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**ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 2018-__

**AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF ALACHUA COUNTY, FLORIDA,
AMENDING CHAPTER 121 OF THE ALACHUA COUNTY
CODE PERTAINING TO BURGLAR, ROBBERY, PANIC
AND FIRE ALARMS; PROVIDING AN EFFECTIVE DATE.**

14 **WHEREAS**, Chapter 121, Article II, of the Alachua County Code, entitled “Alachua
15 County False Alarm Ordinance”, was adopted February 8th, 2000, and subsequently amended;
16 and

17 **WHEREAS**, the ordinance shall be amended to include reflect advancements in
18 technology and administration.

19
20 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
21 **ALACHUA COUNTY, FLORIDA:**

22
23 **SECTION 1.** Chapter 121, Articles I, II and III, are deleted in their entirety. The title
24 “Chapter 121, Alarm Systems” shall remain.

25
26 **SECTION 2.** Sections 121.20 through 121.37 are added:

27 **Sec. 121.20. - Short title.**

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

1 **Sec. 121.21. - Definitions.**

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

4 *Alarm administrator* refers to the entities responsible for handling the functions outlined in
5 this ordinance on behalf of Alachua County for both law enforcement and fire alarms. Those
6 functions include, but are not limited to, administration, control and review of fire and law
7 enforcement alarm permit applications, false alarm reduction efforts, collection of fees, public
8 education, and regulation of alarm system contractor and alarm monitoring contractor activities
9 within Alachua County.

10 *Alarm monitoring company* (or monitoring company) means a person or entity performing
11 the service of monitoring as defined in § 489.505, Florida Statutes, and having customers within
12 the territorial jurisdiction of this Article.

13 *Alarm operator* means any owner, tenant or other person or entity that uses or is in control
14 of an alarm system.

15 *Alarm review board* shall consist of three members. There shall be one representative from
16 the Alachua County Sheriff's Office, one member appointed by the Alachua County Board of
17 County Commissioners, and one member appointed by Alachua County Fire Rescue. The board
18 shall serve on an as-needed basis.

19 *Alarm site* means the individual location of each alarm system.

20 *Alarm system* means any device or system that emits, transmits or relays a signal intended to
21 summon, or that would reasonably be expected to summon, the appropriate public safety
22 responder services. Alarm system does not include:

23 (1) A device installed on a vehicle, unless the vehicle is permanently located at the site;

1 (2) A device designed to alert only the inhabitants of the device site, and that is not
2 audible or visible from the exterior of the structure; or

3 (3) A device designed for a purpose other than to alert a public safety response agency
4 for intrusion, burglary, robbery or fire.

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

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

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

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

13 *Deterrent System* means a fire alarm pull station with an associated audio alarm, or ink,
14 photo, or video identification; or a fire alarm system with a malicious pull deterrent feature as
15 described on the list of approved systems maintained by Alachua County Fire Rescue, or a fire
16 alarm system with such a feature that is approved after inspection by Alachua County Fire
17 Rescue.

18 *False alarm* means the activation of an alarm system for any reason other than fire or life
19 safety issue, a burglary, robbery or unauthorized intrusion following a response to that alarm site.
20 A false alarm does not include:

21 (1) An alarm caused by physical damage to the alarm system as a result of lightning,
22 wind, or other meteorological event, where there is clear evidence of physical damage
23 to the alarm system;

- 1 (2) An alarm caused by disconnection of a telephone circuit beyond the control of the
2 alarm operator or his agents, verified by written communication from the telephone
3 company;
- 4 (3) A law enforcement alarm caused by continuous electrical power disruption in excess
5 of four hours; or
- 6 (4) A fire alarm activation on a property by a permitted fire alarm pull station with two or
7 more deterrent systems, where one or more of the deterrent systems has been utilized
8 at the point of activation of the alarm to which the public safety agency responded.

9 *Fire alarm* means a fire alarm system or life safety alarm system.

10 *Fire Department* means Alachua County Fire Rescue or any other fire or rescue agency
11 responding within the jurisdiction covered by this ordinance via an automatic-aid or other
12 agreement.

13 *Governmental premises* means a structure or area operated by a government entity.

14 Excludes premises leased to non-government entities. Law enforcement alarms mean only burglar, robbery
15 and panic alarms.

16 *Permit holder* means the person who applied for the permit, or the person(s) acting as
17 agent, and is generally accepted as the responsible party as stated on the permit.

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

20 *Residential premises* means any structure serving as a home, residence, or sleeping place
21 for one or two families or households.

