

ORDINANCE NO. C-04-40

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, DELETING THE ANNUAL ALARM SYSTEM REGISTRATION RENEWAL FEE, RESTRUCTURING THE SERVICE FEE FOR ALARM RESPONSES, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the costs incurred by the City of Fort Lauderdale Police Department in responding to premises alarms have increased; and

WHEREAS, it is necessary to provide a definition of alarm monitoring company,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 4-1, Definitions, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

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

Alarm monitoring company means any individual, partnership, corporation or other entity engaged in or causing the monitoring of any digital, cellular, long range radio or any other alarm monitoring system which is designed to detect intrusion or fire and whose duty it is to notify any law enforcement agency or fire department or emergency rescue agency by any means.

Alarm user means any person utilizing an emergency alarm system, on the premises, whether or not the person owns the

emergency alarm, and whether or not the emergency alarm was purchased or obtained within the city.

Audible alarm means an alarm that sounds a warning bell, buzzer, siren, or other sounding device, that can be heard for fifty (50) feet or more beyond the protected premises.

Customer information means the street address of the premises, the premises owner's name, address and telephone number, and the name, address, and telephone number of any person or entity named by the customer as a contact.

Emergency alarm system means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire, illegal entry, medical emergency or other activity requiring urgent attention and to which the fire department or police department is expected to respond, but does not include audible alarms installed in motorized conveyances or city-installed or city-owned emergency alarm systems.

Premises means the building or structure and adjoining property which is protected by, and upon which is installed, an emergency alarm system.

Service fee is the amount of money charged by the city to a property owner or alarm user for a response to an alarm activation which is only a partial reimbursement to the city for the cost it incurs in responding.

SECTION 2. That Subsection (a) (2) of Section 4-2, Registration of alarm systems; alarm certificate, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

All alarm systems shall be registered annually by the alarm user with the city. The registration shall be effective from January 1 to December 31 of each calendar year. The initial registration fee shall be fifty dollars (\$50.00). ~~The annual registration renewal fee thereafter shall be twenty-five dollars (\$25.00).~~ There will be no re-registration fee due the city by the alarm user upon the annual renewal of the alarm system.

SECTION 3. That Subsections (a), (b) and (c) of Section 4-9, Service fee, of the Code of Ordinances of the City of Fort Lauderdale, Florida, are hereby amended to read as follows:

(a) 1. When the city police department responds to the same premises in excess of ~~two (2) times~~ one (1) time within any twelve-month period, a residential alarm user shall pay a service charge of fifty dollars (\$50.00) for the second response; seventy-five dollars (\$75.00) for the third response; one hundred dollars (\$100.00) for the fourth response; and two hundred dollars (\$200.00) for the fifth and subsequent responses by the police department within a twelve-month period ~~each police response.~~

~~(b) 2.~~ When the city police department responds to the same premises in excess of ~~two (2 times)~~ one (1) time within any twelve-month period, a non-residential alarm user shall pay a service charge of one hundred dollars (\$100.00) for the second response; one hundred-fifty dollars (\$150.00) for the third response; two hundred dollars (\$200.00) for the fourth response; and four hundred dollars (\$400.00) for the fifth and subsequent responses by the police department within a twelve-month period ~~each police response.~~

(b) When the city fire department responds to an alarm at the same premises in excess of one (1) time within any twelve-month period, a non-residential alarm user shall pay a service charge of one hundred dollars (\$100.00) for the second response; two hundred dollars (\$200.00) for the third response; and four hundred dollars (\$400.00) for the fourth and subsequent responses by the fire department within a twelve-month period.

(c) Should the service charge remain unpaid for a period of thirty (30) days past the rendering of the service

fee, the city shall have a lien on all lands or premises when either the police or fire-rescue and building department has responded to more than ~~two (2) alarms~~ one (1) alarm. Such liens shall be prior to all other liens on such lands or premises, except the lien of the state, county and municipal taxes, and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than thirty (30) days, may be foreclosed by the city in the manner provided by state law for the foreclosure of mortgages on real property.

SECTION 4. That Section 4-10, Certification required; alarm system in good working order, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

All alarm systems that have ~~ten (10)~~ five (5) alarm activations to which the city has responded within any twelve-month period shall be inspected and certified by a licensed alarm company to the city that the system is in good working order. If a repair has been made for the purpose of bringing the alarm system into good working order then the repair shall be described by the alarm company. This requirement shall be applicable each time there has been ~~ten (10)~~ five (5) alarm activations of an alarm system to which the city has responded within any twelve-month period regardless of any previous certification(s) of the same alarm system. The alarm user or property owner shall ensure that the provisions of this section shall be complied with and shall be jointly and severally responsible for complying with the requirements of this section.

SECTION 5. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. That this Ordinance shall take effect upon passage.

PASSED FIRST READING this the 20th day of July, 2004.

PASSED SECOND READING this the 13th day of September, 2004.

Mayor
JIM NAUGLE

ATTEST:

City Clerk
Jonda K. Joseph

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.