

ORDINANCE NO. 21-276

ORDINANCE RELATING TO BURGLAR ALARMS;
CREATING ARTICLE XVI, SECTION 21-276 OF THE CODE
OF MIAMI-DADE COUNTY, TRANSFERRING AND
REENACTING SECTION 8C-3.1 OF THE CODE OF MIAMI-
DADE COUNTY, FLORIDA; PROVIDING DEFINITIONS;
REQUIRING FILING OF ALARM USERS INFORMATION;
REQUIRING ANNUAL REGISTRATION AND SETTING FEE
FOR REGISTRATION; PROHIBITING FALSE ALARMS;
REQUIRING CERTAIN ALARM DEVICES IN BURGLAR
ALARM SYSTEMS; AMENDING SECTION 8CC-10 OF THE
CODE OF MIAMI-DADE COUNTY PROVIDING FOR
ENFORCEMENT; PROVIDING SEVERABILITY, INCLUSION
IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The provisions of Section 8C-3.1 are hereby transferred to Article XVI,
Section 21-276, which is hereby created to read as follows:

Sec. 21-276. Burglar alarms.

- (1) *Purpose of regulations.* The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false burglar alarms.
- (2) *Scope of regulations.* This section will apply to unincorporated Metropolitan Dade County.
- (3) *Definitions.*
 - (a) *Alarm user* means the person or other entity that owns, possesses, controls, occupies, or manages any premises as defined below.
 - (b) *Burglar alarm system* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the Police Department may reasonably be expected to

respond, but does not include fire alarms or alarms installed in motor vehicles. If a fire alarm system is connected to a burglar alarm system, this section shall not apply to false alarms that the alarm user proves were generated by the fire alarm portion of the system.

(c) *False burglar alarm* means a signal from a burglar alarm system that elicits a response by the Police when no emergency or actual or threatened criminal activity requiring immediately response exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in nonemergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a burglar alarm is false if personnel responding from the Police Department do not discover any evidence of unauthorized entry, criminal activity, or other emergency after following normal Police procedures in investigating the incident. An alarm is not false if the alarm user proves that (1) an individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed; or (2) the alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system.

(d) *Premises* means the building or structure or portion of a building or structure upon which is installed or maintained a burglar alarm system.

(4) *Filing of alarm information.* The alarm company which installs an alarm system, or the user for all alarm systems not installed by an alarm company, shall file the following information with the Metro-Dade Police Department: (1) the names of individuals able and authorized to enter the premises and deactivate the alarm; (2) emergency telephone numbers by which those individuals can be reached at all times; (3) the name and telephone number of the alarm company monitoring the alarm system, if applicable; (4) the name and telephone number of the alarm company that installed the system, if different from the

monitoring entity; and (5) the name and address of the alarm user. The user must keep this information current and failure to update this information within hours of any change constitutes a violation of this section.

(5) *Required equipment in a burglar alarm.* A burglar alarm user shall not use a burglar alarm system unless that burglar alarm system is equipped with:

(a) A backup power supply that will become effective in the event of power failure or outage in the source of electricity from the utility company; and

(b) A device that automatically silences the alarm within thirty (30) minutes after activation.

(6) *Cancelling false burglar alarm calls.* Alarm monitoring companies shall notify the Metro-Dade Police Department to cancel dispatches to alarm calls the company initiated within ten (10) minutes of being notified that the alarm is false by the alarm user or his authorized representative. However, Police will not cite the company for failure to meet the ten-minute criterion if notification of a false alarm is received before an Officer arrives on the scene.

(7) *False burglar alarms prohibited.* No burglar alarm user shall cause, allow, or permit the burglar alarm system to give four (4) or more false alarms in any calendar year.

(8) *Penalties.*

(a) Each violation of this section shall be punished as follows:

1. For a first violation of Sections 21-276(4) or (5), by a fine of fifty dollars (\$50.00).

2. For a second and each additional violation of Sections 21-276(4) or (5), by a fine of one hundred dollars (\$100.00).

3. For the fourth false burglar alarm in one (1) calendar year, by a fine of fifty dollars (\$50.00).

4. For the fifth false burglar alarm in one (1) calendar year, by a fine of one hundred

dollars (\$100.00).

