

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	<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>
Program Income	_____	_____	_____	_____	_____
In-Kind Match	_____	_____	_____	_____	_____
Net Fiscal Impact	<u><u>(2,010,500)</u></u>	<u><u>(2,040,500)</u></u>	<u><u>(2,070,500)</u></u>	<u><u>(2,100,500)</u></u>	<u><u>(2,130,500)</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

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><u>\$2,010,500</u></u>	<u><u>\$2,040,500</u></u>	<u><u>\$2,070,500</u></u>	<u><u>\$2,100,500</u></u>	<u><u>\$2,130,500</u></u>

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

Atwillhite 8-5-08 Armin R. Jacobowitz / e.d. 8/5/08
 OFMB Contract Administration

B. Legal Sufficiency:

This item complies with current County policies.

[Signature] 8/7/08
 Assistant County Attorney

C. Other Department Review:

 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 (3) member appeals board.

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 agency
24 pursuant to an agreement between a municipality and the Sheriff. Alarm Permits
25 are not transferable from one person to another or one business to another. Alarm

1 Permits may be transferable if the Alarm User moves from one location to another
2 location within the unincorporated area of Palm Beach County. Alarm Permit fees
3 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 private
15 security company and the outside monitoring company shall monitor the alarm
16 signal for the community and provide first response to the Alarm Site to determine
17 the validity of the activation. The Sheriff's Office shall not be notified of the
18 alarm activation and is not required or expected to respond to the Alarm Site
19 unless the security representative first finds evidence of criminal activity or an
20 unlocked or open door or window. PSAS does not include contracted Sheriff's
21 Office Deputies. The private security company must be properly licensed and
22 meet all of the requirements of Palm Beach County Ordinances and Florida State
23 Statutes and must produce such documentation to the Sheriff's Office Alarm Unit
24 upon request. Failure by the community or the private security company to
25 maintain any of the requirements of this section shall result in disqualification as a

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

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

7 **SECTION 4. Alarm Permits Required; Application Fee, Renewal,**
8 **Duration.**

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

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

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

24 (d) Applicants for Alarm Permits shall obtain all other applicable
25 permits, including building permits, prior to submitting an application for an

1 Alarm Permit.

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

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

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

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

24 (i) All Alarm Companies, that install, monitor, repair, or activate an
25 Alarm System in the unincorporated area of Palm Beach County must be licensed

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

10 **Section 5. Alarm Permit Applications; Emergency Notification;**
11 **Reporting Service.**

12 (a) All applications submitted for an Alarm Permit to the Sheriff's Office
13 shall state the name, address and telephone number of the property to be serviced
14 by the alarm, and the name, address and telephone number of the Alarm User's
15 residence. If serviced by an Alarm Company, then the Alarm User shall also
16 include the name, address, telephone number and State license number of that
17 company. It is the responsibility of any Alarm User that activates a new or
18 existing alarm system to forward an Alarm Permit application to the Sheriff's
19 Office. The Alarm User must submit an Alarm Permit application and a check
20 made payable to the Palm Beach County Sheriff's Office for the amount of
21 twenty-five dollars (\$25.00). The application and check must be mailed or
22 delivered in person to the Sheriff's Office within 24 hours following activation or
23 reactivation. The renewal fee and false alarm fine notices will be sent directly to
24 the Alarm User. The Sheriff's Office shall not respond to an unpermitted Alarm
25 System activation. It is the responsibility of the Alarm User to provide the Alarm

1 Permit number to the Alarm Monitoring Company. Alarm Companies and Alarm
2 Users shall be permitted to use online application and payment services when
3 made available by the Sheriff's Office.

