

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: July 22, 2008

[] Consent [X] Regular
[] Ordinance [] Public Hearing

Department:

Submitted By: Public Safety

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: Approve on preliminary reading and advertise for public hearing on August 19, 2008 at 9:30 am: An ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE PALM BEACH COUNTY CODE, ARTICLE III, (ORDINANCE NO. 2002-13), PERTAINING TO ALARMS; PROVIDING FOR SHORT TITLE; PROVIDING FOR PURPOSE; AMENDING SECTION 3, DEFINITIONS; AMENDING SECTION 4, PROVIDING FOR ALARM PERMITS REQUIRED; APPLICATION FEE, RENEWAL AND DURATION; AMENDING SECTION 5, PROVIDING FOR ALARM PERMIT APPLICATIONS; PROVIDING EMERGENCY NOTIFICATION AND REPORTING SERVICE ; AMENDING SECTION 6, PROVIDING FOR TECHNICAL REQUIREMENTS OF ALARM SYSTEMS; AMENDING SECTION 7, PROVIDING FOR RESPONSE TO ALARM, DETERMINATION OF FALSE ALARMS, ALARM VERIFICATION; AMENDING SECTION 8, PROVIDING A PROCEDURE TO APPEAL FALSE ALARM DETERMINATION AND PROVIDING FOR A FALSE ALARM APPEALS BOARD; AMENDING SECTION 9, PROVIDING FOR FINES FOR FALSE ALARMS; PROVIDING FOR MAINTENANCE OF RECORDS; PROVIDING THAT AUTOMATIC TELEPHONE DIALING SYSTEMS ARE PROHIBITED AND NO RESPONSE FOR MOBILE ALARM SYSTEMS; PROVIDING FOR APPLICABILITY OF ORDINANCE; PROVIDING FOR LIMITATION OF LIABILITY; AMENDING SECTION 14, PROVIDING FOR PROHIBITIONS AND PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

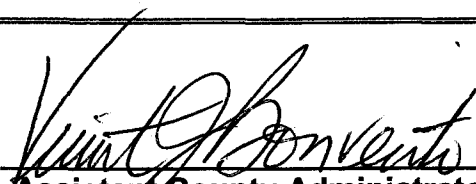
Summary: This amendment to the existing burglar alarm ordinance is intended to enhance the current ordinance by eliminating the current Special Master appeal process and establishing a three member False Alarm Appeals Board which will be knowledgeable of the alarm industry standards and be beneficial to the burglar alarm user. All members of this Board will be volunteers and will not receive any compensation. The amendment also increases the new application fee from \$18 to \$25 and the renewal application fees from \$5 to \$25. The proposed increases will help offset the cost associated with processing these applications. The current estimated cost for the Sheriff's Office to process a new application and review a renewal application is approximately \$22.50 per application. The Sheriff's Office has worked closely with the Alarm Industry and they support the proposed changes. Currently, the Sheriff's Office processes approximately 1,500 new applications and issues approximately 89,000 renewal applications annually. A survey, attachment 2, indicates (based on those who responded to our survey request) what several jurisdictions charge to process new and renewal applications. Countywide (DW)

Background and Justification: (Continued on Page 3)

Attachments:

1. Ordinance
2. Summary of Changes & Survey of Jurisdictions

Recommended Approved By:


Assistant County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures					
Operating Costs					
External Revenues	(2,010,500)	(2,040,500)	(2,070,500)	(2,100,500)	(2,130,500)
Program Income					
In-Kind Match					
Net Fiscal Impact	<u>(2,010,500)</u>	<u>(2,040,500)</u>	<u>(2,070,500)</u>	<u>(2,100,500)</u>	<u>(2,130,500)</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

Is Item Included In Current Budget? Yes ☐ No ☒

Budget Account No.: Fund ☐ Department ☐ Unit ☐ Object ☐ Program ☐
Fund ☐ Department ☐ Unit ☐ Source ☐ Program ☐

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The proposed rates are \$25 for renewals and new permits or an increase of \$20 for renewals and \$7 for new permits. Furthermore, the Sheriff's Office is projecting an increase of \$200,000 annually in citations from the implementation of this ordinance. Details are as follows:

	2008	2009	2010	2011	2012
Permits					
Renewals	90,000	91,500	93,000	94,500	96,000
New Permits	1,500	1,500	1,500	1,500	1,500
Revenues					
Renewals	\$1,800,000	\$1,830,000	\$1,860,000	\$1,890,000	\$1,920,000
New Permits	10,500	10,500	10,500	10,500	10,500
Permit Fees	1,810,500	1,840,500	1,870,500	1,900,500	1,930,500
Citations	200,000	200,000	200,000	200,000	200,000
Total Revenues	<u>\$2,010,500</u>	<u>\$2,040,500</u>	<u>\$2,070,500</u>	<u>\$2,100,500</u>	<u>\$2,130,500</u>

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

atwillhite 7-15-08 7/11/08 OFMB 7/15/08 Contract Administration 7/15/08

B. Legal Sufficiency:

7-16-08
Assistant County Attorney

C. Other Department Review:

MA
Department Director

This summary is not to be used as a basis for payment.

Background and Justification:

This ordinance was originally adopted in 1988 in response to the amount of false alarms in the unincorporated areas of Palm Beach County that the Sheriff's Office was responding to which resulted in their office incurring a significant increase in operational cost. The ordinance was amended in 2002 in an effort to further fine tune the ordinance by reducing the amount of fines to the alarm user while raising the penalties on the part of the alarm companies. The current proposed changes increase the renewal and new application fees and also abolishes the special master and replaces it with a three member appeals board.