22 *Sheriff* means the Alachua County Sheriff or his or her designee.

23 *Verify* means an attempt by the alarm monitoring company or its representative to contact

1 the alarm site by telephone to determine the validity of the alarm prior to the responders' arrival.

2 **Sec. 121.22. - Territorial jurisdiction.**

3 For law enforcement alarms this article shall apply in the City of Archer, the City of
4 Newberry, the City of Hawthorne and in the unincorporated area of Alachua County. For fire
5 alarms this article shall apply in the unincorporated area of Alachua County.

6 **Sec. 121.23. - Alarm permit and fee.**

7 (a) Except as otherwise provided under the definition of permit year, every alarm operator shall
8 annually apply to the False Alarm Reduction Unit at the Alachua County Sheriff's Office
9 for a nontransferable alarm permit. The permit shall be valid for one permit year and then
10 expire.

11 (b) A fee in the amount specified in the current-year Alachua County Schedule of Fees and
12 Charges for Services shall accompany each application or renewal for alarms on residential,
13 commercial or governmental premises.

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

16 (1) Explain the operation of the alarm system to the alarm operator;

17 (2) Explain the alarm operator's financial responsibilities for false alarms;

18 (3) Obtain the alarm operator's signature on a form in which the alarm operator
19 acknowledges having received and understood the information provided in Sec. (1)
20 and Sec. (2) above; and

21 (4) Furnish a blank alarm permit application to the tenant. The alarm administrator shall
22 provide the owner or manager with forms upon request.

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

- 1 (e) The alarm operator shall provide the following information:
- 2 (1) The name, address and telephone number of the alarm operator.
- 3 (2) The address of the alarm site.
- 4 (3) The classification of the alarm site as one or two family residential, commercial, or
- 5 governmental.
- 6 (i) Apartments, condos and townhouses are residential for law enforcement alarm
- 7 registration purposes and commercial for fire alarm registration purposes.
- 8 (4) The type of system, such as burglary, robbery, panic or fire.
- 9 (5) The names, addresses and telephone numbers of two persons who have access to the
- 10 premises, the ability to reset the alarm, and who, upon request of the public safety
- 11 responder, will respond to the alarm site within 30 minutes of notification.
- 12 (6) The name, address and telephone number of the alarm monitoring company, if any.
- 13 (7) The name, address, and telephone number of the installer and date of installation, if
- 14 known.
- 15 (8) The name, address and telephone number of the commercial entity that last
- 16 performed maintenance on the alarm system, if known.
- 17 (9) Any dangerous or special conditions present at the alarm site.
- 18 (10) Other information as required by the alarm administrator.
- 19 (f) No permit will be issued when a fee is outstanding, when a reason for a previous revocation
- 20 has not been corrected, or if the applicant provides false information.
- 21 (g) The alarm operator shall submit interim updated application information within 15 days of
- 22 when the information on file has changed. A permit may be revoked if it is found to contain
- 23 inaccuracies.

- 1 (h) Permit fees are waived for a residential fire alarm permit if the alarm site has a current law
2 enforcement alarm permit and both permits expire when the law enforcement alarm permit
3 expires, provided that the law enforcement and fire alarm systems are a single integrated
4 unit.
- 5 (i) Commercial or governmental premises are not exempt from permit requirements. Such
6 permits shall be valid for one year and then expire.
- 7 (j) All permit information is confidential and exempt from disclosure in accordance with §
8 281.301, F.S.

9 **Sec. 121.24. - False alarm fees.**

- 10 (a) Responsibility for false alarms shall be borne by the permit holder.
- 11 (b) False alarm fees shall be required, on a sliding scale based on the number of false alarm
12 activations during a single permit year, in accordance with the current-year Alachua County
13 Schedule of Fees and Charges for Services.
- 14 (c) False alarm activations from alarm systems that are not permitted will result in additional
15 fees in accordance with the current-year Alachua County Schedule of Fees and Charges for
16 Services. The alarm administrator shall reduce this amount in accordance with the current-
17 year Alachua County Schedule of Fees and Charges for Services if the alarm system is
18 permitted within ten days of the false alarm.
- 19 (d) The alarm administrator will offer an alarm awareness class to alarm operators. Alarm
20 operators may attend the class in lieu of paying one (1) false alarm fee per permit year.
- 21 (e) After responding to an alarm and determining that the alarm was false, the public safety
22 responder shall leave written notice at the alarm site that there was a false alarm. The notice
23 shall include the identity of the responder and date/time of response.