4 (b) Emergency Notification. Each Alarm Permit application shall list an
5 emergency telephone number of the user and one representative (key holder) to
6 permit prompt notification of emergencies. All users of an Alarm System must
7 have one representative (key holder), other than him or herself, available to
8 respond to an alarm activation to open the premises and have the capacity to
9 deactivate the system. The representative must respond upon request by the
10 Sheriff's Office or Alarm Company to deactivate the system. Failure to do so shall
11 result in the assessment of a civil penalty of one hundred twenty five dollars
12 (\$125.00) plus court costs per incident to the Alarm User. Changes in emergency
13 telephone numbers shall be kept current by the Alarm User, the Alarm Company
14 and the Alarm Monitoring Company and failure of either to provide current
15 information to the Sheriff's Office shall result in a civil penalty of forty dollars
16 (\$40.00) and shall constitute grounds for revocation of the Alarm Permit. All
17 Alarm Companies and Alarm Monitoring Companies must notify the Sheriff's
18 Office in writing of cancellation of monitoring service or change of information
19 concerning the Alarm Users. Alarm Companies and/or Alarm Monitoring
20 Companies shall not be held responsible for violation of this section if they have
21 not been notified by the Alarm User. It is the responsibility of the Alarm User to
22 notify the Alarm Company and/or Alarm Monitoring Company whenever a key
23 holder is temporarily unavailable. If a key holder is temporarily unavailable for
24 whatever reason and fails or neglects to notify the Alarm User, neither the Alarm
25 User, the Alarm Company nor the Alarm Monitoring Company shall be fined or

1 penalized pursuant to Section 5(b) of the Alarm Ordinance.

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

6 (d) Information relating to security systems is exempt from public
7 disclosure according to Florida Statutes, 281.301, as may be amended from time to
8 time.

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

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

19 (b) All control panels installed after January 2003 must meet the
20 requirements of Security Industry Association ("SIA") equipment related group
21 CP-01 (or an equivalent) and must maintain defaults; minimum 30 second entry
22 delay; minimum 30 second abort delay; minimum 45 second exit delay with auto
23 restart. Commercial systems requiring UL certification shall be exempt from these
24 delay requirements. Violation of this Section 6(b) shall result in the Alarm System
25 being placed on No Response status.

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

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

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

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

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

17 (h) All alarm dispatch requests caused by a verifiable or attempted
18 criminal offense shall not be considered a False Alarm. The criminal activity must
19 be determined by the responding Deputy Sheriff or documented within five
20 business days of the activation and must be accompanied by a police report.

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

25 (j) The Sheriff's Office will not respond to an alarm activation at the

1 same premises within an eight (8) hour period unless a key holder is available to
2 respond. It is the duty of the Alarm Monitoring Company to contact the key
3 holder before requesting a second response from the Sheriff's Office within an
4 eight (8) hour period. If a key holder cannot be contacted to respond to the alarm
5 site, the Sheriff's Office will not respond. Alarm Monitoring Companies shall
6 contact a key holder in advance and determine that the key holder is available to
7 respond.

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

11 **SECTION 7. Response to Alarm; Determination of False Alarms,**
12 **Alarm Verification.**

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

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

20 (c) An Alarm Monitoring Company performing monitoring services and
21 nonmonitored Alarm Users shall provide the Sheriff's Office with the valid Alarm
22 Permit number of the activation. The Sheriff's Office will not dispatch a response
23 to a call indicating an alarm activation from an Alarm Monitoring Company
24 without an Alarm Permit number, the name and address of the alarm activation,
25 and the zone(s). The Alarm Company shall report the specific location, i.e.: front

1 door, west window, etc. to the Sheriff's Office. The Alarm Monitoring Company
2 will call the alarm site and attempt to verify every alarm activation before
3 requesting a Sheriff response with the exception of robbery, panic, duress or hold
4 up alarms.

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

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

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

18 (g) The Palm Beach County Sheriff's Office will provide normal response
19 to all 911 calls and all robbery/panic duress or hold up alarms which require an
20 intentional act by a person on the premises to activate the alarm even if the Alarm
21 User is on No Response status. Activations of this type of alarm which is
22 determined to be false by the Sheriff's Office will result in fines in accordance
23 with Section 9.