ORDINANCE NO. 2008 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE PALM BEACH COUNTY CODE, ARTICLE III, (ORDINANCE NO. 2002-13), PERTAINING TO ALARMS; PROVIDING FOR SHORT TITLE; PROVIDING FOR PURPOSE; AMENDING SECTION 3, DEFINITIONS; AMENDING SECTION 4, PROVIDING FOR ALARM PERMITS REQUIRED; APPLICATION FEE, RENEWAL AND DURATION; AMENDING SECTION 5, PROVIDING FOR ALARM PERMIT APPLICATIONS; PROVIDING EMERGENCY NOTIFICATION AND REPORTING SERVICE ; AMENDING SECTION 6, PROVIDING FOR TECHNICAL REQUIREMENTS OF ALARM SYSTEMS; AMENDING SECTION 7, PROVIDING FOR RESPONSE TO ALARM, DETERMINATION OF FALSE ALARMS, ALARM VERIFICATION; AMENDING SECTION 8, PROVIDING A PROCEDURE TO APPEAL FALSE ALARM DETERMINATIONS AND PROVIDING FOR A FALSE ALARM APPEALS BOARD; AMENDING SECTION 9, PROVIDING FOR FINES FOR FALSE ALARMS; PROVIDING FOR MAINTENANCE OF RECORDS; PROVIDING THAT AUTOMATIC TELEPHONE DIALING SYSTEMS ARE PROHIBITED AND NO RESPONSE FOR MOBILE ALARM SYSTEMS; PROVIDING FOR APPLICABILITY OF ORDINANCE; PROVIDING FOR LIMITATION OF LIABILITY; AMENDING SECTION 14, PROVIDING FOR PROHIBITIONS AND PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is hereby found and determined that excessive false alarms constitute a public nuisance and that the response of the Palm Beach County Sheriff's Office results in wasted resources; and

WHEREAS, since 1980 the Sheriff of Palm Beach County has indicated that by negligence, improper use, malfunction or poor design, the

1 increased use of burglar alarms in the unincorporated areas of Palm Beach
2 County has resulted in an escalating number of "false alarms" to which the
3 Sheriff's Office must respond in force; and

4 **WHEREAS**, the Sheriff's Office has indicated that the vast majority
5 of alarms are caused by improper use of, defects in, improper installation of,
6 or maintenance of alarm systems, rather than by criminal activity; and

7 **WHEREAS**, the Sheriff's Office has determined that current
8 information regarding the resident or business owner and his or her
9 representative is vital to the safety of the deputies responding to alarms; and

10 **WHEREAS**, the Sheriff's Office's experience indicates that a
11 majority of alarm users do not update this vital information without an
12 annual permit renewal process; and

13 **WHEREAS**, based on the cost to process permits and renewal
14 permits, there is a need to increase the renewal fee; and

15 **WHEREAS**, having a False Alarm Appeals Board with knowledge of
16 the workings of alarm systems will be more beneficial to the alarm user.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF**
18 **COUNTY COMMISSIONERS OF PALM BEACH COUNTY,**
19 **FLORIDA, that:**

20 **SECTION 1. Short Title.**

21 This Ordinance may be cited as "The Alarm Ordinance."

22 **SECTION 2. Purpose.**

23 In concert with the Palm Beach County Sheriff's Office commitment to
24 problem solving policing, the purpose of this Ordinance is to prevent false alarm
25 activations that require the Sheriff's Office to respond. Deputies responding to

1 false alarms are more wisely utilized preventing crime and solving neighborhood
2 crime problems. This Ordinance is a cooperative effort among the Palm Beach
3 County Board of County Commissioners, the Alarm Association of Florida and the
4 Palm Beach County Sheriff's Office to prevent false alarm activations in the most
5 effective manner.

6 **SECTION 3. Definitions.**

7 The following words when used in this Ordinance shall have the meanings
8 attributed to them by this section:

9 **A. Alarm Administrator** means the person designated by the Sheriff to
10 administer, issue and review alarm applications, permits and alarm dispatch
11 requests.

12 **B. Alarm Company** means any individual, partnership, corporation or
13 other entity engaged in or causing the selling, leasing, maintaining, servicing,
14 repairing, altering, replacing, moving, installing or monitoring any Alarm System.

15 **C. Alarm Monitoring Company** means any individual, partnership,
16 corporation or other entity engaged in or causing the monitoring of any digital,
17 cellular, long range radio or any other alarm monitoring system which is designed
18 to detect intrusion and whose duty it is to notify any law enforcement agency by
19 any means.

20 **D. Alarm Permit** means a permit issued by the Sheriff allowing the
21 operation of an Alarm System within the unincorporated areas of the County and
22 any area where the Palm Beach County Sheriff's Office responds to burglary,
23 robbery, panic; and duress or holdup alarms as the primary law enforcement
24 agency pursuant to an agreement between a municipality and the Sheriff. Alarm
25 Permits are not transferable from one person to another or one business to another.

1 Alarm Permits may be transferable if the Alarm User moves from one location to
2 another location within the unincorporated area of Palm Beach County. Alarm
3 Permit fees and alarm renewal fees are nonrefundable.

4 **E. Alarm Re-Training** means personal individual training of the Alarm
5 User in the proper use of the Alarm System. The retraining shall include;
6 activation, deactivation, panic/hold up alarms, procedure to cancel false alarm
7 dispatches, basic alarm maintenance, false alarm avoidance, key holder
8 responsibilities and other responsibilities of the Alarm User under this Ordinance.

9 **F. Alarm Site** shall mean any building, structure, facility or premises, or
10 portion thereof, wherein an Alarm System is maintained.

