

Incorporated 1925

ORDINANCE

5074

AN ORDINANCE OF THE CITY OF BOCA RATON AMENDING THE CODE OF ORDINANCES RELATING TO POLICE AND FIRE ALARMS; REPEALING ARTICLE II OF CHAPTER 9, CODE OF ORDINANCES IN ITS ENTIRETY; CREATING AND ADOPTING A NEW ARTICLE II OF CHAPTER 9, CODE OF ORDINANCES, RELATING TO POLICE AND FIRE ALARMS; PROVIDING DEFINITIONS AND REGULATIONS; PROVIDING REQUIREMENTS FOR ALARM USER AND ALARM, MONITORING COMPANY REGISTRATIONS; PROVIDING FOR FEES AND PENALTIES; PROVIDING AN APPEALS PROCESS; AMENDING SECTION 2-113, CODE OF ORDINANCES, TO PROVIDE THAT VIOLATIONS OF CHAPTER 9, CODE OF ORDINANCES, SHALL BE WITHIN THE JURISDICTION OF THE SPECIAL MASTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

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1 WHEREAS, the city council of the city of Boca Raton has determined that it would be
2 in the best interest of the city to amend the code of ordinances relating to police and fire alarms;
3 and

4 WHEREAS, the city council of the city of Boca Raton has determined that it would be
5 in the best interest of the city to amend the registration process for alarm systems and alarm
6 monitoring companies; and

7 WHEREAS, the city council has determined that it would be in the best interest of the
8 city to impose penalties when the registration process is not followed; and

9 WHEREAS, the city council has determined that it would be in the best interest of the
10 city to include chapter 9, code of ordinances, within the jurisdiction of the special master; now
11 therefore

12
13 THE CITY OF BOCA RATON HEREBY ORDAINS:
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15 Section 1. Article II of chapter 9, code of ordinances, is hereby repealed in its
16 entirety.

17 Section 2. Article II of chapter 9, code of ordinances, is hereby created to read:

18 Sec. 9-31. Short Title.

19 This article may be cited as the "Boca Raton police and fire alarm ordinance."

20 Sec. 9-32. Definitions.

21 For the purpose of this article, the following words, terms and phrases shall have the
22 meanings given below:

23 "Alarm monitoring company" means any individual, partnership, corporation or other
24 entity engaged in or causing the monitoring of any alarm system whose duty it is to notify any
25 law enforcement agency or fire/emergency rescue agency in the event of an alarm.

1 "Alarm period" shall mean the designated twelve-month period of January 1 through
2 December 31 of each year.

3 "Alarm system" or "Alarm" shall mean any mechanical or electrical device or system
4 sold or installed, which is a police alarm or fire alarm;

5 "Alarm system user" means any individual, partnership, corporation or other entity
6 owning or controlling the premises in which an alarm system is maintained, or the lessee of the
7 premises, if the lessee is legally responsible for the operation and maintenance of the alarm
8 system.

9 "Applicant" shall mean any person, firm, or corporation, partnership or other entity
10 using an alarm system and which submits a registration application to the city.

11 "Commercial alarm system(s)" shall mean any alarm system(s) located in and serving
12 multiple dwelling units and/or common areas of apartment complexes, condominiums or any
13 multi-family dwellings comprised of more than three (3) units, and any alarm system(s) located
14 in commercial establishments.

15 "False alarm" shall mean the activation of an alarm system through mechanical
16 failure, malfunction, improper installation, improper usage or the negligence of an alarm system
17 user any of which indicates an emergency requiring the immediate response of public safety
18 services when an emergency does not exist. Any activation other than that caused by criminal
19 activity, attempted criminal activity or fire emergency shall be considered a false alarm. It shall
20 be prima facie evidence that criminal activity or attempted criminal activity did not occur if a
21 report stating or otherwise showing that the alarm was not the result of criminal activity or
22 attempted criminal activity is filed by the police officer who responded to the alarm. It shall be
23 prima facie evidence that a fire emergency or imminent fire emergency did not occur if a report
24 stating or otherwise showing that the alarm was not the result of a fire emergency or imminent
25 fire emergency is filed by the incident commander who responded to the alarm.

