


CITY OF FORT WALTON BEACH

MEMORANDUM

DATE: January 7, 2009

TO: Joyce Shanahan, City Manager

FROM: Mike Dutton, Fire Chief 

SUBJECT: Title 8 – License and Business Regulations, Chapter 8.02 - Alarm Systems
Ord: 1787

BACKGROUND: The current Alarm Systems Section was adopted in 2007 with amendments in 1985, 1987 and 1988. There have not been any changes since.

The original purpose of this chapter was to protect the police and fire emergency services of the City from misuse of alarm activations. The amendments to this section pertain to fire alarms only and have been modified to reflect the ineffectiveness of the current false alarm section, specifically, penalties. Despite the introduction of fines to deter habitual offenders the Fire Department has seen an increase in the number of infractions. In addition there has been an increase in false alarms caused by contractors working on the system and not notifying Okaloosa County's 911 Dispatch; this trips the alarm signal and causes another needless response.

DISCUSSION: There are times when Fire is inundated with these fire alarms and find many to be either false or a mechanical malfunction. Overall the Fire Departments respond to over 500 alarm incidents per year. While the original scope and purpose for this ordinance remain unchanged, there is a great need to provide more stringent penalties more consistent with surrounding jurisdictions as well as curtail contractor abuse. Control over the administration and procedures for the handling of automatic alarms must be established to reflect this modernization.

RECOMMENDATION: A change is needed to bring the responsibility of required administrative procedures of responding to and handling of automatic alarm systems monitored within the City. Council voted 7-0 for approval of this ordinance at First Reading held on December 9, 2008. Staff recommends the adoption of the newly revised Section 8.02.11 and the addition of Section 8.02.12 on Second Reading as drafted by the City Attorney, in its entirety.

Reviewed and Concurred: _____

Hold for discussion: _____

Denied: _____



Joyce Shanahan, City Manager

1/7/09
Date

Comments: _____

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3 AN ORDINANCE OF THE CITY OF FORT WALTON BEACH FLORIDA
4 RELATING TO FIRE ALARM SYSTEMS; AMENDING SECTION 8.02.11,
5 RULES FOR USE; AMENDING 8.02.12, FALSE ALARMS, TO RAISE
6 FINE AMOUNTS FOR FALSE ALARMS AND TO AUTHORIZE FINES
7 AGAINST FIRE ALARM CONTRACTORS, SPRINKLER
8 CONTRACTORS, EMPLOYEES OF SUCH CONTRACTORS, OR
9 ENTITIES LICENSED TO PERFORM MAINTENANCE OR TESTING OF
10 ALARM SYSTEMS; ADDING PROVISIONS FOR APPEALS; AND
11 SETTING AN EFFECTIVE DATE.
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14 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON
15 BEACH, FLORIDA, AS FOLLOWS:
16

17 **Section 1. Authority & Intent.** The authority for enactment of this Ordinance is Section
18 166.021, Florida Statutes (2007). The City's Fire Department is responsible for enforcing
19 the NFPA 1, Uniform Fire Code, to safeguard, to a reasonable degree, life and property
20 from the hazards of fire and explosion and from conditions hazardous to life and property
21 in the use or occupancy of buildings or premises and their contents. The Fire Department
22 routinely answers seven to ten false alarm calls per week. Each time the Fire Department
23 responds to a false alarm, manning and equipment are reduced that would otherwise be
24 available to respond to other emergency calls. Therefore, the City Council finds that to
25 protect the health, welfare, and safety of City residents, it is necessary to implement fines
26 for false alarms requiring fire department response.
27

28 **Section 2. Amendment of Section 8.02.01, Permit Required**
29 Section 8.02.01, of the Code of Ordinances, is hereby amended as follows.
30

31 **Sec. 8.02.01. Alarm Permit Required**

32 All alarm users in the city, whether connected directly to the police
33 communications center or to a private alarm monitoring company, shall be
34 required to maintain an alarm permit. There shall be no charge for first
35 time registration and the annual renewal fee shall be in such amount as
36 established from time to time by resolution of the city council. Such permit
37 shall expire at the end of the calendar year and the fee shall be prorated
38 on a quarterly basis beginning from the date of purchase.

