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## ARTICLE IV. - FALSE BURGLAR AND ROBBERY ALARMS 1901

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### **Sec. 21-50. - Short title.**

This article shall be referred to as the "City of Gainesville False Alarm Ordinance."

### **Sec. 21-51. - Definitions.**

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

*Alarm administrator* means a person or persons designated by the city manager to administer, control and review alarm applications, permits and false alarm reduction efforts.

*Alarm monitoring company* means a person or entity performing the service of monitoring as defined in F.S. § 489.505, for burglar or robbery alarms, and having customers within the City of Gainesville.

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

*Alarm operator awareness class* means a class conducted by the designated authority for the purpose of educating alarm users about responsible use and operation of alarm systems and the problems created by false alarms.

*Alarm review authority* means the city manager or designee.

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

*Alarm system* means any device that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon, law enforcement services to the alarm site.

Alarm system does not include:

- (1) A device installed on a vehicle, unless the vehicle is permanently located on the site; or
- (2) A device designed to alert only the inhabitants of the device site, and that is not audible or visible from the exterior of the structure; or
- (3) A device designed for a purpose other than to alert for intrusion, burglary or robbery.

*Alarm system contractor* means a person licensed under F.S. ch. 489, as an electrical or alarm system contractor who installs, maintains, repairs, alters, services or monitors alarm systems for compensation.

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

*Cancellation of alarm response* means the process by which an alarm company providing monitoring services verifies with the alarm operator or responsible party that there is not an existing situation at the alarm site requiring law enforcement response and request law enforcement to cancel the dispatch when such request occurs prior to law enforcement's arrival on scene.

*Commercial premises* means any structure or area not otherwise defined in this section as governmental or residential premises.

*Conversion* means a transaction or process by which one alarm company begins monitoring and/or servicing a previously unmonitored alarm system, or an alarm system previously monitored and/or serviced by another alarm company.

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

*False alarm* means an alarm dispatch or other response by the Gainesville Police when the responding officer(s) finds no evidence of a criminal offense or attempted criminal offense after having completed an investigation of the site. Excluded from this definition are:

- (1) Alarms occurring as a result of lightning, wind, or other meteorological event, where there is clear evidence of physical damage to the alarm system; or
- (2) Disruption of the telephone circuit beyond the control of the alarm operator or its agents, verified by written communication from the telephone company; or
- (3) An electrical power disruption or failure in excess of four hours.

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

*Holdup alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

*Local alarm system* means an alarm system that emits a signal at a fixed alarm site that is audible or visible from the exterior of the alarmed structure.

*One plus panic alarm* means the manual activation of a silent alarm signal by entering at a keypad a code that adds one (or more) to the last digit of the normal arm/disarm code. (Normal code = 1234, one plus duress code = 1235.

*Panic alarm* means an audible or silent alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

*Permit year* means the period starting from the date of issuance of a permit and ending one year from that date. At the discretion of the city manager or designee, the permit year, for the initial registration may be not less than 12 months nor more than 24 months.

*Residential premises* means any structure serving as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household.

*Takeover* means a transaction or process by which an alarm operator takes over control of an existing alarm system previously controlled by another alarm operator.

*Verify* means an attempt by the alarm monitoring company or its representative, to contact the alarm site by telephonic or other electronic means, to determine the validity of the alarm before requesting law enforcement dispatch.