1 "Fire alarm" means any device designed and used in a building or structure for the
2 detection of fire or smoke, water flow from a fire sprinkler or standpipe system or activation of a
3 manual pull station for the purpose of alerting others, which emits a sound, signal or message
4 when activated, excluding single-station smoke detectors.

5 "Monitoring" means to receive and process electrical or electronic signals, originating
6 from any building or structure within the city, produced by any police or fire alarm, closed circuit
7 television camera, or related or similar protective system and to initiate a response to an alarm,
8 only after following state mandated verification guidelines.

9 "Police alarm" means any device designed and used for the detection of an
10 unauthorized entry into a building, structure, facility, or enclosed area, or for alerting others of
11 unauthorized entry, or for any other crime and which emits sound or transmits a signal or
12 message when activated.

13 "Required fire alarm system" shall mean a fire alarm system as required by the
14 Florida fire prevention code, or local amendments thereto, in any type of occupancy.

15 "Residential alarm system" shall include all alarm systems operated in single-family
16 and duplex residences and all alarm systems operated in individual residential dwelling units in
17 apartment complexes, condominium buildings, or any multi-family dwelling structures.

18 Sec. 9-33. Commercial Alarm system registration; required registration

19 (1) Before placing any commercial alarm system in operation, every alarm system
20 user shall ensure that a completed registration application with all required documentation is
21 submitted to the city for each location where a commercial alarm system is operated in the city.
22 For every commercial alarm system existing on or before December 9, 2008 if such system is
23 not then currently registered, the alarm system user shall complete and submit a registration
24 application with all required documentation to the city on or before July 1, 2009. Separate
25 commercial alarm systems for police and fire alarms require separate registrations.

1 (2) Commercial alarm system registrations shall be renewed on an annual basis by
2 the alarm system user and the alarm system user shall certify each year that the information
3 maintained in the city's records is accurate.

4 (3) Commercial alarm system registration fees shall be paid in accordance with the
5 Boca Raton municipal facilities and services user fee schedule. Failure to register a commercial
6 alarm system as required in this section shall result in the assessment of an additional fee as
7 described in Boca Raton municipal facilities and services user fee schedule.

8 (4) Commercial alarm system users having more than one (1) commercial alarm
9 system protecting more than one (1) separate structure shall be required to submit a separate
10 registration for each commercial alarm system for each structure.

11 Sec. 9-34. Residential Alarm system registration; voluntary registration

12 (1) Residential alarm system users may submit a completed registration application
13 with documentation to the city for each residential alarm system operated in the city. Separate
14 residential alarm systems for police and fire alarms require separate registrations.

15 (2) Residential alarm system registrations may be renewed on an annual basis by the
16 alarm system user and the alarm system user may certify each year that the information
17 maintained in the city's records is accurate.

18 (3) Residential alarm system fees shall be paid in accordance with the Boca Raton
19 municipal facilities and services user fee schedule.

20 Sec. 9-35. Alarm System Registration Application

21 (1) Registration applications shall be filed on the approved registration form issued
22 by the city.

23 (2) The information set forth in the registration application shall be kept current by the
24 registered alarm system user. The alarm system user shall notify the city in writing of any
25 change in the registration information within five (5) business days after any such change
26 occurs.

1 Sec. 9-36. Alarm monitoring companies

2 (1) All alarm monitoring companies, that monitor alarm systems installed upon
3 properties within the corporate limits of the city, shall be required to register on an annual basis
4 with the city on a registration form issued by the city. An approved registration shall be effective
5 from January 1 to December 31 of each year.

6 (2) Upon registration, each alarm monitoring company shall be supplied by the city
7 with a direct dial telephone number to use to report police alarm activations to the city's
8 emergency dispatch center. Monitoring companies for required fire alarm systems must employ
9 direct ring-down.