11 **G. Alarm System** means any assembly of equipment, mechanical or
12 electrical, arranged to signal the occurrence of an illegal entry or other activity, but
13 does not include mobile alarms or fire alarms.

14 **H. Alarm User** means the person, firm, partnership, association,
15 corporation, company or organization of any kind in control of any building,
16 structure, facility or premises, or portion thereof, containing an Alarm System.

17 **I. Alarm User's School** means a class provided by the Palm Beach
18 County Sheriff's Office or an agency authorized to perform such training by the
19 Sheriff's Office.

20 **J. Automatic Telephone Dialing Alarm System ("ATDAS")** means
21 the automatic dialing device or an automatic telephone dialing Alarm System and
22 shall include any system which, upon being activated, automatically transmits by
23 telephone or telephone line to the Sheriff's Office or Sheriff's dispatcher a
24 recorded message or code signal indicating a need for emergency response.

25 **K. False Alarm** means an alarm dispatch request where the responding

1 deputy finds no evidence of a criminal offense or attempted criminal offense after
2 completing an investigation of the alarm site. False Alarms include alarms caused
3 by user error and/or technical or mechanical failure. Excluded are alarms caused
4 by tornado, hurricane, fire, and telephone line trouble outside the alarm premises
5 and dispatches that are properly canceled by the Alarm Company or Alarm
6 Monitoring Company before the Sheriff's Office arrives at the scene.

7 **L. Nuisance Alarm** means a repeated Alarm System activation in which
8 a sensor responds to a stimulus, but the stimulus is not a verifiable criminal
9 activity and repeatedly wastes Sheriff's Office resources. This includes unlocked
10 or unsecured doors and windows, public access to alarmed areas, open fields or
11 other areas where persons may travel.

12 **M. Private Security Alarm System ("PSAS")** means a gated
13 community with 24 hours a day, 7 days a week private security. The alarm
14 activation shall not cause an audible sound outside the business. **Both** ~~The~~
15 private security company **and the outside monitoring company** shall monitor the
16 alarm **signal** ~~systems~~ for the community and provide first response to the Alarm
17 Site to determine the validity of the activation. The Sheriff's Office shall not be
18 notified of the alarm activation and is not required or expected to respond to the
19 Alarm Site unless the security representative first finds evidence of criminal
20 activity or an unlocked or open door or window. PSAS does not include
21 contracted Sheriff's Office Deputies. The private security company must be
22 properly licensed and meet all of the requirements of Palm Beach County
23 Ordinances and Florida State Statutes and must produce such documentation to the
24 Sheriff's Office Alarm Unit upon request. Failure by the community or the private
25 security company to maintain any of the requirements of this section shall result in

1 disqualification as a PSAS community and subject the Alarm Users in that
2 community to all of the provisions of this Ordinance.

3 ~~N. — Special Master means that person appointed by the Sheriff to act as~~
4 ~~an impartial arbitrator at hearings related to the enforcement of this Ordinance.~~

5 **N.O. Transfer** means every mode, direct or indirect, absolute or
6 conditional, voluntary or involuntary, of disposing of or parting with an asset or an
7 interest in an asset, and includes payment of money, release, lease, and creation of
8 a lien or other encumbrance.

9 **SECTION 4. Alarm Permits Required; Application Fee, Renewal,**
10 **Duration.**

11 (a) It shall be a violation of this Ordinance to operate an Alarm System
12 without a valid Alarm Permit unless specifically exempted under Section 3L M of
13 this Ordinance. Violation of this section shall be subject to a civil penalty of two
14 hundred fifty (\$250.00) dollars. plus court costs.

15 (b) Alarm Systems on publicly owned properties will be required to
16 register with the Sheriff's Office and will be subject to all regulations and
17 requirements of this Ordinance, except application fees. Failure to register shall
18 result in a No-Response status.

19 (c) All Alarm Users shall obtain an Alarm Permit within thirty (30) days
20 of the effective date of this Ordinance. Alarm Permits shall be acquired from the
21 Sheriff's Office upon submission of a permit application fee of ~~eighteen dollars~~
22 ~~(\$18.00)~~ twenty-five (\$25.00) dollars. An Alarm User that has paid the applicable
23 permit fee prior to enactment of this Ordinance shall be governed by Section 4(e)
24 herein. Alarm Users in communities that meet all of the requirements of Section
25 3L M of ~~the Alarm~~ this Ordinance are exempt from this section.

1 (d) Applicants for Alarm Permits shall obtain all other applicable
2 permits, including building permits, prior to submitting an application for an
3 Alarm Permit.

4 (e) All Alarm Permits will expire one (1) year from the date of issuance.
5 Renewal permits will be issued after completion of a renewal form and the
6 payment of a renewal fee of ~~five (\$5.00)~~ twenty-five (\$25.00) dollars per year.
7 This fee is to offset the cost of monitoring current registration for effective
8 Sheriff's Office response to the alarm site. Failure to make payment within thirty
9 (30) days from date of receipt of notification by the Sheriff's Office shall result in
10 a discontinuance of Sheriff's Office response to alarms that may occur at the
11 premises described in the Alarm User's permit until payment is received.

12 (f) If a business or residence has one (1) or more Alarm Systems
13 protecting two (2) or more separate structures having different addresses, a
14 separate Alarm Permit will be required for each structure. Violation of this section
15 shall result in a civil penalty of two hundred fifty dollars (\$250.00) plus court
16 costs per incident.