5. For the sixth and each additional false burglar alarm in one (1) calendar year, by a fine of two hundred dollars (\$200.00).
 6. For each violation of Section 21-276(6), by a fine, to the alarm monitoring company, of one hundred dollars (\$100.00).
- (b) An alarm user shall not be fined more than two hundred dollars (\$200.00) for false alarms that occur at the same premises in any twenty-four-hour period.
- (c) A hearing officer shall rescind any penalties pursuant to this section if the alarm user proves during the appeal hearing that:
1. At the time of the violation, the alarm user was a religious, charitable, or governmental organization and the property protected by the alarm was being used exclusively for religious, charitable, or governmental purposes; and
 2. The alarm user has identified the cause of the false alarm. If the cause was mechanical or electrical, then the user must provide a written report from a licensed alarm company certifying that repairs have been made, or that measures were implemented to arrange for required repairs, within thirty (30) days from issuance of the civil violation notice. If the cause was human error, then the user must provide a written report documenting that, within thirty (30) days from issuance of the civil violation notice, the user has implemented an educational program sufficient to prevent such future human errors and that no similar ones have occurred since implementation of the program.
- (9) *Notification of false alarms.* It is the responsibility of each alarm user to monitor the occurrences of false alarms on its premises. The Metro-Dade Police Department shall notify

the alarm user of each false alarm. Such notice shall be provided by posting a notice on the premises; or by mailing notice to the alarm user.

(10) *Limitations to Police response.*

(a) Police are not required to respond:

1. To burglar alarms at locations where six (6) or more false alarms occurred in the calendar year. After sustaining the first Police response termination in a calendar year for accruing six (6) false alarms, the alarm user will sustain subsequent response terminations for every three (3) additional false alarms occurring in the same calendar year;
2. To burglar alarms at locations where a burglar alarm fine was not paid within sixty (60) days of a civil violation notice; or
3. To locations where required alarm registration information was not filed within sixty (60) days of a civil violation notice for failure to file alarm information.

(b) Nothing herein shall:

1. Preclude the Police Department from responding to panic or am-bush alarm signals, calls describing emergencies or crimes in progress, or routine calls for service;
2. Limit the Police Department from issuing civil violation notices for alarms in violation of this ordinance; or
3. Be construed to create a duty to respond in any circumstances where such a duty does not exist pursuant to the statutory or common law of Florida.

(c) A notice that Police response will be discontinued, for any of the above reasons, will accompany a civil violation notice, be posted at the affected location,

or be sent to the user by certified mail at least thirty (30) days prior to discontinuing service.

- (d) Police response will continue while an appeal is pending under Chapter 8CC of the Code of Metropolitan Dade County, for a civil violation notice issued for violation of Section 21-276.
- (11) *Restoring Police response to terminated locations.* To regain Police response to burglar alarms at terminated locations, the alarm user must:
- (a) When Police response has been discontinued pursuant to Section 21-276(10)(a)1., submit a written report from a licensed burglar alarm company certifying that the system has been inspected, repaired if required, and that it is functioning properly. In addition, the alarm user must pay all outstanding burglar alarm ordinance fines;
 - (b) When Police response has been discontinued pursuant to Section 21-276(10)(a)2., submit burglar alarm registration information and pay all outstanding burglar alarm ordinance fines.
- (12) *Enforcement.* This section shall be enforced by the code enforcement provisions of Chapter 8CC of the Code of Metropolitan Dade County.

Section 2. Section 21-276 is hereby amended to read as follows:

Sec. 21-276. Burglar alarms.

- (1) *Purpose of regulations.* The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false burglar alarms.
- (2) *Scope of regulations.* This section will apply to unincorporated Miami-Dade County.
- (3) *Definitions.*
 - (a) Alarm company means any person engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring

any alarm system or causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in, or on, any building, structure or facility. An alarm company and/or alarm monitoring company shall be properly licensed in accordance with Chapter 489, Florida Statutes. An alarm company shall have an appropriate occupational license pursuant to state statute, Chapter 489, Part II.

- (b) *Alarm user* means any person or other entity that owns, possesses, controls, occupies, or manages any premises as defined below.
- (c) *Burglar alarm system* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the Police Department may reasonably be expected to respond, but does not include fire alarms or alarms installed in motor vehicles. If a fire alarm system is connected to a burglar alarm system, this section shall not apply to false alarms that the alarm user proves were generated by the fire alarm portion of the system.
- (d) *False burglar alarm* means a signal from a burglar alarm system that elicits a response by the Police when no emergency or actual or threatened criminal activity requiring immediate response exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in nonemergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a burglar alarm is false if personnel responding from the Police Department do not discover any evidence of unauthorized entry, criminal activity, or other emergency after following normal Police procedures in investigating the incident. An alarm is not false if the alarm user proves that (1) an individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity

requiring immediate response existed; (2) the alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system or (3) if the user experienced a power outage of four or more hours, causing the alarm to activate upon restoration of power, as evidenced by written documentation provided by Florida Power & Light Company or other applicable provider.