24 (h) The Sheriff or his designee shall have the right to inspect any Alarm
25 System which might require a Sheriff's response at any reasonable time to

1 determine whether it is in conformity with the terms of this Ordinance.

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

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

8 (a) Upon receipt of any False Alarm notifications, the Alarm User shall
9 have ten (10) days to appeal said notification, in writing, to be heard at 3228 Gun
10 Club Road, West Palm Beach, Florida 33406, before a False Alarm Appeals Board
11 setting forth the reasons for the appeal. False Alarm Appeals Board shall hear
12 cases involving special circumstances which are beyond the control of the Alarm
13 User or the Alarm Company.

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

16 (c) If appealed, a False Alarm determination shall be stayed until a
17 determination is made by the False Alarm Appeals Board.

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

25 (e) Rules of Procedure. The False Alarm Appeals Board shall conduct a

1 hearing and consider all evidence from the Alarm Company, Alarm User and/or
2 Sheriff's Office and make a decision based upon a preponderance of evidence
3 presented at the hearing. The Alarm User shall have the burden of proof. The
4 False Alarm Appeals Board may not compromise or overturn cases concerning
5 faulty or malfunctioning equipment, false alarms caused by electrical surges, or
6 alarms caused by the fault of another person during non-criminal incidents. The
7 False Alarm Appeals Board shall hear cases involving circumstances which are
8 beyond the control of the Alarm User or the Alarm Company. The False Alarm
9 Appeals Board shall send notice of its majority decision to the Alarm User within
10 five (5) business days of the hearing. The decision of the False Alarm Appeals
11 Board constitutes final administrative action.

12 (f) Meetings.

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

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

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

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

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

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

5 (2) The third and fourth false alarms shall each be assessed a fifty
6 (\$50.00) dollar fine.

7 (3) The fifth false alarm shall be assessed a seventy five (\$75.00)
8 dollar fine.

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

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

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

20 (c) Any person operating a non-permitted Alarm System (revoked,
21 suspended, or never permitted) will be subject to a two hundred fifty dollar
22 (\$250.00) civil penalty plus court costs for each False Alarm dispatch.

23 **SECTION 10. Maintenance of Records.**

24 All Alarm Companies must maintain for a period of one year, all
25 monitoring, service, and installation records. This information must be provided

1 to the Sheriff's Office, upon request, within the following time frames: records up
2 to 180 days old must be provided within 5 calendar days and records over 180
3 days old must be provided within 10 calendar days. Current information must be
4 maintained regarding the premises monitored, the Alarm User, and the key holder.
5 Violation of this section shall result in a civil penalty of five hundred dollars
6 (\$500.00) plus court costs per incident.

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

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

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

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

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

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

1 **SECTION 12. Applicability.**

2 This Ordinance shall apply in the unincorporated area of Palm Beach
3 County and any area within Palm Beach County where the Palm Beach County
4 Sheriff's Office responds to burglar, robbery, panic, duress or hold up alarm
5 activations as the primary law enforcement agency, pursuant to an agreement
6 between a municipality and the Sheriff unless the municipality has adopted its own
7 alarm ordinance. Otherwise, this Ordinance shall not be effective in
8 municipalities.

9 **SECTION 13. Limitation of Liability.**

10 Neither the Sheriff's Office nor the County shall be under any obligation or
11 duty to an Alarm User or to any other person hereunder by reason of this
12 Ordinance. The Sheriff specifically disclaims liability for any damages which may
13 be caused by failure to respond to an alarm.

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

15 In addition to the penalties referenced throughout this Ordinance, the
16 following shall apply:

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

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

25 (c) No person shall manually operate an Alarm System for any reason

1 other than an occurrence of an event that the Alarm System was intended for.
2 Violation of this section shall result in a civil penalty to the Alarm User of one
3 hundred twenty-five dollars (\$125.00) plus court costs per incident.

