

This instrument prepared by:
 Betsy J. Driggers
 201 N. 2nd Street
 Palatka FL 32177

ORDINANCE NO. 11 – 21
 entitled

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 42 OF THE MUNICIPAL CODE OF THE CITY OF PALATKA, FLORIDA BY RESTATING ARTICLE III, BURGLAR/PANIC/DURESS ALARMS, IN ITS ENTIRETY; AMENDING DEFINITIONS; AMENDING SECTIONS ENTITLED ALARM MONITORING COMPANIES, ALARM VERIFICATION CALLS REQUIRED, USE OF LICENSED CONTRACTORS, ALARM DISPATCH RECORDS, FALSE ALARM NOTIFICATIONS AND PENALTIES, SUSPENSION OF ALARM REGISTRATION, SUSPENSION OF RESPONSE, APPEAL OF DENIAL, SUSPENSION, OR REVOCATION OF A REGISTRATION, REINSTATEMENT OF REGISTRATION, NO OBLIGATION TO RESPOND, AND ALARM SYSTEM FEES AND FINES SCHEDULE; ADDING A SECTION ENTITLED REGISTRATION PROCEDURES; AND DELETING SECTIONS ENTITLED ALARM SYSTEM OPERATOR REQUIREMENTS; REGISTRATION REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS, AND REGISTRATION DURATION AND RENEWAL; PROVIDING FOR THE RENUMBERING OF CHAPTER 42, ARTICLE III ACCORDINGLY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a number of private residences and businesses in the City of Palatka maintain private alarm systems; and

WHEREAS, false alarms generated by such alarm systems are a drain on vital City resources and divert essential police and fire safety personnel from other potentially life threatening and/or dangerous situations; and

WHEREAS, it is in the best interests of the citizens of the City of Palatka to a comprehensive regulations governing the use and operation of private burglar, robbery and panic/duress alarm systems and responses thereto in order to minimize the number of false alarms generated, and to provide for cost recovery; and

WHEREAS, this Ordinance restates and replaces Chapter 42 of the Palatka Municipal Code of Ordinances, originally adopted by the Palatka City Commission by Ordinance 04-01 on January 22, 2004.

NOW, THEREFORE, BY IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA, AS FOLLOWS:

SECTION I. That Chapter 42, Section III, entitled BURGLAR/PANIC/DURESS ALARMS is hereby restated in its entirety to read as follows:

ARTICLE III. BURGLAR/PANIC/DURESS ALARMS

Sec. 42-71. Intent.

(a) The intent of this article is to encourage security alarm users and alarm businesses (sales, installation, customer service and/or monitoring) to maintain the operational reliability, to promote the proper use of alarm systems and to reduce or eliminate dispatch requests for false alarms.

(b) This article governs burglary, robbery and panic systems, to require registrations, establish fees, provide penalties for violations, establish a system for the administration of false alarm documentation and establish criteria for limited response to alarms. (Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-72. Definitions

As used in this section, the following terms shall be defined as:

Alarm Administrator shall mean the Chief of Police.

Alarm Coordinator shall mean a person or persons and/or a company selected by the chief of police to administer, control and review alarm applications, permits and false alarm notifications, and provide assistance to alarm users in preventing false alarms from their systems.

Alarm dispatch request shall mean a notification to public safety officials intended to summon the police, which is designed either to be initiated purposefully by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.

Alarm permit shall mean a permit issued by the Palatka Police Department Alarm Coordinator with an identification number designated to a registered alarm site.

Alarm registration shall mean a registration completed by the alarm user, approved by the alarm coordinator for a period of twelve months in which an alarm permit is assigned for the designated alarm site.

Alarm site shall mean a single premise or location served by an alarm system or multiple systems. Each alarm site is designated by a single 911 address. An alarm site may have multiple alarm systems that reflect the same address when summoning emergency response, but the system may designate a specific facility, building or location at that same address.

Alarm system shall mean a device or system, that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon, police services of the City, including but not limited to local alarms. Alarm system does not include:

- (a) An alarm installed on a vehicle unless the vehicle is permanently located at a site; or
- (b) An alarm designed to alert only the inhabitants of a premise that does not have a monitored alarm.