10 (3) Alarm monitoring company registration fees shall be paid in accordance with the
11 Boca Raton municipal facilities and services user fee schedule. (4) Pursuant to Section
12 281.301, Florida statutes, registration documents and customer information shall be exempt
13 from public disclosure.

14 (5) Alarm monitoring companies shall maintain, for a period of at least one year,
15 records relating to alarm registration information. When the alarm monitoring company is
16 provided notice by an alarm system user or otherwise becomes aware that information in any
17 alarm registration has changed, the alarm monitoring company shall notify the city in writing of
18 such changes within thirty (30) days of the receipt of notice.

19 (6) Failure of any alarm monitoring company to comply with section 489.529, Florida
20 statutes, shall constitute a violation of this article.

21 Sec. 9-37. Exempt alarm systems.

22 All alarm systems placed or operated by the city on any premises whatsoever shall be
23 exempt from the provisions of this chapter.

24 Sec 9-38. Fee for false alarms.

25 (1) It is hereby found and determined that any false alarm requiring the police
26 services department and/or the fire rescue services department to respond, including false

1 alarms at single-family residences, constitutes a public nuisance. All alarm system users shall
2 be subject to a service fee for false alarms, to be established by resolution and set forth in the
3 Boca Raton municipal facilities and services user fee schedule.

4 (2) Failure to pay service fees for false alarms assessed pursuant to this section
5 within 30 days of written notice from the city of the imposition of the fee shall result in an
6 additional fee pursuant to the municipal facilities and services user fee schedule for each false
7 alarm for which a service charge has been assessed pursuant to this section. In the event the
8 city initiates litigation or incurs any cost whatsoever in order to collect any delinquent fees
9 pursuant to this section, the alarm system user shall be liable for the payment of such costs,
10 including reasonable attorney's fees.

11 Sec. 9-39. Appeals for false alarms.

12 (1) An alarm system user may seek a review by the police chief or designee of the
13 determination of the officer responding to a police alarm, that a false alarm has occurred. An
14 appeal form issued by the City and completed by the alarm system user or the alarm monitoring
15 company responsible for the maintenance of the alarm, shall be submitted to the police chief
16 within 10 business days of the mailing of the alarm fee invoice in order to obtain this review, or
17 this right of appeal is waived. The appeal form shall be accompanied by an appeal fee in
18 accordance with the Boca Raton municipal facilities and services user fee schedule. The
19 appeal form shall set forth facts and circumstances demonstrating that the activation of the
20 alarm was the result of actual criminal activity or attempted criminal activity. If the police chief
21 determines that the facts and circumstances set forth in the report demonstrate that the
22 occurrence was not a false alarm, the police chief shall then excuse the occurrence, reverse the
23 issuance of the false alarm fee and refund the appeal fee. The police chief shall issue a written
24 determination within 30 business days of receipt of the completed appeal form. Until such time
25 as the police chief has made his determination, the occurrence upon which the appeal is based
26 shall not be considered a false alarm. If the police chief finds a false alarm occurred, the false

1 alarm fees shall remain assessed against the alarm system user.

2 (2) An alarm system user may seek a review by the fire chief or designee of the
3 determination of the emergency personnel responding to a fire alarm that a false alarm has
4 occurred. An appeal form issued by the City and completed by the alarm user or the alarm
5 monitoring company responsible for the maintenance of the alarm, shall be submitted to the fire
6 chief within 10 business days of the mailing of the alarm fee invoice in order to request this
7 review. The appeal form shall be accompanied by an appeal fee in accordance with the Boca
8 Raton municipal facilities and services user fee schedule. The appeal form shall set forth facts
9 and circumstances demonstrating that the activation of the alarm was the result of a fire
10 emergency or legitimate reason for the alarm to have activated. If the fire chief determines that
11 the facts and circumstances set forth in the appeal are valid, the chief shall then excuse the
12 occurrence, reverse the issuance of the false alarm fee, and refund the appeal fee. The fire
13 chief shall issue a written determination within 30 business days of receipt of the completed
14 appeal form. Until such time as the fire chief has made his determination, the occurrence upon
15 which the appeal is based shall not be considered a false alarm. If the fire chief finds a false
16 alarm occurred, the false alarm fees shall remain assessed against the alarm system user.