4 (d) Alarm Monitoring Companies shall attempt to verify every alarm
5 signal, except a robbery, panic, duress or hold up alarm activation before
6 requesting the Palm Beach County Sheriff's Office to respond. Violation of this
7 section shall result in a civil penalty to the Alarm Monitoring Company of five
8 hundred dollars (\$500.00) plus court costs per incident.

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

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

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

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

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

4 **SECTION 16. Severability.**

5 If any section, paragraph, sentence, clause, phrase, or word of this
6 Ordinance is for any reason held by the Court to be unconstitutional, inoperative,
7 or void, such holding shall not affect the remainder of this Ordinance.

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

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

13 **SECTION 18. Effective Date.**

14 The provisions of this Ordinance shall become effective upon filing with the
15 Department of State.

16 **APPROVED and ADOPTED by the Board of County Commissioners of**
17 **Palm Beach County, Florida, on this the _____ day of**
18 **_____, 2008.**


19 **SHARON R. BOCK,**
20 **CLERK & COMPTROLLER**

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

21
22
23 By: _____
24 Deputy Clerk

By: _____
Addie L. Greene, Chairperson

25
26 **APPROVED AS TO FORM AND**
27 **LEGAL SUFFICIENCY**

28
29 By: 
30 Assistant County Attorney

31
32 Filed with the Department of State on the ___ day of _____, 2008.

SUMMARY OF CHANGES TO BURGLAR ALARM ORDINANCE

<i>ITEM</i>	<i>CURRENT PROVISION</i>	<i>PROPOSED PROVISION</i>
Initial Burglar Alarm Applicant Fee	\$ 18.00	\$ 25.00
Renewal Permit Fee	5.00	25.00
Operating Alarm Without Valid Permit	250.00	250.00 Plus Court Cost
Special Master Appeal Process	Required	To Be Abolished
False Alarm Appeal Board	Does Not Exist	To Be Established

SURVEY OF RENEWAL AND APPLICATION FEE FOR OTHER CITIES/COUNTIES

<i>CITY / COUNTY</i>	<i>FEE</i>
City of West Palm Beach	\$ 25.00
Coral Springs	25.00
Charlotte County	25.00
Indian River County	30.00
Lee County	25.00
Martin County	25.00
Miami / Dade County	25.00
Boynton Beach	30.00

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

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.

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

12 **Section 5. Alarm Permit Applications; Emergency Notification;**
13 **Reporting Service.**

14 (a) All applications submitted for an Alarm Permit to the Sheriff's Office
15 shall state the name, address and telephone number of the property to be serviced
16 by the alarm, and the name, address and telephone number of the Alarm User's
17 residence. If serviced by an Alarm Company, then the Alarm User shall also
18 include the name, address, telephone number and State license number of that
19 company. It is the responsibility of any Alarm ~~Company~~ User that activates a new
20 or existing alarm system to forward an Alarm Permit application to the Sheriff's
21 Office. The Alarm ~~Company~~ User must submit an Alarm Permit application and a
22 check ~~from the Alarm User~~ made payable to the Palm Beach County Sheriff's
23 Office for the amount of ~~eighteen~~ twenty-five dollars (~~\$18.00~~) (\$25.00). The
24 application and check must be mailed or delivered in person to the Sheriff's Office
25 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) to the Alarm Company.~~ The renewal fee and false alarm
4 fine notices will be sent directly to the Alarm User. The Sheriff's Office shall not
5 respond to an unpermitted Alarm System activation. It is the responsibility of the
6 Alarm User to provide the Alarm Permit number to the Alarm Monitoring
7 Company. Alarm Companies and Alarm Users shall be permitted to use online
8 application and payment services when made available by the Sheriff's Office.