Alarm system contractor shall mean a person or business licensed under Chapter 489 of the Florida State Statutes, as an electrical or alarm system contractor. A person or business that sells, provides, maintains, services, repairs, alters, replaces, moves or installs alarm systems at an alarm site. This definition also includes those persons or firms that install and service alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., "do-it-yourselfers").

Alarm user shall mean the person(s), firm, partnership, corporation, association, organization, company or other entity that owns the premises on which the alarm system is maintained, or the lessee of the premises, if the lessee is legally responsible for the operation and maintenance of the alarm system, which is monitored, maintained or repaired under contract.

Alarm User Awareness Class shall mean a class conducted for the purpose of educating

Alarm Users about the responsible use, operation, and maintenance of Alarm Systems and the problems created by False Alarms.

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

Audio Verification shall mean the transfer of sounds from the protected premises to the monitoring company, as a result of activation of one or more devices, to confirm or deny the validity of the alarm signal.

False/Accidental Alarm Dispatch shall mean the activation of an alarm system for any reason other than a robbery or unauthorized entry, and subsequent response by the police department to that alarm site. A false alarm does not include:

- (a) An alarm caused by physical damage to the alarm system as a result of lightening, wind, or other meteorological events, where there is clear evidence of physical damage to the alarm system; or
- (b) An alarm caused by disconnection of a telephone circuit beyond the control of the alarm operator or his/her agents, verified by on-site inspection by police personnel or written communication from the telephone company or an alarm contractor; or
- (c) An alarm caused by continuous electrical power disruption in excess of four hours.
- (d) Multiple mechanical false alarm/alarm malfunction notifications in a 24-hour period of time shall be counted as only one false alarm notification.

Hold-up Alarm shall mean a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

Monitoring shall mean the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement to the Alarm Site.

Non-permitted site shall mean a monitored alarm system site whose user has not obtained an alarm permit with the City of Palatka Police Department, alarm coordinator.

Panic Alarm shall mean a silent alarm signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

Person shall mean an individual, corporation, partnership, association, organization or similar entity.

Registration year shall mean the period starting from the date of issuance of a registration and ending one year (12 months) from that date.

Robbery – See Hold-up Alarm.

Special trunk line shall mean a telephone line leading into the communications center for police or emergency dispatch that is for the primary purpose of receiving emergency messages that originate from automatic protection devices and are transmitted directly or through an alarm monitoring company.

Verified Alarm Response shall mean confirmation of an unauthorized and unlawful entry or attempted unauthorized or unlawful entry upon the premises, building or structure protected by a burglar alarm system. Confirmation or verification may be made

by the alarm system user, other person at or near the scene of the activation, private guard responder or central monitoring company/operator, and shall be based on physical observation or inspection of the premises/site, or by remote visual inspection of the premises/site using audio and/or visual monitoring equipment.

Video Verification shall mean the transfer of video images to the monitoring company reflecting conditions existing at the protected premises at the time an alarm was activated through the use of video technology.

Section 42-73: Required Registration of Alarm Systems; Registration Procedures; Requirements for Alarm Permits

Required Registration of Alarm Systems

- (a) No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration for the alarm site.
- (b) Each alarm system user shall not contract or retain an alarm system contractor, which is not properly licensed and/or employs alarm system agents who are not in compliance with F.S. 489.518. Unlicensed alarm contracting is a violation of state statute and punishable by fine and/or imprisonment.
- (c) A separate registration is required for each alarm system.
- ~~(d) Alarm systems shall be registered on an annual basis by the alarm user, to ensure that~~
the alarm user certifies that the registration information maintained in the city's records is correct. The registration shall be effective for the period of one year (12 months), beginning with original registration date. The initial registration fee shall be twenty-five dollars (\$25.00) and re-registration will be twenty-five dollars (\$25.00).
- (e) Any alarm user who does not obtain a registration within sixty (60) days from the effective date of this article will be considered to have a non-registered alarm site and will be fined based upon table 42-____, Alarm system fees & fines schedule.
- (f) Any alarm user who does not obtain a registration within thirty (30) days of the registration renewal date, after being properly notified to do so by the Alarm Coordinator will be considered to have a non-registered alarm site and will be fined based upon table 42-____.