39
40 Any alarm user not in possession of a current permit shall be notified by
41 the police department that a permit is required. The alarm user shall
42 obtain a permit and pay the appropriate fee within ten (10) working days
43 after notification, unless an appeal is filed pursuant to the provisions of
44 this ordinance. Any alarm user who refuses to secure an alarm permit

45 shall be subject to the provisions of chapter 1-5, of the Code of
46 Ordinances.

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49 **Section 3. Amendment of Section 8.02.04, False Alarm Charges**

50 Section 8.02.04, of the Code of Ordinances, is hereby amended as follows.

51
52 **~~Sec. 8.02.04. False Alarm Charges.~~**

53 ~~Any alarm user not in possession of an alarm permit shall be assessed a~~
54 ~~charge, as established in the general fee schedule, for every false alarm~~
55 ~~recorded by the police department.~~

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58 **Section 4. Amendment of Section 8.02.11, Rules for Use**

59 Section 8.02.11, of the Code of Ordinances, is hereby amended as follows.

60
61 **Sec. 8.02.11. Rules for Use.**

62 The police chief and fire chief may promulgate such rules as may be
63 necessary for the implementation of this chapter. Each alarm user and
64 any fire alarm contractor, sprinkler contractor, employee of such
65 contractors, or entity licensed to perform maintenance or testing of an
66 alarm system will abide by this chapter and any instructions as required by
67 the city.

68
69 (1) All automatic dialing devices shall be prohibited from calling or dialing
70 the police department 90 days after adoption of this ordinance.

71
72 (2) All alarm systems transmitting signals to the communications console
73 in the police department shall be disconnected/removed from the police
74 department 90 days after adoption of this ordinance.

75
76 (3) The provisions of this section shall apply to all alarm users except the
77 various departments of the city.

78
79 (4) Every alarm user shall submit to the chief of police the names and
80 telephone numbers of at least two persons who can be reached at any
81 time, day or night, who are authorized to respond to an emergency signal
82 transmitted by an alarm system, and who can open the premises wherein
83 the alarm system is installed.

84
85 (5) All alarm systems installed after the effective date of this ordinance,
86 that use an audible horn, bell, or other signaling device shall be equipped
87 with a device that will shutoff such horn or bell within 10 minutes after
88 activation of the alarm system. *This shall not apply to fire alarm systems.*
89

90 (6) Any alarm system emitting a continuous and uninterrupted signal for
91 more than 20 minutes from the time the police/ or fire department is
92 notified, which cannot be shut off or otherwise curtailed due to the
93 absence or unavailability of the alarm user or those persons designated
94 by the alarm user him , and which disturbs the peace, comfort, or repose
95 of a community, neighborhood, or considerable number of inhabitants of
96 the area where the alarm system is located, shall constitute a public
97 nuisance.

98
99 Upon receiving complaints regarding such a continuous and uninterrupted
100 signal, the police chief shall endeavor to contact the alarm user or those
101 persons designated by the alarm user in an effort to abate the nuisance.
102 The police chief shall ~~cause to be recorded~~ the name and addresses of all
103 complainants and the time each complaint was made. If the police chief or
104 fire chief is unable to contact the alarm user or those persons designated
105 by the alarm user, or if such person cannot or will not curtail the audible
106 signal being emitted by the alarm system and if the police chief is
107 otherwise unable to abate the nuisance, he shall direct a police officer,
108 firefighter, or a qualified alarm technician to enter upon the property or
109 premises and take any reasonable action necessary to abate the
110 nuisance.

111
112 If entry upon the property or premises in which the alarm system is
113 located is made in accordance with this subsection, the person so
114 entering upon such property: shall not conduct, engage in, or undertake
115 any unwarranted search, seizure, inspection, or investigation while upon
116 the property; shall not cause any unnecessary damage to the alarm
117 system or to any part of the premises; and shall leave the property as
118 soon as practical after the audible signal has ceased.