### **Sec. 21-52. - Alarm permit and fee.**

- (a) Except as otherwise provided under the definition of "permit year", every alarm operator shall annually apply to the alarm administrator for a nontransferable alarm permit. The permit shall be valid for one permit year and then expire.
- (b) In accordance with the fee schedule established at Appendix A, a fee shall accompany each application or renewal for alarms on residential, commercial or governmental premises. The fee shall be proportionately adjusted for those permits that have an initial period greater than one year.
- (c) The owner or manager of any residential or commercial premises which are rented to others and which have alarm systems provided by the owner or manager, shall:
  - (1) Explain the operation of the alarm system to the alarm user;
  - (2) Explain the alarm user's financial responsibilities for false alarms;
  - (3) Obtain the alarm user's signature on a form in which the alarm user acknowledges having received and understood the information provided in subsection (1) and subsection (2) above;
  - (4) Furnish a blank alarm permit application to the tenant. The alarm administrator shall provide the owner or manager with forms upon request.
- (d) No permit shall be required for a deactivated alarm system.
- (e) The alarm operator shall provide the following information:
  - (1) The name, address and telephone number of the applicant(s);
  - (2) The address of the alarm site;
  - (3) The classification of the alarm site as residential, commercial, governmental;
  - (4) The type of system(s), such as burglary, robbery, 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 city police department, will respond to the alarm site within 30 minutes of notification;
  - (6) The name, address and telephone number of the alarm monitoring company, if any;
  - (7) The name, address, and telephone number of the installer and date of installation, if known;
  - (8) The name, address and telephone number of the commercial entity that last performed maintenance on the alarm system, if known;
  - (9) Any dangerous conditions present at the alarm site;
- (f) No permit will be issued when a fine is outstanding, when a reason for a previous revocation has not been corrected, or if the applicant provides false information.
- (g) The alarm operator shall submit interim updated application information within 15 days of when the on-file information has changed. A permit may be revoked if it is found to contain inaccuracies.

*(Ord. No. 030480, § 2, 11-24-03)*

### **Sec. 21-53. - False alarm fees and fines.**

- (a) Responsibility for false alarms shall be borne by the alarm operator.
- (b) In accordance with the fee schedule established at Appendix A, fees shall be assessed or fines shall be levied for each false alarm per alarm site within one permit year. An additional fine shall be levied for false alarms from a non-permitted alarm system, or from an alarm system with a suspended or revoked permit, as established in Appendix A. Such fine will be reduced if an application for an alarm system is filed within ten days of the false alarm and the permit is issued within ten days thereafter.
- (c) The alarm administrator will offer an alarm awareness class to alarm operators. Alarm operators may attend the class in lieu of paying one fine per permit year.
- (d) After responding to an alarm, the city police department shall leave written notice at the alarm site that the police department has responded to an alarm. The notice shall include the identity of the officer, time of event, and the officer's determination as to whether the alarm was false.

*(Ord. No. 030480, § 3, 11-24-03)*

### **Sec. 21-54. - Suspension, revocation, or reinstatement of alarm permit.**

- (a) In addition to the assessment of fees or levy of fines as provided for in this article, the eighth false alarm response in a permit year shall result in a suspension of the alarm permit.
- (b) A fee or fine that remains unpaid in excess of 30 days shall result in a suspension of the alarm permit.
- (c) A suspension shall remain in effect until such time as:
  - (1) The alarm operator has taken action to remedy the causes of the false alarms; and
  - (2) The alarm administrator has reinstated the permit.
- (d) The alarm administrator may revoke an alarm permit if it is determined that:
  - (1) There is a false statement of a material matter in the permit application; or
  - (2) Ten or more false alarms have occurred from the alarm site within a permit year.
- (e) A person whose alarm permit has been revoked may be issued a new permit if that person:
  - (1)

Submits documentation from the company that services the alarm system that it is operating properly, or that the alarm operator has received training in the use of the system or both if applicable; and

- (2) Pays all fees or fines issued to the person under this article; and
  - (3) Submits a new application, and pays a reinstatement fee in accordance with the fee schedule established in Appendix A.
- (f) The alarm administrator shall give written notification to the alarm operator of a suspension, revocation, or reinstatement.

*(Ord. No. 030480, § 4, 11-24-03)*

### **Sec. 21-55. - Appeals of fees, suspensions, and revocations.**

- (a) An alarm operator may appeal the assessment of a fee, permit suspension, or permit revocation under this article. The alarm operator shall notify the alarm administrator in writing within ten days of receipt of notice of fine, suspension or revocation. Proper notification shall stay the imposition of a fee, suspension or revocation, until a decision is made by the alarm review authority.
- (b) The alarm review authority shall conduct a hearing and consider evidence presented by the alarm operator and by other interested persons. The alarm review authority shall make a decision based on the preponderance of the evidence standard. The decision of the alarm review authority is the final administrative remedy for the city.