(g) Any alarm user who does not obtain a registration within thirty (30) days of a new installation will be considered to have a non-registered alarm site and will be fined based upon table 42-____.

(h) Any alarm user who does not obtain a registration within thirty (30) days of a transfer or conversion will be considered to have a non-registered alarm site and will be fined based upon table 42-____.

(i) Any alarm user who does not obtain a registration within thirty (30) days of the mailing date of notification of the registration requirements by the Alarm Coordinator, will be considered to have a non-registered alarm site and will be fined based upon table 42-____.

(j) The alarm coordinator shall provide notice of alarm registration renewal notices no less than forty-five (45) days prior to the expiration of the alarm registration.

(k) It is the responsibility of the alarm system user to renew a registration prior to the registration expiration date. Failure to renew will be classified as use of a non-registered alarm system site and fines will be assessed from table 42-____.

(l) Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

(m) All fines/fees owed by an alarm user must be paid before a registration permit may be issued or renewed.

(n) ~~No registration is required for a deactivated alarm system.~~

(Ord. No. 04-1, § 1, 1-22-2004)

Registration Procedures

(a) Applications for alarm registration are available at the Palatka Police Department or on the Palatka Police Department website. An incomplete application form shall be returned to the applicant for completion within thirty (30) calendar days during which time the system shall be considered unregistered.

(b) As part of the application process, the alarm user shall provide the following information to the alarm administrator:

(1) The name, address and telephone numbers of the alarm user;

(2) The address of the alarm site;

- (3) The classification of the alarm site as residential, commercial, or governmental;
- (4) The type of alarm system, such as burglary, robbery, duress 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 police department, will respond to the alarm;
- (6) The date of installation, conversion or takeover of the alarm system, whichever is applicable;
- (7) The name, address, and telephone number of the commercial alarm monitoring company;
- (8) Acknowledge that a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, has been provided by the alarm system contractor;
- (9) Provide a copy, if requested, the current state alarm system agent certification, as mandated in F.S. 489.518;
- (10) The name, address, and telephone number of the installer and date of installation, if known;
- (11) The name, address, and telephone number of the commercial entity that last performed maintenance on the alarm system, if known;
- ~~(12) Any dangerous or special conditions present at the alarm site;~~
- (13) Other information required by the alarm administrator, which may be necessary for the enforcement of this article;

(c) The alarm coordinator shall issue to the applicant an alarm permit upon registration of the alarm system, unless the applicant has:

- (1) Failed to pay a fee or fine assessed for violations under this ordinance; or,
- (2) Had an alarm registration for the alarm site suspended or revoked, and the violation(s) causing the suspension(s) or revocation(s) has not been corrected; or,
- (3) Failed to provide on-site alarm system agent credentials as mandated in F.S. 489.518.

Requirements for Alarm Permits

(a) The alarm identification permit issued by the alarm coordinator at the Palatka Police Department is only effective for the registered alarm system and alarm user. An alarm user shall inform the Alarm Coordinator, of any change that alters any information listed on the alarm registration within seven (7) business days. If there is a new alarm user, the new user shall register the alarm with the Police Department. The fee for the new alarm user shall be the same as the initial registration fee.

(b) An alarm registration is non-transferable, therefore it cannot be transferred to another person.

Sec. 42-___: Proper alarm system operation and maintenance.

