

ORDINANCE NO. 14- 179

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE 02-16, THE TOWN OF MIAMI LAKES BURGLAR ALARM ORDINANCE AS CODIFIED IN CHAPTER 12, ARTICLE III OF THE CODE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 14, 2002, the Town of Miami Lakes (the “Town”) adopted Ordinance No. 02-16, the Town’s Burglar Alarm Ordinance; and

WHEREAS, the Town Council desires to alleviate police resources and improve response times by reducing the number of calls for false burglar alarms; and

WHEREAS, the Town Council wishes to amend the Town’s Burglar Alarm Ordinance in order to better address and serve the needs of the Town; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby adopts the amendments to the Town’s Burglar Alarm Ordinance, which are attached hereto as Exhibit “A” and are incorporated herein¹.

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

¹ Additions to the text are shown in underline and deletions from the text are shown in ~~striketrough~~. Changes made at first reading to the proposed ordinance are highlighted in yellow and shown in double underline and ~~double striketrough~~.

sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its adoption on second reading.

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FIRST READING

The foregoing ordinance was offered by Vice Mayor Manny Cid who moved its adoption on first reading. The motion was seconded by Councilmember Tim Daubert and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>

Passed and adopted on first reading this 28th day of October, 2014.

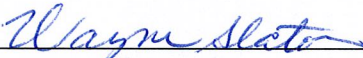
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SECOND READING

The foregoing ordinance was offered by Councilmember Lama who moved its adoption on second reading. The motion was seconded by Councilmember Cid and upon being put to a vote, the vote was as follows:

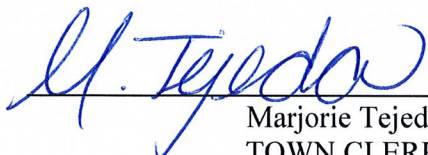
Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>

Passed and adopted on second reading this 9th day of December, 2014.



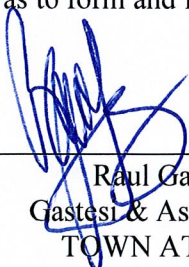
Wayne Slaton
MAYOR

Attest:



Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A

TOWN OF MIAMI LAKES BURGLAR ALARM ORDINANCE²

(1) **Purpose of regulations.** The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical or other means, false burglar alarms.

(2) **Definitions.**

(a) *Alarm Company* means any person licensed pursuant to Chapter 489, Florida Statutes to engage in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring any alarm system or causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in, or on, any building, structure or facility.

(b) *Alarm User* means any person or other entity that owns, possesses, controls, occupies, or manages any Premises.

(c) *Burglar Alarm System* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the Town's Police Department may reasonably be expected to respond, but does not include fire alarms or alarms installed in motor vehicles.

(d) *False Alarm* means a signal from a Burglar Alarm System that elicits a response by the Town's Police Department when no emergency or actual or threatened criminal activity requiring an immediate response including a signal activated by negligence, accident, mechanical failure and electrical failure; signals activated intentionally in nonemergency situations; and signals for which the actual cause of activation is unknown.

(e) *Premises* means the building or structure or portion of a building or structure upon which is installed or maintained a Burglar Alarm System.

(3) **Permits required for installation or modification of Burglar Alarm Systems.** All Alarm Companies installing or modifying Burglar Alarm Systems which shall operate at any Premises located within the Town shall obtain a Burglar Alarm Permit from the Town Building Department. Only Alarm Companies may apply for, be issued a permit, and perform the work authorized under the Burglar Alarm Permit.

(4) **Registration of Burglar Alarm System ~~alarm system and fee.~~**

² Additions to the text are shown in underline and deletions from the text are shown in ~~striketrough~~. Changes made at first reading to the proposed ordinance are highlighted in yellow and shown in double underline and ~~double striketrough~~.

- (a) *Registration of Burglar Alarm System.* All Burglar Alarm Systems which operate at any Premises located within the Town shall be registered with the Town by the Alarm User. The Alarm User shall complete and submit to the Town an ~~annual~~ initial registration for each Burglar Alarm System together with the appropriate fee. A new registration ~~fee~~ shall be necessary upon a change in the Alarm User or Alarm Company. Failure to register a Burglar Alarm System shall constitute a violation of this Ordinance.
- (b) Alarm System registration shall be made upon forms prescribed by the Town Manager. Each application shall include:
1. The name, address and telephone number of the applicant-;
 2. The make and type of alarm system and date of original installation-;
 3. Whether the Premises on or in which the alarm system is located are residential or nonresidential-;
 4. The name, address and telephone number of the alarm business or person which installed the alarm system-;
 5. The name, address and telephone number of the alarm business(es) with which the applicant has a maintenance or service contract, if any, or a central station hookup-;
 6. The names, addresses and telephone number of no less than three persons or entities to be contacted in the event of a ~~false alarm~~ False Alarm-; and
 7. The signature of the applicant and date of application.
- (c) *Change in registration information.* In the event of a change in any of the information required as part of the ~~annual~~ Burglar Alarm System registration, the Alarm User shall notify the Town of the change. An updated registration shall be filed with the Town within ten (10) days of any change.
- (d) *Annual Registration Fee.* ~~Effective January 1, 2015, July 1, 2002, there shall be no an annual initial registration fee of fifteen dollars (\$15.00) twenty-five dollars (\$25.00) fifteen dollars (\$15.00) for all alarm Burglar Alarm System registrations. Each separate alarm system Burglar Alarm System shall require a separate registration. The registration period will be for one year. Upon renewal for registration periods beginning on or after July 1, 2003, the fee will be reduced to five ten dollars (\$5.00)(\$10.00) if the Burglar Alarm System has had no False Alarms requiring police dispatch during the prior registration period.~~
- (5) **Required Equipment in a Burglar Alarm System.** An Alarm User shall not use a Burglar Alarm System unless that Burglar Alarm System is equipped with:

- (a) A backup power supply that will become effective in the event of power failure or outage; and
 - (b) A device that automatically silences the alarm within fifteen (15) minutes after activation.
- (6) False ~~Burglar~~ Alarms Prohibited.** It is the responsibility of each Alarm User to monitor the occurrences of False Alarms on its ~~premises~~ Premises. The Town Police Department shall notify the Alarm User of each False Alarm. Such notice shall be provided by posting a notice on the ~~premises~~ Premises; or by mailing notice to the alarm user. No ~~burglar alarm user~~ Alarm User shall cause, allow or permit the Burglar Alarm System to give ~~four (4)~~ three (3) or more ~~false alarms~~ False Alarms during any ~~registration period~~ calendar year.
- (7) Alarm Verification Calls Required.** Except for panic or holdup type alarms, all residential or commercial intrusion/burglar alarms that have central monitoring must have a central monitoring verification call made to the ~~premises~~ Premises generating the alarm signal, prior to alarm monitor personnel contacting the Town's Police Department for dispatch. This does not apply to panic or holdup type alarms. Alarm monitoring companies will make available to the Town Police Department, upon request, records providing proof that the monitoring company made the verification calls.
- (8) Canceling False ~~Burglar~~ Alarm Calls.** It shall be a violation of this Ordinance for an Alarm Company to fail to notify the Town Police Department of the cancellation of a ~~false alarm~~ False Alarm within 10 minutes of being notified that the alarm is false by the Alarm User or his or her authorized representative. However, the Town's Police Department will not cite the Alarm Company for failure to meet the 10-minute criterion if notification of a False Alarm is received before an officer arrives on the scene. Alarm Companies will make available to the Town's Police Department records providing proof that the Police Department was contacted within the 10-minute criterion. If a fire alarm system is connected to a burglar alarm system, this section shall not apply to ~~false alarms~~ False Alarms that the Alarm User proves were generated by the fire alarm portion of the system.
- (9) Penalties.**
- (a) Each violation of either subsection (4) or subsection (5) of this Ordinance shall be punished as follows:
 - 1. For a first violation, by a fine of fifty dollars (\$50.00).
 - 2. For a second and each additional violation, by a fine of one hundred fifty dollars ~~(\$100.00)~~ (\$150.00).
 - (b) Each violation of subsection (6) of this Ordinance shall be punished as follows:
 - 1. ~~For the fourth false burglar alarm in the user's registration period, by a fine of fifty dollars (\$50.00). For the third False Alarm in a calendar year, by a fine of fifty dollars (\$50.00).~~

2. ~~For the fifth false burglar alarm in the user's registration period, by a fine of one hundred dollars (\$100.00).~~ For the fourth False Alarm in a calendar year, by a fine of seventy-five dollars (\$75.00).
3. ~~For the sixth and each additional false burglar alarm in the user's registration period, by a fine of two hundred dollars (\$200.00).~~ For the fifth False Alarm in a calendar year, by a fine of one hundred dollars (\$100.00).
4. ~~For the sixth and each additional False Alarm in a calendar year, by a fine of two hundred dollars (\$200.00).~~ For the sixth and each additional False Alarm in a calendar year, by a fine of two hundred fifty dollars (\$250.00).

(c) Each violation of subsection (7) or subsection (8) of this Ordinance shall be punished ~~as follows:~~ by a fine of one hundred dollars (\$100.00).

1. ~~By a fine of one hundred dollars (\$100.00).~~

(d) An Alarm User shall not be fined more than two hundred dollars (\$200.00) for False Alarms that occur at the same Premises in any twenty-four hour period.

(e) An alarm is not a False Alarm if the Alarm User proves that (1) an individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed; or (2) the Burglar Alarm System was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed Alarm Company who conducted an on-site inspection and personally observed the damage to the system; or (3) if the Alarm User experienced a power outage of four or more hours, causing the alarm to activate upon restoration of power, as evidenced by written documentation provided by Florida Power and Light Company or other applicable provider. Fines may be mitigated by the Hearing Officer after presentation of evidence by the Alarm User indicating that mitigation is appropriate.

(10) Enforcement. In addition to all remedies otherwise available, this section shall be enforced by the code enforcement provisions set forth in Chapter 8CC "Code Enforcement" of the Town Code.