17 (g) If the owner or property manager of an apartment complex provides
18 Alarm Systems in each residential unit as an amenity, then the apartment complex
19 shall obtain an Alarm Permit for each apartment. All units, whether occupied or
20 not, shall be required to have an Alarm Permit. Each apartment shall be
21 considered as a separate Alarm User.

22 (h) An apartment complex shall obtain a separate Alarm Permit for any
23 Alarm System operating in a non-residential area of the apartment complex
24 including, but not limited to, common tenant areas, office, storage and equipment
25 areas.

(i) All Alarm Companies, that install, monitor, repair, or activate an Alarm System in the unincorporated area of Palm Beach County must be licensed according to Chapter 489, Florida Statutes, have the appropriate occupational licenses and instruct the user on the proper use of the system. It shall be the responsibility of the Alarm Company to provide necessary re-training to the Alarm User as defined in Section 3E. Alarm Companies shall also inform the Alarm User or person requesting such work of the requirements of this Ordinance, and provide them a copy. Literature will be made available on the Palm Beach County Sheriff's Office website (www.pbso.org). Violation of this section shall result in a civil penalty of five hundred dollars (\$500.00) plus court costs to the Alarm Company for each occurrence.

Section 5. Alarm Permit Applications; Emergency Notification; Reporting Service.

(a) All applications submitted for an Alarm Permit to the Sheriff's Office shall state the name, address and telephone number of the property to be serviced by the alarm, and the name, address and telephone number of the Alarm User's residence. If serviced by an Alarm Company, then the Alarm User shall also include the name, address, telephone number and State license number of that company. It is the responsibility of any Alarm ~~Company~~ User that activates a new or existing alarm system to forward an Alarm Permit application to the Sheriff's Office. The Alarm ~~Company~~ User must submit an Alarm Permit application and a check ~~from the Alarm User~~ made payable to the Palm Beach County Sheriff's Office for the amount of ~~eighteen~~ twenty-five dollars (~~\$18.00~~) (\$25.00). The application and check must be mailed or delivered in person to the Sheriff's Office within 24 hours following activation or reactivation. The Alarm Company is

1 prohibited from charging any additional fee to the Alarm User for performing this
2 service. Violation of this requirement shall result in a civil penalty of two hundred
3 fifty dollars (\$250.00) plus court costs to the Alarm ~~Company~~ User. The renewal
4 fee and false alarm fine notices will be sent directly to the Alarm User. The
5 Sheriff's Office shall not respond to an unpermitted Alarm System activation. It is
6 the responsibility of the Alarm User to provide the Alarm Permit number to the
7 Alarm Monitoring Company. Alarm Companies and Alarm Users shall be
8 permitted to use online application and payment services when made available by
9 the Sheriff's Office.

10 (b) Emergency Notification. Each Alarm Permit application shall list an
11 emergency telephone number of the user and one representative (key holder) to
12 permit prompt notification of emergencies. All users of an Alarm System must
13 have one representative (key holder), other than him or herself, available to
14 respond to an alarm activation to open the premises and have the capacity to
15 deactivate the system. The representatives must respond upon request by the
16 Sheriff's Office or Alarm Company to deactivate the system. Failure to do so shall
17 result in the assessment of a civil penalty of one hundred twenty five dollars
18 (\$125.00) plus court costs per incident to the Alarm User. Changes in emergency
19 telephone numbers shall be kept current by the Alarm User, the Alarm Company
20 and the Alarm Monitoring Company and failure of either to provide current
21 information to the Sheriff's Office shall result in a civil penalty of forty dollars
22 (\$40.00) and shall constitute grounds for revocation of the Alarm Permit. All
23 Alarm Companies and Alarm Monitoring Companies must notify the Sheriff's
24 Office in writing of cancellation of monitoring service or change of information
25 concerning the Alarm Users. Alarm Companies and/or Alarm Monitoring

1 Companies shall not be held responsible for violation of this section if they have
2 not been notified by the Alarm User. It is the responsibility of the Alarm User to
3 notify the Alarm Company and/or Alarm Monitoring Company whenever a key
4 holder is temporarily unavailable. If a key holder is temporarily unavailable for
5 whatever reason and fails or neglects to notify the Alarm User, neither the Alarm
6 User, the Alarm Company or the Alarm Monitoring Company shall be fined or
7 penalized pursuant to Section 5(b) of the Alarm Ordinance.

8 (c) Reporting service information. Each Alarm Monitoring Company or
9 nonmonitored Alarm User shall immediately notify the Sheriff's Office in writing
10 of any and all changes in the information on file with the Sheriff regarding each
11 Alarm User. Failure to do so shall constitute grounds for revocation of the permit.

12 (d) Information relating to security systems contained in permit
13 applications is exempt from public disclosure according to Florida Statutes,
14 281.301, as may be amended from time to time.

15 **SECTION 6. Technical Requirements of Alarm Systems.**

16 (a) All Alarm Systems shall have a backup power supply that will
17 become operative in the event of power failure or outage. The backup power
18 supply shall have a minimum capacity of three (3) hours. The Alarm Company
19 will be required to produce documentation indicating that battery calculations
20 were performed in order to comply with the standby requirement. Switching to
21 backup power or restoring to electrical power from backup power shall not cause
22 an alarm condition. Violation of this section shall result in a civil penalty of one
23 hundred twenty five dollars (\$125.00) plus court costs per incident to the Alarm
24 User.

25 (b) All control panels installed after January 2003 must meet the

1 requirements of Security Industry Association ("SIA") equipment related group
2 CP-01 (or an equivalent) and must maintain defaults; minimum 30 second entry
3 delay; minimum 30 second abort delay; minimum 45 second exit delay with auto
4 restart. Commercial systems requiring UL certification shall be exempt from these
5 delay requirements. Violation of this Section 6(b) shall result in the Alarm System
6 being placed on No Response status.

