being worked.

7. **NOTIFICATION CALL**

Call to the law enforcement authority such as 911.

8. **CALL LISTS AND PRIORITY**

Following notification of law enforcement authorities, attention shall be placed on completing the entire emergency call list with priority to achieve a cancellation of the dispatch if it is verified that no emergency exists. Subsequent to dispatch of a sworn officer, the priority of notification calls to phone numbers in the customer's data base shall be first to numbers where there is a high probability of reaching an alarm user. The succeeding calls shall be made next to neighbors, then to non-premises people such as relatives or secondary key holders.

9. **VERIFICATION PHONE ACCESSIBILITY GUIDELINE**

Care shall be taken to verify that the emergency call list phone numbers are to phones without call waiting, or alternately that *70 is programmed in front of the monitoring center phone number in the electronic digital communicator. The verification phones at the monitored premises shall be accessible after normal business hours (not locked up in an office), such as in the vicinity of commonly used entrances. The verification phones shall not direct callers to voice mail so that employees and cleaning people who are working after normal business hours may hear and answer the phone.

C. **ADDITIONAL METHODS**

Audio verification, video verification, or cross zoning shall be permitted in place of, or in addition to, the second verification call and shall be considered in compliance with this enhanced verification standard.