An alarm system operator shall:

(a) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm notifications, and;

(b) Respond or cause his/her representative to appear at the alarm site within a 30 minute response time, when notified by the City of Palatka representative to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises;

(c) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report;

(d) In the case of monitored residential or commercial intrusion/burglary alarm systems, provide a central monitoring verification call to the premises generating the alarm signal, prior to alarm monitor personnel contacting a law enforcement agency for alarm dispatch;

(e) Not operate any alarm site with an automatic dialing device programmed to connect directly to the police department or the sheriff's communications center or a fine shall be assessed;

(f) Not operate an alarm system which does not have a minimum of a four hour auxiliary power supply, or a fine shall be assessed;

(g) Install a device to automatically terminate the audible signal within 15 minutes of activation, and,

(h) A person in control of a local (audible) alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than 15 minutes after being activated, or a fine will assessed.

(Ord. No. 04-1, § 1, 1-22-2004)

State law references: F.S. § 489.530.

Sec. 42-___: 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, or a fine will be assessed.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-___: Manual reset required.

An organization or person in control of an alarm site that causes an alarm notification to be sent directly to the city's contracted communications center shall adjust the mechanism or cause the mechanism to be adjusted so that upon activation the system will not transmit another alarm signal without being manually reset.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-___: Alarm monitoring companies.

Alarm users shall be responsible for providing the Alarm Coordinator with the following:

- (a) Name, street address, telephone number, and contact person(s);
 - (b) The procedures used to verify the legitimacy of an alarm prior to notification of the police department;
 - (c) If an alarm user provides notice of disconnection to the monitoring company (verifying documentation), and a false alarm(s) occurs, the alarm user shall not be held liable for any and all alarm activations.
 - (d) Alarm companies shall:
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(1). Ensure that all alarm users are provided with adequate training in false alarm prevention.

(2) Verify alarm calls in accordance with Fla. Stat. § 489.529, and attempt to cancel dispatch when verification of a false alarm is received.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-___: Alarm verification calls required.

All burglary or intrusion alarm systems that are monitored by a central monitoring company shall have verification telephone calls made to the alarm site and/or the responder for the site, by the alarm monitoring company prior to contacting the police department. However, if the alarm site has functioning visual or auditory sensors (Verified Alarm Response capability) that verifies whether or not a crime is occurring, the verification call is not required (Verified Alarm Response)

(Ord. No. 04-1, § 1, 1-22-2004)

State law references: F.S. § 489.529.

Sec. 42-___: Use of licensed contractors.

(a) All alarm system contractors shall register annually with the City of Palatka; and obtain the appropriate city occupational license(s) from the city building and zoning department. Each registration shall be valid for 12 months.

(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 furnish each of its agents with identification cards in accordance with § 489.518, Florida Statutes.

(d) Alarm system contractors shall not install 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.

(e) Alarm system contractors shall not activate or service an alarm system unless it is registered.

(f) Alarm system contractors shall not cause a false alarm during the servicing, repairing, testing or inspection of an alarm system, unless it is [registered] by the alarm administrator.

(g) Alarm system contractors shall not install, maintain, repair, alter or service an alarm system, unless the alarm system contractor reasonably believes that the system is registered, or a fine shall be assessed.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-___: Alarm system operating instructions.

A person in control of an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations, or passwords should not be included in these instructions.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-___: Alarm dispatch records.

(a) The officer responding to an alarm dispatch request resulting from a burglary, robbery, personal hostage or robbery alarm notification shall record such information as necessary, including but not limited to the following information:

(1) Identification of the registration holder (if available),

(2) Identification of the alarm site,

(3) Arrival time and dispatch-received time,

(4) Time of day, date, and time,

(5) Weather conditions,

(6) Area and/or sub-area of premise involved,

(7) Name of registration holder's representative on premises, if any.

(b) The responding officer shall indicate on the dispatch record whether the notification was caused by a criminal offense, an attempted criminal offense, or was a false alarm/alarm malfunction.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-___: System performance reviews.

If there is reason to believe that an alarm system is not being used or maintained in a manner that insures proper operation and suppresses false alarms and/or alarm malfunctions, the Alarm Administrator may require a conference with an alarm registration holder and the individual or association responsible for maintenance of the alarm system to review the circumstances of each false alarm/ alarm malfunctions.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-___: False alarm notifications and penalties.

