

ORDINANCE NO. 18-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 38, EMERGENCY SERVICES, AT ARTICLE II, ALARM SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 38, Emergency Services, Article II, to read as follows:

"ARTICLE II. ALARM SYSTEMS

DIVISION 1. GENERALLY

Sec. 38-31. Purpose.

The purpose of this article is to establish standards and controls of the various types of intrusion, holdup, and other emergency signals from alarm systems that require police response or investigation or other emergency response from the town..

Sec. 38-32. 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 system is any device designed for the detection of any unauthorized entry on premises or for alerting others of the commission of an unlawful act or both, which, when actuated, emits a sound or transmits a signal beyond the premises, including alarms relating to fire detection.

Alarm user means any person using an alarm system whether as a subscriber or proprietor.

Audible alarm is a device designed for the detection of unauthorized entry on premises or for alerting others of the commission of an unlawful act or both, and which, when actuated, generates a sound audible beyond the premises, including alarms relating to fire detection. No audible alarm may sound similar to a siren of an emergency vehicle. This applies to exterior devices only.

Direct connect alarm system means an alarm system that when actuated transmits a signal directly to the police department.

False alarm means an alarm signal activated by subscriber negligence, or for any reason not of any emergency nature, or when activated due to a malfunction of any segment of the alarm system, and which necessitates response by the police department when, in fact, no emergency exists.

Proprietor alarm means an alarm system not serviced by an alarm business.

Signal light means a device that emits a light beam or is a lighted bulb.

Standard alarm system means a system not connected to the police department and operated and monitored by a private alarm company or answering service.

Subscriber alarm means an alarm system for which one in possession contracts with an alarm business for its leasing, servicing or maintenance.

Sec. 38-33. Exemptions.

(a) The provisions of this article are not applicable to audible alarms affixed to automobiles.

(b) A signal light mounted upon a private dwelling, business or other structure shall not be construed to be an alarm within the meaning of this article unless in conjunction with an alarm system.

Sec. 38-34. Enforcement.

(a) The conviction or punishment of any person for a violation of the provisions of this article or for failing to secure a permit as required by this article shall not relieve such person from paying the permit fee due and unpaid at the time of such conviction, nor shall payment of the fee prevent criminal prosecution for violation of any of the provisions of this article. All remedies shall be cumulative, and the use of one or more remedies by the town shall not bar the use of any other remedy for the purpose of enforcing the provisions of this article.

(b) The amount of any permit or service charge shall be deemed a debt due the town. An action may be commenced in the name of the town in any court of competent jurisdiction for the amount of any delinquent permit fee or service charge. All permit fees shall be deemed delinquent 30 days after they are due and payable.

Sec. 38-35. Service charge for excessive false alarms and nonpayment of fines.

(a) It is found and determined that two false alarms within a period of 12 calendar months beginning October 1 in any year is excessive and thereby constitutes a public nuisance. The owner of any alarm system which actuates more than two false alarms in any period of 12 calendar months beginning October 1 of any year shall be charged a service charge of \$150.00 for the third and fourth false alarms, \$300.00 for each of the fifth through the tenth false alarms, \$750.00 for each of the eleventh through the fifteenth false alarms and \$1,000.00 per alarm for the sixteenth false alarm and each subsequent false alarm. The owner of any alarm system which actuates more than two false alarms for fire services in any period of 12 calendar months beginning October 1 of any year shall be charged a service charge of \$250.00 for the third and fourth false alarms, \$500.00 for each of the fifth through tenth false alarms, \$1,000.00 for each of the eleventh through the fifteenth false alarms and \$1,750.00 per alarm for the sixteenth false alarm and each subsequent false alarm. False alarms which occur as the direct result of transmitting a direct connect alarm system signal to the police department shall not be considered a public nuisance and shall not result in a false alarm service charge if the false alarm is an accidental activation by human error.

(b) If the alarm user has not paid the fines within 30 days, an automatic ten percent penalty per month shall be assessed for nonpayment of said delinquent fees. The ten percent penalty shall be calculated on the total outstanding account balance, including prior penalties. Additionally, if the alarm user has not paid the fines and penalties, he will receive proper legal notice as outlined in Florida State Statutes to appear in person before the code enforcement board. The code enforcement board will use any of its powers to bring the alarm user to compliance, including but not limited to directing a lien to be filed on the alarm user's property.

(c) The town manager, upon written notification to the mayor and town council of intent to waive false alarm charges, may waive false alarm charges for power outages that occur within the town. In order for the town manager to invoke the discretionary power granted herein for temporary power outages, the alarm user must present to the town manager written verification from Florida Power & Light of the temporary outage at alarm user's property. No such proof shall be required for power outages when such power outage results from a tropical storm or hurricane event that directly impacts the town and which causes a power outage of 24 hours or greater affecting at least 20 percent of the town.