119
120 (7) After an entry upon property has been made in accordance with this
121 section, the police chief or fire chief shall have the property secured, if
122 necessary. The fire department may have a key box or lock box installed
123 in accordance with NFPA 1.3-6 at the expense of the alarm user. The
124 reasonable costs and expenses of abating a nuisance in accordance with
125 this section shall be assessed to the alarm user. Within ten days after
126 abatement of a nuisance in accordance with this section, the alarm user
127 may request a hearing before the police chief or fire chief and may
128 present evidence showing that the signal emitted by his or her alarm
129 system was not a public nuisance at the time of the abatement, that
130 unnecessary damage was caused to his or her property in the course of
131 the abatement, that the cost of the abatement should not be assessed to
132 him, or that the requirements of this section were not fulfilled. The police
133 chief or fire chief shall hear all interested parties and may, at his or her
134 discretion, reimburse the alarm user for the repairs to his or her property

135 necessitated by the abatement or excuse the alarm user from paying the
136 cost of abatement.

137
138 ~~(8) A central station initiating an emergency response due to testing an~~
139 ~~alarm system shall constitute a false alarm.~~

140
141 (8) Any fire alarm contractor, sprinkler contractor, employee of such
142 contractors, or entity licensed to perform maintenance or testing of an
143 alarm system, shall contact the Okaloosa County Emergency Dispatch
144 System and the Fort Walton Beach Fire Department to inform them that
145 maintenance or testing will be conducted on any system in the city prior to
146 the beginning of any maintenance or testing.

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149 **Section 5. Amendment of Section 8.02.12, False Alarms**

150 Section 8.02.12, of the Code of Ordinances, is hereby amended as follows.

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152 **Sec. 8.02.12 False Alarms**

153 When the police or fire department responds to an emergency messages
154 or signals of a burglar, robbery, medical, or fire alarm, and the responding
155 department determines that the message or signal was -are received by
156 the police department or fire department that evidence a false alarm, the
157 following procedures shall apply. actions set forth in the following
158 subsections will be taken and, when so required by such subsections, the
159 chief of police or fire chief may order a fine to be levied. The Chief of
160 Police or Fire Chief may also cause the use of an alarm system be
161 discontinued or order a "non-response" to any future alarm activations.

162
163 **8.02.121 False Alarm Report and Citation**

164 The police department or fire department, upon receiving notification of an
165 alarm activation, shall dispatch personnel to the scene of the activation. If
166 the activation is determined to be false, the officer shall complete a "false
167 alarm report and citation" and leave a copy of the report and citation with
168 the user or designated person on the property. In the event the user or the
169 designee is not present, the officer shall leave a copy of the report and
170 citation in a conspicuous place on the premises and mail a copy of the
171 report and citation to the permit holder at the address on file for the alarm
172 permit.

173
174 **8.02.122 Record of Activations**

175 The police department and fire department shall keep a record of all false
176 alarm activations for the past two calendar years, in addition to a list of all
177 alarmed premises, users and designated contacts.

178
179 **8.02.123 Violations, Police Department Responses**

180 If the police department or ~~Fire Department~~ records more than three (3)
181 false alarms in a calendar year, from an alarm system or alarm monitoring
182 company who monitors an alarm system, the user shall be fined, per false
183 alarm, as follows:
184

185 (1) For the first three (3) violations within any twelve-month period,
186 there is no charge.

187 (2) For the fourth, fifth and sixth violation within any twelve-month
188 period, the fine is twenty-five dollars (\$25) per violation.

189 (3) For the seventh, eighth and ninth violation within any twelve-month
190 period, the fine is fifty dollars (\$50) per violation.

191 (4) For the tenth and each subsequent violation within any twelve-
192 month period, the fine is seventy-five dollars (\$75) per violation.