- 1 (f) Alarm operators shall not be liable for a false alarm that occurs at an alarm site for which
2 the operator has previously given a disconnection notice to the monitoring company.
- 3 (g) Fire alarm systems meeting the requirements listed in the definition of "deterrent system"
4 above will be exempt from false alarm fees for any fire alarm arising from an activation
5 point covered by the deterrent system, provided the deterrent system has not been
6 determined to be ineffective as outlined in section 121.24 (h).
- 7 (h) Fire alarm systems with established deterrent systems are subject to annual review of the
8 effectiveness of those deterrent systems by the fire department. If based on the number of
9 responses to a "deterred" system, the fire department determines the deterrent system is
10 ineffective, the permit holder will be notified that additional or alternative deterrents are
11 required and that their exemption from fees for false alarms at the affected site will be
12 suspended until such time as the modifications are made and written notice of them from the
13 deterrent installer has been provided to the alarm administrator.

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

- 15 (a) In addition to the imposition of in the amount specified in the current-year Alachua County
16 Schedule of Fees and Charges for Services, the eighth false alarm response in a permit year
17 shall result in a suspension of the alarm permit.
- 18 (b) A fee unpaid in excess of 60 days shall result in a suspension of the alarm permit.
- 19 (c) A suspension shall remain effective until such time as:
- 20 (1) The alarm operator has taken action to remedy the causes of the false alarms or had
21 brought the overdue account current; and
- 22 (2) The alarm administrator has reinstated the permit.
- 23 (d) False alarms at sites with suspended permits will continue to accrue fees in the amount

1 specified in the current-year Alachua County Schedule of Fees and Charges for Services.

2 (e) The alarm administrator may revoke an alarm permit if it is determined that:

3 (1) There is a false statement of a material matter in the permit application; or

4 (2) Ten or more false alarms have been received from the alarm site within a permit
5 year.

6 (f) An alarm operator whose alarm permit has been revoked may be issued a new permit if that
7 alarm operator:

8 (1) Submits an updated application and pays a fee in the amount specified in the current-
9 year Alachua County Schedule of Fees and Charges for Services;

10 (2) Pays all fees issued to the alarm operator under this chapter; and

11 (3) Submits documentation from the company that services the alarm system that it is
12 operating properly, or that the alarm operator has received training in the use of the
13 system, or both if applicable (written documentation from the alarm company is
14 required).

15 (g) The alarm administrator shall notify the alarm operator in writing of a suspension,
16 revocation, or reinstatement.

17 **Sec. 121.26. - Appeals of fees, suspensions, and revocations.**

18 (a) An alarm operator may appeal a fee, suspension, or revocation under this article. The alarm
19 operator shall notify the alarm administrator in writing within twenty calendar days of
20 service of notice of fee, suspension or revocation. Proper notification of the alarm
21 administrator shall stay the imposition of a fee, suspension or revocation until adjudication.
22 The alarm administrator shall conduct an informal hearing and consider evidence presented
23 by the alarm operator. Faulty or overly sensitive equipment, user error, or failure to renew

1 the alarm permit shall not be sufficient basis to grant an appeal.

- 2 (b) If the alarm operator is not satisfied with the ruling of the alarm administrator, then the
3 operator may appeal to the Alarm Review Board (ARB). The request for an ARB appeal
4 must be provided to the alarm administrator within 20 days from the date of the alarm
5 administrator's ruling. Proper notification shall stay the imposition of a fee, suspension or
6 revocation until adjudication. The ARB shall conduct a hearing and consider evidence
7 presented by the alarm operator and by other interested persons. Faulty or overly sensitive
8 equipment, user error, or failure to renew the alarm permit shall not be sufficient basis to
9 grant an appeal. The ARB shall make a decision based on the preponderance of the evidence
10 standard and provide the decision within 30 days. The decision of the ARB is the final
11 administrative remedy.

12 **Sec. 121.27. - Response to alarm.**

13 The alarm operator or their designee as listed on the alarm permit shall respond to the alarm
14 site within 30 minutes from the time of notification of the activation of the alarm, whether false
15 or not. The failure to respond shall be deemed a violation of this ordinance by the alarm operator
16 subject to a fee in accordance with the current-year Alachua County Schedule of Fees and
17 Charges for Services.

18 **Sec. 121.28. - Deactivation of audible alarms.**

19 (a) The law enforcement alarm operator shall deactivate the alarm within 15 minutes or adjust
20 the alarm to automatically deactivate within 15 minutes of activation.