Sec. 38-36. Penalties.

Any person found guilty of violation of this article shall be punished either as provided in section 1-14 or as may be enforced pursuant to chapter 2, article V of this Code.

DIVISION 2. PERMIT

Sec. 38-61. Required.

(a) *Alarm user permit.* It shall be unlawful for any person to install or use an alarm system without first applying for and receiving a permit therefor, as provided for by this division.

Sec. 38-62. Applications; fees.

(a) Application for all permits under this division shall be made to the finance department of the town. The finance department shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application.

(b) The application for a direct connect alarm system permit shall be accompanied by an annual fee of \$250.00 for businesses of 1,000 square feet or more or \$100.00 for businesses under 1,000 square feet. The application for an alarm user permit shall be accompanied by an annual fee of \$25.00. A penalty of ten percent per month shall be assessed for any of the above referenced fees which are not paid when due. The ten percent penalty shall be calculated on the total outstanding account balance, including prior penalties.

Sec. 38-63. Expiration.

All permits issued pursuant to the provisions of this division shall expire on October 1 of each year.

DIVISION 3. REGULATIONS

Sec. 38-91. Alarm system standards.

All alarm systems installed within the town shall meet or exceed the standards set by the Underwriters' Laboratory, Inc.

Sec. 38-92. Information required from alarm users.

Every person maintaining an alarm shall record with the police department the names and numbers of three persons to call in case of emergency and, if not the same, a list of people that have keys to the residence. The response time required of these people will not be more than

30 minutes. The name and telephone numbers of the alarm company that services the alarm system will also be listed.

Sec. 38-93. General alarm user requirements.

(a) *Audible alarm shutoff.* All audible alarm systems are required to be turned off within 30 minutes after activation. This may be accomplished by either automatic or manual means.

(b) *Testing alarms.* Alarm companies shall notify the police department prior to any service, test, repair, maintenance, adjustment, alteration or installation that might activate a false alarm.

(c) *Instructions as to operation of systems.* Each alarm company operation shall provide complete instructions to the alarm user in the proper usage of the system. Specific emphasis shall be placed on avoidance of false alarms.

(d) *Direct connect alarm system.* Every direct connect alarm system shall also be monitored by a private alarm company or answering service. The direct connect alarm system is intended to result in a redundant report of alarm actuation. Direct connect alarm systems are limited to businesses who possess a valid town occupational license, governmental facilities, or others as determined by the chief of police to be necessary in the best interest of the health, welfare or safety of the town.

Sec. 38-94. Telephone devices prohibited.

No person shall use or cause to be used any telephone device or telephone attachment that automatically selects a public telephone trunk line of the town and then produces any prerecorded message to report any burglary or other emergency except for that which occurs as a result of the direct connect alarm system."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

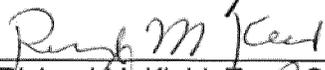
Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

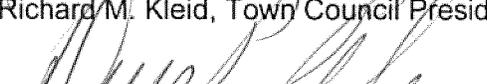
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of August, 2007, and for second and final reading on this 11th day of September, 2007.



Jack McDonald, Mayor



Richard M. Kleid, Town Council President



Denis P. Coleman, President Pro Tem



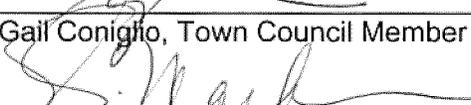
William J. Brooks, Town Council Member



Gail Coniglio, Town Council Member




Susan A. Eichhorn, Town Clerk



Susan Markin, Town Council Member

TOWN OF PALM BEACH

Information for Town Council Meeting on:

August 14, 2007

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: **Ordinance No. 18-07**

Proposed Modifications to the Chapter 38 of the Code Article II. - Alarm Systems

Date: August 3, 2007

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 18-07 amending the Code section regulating Alarm Systems, including modification to the fee structure.

GENERAL INFORMATION

At the July 11th special Town Council meeting the Town Council approved staff's proposal for amending the false alarm fees. Staff also proposed amending the Code to modify the billing method for false alarms.

During the software implementation process it has been determined that the new software is not capable of billing the current false alarm structure. The Town currently charges a registration fee of \$25 per residence and \$100 per business per year. In addition, false alarms are charged the following fees: The first 6 are free, seven and eight are \$50 and all false alarms above 8 are \$100 per alarm. These false alarms are tracked on a 12 month period from the date of the first alarm. This moving 12 month period per account is what the new software is unable to track. One of the changes to the code we are proposing is tracking false alarms from the registration date (October 1) rather than the date of their first alarm. This change will allow for the billing of the false alarm charges on our new software and will allow residents to know the actual date of their alarm period.