Notification

The Alarm Coordinator shall notify the alarm user in writing after each false alarm. The notification shall include; the amount of the fine for false alarm, notice that the alarm user can submit a service affidavit or attend the alarm user awareness class if applicable (3rd and 4th offense), the fact that response will be suspended after the 10th false alarm, excluding duress, hold-up and panic alarms, and a description of the appeals process available to the alarm user.

The Alarm Administrator will notify the alarm user and the alarm installation company or the monitoring company in writing ten (10) days before the alarm response is to be suspended. This notice of suspension will also include the amount of the fine for each false alarm and description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.

Penalties

The holder of an alarm permit or the person in control of an alarm system shall be subject to warnings, suspensions, revocations, or loss of registration depending on the number of false alarm notifications emitted from an alarm system within a 12-month period based upon the following schedule:

- (a) No fee shall be assessed for the first two (2) false/accidental alarms/ alarm malfunctions at the same premises responded to by the police department during each registration year. Thereafter, a fine shall be assessed and paid by the alarm registration

holder for each false/accidental alarm/alarm malfunction, responded to by the police department at the same premises during said registration year except as provided for the 3rd and 4th false alarms as allowed below, (b);

(b) Upon the third and/or subsequent false/accidental alarm/alarm malfunction responded to by the police department, the owner shall be assessed a graduated fine as set forth in Sec. 42-____, Alarm system Fees & Fines Schedule, unless;

1. In the case of the 3rd false or accidental alarm, the alarm user within 30 days submits to the police department an "Affidavit of Service/Repair" deemed satisfactory by the designated authority. Such service affidavit of repair shall be completed by the Alarm Contractor, or

2. In the case of the 4th false or accidental alarm, the alarm user within 30 days of notification submits to the police department an Affidavit of Service/Repair or proof of completion of the prescribed Alarm User Awareness Class.

(c) In the case of the 5th or more false or accidental alarm that the police department responds to, a graduating fine will be assessed and paid by the alarm registration holder. Refer to Sec. 42-____ Alarm System Fees and Fine Schedule

(d) Any person who operates a newly installed system will not be subject to false/accidental alarm notification accumulation during the 30 days immediately following the system installation / completion provided a registration application is received by the designated authority. The completion date shall be certified by a person currently licensed by the State of Florida according to F.S. 489.518, or the date of the purchase receipt for self-installed systems.

(e) Any person operating an unregistered alarm system will be subject to fine for each false alarm in addition to any other fines. The alarm Administrator may waive the additional non-registration fine if the alarm user submits an application for alarm registration within ten (10) days of the notification of such violation.

(f) Alarm activations caused by actual criminal offenses or showing evidence of a criminal attempt shall not be counted, nor be subject false alarm notification accumulation.

(Ord. No. 04-1, § 1, 1-22-2004)

(g) If cancellation of an alarm dispatch request occurs prior to law enforcement arriving at the scene, no false alarm will be documented and no fee or fine will be assessed.

(h) The alarm installation company shall be assessed a fine if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.

(i) Violations - Response fines shall be paid within thirty (30) calendar days from the date a notification letter was sent to the alarm user. Failure to make payment within thirty (30) calendar days from that date shall constitute a separate offense and require an additional fee, thirty-five (35) % of the outstanding fine/fee amount.

(j) Any bill remaining unpaid for a period of thirty (30) days after rendition shall be delinquent. If a delinquent bill is not paid, or a protest or appeal is not filed (and later processed in accordance, generally, with the procedures set forth within this Section and subsequent Sections 42-____, Suspension of Alarm Registration; Sec. 42-____, Revocation or loss of alarm registration; Sec. 42-____, Suspension of Response, or Sec. 42-____, Appeal of denial, suspension or revocation of a registration) within eighteen (18) days, the Alarm Coordinator shall have the authority to use all lawful means of collecting on the delinquent bill to include all normal and lawful means of a collection agency to obtain payment to the City. The City or the alarm coordinator in the form of a company on behalf of the City. ~~The City or the alarm coordinator may file a lien against the property~~ and may pursue foreclosure of the lien as well as all other legal remedies available to it, the owner being responsible for all costs and attorney's fees.