### **Sec. 21-56. - Response to alarm.**

The alarm operator or a responder listed on the alarm permit shall respond to the alarm site within 30 minutes from the time of notification by the city police department of the activation of the alarm, whether false or not. The failure to respond, when requested by the city police department, shall be deemed a violation by the alarm operator, and a fee shall be assessed in accordance with the fee schedule established in Appendix A.

*(Ord. No. 030480, § 5, 11-24-03)*

### **Sec. 21-57. - Deactivation of audible alarms.**

The alarm operator shall deactivate the alarm within 15 minutes of activation or adjust the alarm to automatically deactivate within 15 minutes of activation. Alarm systems not currently programmed to deactivate within 15 minutes shall be so programmed during the next service call. In accordance with the fee schedule established in Appendix A, a fee shall be assessed for failure to comply with this section.

*(Ord. No. 030480, § 6, 11-24-03)*

*State law reference— Audible alarms, F.S. § 489.530.*

### **Sec. 21-58. - Alarm monitoring companies.**

- (a) All alarm monitoring companies shall register annually with the alarm administrator. Each alarm monitoring company shall pay a fee in accordance with the fee schedule established at Appendix A unless it is regulated by the department of business and professional regulation and has paid a local business tax for the current year to the county or municipality in the state where it's permanent business location or branch office is maintained. Each registration

shall be valid for 12 months. The alarm monitoring company shall provide the following information:

- (1) Name, street address and telephone number of the monitoring company;
  - (2) The names, street addresses, and telephone numbers of all alarm operators contracted with within the territorial jurisdiction of this article;
  - (3) The procedure used to verify the legitimacy of an alarm prior to notification to the city police department;
  - (4) The name, street address and telephone number of the qualifying agent.
- (b) Upon registration, the alarm monitoring company shall be provided with a telephone number for use when reporting an alarm.
- (c) Alarm monitoring companies shall maintain records relating to alarm notification for a period of at least one year, and shall provide such records to the alarm administrator upon request or a fine, in accordance with the fee schedule established at Appendix A shall be levied.

*(Ord. No. 030480, § 7, 11-24-03; Ord. No. 040570, § 1, 11-22-04; Ord. No. 070022, § 7, 6-25-07)*

*State law reference— Business organizations, F.S. § 489.521.*

### **Sec. 21-59. - Alarm verification calls required.**

All burglary or intrusion alarm systems that have central monitoring shall have a central monitoring verification call made to the alarm site, prior to alarm monitor personnel contacting a law enforcement agency for alarm dispatch, or a fine shall be levied in accordance with the fee schedule established at Appendix A. However, if the alarm has properly operating visual or auditory sensors that enable the monitoring company to verify the alarm signal, verification calling is not required.

*(Ord. No. 030480, § 8, 11-24-03; Ord. No. 040570, § 1, 11-22-04)*

*State law reference— Alarm verification, F.S. § 489.529.*

### **Sec. 21-60. - Alarm system contractors.**

- (a) All alarm system contractors shall register annually with the alarm administrator. Each alarm system contractor shall pay a fee in accordance with the fee schedule established at Appendix A unless it is regulated by the department of business and professional regulation and has paid a local business tax for the current year to the county or municipality in the state where it's permanent business location or branch office is maintained. A fine shall be levied in accordance with the fee schedule established at Appendix A for failure to register. 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, or a fine shall be levied as established in Appendix A.
- (c) All alarm system contractors shall furnish each of its agents with identification cards in accordance with F.S. § 489.518, or a fine shall be levied for each violation, in accordance with the fee schedule established at Appendix A.
- (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 or that do not use control panels tested for conformance to the Security Industry Association's Control Panel Standard, or a fine shall be levied for each violation, in accordance with the fee schedule established at Appendix A.