17 Sec 9-40. Lien on premises.

18 (1) Failure to pay false alarm fees and fines shall constitute a violation subject to
19 enforcement proceedings as provided in Section 2-115, code of ordinances, and unpaid fees
20 and fines may be recorded as liens against the property at which the violation occurred pursuant
21 to Section 2-121, code of ordinances.

22 Sec 9-41. Prohibitions.

23 (1) Alarm systems that automatically dial the city's emergency dispatch center over
24 lines exclusively used by the public to request emergency service and information are
25 prohibited.

1 (2) Alarms systems which do not have an auxiliary power supply that activates in the
2 event of a power failure or electrical outage, are prohibited.

3 (3) Operation of a commercial alarm system without a valid registration from the city
4 shall constitute a violation of this article.

5 (4) Any person who intentionally activates any alarm system for the purpose of
6 fraudulently summoning the police services department or fire rescue services department,
7 except for what is reasonably believed to be a robbery, burglary, or other forcible crime on the
8 premises, a fire or fire drill on the premises or a medical or other emergency on the premises,
9 shall constitute a violation of this article.

10 (5) Audible police alarm systems that do not deactivate within 15 minutes after
11 activation are prohibited.

12 Sec. 9-42. Penalties.

13 Failure to comply with the provisions of this ordinance shall constitute a violation and
14 subject to the penalties provided in Sec. 1-16, code of ordinances, and the fees in the Boca
15 Raton municipal facilities and services user fee schedule.

16 Sec. 9-43. Limitation of liability.

17 Neither the city nor any of its officers and agents shall be under any obligation or duty
18 to an alarm system user or to any other person hereunder by reason of this article. The city
19 specifically disclaims liability for any damages which may be caused by failure to respond to an
20 alarm.

21 Section 3. Section 2-113, Code of ordinances, is amended to read:

22 Section 2-113. Special masters-Jurisdiction.

23 * * *

24 (1) Alleged violations of the following provisions of the code of ordinances shall be
25 within the jurisdiction of the special master:

26 * * *

1 (d) Chapter 9, Article II, police alarms and fire alarms:

2 [Note: The remaining subsections are re-lettered]

3 * * *

4 Section 4. If any section, subsection, clause or provision of this ordinance is held
5 invalid, the remainder shall not be affected by such invalidity.

6 Section 5. All ordinances and resolutions or parts of ordinances and resolutions and
7 all sections and parts of sections in conflict herewith shall be and hereby are repealed.

8 Section 6. Codification of this ordinance in the city code of ordinances is hereby
9 authorized and directed.


10 Section 7. This ordinance shall take effect on January 1, 2009.

11
12 PASSED AND ADOPTED by the city council of the city of Boca Raton this 9th day
13 of December, 2008.

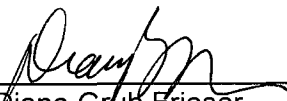
14 CITY OF BOCA RATON, FLORIDA

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16
17 ATTEST:

18 
19 Susan Whelchel, Mayor

20 
21 Sharma-Hagerty, City Clerk

22 Approved as to form:

23
24 
25 Diana Grub Frieser
26 City Attorney

COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SUSAN WHELCHER	✓		
DEPUTY MAYOR PETER R. BARONOFF	<i>Resigned 11/30/08</i>		
COUNCIL MEMBER M. J. MIKE ARTS	✓		
COUNCIL MEMBER BILL HAGER	✓		
COUNCIL MEMBER SUSAN HAYNIE	✓		

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