(All collections and collection practices shall comply with all pertinent consumer protection statutes and shall not utilize any defaming, harassing, or otherwise illegal activities to obtain payment. The restriction includes compliance with the Federal fair Debt collection Practices Law and the Florida Consumer Collection Practices Act, FSS 559.55-559.785. The Alarm Administrator shall review and approve all letters used for collection on behalf of the City Prior to implementation.

(k) Fees or fines not paid within 120 days, will result in revocation of the alarm registration and suspension of response by the Palatka Police Department as outlined in Section 42-____, Revocation or loss of alarm registration.

Sec. 42-___: Suspension of alarm registration.

The tenth false alarm notification shall result in a notice of suspension of registration to remain effective until such time as:

- (a) Alarm user has responded by acknowledging the suspension in writing as directed by the designated authority, and
- (b) Alarm user has taken action to remedy cause(s) of false alarm and reported as directed by the designated authority and,
- (c) The alarm administrator has issued a removal of suspension of registration.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-___: Revocation or loss of alarm registration.

The Alarm Administrator shall revoke the alarm registration if it is determined that:

- (a) There is a false statement of a material matter in the application for a registration,
- (b) The registration holder has violated Section 42-___ Required registration of alarm systems; registration procedures; requirements for alarm permits; Section 42-___, False alarm notifications and penalties; or

(c) The registration holder has failed to make timely payment of a fee assessed under Section 42-___, Alarm System Fees & Fines Schedule or,

(d) Ten or more false alarm notifications have been emitted from the alarm site within a 12-month period,

(e) A person commits an offense if he operates an alarm system during the period in which his alarm registration is revoked.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42-___: Suspension of response.

(a) The alarm administrator may suspend law enforcement response to an alarm site upon revocation of an alarm registration if it is determined that:

- (1) The alarm user has ten or more false alarms in a 12-month period excluding duress, holdup or panic alarms;

- (2) There is a statement of a material fact known to be false in the application for a registration;
- (3) The alarm user has failed to make timely payment of a fines; or
- (4) It has been determined the alarm site was never registered with the City.
- (b) The alarm administrator will notify the alarm site and/or user, the alarm installation company or the monitoring company ten (10) days prior to suspension of response.
- (c) Once the alarm user has been notified, the Police Department will suspend response to the alarm site except for verified in-progress crimes, duress, panic and hold-up alarms. In progress crimes or "Verified Alarm Response" may be made by the alarm user, other person at or near the scene of the activation, private guard responder or central monitoring company/operator, and shall be based on physical observation or inspection of the premises/site, or by remote visual inspection of the premises/site using audio and/or visual monitoring equipment. Falsifying an in-progress crime for the purpose of ensuring police response is violation of Florida Statutes.
- (d) Reinstatement of police response will be granted once the alarm user has fulfilled the requirements outlined in Section 42-____, Reinstatement of registration.
- In the case of an alarm site with ten (10) or more false alarms per year for two (2) consecutive years regardless of whether or not all applicable fines and fees have been paid will be required to install alarm verification systems (Verified Alarm Response), to include audio or visual monitoring equipment for the purpose of verifying an actual crime is in progress. In the absence of installed technology to facilitate "Verified Alarm Response," the Police Department will not respond to alarm activations, except for in-progress crimes reported by the alarm user, other person at or near the scene of the activation, private guard responder or central monitoring company/operator.
- The alarm site will be required to maintain verified alarm response for one year (12 months) from the date of verified alarm response installation or activation.
- (e) A person commits an offense if he/she operates an alarm system during the period in which his alarm registration is revoked and is subject to enforcement and penalties set in Section 42-____, Alarm system fees and fines schedule.

Sec. 42-____: Appeal of denial, suspension, or revocation of a registration.