7 (c) All motion detectors installed after January 1, 2007 shall meet the
8 requirements of Security Industry Association ("SIA") equipment standard MD-01
9 (or an equivalent).

10 (d) All glass break detectors (and related equipment) installed after
11 January 1, 2007 shall meet the requirements of Security Industry Association
12 ("SIA") equipment standard GB-01 (or an equivalent).

13 (e) Alarm Companies shall not program Alarm Systems with One Plus
14 Duress capabilities. Alarm Companies may continue to report One Plus Duress
15 alarms received from Alarm Systems programmed with this feature prior to 2000.
16 Violation of this section shall result in a civil penalty to the Alarm Company of
17 five hundred dollars (\$500.00) plus court costs for each occurrence.

18 (f) When performing any upgrade or modification to an Alarm System,
19 an Alarm Company must remove the One Plus Duress capability from the Alarm
20 System.

21 (g) Alarm Companies shall not install devices for activation of hold up or
22 panic alarms as a single action, non-recessed button.

23 (h) All alarm dispatch requests caused by a verifiable or attempted
24 criminal offense shall not be considered a False Alarm. The criminal activity must
25 be determined by the responding Deputy Sheriff or documented within five

1 business days of the activation and must be accompanied by a police report.

2 (i) The Alarm Administrator or Sheriff's Office supervisor may cancel,
3 without notice, any alarm dispatch caused by power or weather related causes,
4 determined to be a nuisance, or emergencies based upon priority. Alarm
5 dispatches canceled under this section shall not be considered False Alarms.

6 (j) The Sheriff's Office will not respond to an alarm activation at the
7 same premises within an eight (8) hour period unless a key holder is available to
8 respond. It is the duty of the Alarm Monitoring Company to contact the key
9 holder before requesting a second response from the Sheriff's Office within an
10 eight (8) hour period. If a key holder cannot be contacted to respond to the alarm
11 site, the Sheriff's Office will not respond. Alarm Monitoring Companies shall
12 contact a key holder in advance and determine that the key holder is available to
13 respond.

14 (k) Violation of this section shall result in a civil penalty of five hundred
15 dollars (\$500.00) plus court costs to the Alarm Monitoring Company for each
16 occurrence.

17 **SECTION 7. Response to Alarm; Determination of False Alarms,**
18 **Alarm Verification.**

19 (a) Whenever an alarm is activated and the Sheriff's Office responds, a
20 deputy sheriff on the scene of the activated Alarm System shall inspect the area
21 protected by the system and shall determine whether the activated alarm was a
22 verifiable emergency or whether it was a False Alarm.

23 (b) The deputy shall make a report of any False Alarms and send a
24 notification by mail or hand delivery to the address shown on the Alarm Permit
25 advising the Alarm User of the False Alarm.

1 (c) An Alarm Monitoring Company performing monitoring services and
2 nonmonitored Alarm Users shall provide the ~~county~~ Sheriff's Office with the valid
3 Alarm Permit number of the activation. The Sheriff's Office will not dispatch a
4 response to a call indicating an alarm activation from an Alarm Monitoring
5 Company without an Alarm Permit number, the name and address of the alarm
6 activation, and the zone(s). The Alarm Company shall report the specific location,
7 i.e.: front door, west window, etc. to the Sheriff's Office. The Alarm Monitoring
8 Company will call the alarm site and attempt to verify every alarm activation
9 before requesting a Sheriff response with the exception of robbery, panic, duress
10 or hold up alarms.

11 (d) Alarm Companies and Alarm Monitoring Companies shall employ
12 Enhanced Call Verification methods as specified in Florida Statutes 489.529 and
13 any related rule in Florida Administrative Code 61G6 as either may be amended
14 from time to time.

15 (e) Failure to verify alarm activations in accordance with Section 7(d) of
16 this Ordinance before requesting a dispatch or requesting a dispatch without a
17 valid permit number shall result in the assessment of a civil penalty of five
18 hundred dollars (\$500.00) plus court costs for each occurrence.

19 (f) All Alarm Monitoring Companies shall verify cancellations of alarm
20 dispatch requests to the Sheriff's Office in a manner and form determined by the
21 Alarm Administrator. The procedure shall require Alarm Monitoring Companies
22 to telephone the Sheriff's Office on a non-emergency telephone line to indicate
23 the alarm was false and to cancel all police response.

24 (g) The Palm Beach County Sheriff's Office will provide normal response
25 to all 911 calls and all robbery/panic duress or hold up alarms which require an

1 intentional act by a person on the premises to activate the alarm even if the Alarm
2 User is on No Response status. Activations of this type of alarms which is
3 determined to be false by the Sheriff's Office will result in fines in accordance
4 with Section ~~10~~ 9.

5 (h) The Sheriff or his designee shall have the right to inspect any Alarm
6 System which might require a Sheriff's response at any reasonable time to
7 determine whether it is in conformity with the terms of this Ordinance.

8 (i) No fine shall be imposed upon the Alarm User if the Alarm User can
9 prove by the greater weight of evidence that the Alarm Company failed to attempt
10 to notify the Alarm User before notice to the Sheriff's Office. This section shall
11 only apply to burglar alarms. All robbery, panic, duress and holdup alarms are
12 excluded from this section.