(e) *Premises* means the building or structure or portion of a building or structure upon which is installed or maintained a burglar alarm system.

(4) *Registration of alarm system and fee.*

(a) *Registration of burglar alarm systems.* All burglar alarm systems which operate at locations within the unincorporated area of Miami-Dade County shall be registered with the Miami-Dade Police Department by the user. The user shall complete and submit to the MDPD an initial registration or an annual registration renewal with the appropriate fee. Initial registration shall be necessary to register any system which is not currently registered with the Department or upon a change in the user of an alarm.

(b) *Annual registration fee.* Effective with registrations for registration periods beginning on or after January 1, 2002, there shall be an annual registration fee of \$25.00 for all alarm registrations. Separate alarm systems require separate registrations. The registration period will be for one year. Upon renewal for registration periods beginning on or after January 1, 2003, the fee will be waived if the burglar alarm system has had no false burglar alarms requiring police dispatch during the prior registration period.

(c) *Change in registration information.* In the event of a change in any of the information required as part

of the initial or annual registration, the user shall notify the Miami-Dade Police Department of the change. An updated registration shall be filed within ten (10) days of any change.

(d) *Application of funds.* Funds collected under this section shall be applied to the operational costs and enforcement of this ordinance, to reduce the number of false alarms received by Miami-Dade County, and to reduce the time spent by Miami-Dade Police handling false alarm calls.

(5) *Required equipment in a burglar alarm.* A burglar alarm user shall not use a burglar alarm system unless that burglar alarm system is equipped with:

(a) A backup power supply that will become effective in the event of power failure or outage; and

(b) A device that automatically silences the alarm within fifteen (15) minutes after activation.

(6) *Alarm Companies Responsibilities.*

(a) It shall be the responsibility of any licensed person selling and/or monitoring any alarm system to provide the user with the registration form and the Miami-Dade County Burglar Alarm Ordinance Information form. The registration form provided to the user shall include the said person's name, address, and State of Florida burglar alarm contractor's license number as required on the registration form. An alarm company may not charge a customer a fee, other than the required registration fee, to register any alarm system with Miami-Dade County. A copy of the current/valid contractor's license must be on file with the Miami-Dade County Police Department.

(b) Any person within the unincorporated area of Miami-Dade County which sells burglar alarm systems to a potential user must include a copy of the Miami-Dade Burglar Alarm Ordinance Information form and registration form and with each system sold.

(c) Any person testing and/or working on an alarm

system shall promptly cancel any activation so that police will not be dispatched.

- (7) *Alarm verification calls required.* All residential or commercial intrusion/burglar alarms, that have central monitoring, must have a central monitoring verification call made to the premises generating the alarm signal, prior to alarm monitor personnel contacting the Miami-Dade Police Department for dispatch. This does not apply to panic or holdup type alarms. Alarm monitoring companies will make available to the Miami-Dade Police Department upon request, records providing proof that the monitoring company made the verification calls.
- (8) *Cancelling false burglar alarm calls.* Alarm monitoring companies shall notify the Metro-Dade Police Department to cancel dispatches to alarm calls the company initiated within ten (10) minutes of being notified that the alarm is false by the alarm user or his authorized representative. However, Police will not cite the company for failure to meet the ten-minute criterion if notification of a false alarm is received before an Officer arrives on the scene. Alarm monitoring companies will make available to the Miami-Dade Police Department records providing proof that the police department was contacted within the ten-minute criterion. An emergency line has been provided by the Miami-Dade Police Department to call in and/or cancel panic or holdup type alarms. Use of this line for non-emergency alarm calls is prohibited.
- (9) *False burglar alarms prohibited.* No burglar alarm user shall cause, allow, or permit the burglar alarm system to give four (4) or more false alarms in any registration period.

(10) *Penalties.*

- (a) Each violation of this section shall be punished as follows:
 - 1. For a first violation of Sections 21-276(4) or (5), by a fine of fifty dollars (\$50.00).
 - 2. For a second and each additional violation of Sections 21-276 (4) or (5), by a fine of one hundred dollars (\$100.00).
 - 3. For the fourth false burglar alarm in the

user's registration period, by a fine of fifty dollars (\$50.00).

