

ORDINANCE NO. 3824

AN ORDINANCE AMENDING CHAPTER 16 (OFFENSES) OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING SECTION 16-113 "ALARM SYSTEMS - FALSE ALARMS" PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

SECTION ONE: That Chapter 16 (Offenses) of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended by amending Section 16-113 "Alarm Systems - False Alarms"; which said Section shall hereafter be and read as follows:

Sec. 16-113. Alarm systems--False alarms.

(A) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicated a different meaning:

Alarm system means any mechanical or electrical or radio-controlled device which is designed to be used for the detection of any fire, medical emergency unauthorized entry into a building, structure, or facility, or which emits a sound or transmits a signal or message when activated. Alarm systems include but are not limited to direct dial telephone devices, audible alarms and proprietor alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible, visible or perceptible in or from any motor vehicle or auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service.

Automatic dialing device means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

Commercial premises means any structure or area which is not defined herein as residential premises.

False alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligent or intentional misuse by the owner or lessee of an alarm system or by his employees, servants or agents; or by any other activation of the alarm system not caused by or because of a forced entry, robbery, attempted robbery, other forcible felony fire or medical emergency. Such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or those alarms intentionally activated by an owner or lessee of an alarm system or by his servants, or agents who visually observed or heard suspicious circumstances which would cause a careful and prudent person to believe that a forcible entry, attempted forced entry, robbery, attempted robbery other forcible felony, fire or medical emergency was in progress at the premises protected by the alarm system.

False alarm response shall result when any Police or Fire Fighter is dispatched to, ~~or otherwise learns of~~ the activation of an alarm system which subsequently is found to be a false alarm.

Fee means an assessment of costs imposed pursuant to this Section to defray the expense of responding to a false alarm.

Law enforcement officer means the Chief of Police of the City of Pinellas Park, or his designee.

Fire Department official means the Chief of the Fire Department of Pinellas Park, or his designee.

Person means any natural person, firm, partnership, association, corporation, company or organization of any kind.

Residential premises means any structure or combination of structures which serve as dwelling units including single-family, duplex and multifamily units.

(B) ~~Fire Department False Alarms~~. The following procedures apply to false alarms ~~involving fire or medical emergencies~~:

1. *Responsibility for false alarms.* For purposes of this Section, the responsibility for a false alarm may be borne by either the owner, lessee, or person or persons occupying and/or controlling the premises at the time of the false alarm. Determination of responsibility between owners and tenants should be defined in their rental agreements, however, in the absence of specific assignment of responsibility, the person or persons occupying and/or controlling the premises on which the alarm is located will be held liable.
2. *Fee for false alarms.* All premises, commercial, and residential, will be allowed ~~three (3)~~ one (1) false alarms within any ~~twelve~~ one calendar month period without incurring any fee. A ~~fourth~~ second, or subsequent responses to false alarms at the same premise within any ~~twelve~~ one calendar month period will result in the assessment of Fifty Dollars (\$50.00) fee for each additional false alarm. The owner/occupant will be notified in writing by the respective City of Pinellas Park Fire Department that they have exceeded the allowed number of false alarms and that they have been assessed the Fifty Dollars (\$50.00) fee for each false alarm ~~over the allowed number of three (3)~~. In addition, the owner/occupant will be required to respond to this notification within ~~ten (10)~~ thirty (30) days from the date of receipt citing actions taken to investigate the cause of the repeated false alarms, and corrective measures instituted to prevent their recurrence. Failure to pay the assessed fee or to adequately respond to the notification within the prescribed time frame will result in an additional administrative fee of ~~Fifty Dollars (\$50.00) for each false alarm over the allowed number of three (3), and the notification will so state~~ Twenty-five dollars (\$25.00) for each notification or invoice.

The allowing of a penalty assessed pursuant hereto to remain outstanding for a period of longer than thirty (30) days and not be paid, shall constitute a separate, ongoing violation of the Code of Ordinances of the City of Pinellas Park, Florida, punishable as provided in the General Penalties section of the code.