13 **SECTION 8. Procedure to Appeal False Alarm Determination.**

14 (a) Upon receipt of any False Alarm notifications, the Alarm User shall
15 have ten (10) days to appeal said notification ~~request~~, in writing, ~~a hearing to be~~
16 ~~heard~~ at 3228 Gun Club Road, West Palm Beach, Florida 33406, before a ~~Special~~
17 ~~Master(s)~~ False Alarm Appeals Board setting forth the reasons for the appeal. The
18 ~~Special Master Appeals Board shall conduct a hearing and consider all evidence~~
19 ~~from the Alarm Company or Alarm User within ten (10) days and make a decision~~
20 ~~based upon a preponderance of evidence presented at the hearing. The Alarm~~
21 ~~User shall have the burden of proof. The Special Master Appeals Board may not~~
22 ~~compromise or overturn cases concerning faulty or malfunctioning equipment,~~
23 ~~false alarms caused by electrical surges, or alarms caused by the fault of another~~
24 ~~person during non-criminal incidents. The Special Master~~ False Alarm Appeals
25 Board shall hear cases involving special circumstances which are beyond the

1 control of the Alarm User or the Alarm Company.

2 (b) All hearings shall be scheduled and concluded within fifteen (15)
3 days from the date the request is received.

4 (c) If appealed, a False Alarm determination shall be ~~abated~~ stayed until
5 a determination is made by the ~~Special Master~~ False Alarm Appeals Board.

6 (d) The False Alarm Appeals Board shall be comprised of an attorney
7 licensed to practice in the State of Florida, selected by the Sheriff's General
8 Counsel, an active licensed Alarm Company representative, a current member of
9 the Sheriff's Office's Alarm Unit, as well as an alternate member who shall serve
10 only when a member of the False Alarm Appeals Board has direct experience with
11 the specific false alarm which is the subject of the appeal. The Sheriff or his
12 designee shall appoint all members to the False Alarm Appeals Board.

13 (e) Rules of Procedure. The False Alarm Appeals Board shall conduct a
14 hearing and consider all evidence from the Alarm Company, Alarm User and/or
15 Sheriff's Office within ten (10) days and make a decision based upon a
16 preponderance of evidence presented at the hearing. The Alarm User shall have
17 the burden of proof. The False Alarm Appeals Board may not compromise or
18 overturn cases concerning faulty or malfunctioning equipment, false alarms caused
19 by electrical surges, or alarms caused by the fault of another person during non-
20 criminal incidents. The False Alarm Appeals Board shall hear cases involving
21 circumstances which are beyond the control of the Alarm User or the Alarm
22 Company. The False Alarm Appeals Board shall send notice of its majority
23 decision to the Alarm User within five (5) business days of the hearing. The
24 decision of the False Alarm Appeals Board constitutes final administrative action.

25 (f) Meetings.

- 1 1. Location. The location of the hearings shall be in Palm Beach
2 County, Florida.
- 3 2. Operating procedures. All cases brought before the False
4 Alarm Appeals Board shall be presented by either the Alarm
5 Enforcement Division or an attorney representing the Division.
- 6 3. Meetings open to the public. All meetings and public hearings
7 shall be open to the public.

8 (g) Compensation. False Alarm Appeals Board members shall serve
9 without compensation for their services and shall not by virtue of their service on
10 the False Alarm Appeals Board, be considered County or Sheriff employees.

11 (d)(h) The Sheriff may also request the initiation of the Code Enforcement
12 procedures pursuant to Ordinance No. 90-45, as amended.

13 **SECTION 9. Special Master(s).**

14 ~~—— (a) — A Special Master(s) shall be appointed by the Sheriff to hear appeals~~
15 ~~from Alarm Users on the issue of whether the Alarm System activated a False~~
16 ~~Alarm, as determined by the deputy sheriff at the scene of the activated alarm.~~

17 ~~—— (b) — Special Master(s) Creation and appointment. Hearings held pursuant~~
18 ~~to this Ordinance shall be conducted by designated Special Masters. Applications~~
19 ~~for Special Master positions shall be directed to the Alarm Administrator pursuant~~
20 ~~to a notice published in a newspaper of general circulation. The Sheriff shall~~
21 ~~select a pool of candidates from the applications filed with the Alarm~~
22 ~~Administrator on the basis of experience and qualifications. The Alarm~~
23 ~~Administrator shall appoint Special Masters to conduct hearings from the pool of~~
24 ~~candidates selected by the Sheriff as necessary.~~

25 (e) — ~~Qualifications. Special Master(s) shall have the following minimum~~

1 qualifications:

2 1. ~~be a graduate of a law school accredited by the American Bar~~
3 ~~Association;~~

4 2. ~~demonstrate knowledge of administrative laws and local~~
5 ~~government regulation and procedures;~~

6 3. ~~be a current member, in good standing, of the Florida Bar~~
7 ~~Association; and~~

8 4. ~~other such qualifications that may be established by the Sheriff.~~

9 ~~—— In the event the Alarm Administrator does not receive a sufficient number~~
10 ~~of applications from qualified members of the Florida Bar, the Sheriff may select~~
11 ~~attorneys who are not members of the Florida Bar as candidates for Special~~
12 ~~Master. Among those attorneys who are not members of the Florida Bar, the~~
13 ~~Sheriff and Alarm Administrator shall give preference to those attorneys who have~~
14 ~~prior experience in a judiciary capacity, or as a hearing officer, mediator or Special~~
15 ~~Master. No attorney, who has been disciplined by the Florida Bar Association or a~~
16 ~~Bar Association of any other jurisdiction, shall be appointed as a Special Master.~~

17 ~~—— (d) Rules of Procedure. The Sheriff shall have the authority to prescribe~~
18 ~~rules of procedure for the conduct of hearings before the Special Masters.~~