- (e) Alarm system contractors shall not activate or service an alarm system unless it is permitted, or a fine shall be levied, in accordance with the fee schedule established at Appendix A.
- (f) Alarm system contractors shall not cause a false alarm during the servicing, repairing, testing or inspection of an alarm system, or a fine shall be levied in accordance with the fee schedule established at Appendix A. The alarm operator shall not be charged for such false alarms.
- (g) Alarm system contractors shall provide all alarm operators with a blank alarm permit application, whenever installing, maintaining, repairing, altering or servicing an alarm system, unless the alarm system contractor reasonably believes that the system is permitted, or a fine shall be levied in accordance with the fee schedule established at Appendix A.

*(Ord. No. 030480, § 9, 11-24-03; Ord. No. 040570, § 1, 11-22-04; Ord. No. 070022, § 7, 6-25-07)*

### **Sec. 21-61. - Prohibited alarm devices.**

- (a) It is unlawful for a person to operate an alarm system equipped with an automatic dialing device programmed to connect directly to the city police department or public safety combined communications center. All automatic dialing systems shall communicate alarm notifications to a person who has accepted the responsibility of relaying the alarm or, to a business licensed by the State of Florida to engage in the relaying of alarm notifications. A fine shall be levied in accordance with the fee schedule established at Appendix A for violation of subsection (a) of this section.
- (b) It is unlawful for a person to use an alarm system that is programmed to send a "One Plus Panic Alarm". Alarm companies may continue to report alarms received from alarm systems programmed with the "One Plus Panic Alarm" feature prior to enactment of this article. After enactment of this article, any takeover or conversion as defined herein, or any inspection or modification of the alarm system, shall require the alarm company to remove the "One Plus Panic Alarm" program. A fine in accordance with the fee schedule established at Appendix A shall be levied against the alarm system contractor for violations of this section.
- (c) It is unlawful to use or install a single-action type holdup or panic alarm switch for activation. A holdup or panic alarm requires that a dual-action type switch be installed and used for activation. Alarm companies may continue to report alarms received from alarm systems equipped with single-action switch prior to enactment of this article. After enactment of this article, any takeover or conversion as defined herein, or any inspection or modification of alarm system, shall require the alarm company to remove the all single-action type, non-recessed button/switches used for activation. A fine in accordance with the fee schedule established at Appendix A shall be levied against the alarm system contractor for violations of this section.

*(Ord. No. 030480, § 10, 11-24-03)*

### **Sec. 21-62. - Auxiliary power supply.**

An alarm operator shall not operate an alarm system which does not have a minimum four-hour auxiliary power supply, or a fine in accordance with the fee schedule established at Appendix A shall be levied for noncompliance.

*(Ord. No. 030480, § 11, 11-24-03)*

### **Sec. 21-63. - No special public duty.**

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

### **Sec. 21-64. - Civil citation; collection of fees.**

- (a) The police officers and code enforcement officers may issue a civil citation for violations of sections [21-53\(b\)\(6\)](#); [21-58\(a\)](#) and (c); [21-59](#); [21-60\(a\)](#) through (g); [21-61](#) and [21-62](#) of this article. The citation shall be issued in accordance with [Chapter 2](#), Article V, Division 6, Civil Citations, of the City of Gainesville Code of Ordinances and F.S. § 162.21.
- (b) In addition to other available remedies, any fee assessed or fines levied pursuant to this article that remains unpaid may be collected in accordance with the city policies regarding delinquent accounts.

### **Sec. 21-65. - Disposition of fees and fines.**

Fees and fines collected by the alarm review authority pursuant to this article shall first be applied to the administration of this article.

### **Sec. 21-66. - Records.**

All information received by the city pursuant to this article is confidential and exempt from F.S. §§ 119.07(01) and 286.011 and other laws and rules requiring public access to records.

*State law reference— F.S. § 281.301.*

### **Secs. 21-67—21-69. - Reserved.**

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#### FOOTNOTE(S):

<sup>(90)</sup> **Editor's note**— Ord. No. 980475, § 1, adopted May 8, 2000, repealed Art. IV, §§ 21-61—21-69, which pertained to burglar alarm systems and derived from Ord. No. 3058, § 1(13B-1—13B-9), adopted Sept. 24, 1984. Section 3 of Ord. No. 980475 enacted a new Art. IV to read as herein set out. ([Back](#))