21 (b) The fire alarm operator shall not deactivate the fire alarm until either a false alarm is
22 verified as determined by the responding fire department, or a fire is extinguished and

1 conditions are determined by the fire department to be safe.

2 **Sec. 121.29. - Alarm monitoring companies.**

3 (a) Each alarm monitoring company shall register annually with the alarm administrator and
4 pay a fee, unless it is regulated by the Florida Department of Business and Professional
5 Regulations and has paid a local business tax for the current year to the county or
6 municipality in the state where its permanent business location or branch office is
7 maintained. Each registration shall be valid for 12 months.

8 (b) The alarm monitoring company shall provide the following information:

9 (1) Name, street address and telephone number and local business tax number;

10 (2) The names, street addresses, and telephone numbers of all alarm operators
11 contracted with within the territorial jurisdiction of this article;

12 (3) The procedure used to verify the legitimacy of an alarm prior to notification of the
13 responding agency;

14 (4) The name, street address and telephone number of the qualifying agent.

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

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

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

- 1 (f) Fire alarm monitoring companies shall monitor in accordance with the Florida Fire
2 Prevention Code and Florida Administrative Code.
- 3 (g) Alarm monitoring companies that activate an alarm system installed by an owner, lessee, or
4 occupant, or authorized representative thereof, shall provide verbal notice to the alarm
5 operator, before activating or reactivating an alarm system, that Alachua County requires an
6 alarm permit.

7 **Sec. 121.30. - Alarm verification calls required.**

- 8 (a) All law enforcement alarm systems that have central monitoring shall have a central
9 monitoring verification call made to the alarm site, prior to alarm monitor personnel
10 contacting a law enforcement agency for alarm dispatch. However, if the alarm has properly
11 operating visual or auditory sensors that enable the monitoring company to verify the alarm
12 signal, verification calling is not required.
- 13 (b) All fire alarm systems that have central monitoring are required to have a central monitoring
14 verification call made to the Combined Communications Center for a dispatch first,
15 followed by a verification call to the fire alarm site. If, however, the fire alarm has properly
16 operating visual or auditory sensors that enable the monitoring company to verify the fire
17 alarm signal, verification calling is not required.
- 18 (c) Fire alarm activation calls shall not be cancelled by anyone other than a qualified public
19 safety representative on scene at the alarm site. In instances where an alarm has been
20 determined to be malfunctioning, an ACFR district chief or above can alter the responding
21 complement to alarm activations. If a district chief is not responding to the call, the closest
22 ACFR unit can alter the responding complement, but may not cancel prior to on-site
23 verification. The verification call shall not be used as a justification to cancel a response, nor

1 may responses be cancelled. The verification call can, however, be justification for
2 reducing the response complement to a fire alarm call.

3 **Sec. 121.31. - Alarm system contractors.**

4 (a) All alarm system contractors shall register annually with the alarm administrator. Each
5 alarm system contractor shall pay a fee unless it is regulated by the Florida Department of
6 Business and Professional Regulation and has paid a local business tax for the current year
7 to the county or municipality in the state where its permanent business location or branch
8 office is maintained. Each registration shall be valid for 12 months.

9 (b) No person shall install, maintain, repair, alter, service or monitor alarm systems for
10 compensation without being an alarm system contractor. No person shall install, repair,
11 alter, or monitor fire alarm systems for compensation without be a fire alarm system
12 contractor.

13 (c) All alarm system contractors and fire alarm system contractors shall furnish each of its
14 agents with identification cards in accordance with § 489.518 and § 489.5185, Florida
15 Statutes respectively. The fire alarm system contractor identification shall be the Fire Alarm
16 System Agent (FASA) card.

17 (d) Alarm system contractors shall not install or maintain systems or equipment or use methods
18 of installation that do not meet or exceed minimum Underwriters Laboratories, American
19 National Standards Institute requirements or National Fire Protection Association 72
20 requirements, as applicable, for the appropriate installation and which do not use control
21 panels tested for conformance to the Security Industry Association's Control Panel Standard.

22 (e) Law enforcement alarm system contractors shall not activate or service an alarm system
23 unless it is permitted. Fire alarm system contractors shall not activate or service an alarm

1 system unless it's permitted except when a required fire and life-safety system is out of
2 service. In these cases the contractor may repair the system, but must make notification to
3 the alarm administrator of the service on an alarm with unpermitted status.

4 (f) Alarm system contractors shall not cause a false alarm during the servicing, repairing,
5 testing or inspection of an alarm system. The alarm operator shall not be charged with such
6 false alarms.