19 ~~—— (e) Term. Special Masters shall serve a term of one (1) year from the~~
20 ~~date of appointment by the Alarm Administrator. Special Masters may be~~
21 ~~reappointed at the discretion of the Alarm Administrator. There shall be no limit~~
22 ~~on the number of terms a person may serve as a Special Master.~~

23 ~~—— (f) Removal. At any time during the appointment, the Alarm~~
24 ~~Administrator shall have the authority to remove a Special Master with or without~~
25 ~~cause upon ten (10) days written notice.~~

1 ~~—— (g) Vacancy. If any Special Master resigns or is removed prior to~~
2 ~~expiration of his or her term or the Alarm Administrator determines that the~~
3 ~~Special Master should not be reappointed, the Alarm Administrator shall appoint a~~
4 ~~Special Master from the pool of candidates previously selected by the Sheriff to~~
5 ~~fill the vacancy within thirty (30) days.~~

6 ~~—— (h) Conflicts of Interest. Special Masters shall not be considered outside~~
7 ~~or special counsel of the Sheriff's Office.~~

8 ~~—— (i) Meetings.~~

9 1. ~~Location. The location of the meetings shall be in Palm Beach~~
10 ~~County, Florida.~~

11 2. ~~Operating procedures. All cases brought before Special~~
12 ~~Masters shall be presented by either the Alarm Enforcement~~
13 ~~Division or an attorney representing the Division.~~

14 3. ~~Meetings open to the public. All meetings and public hearings~~
15 ~~shall be open to the public.~~

16 ~~—— (j) Compensation. Special Masters shall serve without compensation for~~
17 ~~their services and shall not be considered County or Sheriff employees. Only~~
18 ~~expenses approved in advance by the Sheriff's Office shall be reimbursable and~~
19 ~~must be documented to fulfill the responsibilities as a Special Master.~~

20 **SECTION 9. Fines for False Alarms.**

21 (a) False Alarms within a permit year for the same Alarm Permit shall be
22 subject to the following fines:

23 (1) The first and second False Alarms shall not be assessed a fine.

24 (2) The third and fourth false alarms shall each be assessed a fifty
25 (\$50.00) dollar fine.

1 (3) A The fifth false alarm shall be assessed a seventy five
2 (\$75.00) dollar fine.

3 (4) The sixth through ninth false alarms shall each be assessed a
4 one hundred dollar (\$100.00) fine.

5 (5) The tenth and all subsequent false alarms shall each be
6 assessed a five hundred dollars (\$500.00) fine.

7 (b) Failure to make payment within thirty (30) days from date of receipt
8 of notification of any fines under this Ordinance shall result in a limited response
9 to alarm activations by the Sheriff's Office. The Sheriff's Office shall not respond
10 to burglar alarms at the alarm site until payment of all delinquent fines and/or civil
11 penalties are received. The Sheriff's Office will continue to respond to robbery,
12 panic, duress or hold up alarms, 911 telephone calls and other emergency or non-
13 emergency requests for service.

14 (c) Any person operating a non-permitted Alarm System (revoked,
15 suspended, or never permitted) will be subject to a two hundred fifty dollar
16 (\$250.00) civil penalty plus court costs for each False Alarm dispatch.

17 **SECTION 10. Maintenance of Records.**

18 All Alarm Companies must maintain for a period of one year, all
19 monitoring, service, and installation records. This information must be provided
20 to the Sheriff's Office, upon request, within the following time frames: records up
21 to 180 days old must be provided within 5 calendar days and records over 180
22 days old must be provided within 10 calendar days. Current information must be
23 maintained regarding the premises monitored, the Alarm User, and the key holder.
24 Violation of this section shall result in a civil penalty of five hundred dollars
25 (\$500.00) plus court costs per incident.

1 **SECTION 11. Automatic Telephone Dialing Alarm Systems**

2 **Prohibited, No Response for Mobile Alarm Systems.**

3 (a) It shall be a violation of this Ordinance for any person, natural or
4 corporate, to sell, offer for sale, install, maintain, lease, operate or assist in the
5 operation of an Automatic Telephone Dialing Alarm System. Violation of this
6 section shall result in a civil penalty of one hundred twenty five dollars (\$125.00)
7 plus court costs per incident to the Alarm User and/or Alarm Company.

8 (b) The Sheriff shall issue an order to discontinue use of all Automatic
9 Telephone Dialing Alarm Systems to the owner, operator, or lessee within
10 seventy-two (72) hours and shall put the system on a No Response status.

11 (c) All Automatic Telephone Dialing Systems installed prior to the
12 effective date of this Ordinance, shall be removed within thirty (30) days of the
13 date of the notice as set forth in subsection (b) hereof.

14 (d) Mobile Alarm Systems. The Sheriff shall not respond, and the Alarm
15 Company and/or Alarm Monitoring Company shall not request a response, to any
16 activation of a mobile, personal, or automotive security device or any other Alarm
17 System that is not fixed or installed in a permanent location. A request for a
18 dispatch for a Mobile Alarm System shall result in a civil penalty of two hundred
19 fifty dollars (\$250.00) plus court costs for each occurrence to the Alarm
20 Company.

21 **SECTION 12. Applicability.**

22 This Ordinance shall apply in the unincorporated area of Palm Beach
23 County and any area within Palm Beach County where the Palm Beach County
24 Sheriff's Office responds to burglar, robbery, panic, duress or hold up alarm
25 activations as the primary law enforcement agency, pursuant to an agreement

1 between a municipality and the Sheriff. Otherwise, this Ordinance shall not be
2 effective in municipalities.