Staff has thoroughly reviewed the alarm section of the code and we are recommending other modifications to the code. The proposed modifications, each of which was considered and tentatively approved by the Town Council on July 11th, are as follows:

- The first 2 police false alarms are free, the third and fourth false alarm would be \$150, the fifth through tenth would be \$300, eleven through fifteen would be \$750, and sixteen and higher would be \$1,000 per alarm. This fee structure is expected to generate an additional \$425,000 per year.

- The first 2 fire false alarms (not EMS) are free, the third and fourth are \$250, the fifth through the tenth are \$500, the eleventh through the fifteenth are \$1,000, and sixteen and above are \$1,750. Based upon our current false alarm history, we anticipate revenues of approximately \$149,000 per year.
- The Police Department is proposing changes to the code relating to sections for alarm agent and alarm business permits. These sections are outdated and the Town has not issued these permits in many years.

The above false alarm charges would not apply during an extended power outage. The code allows the Town Manager, upon written notification to the Mayor and Town Council, to waive false alarm charges for extended power outages that occur during a tropical storm or hurricane event that directly impacts the town. During Hurricanes Frances, Jeanne, and Wilma the Town waived all false alarm charges.

A question was raised by a Town Council member at the July 11th special Town Council meeting regarding waiving false alarm charges if they occur during any power outage. Staff contacted FPL to determine if we could confirm if a power outage had occurred when a resident received a false alarm charge. They indicated that at the request of a customer, FPL could provide a letter to verify that the resident experienced a power outage on a specific date. The customer would have to contact FPL and request a letter of confirmation of a power outage and provide their address and date of the power outage. FPL will investigate and if applicable, send a letter that includes the date, time, and duration and cause of the power outage. Once the customer submits the letter to the Town, we will waive the fee and any associated interest or penalties. This procedure has been incorporated into the Ordinance.

FUNDING/FISCAL IMPACT

If the above modifications are made to the false alarm fee structure the Town may generate additional revenue of approximately \$544,000 per year. We currently budget \$30,000 per year in false alarm charges.

TOWN ATTORNEY REVIEW

The attached Ordinance was drafted by the Town Attorney.

Attachments

jls

cc: Thomas G. Bradford, Deputy Town Manager
Sarah E. Hannah, Assistant Town Manager
Department Directors
John C. Randolph, Town Attorney

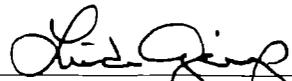
THE PALM BEACH DAILY NEWS

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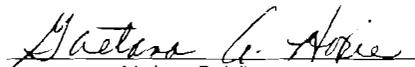
PROOF OF PUBLICATION

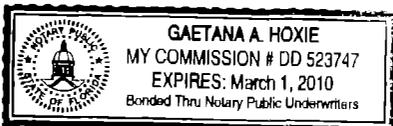
STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Linda Goings** who on oath says that she is **Advertising Director** of the Palm Beach Daily News, a daily and a bi-weekly newspaper published at Palm Beach in Palm Beach County, Florida; that the attached copy of advertisement, being a **Public Notice** in the matter of **Reference #720918** was published in said newspaper in the issue of **August 30th, 2007**.


Advertising Director

Sworn to and subscribed before me this 30th day of Aug 2007


Notary Public



RECEIVED

AUG 31 2007

TOWN CLERK

720918

NO: 18-07

The following proposed Ordinance Number 18-07, which is published by caption only, had a first reading at the regular meeting of the Town Council of the Town of Palm Beach at 9:30 a.m. on the 14th day of August 2007, in the Town Hall Council Chambers at 360 South County Road, Palm Beach, Florida, and will be presented for a second and final reading at the regular meeting of the Town Council of the Town of Palm Beach at 9:30 a.m. in the Town Hall Council Chambers at 360 South County Road, Palm Beach, Florida, on the 11th day of September 2007. Any interested party may appear at said meeting and be heard with respect to this proposed Ordinance. The subject Ordinance may be inspected by the public at the Town Hall on the first floor Bulletin Board or in the Office of the Town Clerk.

ORDINANCE NO. 18-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 38, EMERGENCY SERVICES, AT ARTICLE II, ALARM SYSTEMS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING AN EFFECTIVE DATE.

Pursuant to Florida Statute 286.0105, please be advised that if a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, a record of these proceedings will be needed, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Susan A. Elchorn
Town Clerk
Town of Palm Beach
Publish: Palm Beach Daily News,
Thursday, August 30, 2007