- (a) If the alarm administrator denies the issuance or renewal of a registration, or suspends or revokes a registration, he shall send written notice of his action and a statement of the right to an appeal, by certified mail, return receipt requested, to both the alarm user and the applicable alarm installation/service company.
- (b) The alarm user may appeal the decision to the Code Enforcement Board, by written notification within ten (10) business days of the receipt of notice for denial, fine, suspension, or revocation. The alarm user shall set forth the reasons for the appeal and describe desired remedies.
- (c) Filing of a request for appeal shall stay the action by the alarm administrator of revoking a registration until the Code Enforcement Board has completed his review. If a request for appeal is not made within the ten (10) day period, the action of the designated authority is final.
- (d) Alarm users shall be entitled to a hearing before the *Code Enforcement Board*, if requested within sixty (60) business day's receipt of notice.

Sec. 42-____: Reinstatement of Registration

A person whose alarm registration has been suspended or revoked may have their registration re-instated if the person:

- (a) Submits an updated application and pays a \$50.00 registration fee, and
- ~~(b) Pays, or otherwise resolves, all citations issued to the person under this article;~~
- (c) Upon submission of certification from a professional alarm company, licensed by the state/county to install or design alarm systems stating that the alarm system has been inspected and maintained by, or with the direct supervision and approval of the alarm company.

Sec. 42-____: No obligation to respond (Government Immunity)

Alarm registration 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 applying for an alarm registration, the alarm user acknowledges that law enforcement response may be

influenced by factors such as; the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

(Ord. No. 04-1, § 1, 1-22-2004)

Sec. 42___: Alarm system fees & fines schedule.

TABLE INSET:

Type of Service/Violation	Administrative Action	Fees/Fines
Alarm Registration - Initial - systems installed on or after July 1, 2004	Registration & decal issued	<u>\$25.00</u>
Alarm Registration - Renewal	Registration renewed	<u>\$25.00</u>
Failure to register alarm site(s)	Fine	\$100.00
Operation of a non registered alarm system (per offense/activation)	Fine	\$100.00
Reinstatement of alarm registration	Fee	\$50.00
Automatic phone dialer installed	Fine	\$25.00
Battery backup not installed (minimum 4 hour)	Fine	\$25.00
Automatic 15 minute audible termination device or adjustment not installed	Fine	\$25.00
Failure to modify existing system(s) as required within section 42-___	Fine	\$25.00
Alarm system contractor(s) installing, maintaining, repairing, altering or servicing an alarm system, that is not [registered] (per offense)	Fine	\$100.00
First false alarm/alarm malfunction within registration year --	On-site written notice	No Fine/Fee
Second false alarm/alarm malfunction within registration year --	On-site written notice/warning letter #1	No Fine/Fee
Third false alarm/alarm malfunction within registration year --	Invoice / Fine	\$50.00 or Service Affidavit
Fourth false/accidental alarm/alarm malfunction within registration year --	Invoice / Fine	<u>\$75.00</u> <i>or Service Affidavit or completion of Alarm User Awareness Class</i>
Fifth false / accidental alarm or alarm malfunction within registration year	Invoice / Fine	<u>\$100.00</u>
Sixth false/accidental alarm/alarm malfunctions within a registration year --	Invoice / Fine	<u>\$125.00</u>
Seventh false/accidental alarm within registration year	Invoice / Fine	<u>\$150.00</u>
Eighth false/accidental alarm within	Invoice / Fine	<u>\$175.00</u>

registration year		
Ninth false/accidental alarm within registration year	Invoice / Fine	<u>\$200.00</u>
Tenth false/accidental within registration year	Invoice / Fine Violation/revocation of alarm registration and suspension of response	<u>\$225.00</u>
Ten or more false/accidental alarms per year for two consecutive years	Verified Alarm Response	N/A

(Ord. No. 04-1, § 1, 1-22-2004)

SECTION II. That all sections and subsections of Chapter 42, Article III be renumbered accordingly.

SECTION III. That all ordinances or parts of ordinances in conflict therewith are hereby repealed to the extent of such conflict.

SECTION IV. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section, subsection, or part of this ordinance.

SECTION V. That this ordinance shall take effect upon its passage as provided by law.

SECTION VI. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 14th day of July, 2011.

CITY OF PALATKA

By: 
It's MAYOR

ATTEST:


CITY CLERK