3 **SECTION 13. Limitation of Liability.**

4 Neither the Sheriff's Office or the County shall be under any obligation or
5 duty to an Alarm User or to any other person hereunder by reason of this
6 Ordinance. The Sheriff specifically disclaims liability for any damages which may
7 be caused by failure to respond to an alarm.

8 **SECTION 14. Prohibitions and Penalties.**

9 In addition to the penalties referenced throughout this Ordinance, the
10 following shall apply:

11 (a) Any false statement made in an application for an Alarm Permit
12 hereunder or with respect to any process or procedure required under this
13 Ordinance shall result in a civil penalty of five hundred dollars (\$500.00) to the
14 maker of the false statement and revocation of the Alarm Permit.

15 (b) No Alarm User shall operate an Alarm System without a valid Alarm
16 Permit issued by the Palm Beach County Sheriff's Office unless specifically
17 exempted under Section 3~~L~~ M of this Ordinance. Violation of this section shall be
18 subject to a civil penalty of two hundred fifty dollars (\$250.00) plus court costs.

19 (c) No person shall manually operate an Alarm System for any reason
20 other than an occurrence of an event that the Alarm System was intended for.
21 Violation of this section shall result in a civil penalty to the Alarm User of one
22 hundred twenty-five dollars (\$125.00) plus court costs per incident.

23 (d) Alarm Monitoring Companies shall attempt to verify every alarm
24 signal, except a robbery, panic, duress or hold up alarm activation before
25 requesting the Palm Beach County Sheriff's Office to respond. Violation of this

1 section shall result in a civil penalty to the Alarm Monitoring Company of five
2 hundred dollars (\$500.00) plus court costs per incident.

3 (e) It is the responsibility of the Alarm Company and technician to
4 prevent false alarms during installation, system repairs, or system service by
5 switching the monitoring system to test mode. Violation of this section shall
6 result in a civil penalty of one hundred twenty-five dollars (\$125.00) plus court
7 costs per incident to the alarm technician or Alarm Company.

8 (f) The Department of Business and Professional Regulations will be
9 notified of violations of this Ordinance by any contractor, Alarm Company or
10 Alarm Monitoring Company.

11 (g) Alarm Users who have excessive alarm dispatches shall be required
12 to attend an Alarm User's School given by the Palm Beach County Sheriff's
13 Office. Attendance at such school shall be at the direction of the designee of the
14 Sheriff's Office. Excessive alarm dispatches shall mean more than five alarms per
15 month. Attendees may be given a credit for outstanding fines upon successful
16 completion of the Alarm User's School and only when repairs are made by a
17 licensed Alarm Company and a work order from the Alarm Company is submitted.
18 Alarm Users are only allowed to attend Alarm User's School once in a lifetime for
19 the purpose of removal of fines.

20 **SECTION 15. Repeal of Laws in Conflict.**

21 All local laws and ordinances in conflict with any provisions of this
22 Ordinance are hereby repealed to the extent of such conflict.

23 **SECTION 16. Severability.**

24 If any section, paragraph, sentence, clause, phrase, or word of this
25 Ordinance is for any reason held by the Court to be unconstitutional, inoperative,

1 or void, such holding shall not affect the remainder of this Ordinance.

2 **SECTION 17. Inclusion in the Code of Laws and Ordinances.**

3 The provisions of this Ordinance shall become and be made a part of the
4 Code of Laws and Ordinances of Palm Beach County, Florida. The sections of
5 this Ordinance may be renumbered or relettered to accomplish such, and the word
6 "ordinance" may be changed to "section", "article", or other appropriate word.

7 **SECTION 18. Effective Date.**

8 The provisions of this Ordinance shall become effective upon filing with the
9 Department of State.

10

11 **APPROVED and ADOPTED by the Board of County Commissioners of**
12 **Palm Beach County, Florida, on this the _____ day of**
13 **_____, 2008.**

14

15 **SHARON R. BOCK,**
16 **CLERK & COMPTROLLER**

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

17
18
19 By: _____
20 Deputy Clerk

By: _____
Addie L. Greene, Chairperson

21
22
23 **APPROVED AS TO FORM AND**
24 **LEGAL SUFFICIENCY**

25 
26 By: _____
27 Assistant County Attorney

28
29
30 **Filed with the Department of State on the ____ day of _____, 2008.**
31

32

33

34

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36

Pursuant to Board direction at the July 8th Budget Workshop, staff has compiled the cost comparison regarding staff's proposed burglar alarm fee increases and the BCC alternate fee increases suggested by the Board for new and renewal applicants.

BURGLAR ALARM FEE COMPARISONS							
	CURRENT FEE	STAFF PROPOSED INCREASE	BCC OPTION	ANNUAL NUMBER OF APPLICATIONS PROCESSED	REVENUE GENERATED FROM STAFF PROSOSAL	REVENUE GENERATED WITH BCC OPTION	DIFFERENCE IN REVENUE BEING GENERATED
New Applications	\$18.00	\$25.00	\$100.00	1,500	\$37,500	\$150,000	\$112,500
Renewal Applications	\$5.00	\$25.00	\$15.00	90,000	\$2,250,000	\$1,350,000	(\$900,000)
Total Revenue					\$2,287,500	\$1,500,000	(\$787,500)

SURVEY OF RENEWAL AND APPLICATION FEE FOR OTHER CITIES/COUNTIES	
City of West Palm Beach	\$25
Coral Springs	\$25
Charlotte County	\$25
Indian River County	\$30
Lee County	\$25
Martin County	\$25
Miami/Dade County	\$25
Boynton Beach	\$30

ATTACHMENT 2

It costs the PBSO approximately \$22.50 to process a renewal or new application.