193 (5) Alarm activations exceeding (12) twelve false alarms shall be
194 cause for the alarm permit to be revoked by the chief of police chief.
195

196 8.02.124 Violations, Fire Department Responses

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198 (1) If the fire department issues a false alarm report and citation, the
199 user shall be fined, per false alarm, as follows:
200

201 (a) For the first violation within any twelve-month period, there is
202 no charge.
203

204 (b) For the second violation within any twelve-month period, the
205 fine is fifty dollars (\$50).
206

207 (c) For the third violation within any twelve-month period, the
208 fine is one hundred dollars (\$100).
209

210 (d) For the fourth and each subsequent violation within any
211 twelve-month period, the fine may be up to five hundred dollars
212 (\$500) per violation, at the discretion of the fire chief and based
213 upon the user's history of false alarms, compliance with this
214 ordinance, and efforts to remedy the cause of the false alarms.
215

216 (2) If any false alarm is the result of any fire alarm contractor, sprinkler
217 contractor, employee of such contractors, or entity licensed to perform
218 maintenance or testing of an alarm system who has not provided
219 maintenance and testing notice as required in section 8.02.11(8), the
220 contractor or entity shall be fined, per false alarm, as follows:
221

222 (a) For the first violation within any twelve-month period, the fine
223 is one hundred dollars (\$100).
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225 (b) For the second violation within any twelve-month period, the
226 fine is two hundred dollars (\$200).

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228 (c) For the third violation within any twelve-month period, the
229 fine is three hundred dollars (\$300) per violation.

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231 (d) For the fourth and each subsequent violation within any
232 twelve-month period, the fine may be up to five hundred dollars
233 (\$500) per violation, at the discretion of the fire chief and based
234 upon the contractor's or licensed entity's history of false alarms,
235 compliance with this ordinance, and efforts to remedy the cause of
236 the false alarms.

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239 **8.02.424-125 *User Responsibility of Proof***

240 The burden of proof shall be with the alarm user to show that a false
241 alarm was not through mechanical failure, malfunction, improper
242 installation, maintenance or negligence of the user or other persons
243 authorized to be on the premises. Alarm users are responsible for the
244 training of persons authorized to be on the premises to insure proper
245 operation of the alarm system.

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247 **8.02.425-126 *Continuous Malfunctions***

248 Any burglar or robbery alarm system that continuously malfunctions or
249 otherwise causes false alarms may be ordered disconnected by the chief
250 of police. Any alarm user who fails or refuses to disconnect their alarm
251 system after being notified by the chief of police to do so shall be notified
252 by certified mail that there shall be a "non-response" to any future
253 activations. Upon satisfaction of all unpaid charges, renewal of the alarm
254 permit, and repairs and certified by a licensed alarm installation company
255 to the alarm system as required to bring the system back into proper
256 working order have been completed the chief of police shall rescind the
257 "non-response" order.

258
259 **Section 6. ALARM CITATION APPEALS.**

260 A new section 8.02.13, entitled Alarm Citation Appeals is hereby adopted as
261 follows:

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263 **8.02.13 Alarm Citation Appeals**

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265 The Board of Adjustment shall hear, pursuant to the rules and
266 procedures provided by the City's Codes for administrative appeals, all
267 appeals regarding fines imposed by the police department or fire
268 department pursuant to this chapter.

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Section 7. Severability.

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. In any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of the court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

Section 8. Conflicting Provisions

If any part of this ordinance is in conflict with any other provision of the Code, the provisions of this ordinance shall prevail.

Section 9. Effective Date.

This ordinance shall take effect immediately upon approval by Council and signature of the Mayor.

Adopted

Mike Anderson, Mayor

Attest:

Approved for form and legal sufficiency.

Helen A. Spencer, City Clerk

Toni L. Craig, City Attorney

New language is underlined.
Deleted language is ~~stricken~~.

Codification Instructions:
Section 2, 3, 4, 5, 6 amend the current Code as stated.
Section 1, 7, 8, 9 not codified.