4. For the fifth false burglar alarm in the user's registration period, by a fine of one hundred dollars (\$100.00).
5. For the sixth and each additional false burglar alarm in the user's registration period, by a fine of two hundred dollars (\$200.00).
6. For each violation of Section 21-276(6), (7) or (8), by a fine of one hundred dollars (\$100.00).

All citations for violations set forth in this section shall be issued, and may be appealed, in accordance with, and shall be governed by the procedures set forth in Chapter 8CC of the Miami-Dade County Code.

- (b) An alarm user shall not be fined more than two hundred dollars (\$200.00) for false alarms that occur at the same premises in any twenty-four-hour period.
- (c) No penalty specified hereunder shall be imposed or assessed against any entity that qualifies as tax exempt under the provisions of Section 501(c)(3) of the Internal Revenue Code provided that the premises is used exclusively by said entity for such tax exempt purposes.

(11) *Notification of false alarms.* It is the responsibility of each alarm user to monitor the occurrences of false alarms on its premises. The Metro-Dade Police Department shall notify the alarm user of each false alarm. Such notice shall be provided by posting a notice on the premises; or by mailing notice to the alarm user.

(12) *Limitations to Police response.*

- (a) Police are not required to respond:
 1. To burglar alarms at locations where six (6)

or more false alarms occurred in the user's registration period. After sustaining the first Police response termination in a registration period for accruing six (6) false alarms, the alarm user will sustain subsequent response terminations for every three (3) additional false alarms occurring in the same registration period;

2. To burglar alarms at locations where a burglar alarm fine was not paid within sixty (60) days of a civil violation notice; or
3. To locations where required alarm registration information was not filed within thirty (30) days of a civil violation notice for failure to file alarm information.

(b) Nothing herein shall:

1. Preclude the Police Department from responding to panic or ambush alarm signals, calls describing emergencies or crimes in progress, or routine calls for service;
2. Limit the Police Department from issuing civil violation notices for alarms in violation of this ordinance; or
3. Be construed to create a duty to respond in any circumstances where such a duty does not exist pursuant to the statutory or common law of Florida.

(c) A notice that Police response will be discontinued, for any of the above reasons, will accompany a civil violation notice, be posted at the affected location, or be sent to the user by certified mail at least thirty (30) days prior to discontinuing service.

(d) Police response will continue while an appeal is pending under Chapter 8CC of the Code of Metropolitan Dade County, for a civil violation notice issued for violation of Section 21-276.

13) *Restoring Police response to terminated locations.* To regain

Police response to burglar alarms at terminated locations, the alarm user must:

- (a) When Police response has been discontinued pursuant to Section 21-276 (10)(a)1., submit a written report from a licensed burglar alarm company certifying that the system has been inspected, repaired if required, and that it is functioning properly. In addition, the alarm user must pay all outstanding burglar alarm ordinance fines;
 - (b) When Police response has been discontinued pursuant to Section 21-276(12)(a)2., submit burglar alarm registration information and pay all outstanding burglar alarm ordinance fines.
- (14) *Enforcement.* In addition to all remedies otherwise available, this section shall be enforced by the code enforcement provisions of Chapter 8CC of the Code of Metropolitan Dade County.

Section 3. Chapter 8CC-10 is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
	* * *	
21-276(4)	Failure of user to file alarm registration or pay registration fee	50.00
21-276(4)	Second and subsequent violation by the alarm user	100.00
21-276(5)	Use of burglar alarm without required equipment	50.00
21-276(6)	Failure to provide required forms and registration and/or failure to comply with company requirements	100.00
21-276(7)	Failure to verify alarm signal prior to contacting MDPD personnel	100.00
21-276(8)	Failure of an alarm monitoring company to notify the Miami-Dade Police Department within ten minutes of notice that an alarm was false	100.00
21-276(9)	Fourth false burglar alarm during registration period	50.00
21-276(9)	Fifth false burglar alarm during registration period	100.00
21-276(9)	Sixth and each additional false burglar alarm during registration period	200.00
	* * *	

Section 4. Sections 1 and 3 are hereby retroactive as of the date of the original enactment of Section 8C-3.1.

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

Section 6. It is the intention of the Board of County Commissioners, and it is hereby

ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 8. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: _____

Prepared by: _____