9 (b) Emergency Notification. Each Alarm Permit application shall list an
10 emergency telephone number of the user and one representative (key holder) to
11 permit prompt notification of emergencies. All users of an Alarm System must
12 have one representative (key holder), other than him or herself, available to
13 respond to an alarm activation to open the premises and have the capacity to
14 deactivate the system. The representatives must respond upon request by the
15 Sheriff's Office or Alarm Company to deactivate the system. Failure to do so shall
16 result in the assessment of a civil penalty of one hundred twenty five dollars
17 (\$125.00) plus court costs per incident to the Alarm User. Changes in emergency
18 telephone numbers shall be kept current by the Alarm User, the Alarm Company
19 and the Alarm Monitoring Company and failure of either to provide current
20 information to the Sheriff's Office shall result in a civil penalty of forty dollars
21 (\$40.00) and shall constitute grounds for revocation of the Alarm Permit. All
22 Alarm Companies and Alarm Monitoring Companies must notify the Sheriff's
23 Office in writing of cancellation of monitoring service or change of information
24 concerning the Alarm Users. Alarm Companies and/or Alarm Monitoring
25 Companies shall not be held responsible for violation of this section if they have

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

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

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

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

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

24 (b) All control panels installed after January 2003 must meet the
25 requirements of Security Industry Association ("SIA") equipment related group

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

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

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

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

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

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

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

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

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

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

16 **SECTION 7. Response to Alarm; Determination of False Alarms,**

17 **Alarm Verification.**

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

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

25 (c) An Alarm Monitoring Company performing monitoring services and

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

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

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

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

23 (g) The Palm Beach County Sheriff's Office will provide normal response
24 to all 911 calls and all robbery/panic duress or hold up alarms which require an
25 intentional act by a person on the premises to activate the alarm even if the Alarm

1 User is on No Response status. Activations of this type of alarms which is
2 determined to be false by the Sheriff's Office will result in fines in accordance
3 with Section 40 9.

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

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

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

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

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

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

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

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

24 (f) Meetings.

25 1. Location. The location of the hearings shall be in Palm Beach

1 County, Florida.

2 2. Operating procedures. All cases brought before the False
3 Alarm Appeals Board shall be presented by either the Alarm
4 Enforcement Division or an attorney representing the Division.

5 3. Meetings open to the public. All meetings and public hearings
6 shall be open to the public.

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

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

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

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

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

24 ~~(c)— Qualifications. Special Master(s) shall have the following minimum~~
25 ~~qualifications:~~

- 1 ~~1. be a graduate of a law school accredited by the American Bar~~
- 2 ~~Association;~~
- 3 ~~2. demonstrate knowledge of administrative laws and local~~
- 4 ~~government regulation and procedures;~~
- 5 ~~3. be a current member, in good standing, of the Florida Bar~~
- 6 ~~Association; and~~
- 7 ~~4. other such qualifications that may be established by the Sheriff.~~

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

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

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

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

25 ~~— (g) Vacancy. If any Special Master resigns or is removed prior to~~

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

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

7 ~~— (i) Meetings.~~

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

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

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

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

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

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

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

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

25 (3) A The fifth false alarm shall be assessed a seventy five

1 (\$75.00) dollar fine.

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

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

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

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

16 **SECTION 10. Maintenance of Records.**

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

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

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

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

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

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

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

20 **SECTION 12. Applicability.**

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

1 between a municipality and the Sheriff unless the municipality has adopted its own
2 alarm ordinance. Otherwise, this Ordinance shall not be effective in
3 municipalities.

4 **SECTION 13. Limitation of Liability.**

5 Neither the Sheriff's Office nor the County shall be under any obligation or
6 duty to an Alarm User or to any other person hereunder by reason of this
7 Ordinance. The Sheriff specifically disclaims liability for any damages which may
8 be caused by failure to respond to an alarm.

9 **SECTION 14. Prohibitions and Penalties.**

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

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

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

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

24 (d) Alarm Monitoring Companies shall attempt to verify every alarm
25 signal, except a robbery, panic, duress or hold up alarm activation before
26 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.**

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.**