~~(C) Law enforcement. The following procedures apply to false alarms involving law enforcement:~~

~~1. Responsibility for false alarms. For the purposes of this Section, the responsibility for false alarms may be borne by either the owner, lessee, or person or persons occupying and/or controlling the premises at the time of the false alarm. Determination of responsibility between owners and tenants should be defined in their rental agreement, however, in the absence of specific assignment of responsibility, the person or persons occupying and/or controlling the premises on which the alarm is located will be held liable.~~

~~2. Penalties for false alarms.~~

~~(a) Premises other than churches, temples, and other similar religious institutions; colleges, universities, seminaries, and other institutions of higher education; public educational facilities; and community facilities. All premises, commercial and residential (excluding (i) churches, temples, and similar religious institutions, (ii) colleges, universities, seminaries, and other institutions of higher education, (iii) public education facilities, and (iv) community facilities, as those terms are defined in Section 18-1502 of the City's Land Development Code), will be allowed three (3) false alarms within any twelve-month period without incurring any fee. A fourth false alarm response to the same premises within any twelve-month period will result in the assessment of a fee of Fifty Dollars (\$50.00). A fifth false alarm response to the same premises within any twelve-month period will result in the assessment of a fee of One Hundred Dollars (\$100.00). A sixth false alarm response to the same premises within any twelve-month period will result in the assessment of a fee of One Hundred Fifty Dollars (\$150.00). A seventh false alarm response to the same premises within any twelve-month period will result in the assessment of a fee of Two Hundred Dollars (\$200.00). An eighth and all succeeding false alarm responses to the same premises within any twelve-month period will result in the assessment of a fee of Two Hundred Fifty Dollars (\$250.00) for each such false alarm response.~~

~~Any person found responsible, who enters a plea of guilty, no contest, or nolo contendere, or is found guilty in a court of law for violation of this Section shall be liable for all fines, penalties, court costs, administrative fees, assessments, post judgment interest, attorney fees, or any other cost or fee incurred as a result of collection and/or enforcement efforts.~~

~~(b) Churches, temples, and similar religious institutions; colleges, universities, seminaries, and other institutions of higher education; public educational facilities; community facilities. (i) churches, temples, and similar religious institutions, (ii) colleges, universities, seminaries, and other institutions of higher education, (iii) public educational facilities, and (iv) community facilities, as those terms are defined in Section 18-1502 of the City's Land Development Code, will be allowed three (3) false alarms within any twelve month period without incurring any fee. A fourth and all subsequent responses to false alarms at the same premises within any twelve month period will result in the assessment of a Fifty Dollar (\$50.00) fee for each such additional false alarm.~~

~~(D_C) Reporting to the premises after notification of a false alarm. When responding to an alarm, false or otherwise, at which there are no persons on the premises, the Law Enforcement/Fire Official will contact the owner/occupant to report to the premises for the purposes of resetting the alarm system. The willful disregard of this request, or the failure to report to the premises within thirty (30) minutes of the time the notification is received, will be considered a violation of this Section and result in the assessment of a fee of Fifty Dollars (\$50.00). This fee will be assessed regardless of the number of false alarms which that premises may have incurred during that twelve-month period.~~

(~~ED~~) *Automatic dialing devices.* It shall be a violation of this Section for any person to install, maintain, own, possess or operate any automatic dialing device alarm system regulated or programmed to make connection with any telephone number installed in any law Enforcement/Fire Department facility. A fee of Fifty Dollars (\$50.00) shall be assessed for each call completed via an automated dialing device.

(~~FE~~) *Hearing.* Any person who shall be notified of the assessment of any fee prescribed by this Section may, within twenty (20) days in receipt of such notice, file a written appeal of such decision with the City Clerk. Within fifteen (15) days after the receipt of the written notice of appeal to the City Clerk, the City Manager shall set a hearing date, wherein such person(s) requesting the appeal may appear as well as any witnesses, and may submit evidence and show cause as to why such assessment should not be levied; provided, that the person requesting such appeal shall receive a minimum of five (5) days written notice of the hearing. Within three (3) business days after the hearing, the City Manager shall enter a written order affirming, denying, or modifying the decision of the Law Enforcement/Fire Official and such order shall be final. Copies of such order shall be provided to the person(s) making the appeal and to the Law Enforcement/Fire Official.

SECTION FOUR: That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be, and they are hereby repealed insofar as the same affect this Ordinance.

SECTION FIVE: It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the "Code of Ordinances" of the City of Pinellas Park, Florida, and the publisher of the Code of Ordinances may renumber, reclassify or otherwise insert this ordinance in an appropriate place to accomplish such intention.

SECTION SIX: That this Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

FIRST READING THE _____ DAY OF _____, 2012.

PUBLISHED THE _____ DAY OF _____, 2012.

PUBLIC HEARING THE _____ DAY OF _____, 2012.

PASSED THIS _____ DAY OF _____, 2012.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2012.

Sandra L. Bradbury
MAYOR

ATTEST:

Diane M. Corna, MMC
CITY CLERK