7 (g) Alarm system contractors shall provide all alarm operators with a blank alarm permit
8 application, whenever installing, maintaining, repairing, altering or servicing an alarm
9 system, unless the alarm system contractor reasonably believes that the system is permitted.

10 **Sec. 121.32. – Prohibited alarm devices.**

11 It is unlawful for a person to operate an alarm system equipped with an automatic dialing
12 device programmed to connect directly to any facility in Alachua County that receives 9-1-1
13 calls. All automatic dialing systems shall communicate alarm notifications to a third party who
14 has accepted the responsibility of relaying the alarm or to a business licensed by the State of
15 Florida to engage in the relaying of alarm notifications.

16 **Sec. 121.33. - Modification of existing alarm systems.**

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

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

21

1 **Sec. 121.34. - Auxiliary power supply.**

2 (a) An alarm operator shall not operate a law enforcement alarm system which does not have a
3 minimum four-hour auxiliary power supply.

4 (b) Fire alarm systems are required to have auxiliary power supplies rated in accordance with
5 the Florida Fire Prevention Code.

6 **Sec. 121.35. - No special public duty.**

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

14 **Sec. 121.36. - Administration and enforcement.**

15 (a) The alarm administrator shall be responsible for the administration and enforcement of this
16 article.

17 (b) Unless otherwise stated in this article, fees for violations of this article shall be equal to
18 those amounts set forth in the current-year Alachua County Schedule of Fees and Charges
19 for Services.

20 (c) The sheriff may use any legal means to collect unpaid fees. The costs of collection may be
21 added to total amount owed.

22 (d) The sheriff may enter into agreements with governmental entities to provide for the

1 implementation of this article.

2 **Sec. 121.37. - Disposition of monies collected.**

3 (a) All monies collected by the alarm administrator pursuant to this article shall be deposited by
4 the alarm administrator into a special revenue fund and shall first be applied to the
5 administration of this article. The sheriff, on behalf of the alarm administrator, shall provide
6 to the county manager, by October 31st of each year, a statement of the previous fiscal
7 year's activities which will include an accounting of all monies collected by the alarm
8 administrator, pursuant to this article, and the interest earned thereon. The statement shall
9 include only direct costs for personal services, and operating and capital expenses incurred
10 during the previous fiscal year for the administration of this article within the areas specified
11 in section 121.22 of this article.

12 (b) The sheriff, on behalf of the alarm administrator, will deduct these direct costs from the total
13 monies collected. Total funds collected shall also include interest earned.

14 (c) The County's portion of any excess of revenues over expenses earned from law enforcement
15 alarms shall be remitted to the board no later than October 31st of each year in a separate
16 check. These excess revenues shall be invested by the County, allowing for excess and
17 interest earnings to be used as a funding source for operating costs or capital projects that
18 have a substantial and direct benefit to the Combined Communications Center.

19 (d) The County's portion of any excess of revenues over expenses earned from fire alarms shall
20 be remitted to the board no later than October 31st of each year in a separate check. Excess
21 revenue for the fire portion shall be invested by the County, allowing for excess and interest
22 earnings to be used as a funding source for future capital needs.

23 **SECTION 3. Severability.** If any section, phrase, sentence or portion of this ordinance

1 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
2 portion shall be deemed a separate, distinct, and independent provision, and such holding shall
3 not affect the validity of the remaining portions hereof.

4 **SECTION 4. Inclusion in the Code, Scrivener’s Error.** It is the intention of the Board
5 of County Commissioners of Alachua County, Florida, and it is hereby provided that the
6 provisions of this ordinance shall become and be made a part of the Code of Laws and
7 Ordinances of Alachua County, Florida; that the sections of this ordinance may be renumbered
8 or relettered to accomplish such intention; and that the word “ordinance” may be changed to
9 “section,” “article,” or other appropriate designation. The correction of typographical errors
10 which do not affect the intent of the ordinance may be authorized by the County Manager or
11 designee without public hearing, by filing a corrected or recodified copy of the same with the
12 Clerk of the Circuit Court.

13 **SECTION 5. Effective Date.** A certified copy of this ordinance shall be filed with the
14 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
15 after enactment by the Board of County Commissioners, and shall take effect upon filing with
16 the Department of State.

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1 **DULY ADOPTED** in regular session, this ____ day of _____, A.D., 2018.

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BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____
Lee Pinkoson, Chair

ATTEST:

Jesse K. Irby, II
Clerk of Court
(SEAL)

APPROVED AS TO FORM

Alachua County Attorney