

LAKE WALES

OFFICIAL CODE OF ORDINANCES

CHAPTER 4. ALARM SYSTEMS

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LAKE WALES

CHAPTER 4. ALARM SYSTEMS

Article I. In General

Article II. Alarm Systems

§ 4-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm location. The site of the equipment used to activate the alarm.

Alarm system. Any mechanical, electrical, or radio-controlled device which is designated to be used for the detection of any unauthorized entry into a building, structure, conveyance, or facility, or for alerting others to the commission of an unlawful act within a building, structure, conveyance or facility, or both; or which emits a sound or transmits a signal or message when activated because of smoke, heat, fire, or the existence of a bona fide medical emergency. Without limiting the generality of the foregoing, alarm systems shall be deemed include audible alarms at the site of the installation of the detection device, proprietor alarms, and automatic telephone direct dial devices or digital alarm communicator systems.

Automatic telephone dialing service or digital alarm communicator system. An alarm system which automatically sends a prerecorded voice message or coded signal, over telephone lines by direct connection or otherwise, to a telephone or other device located at the police department or fire department E 911 center, indicating the existence of the emergency situation that the alarm is designed to detect.

Enforcement official. The chief of police, fire chief or their designated representatives.

False alarm. The activation of an alarm system through mechanical failure, malfunction, improper installation or maintenance or because of the negligent or intentional misuse of the system by the owner, lessee, occupant, recipient, or manager of the premises where the alarm is installed or because of negligence or misuse of the system by an employee, servant or agent of such person or any other activation of the alarm system not caused by forced entry, attempted forced entry, or robbery; or not caused by fire, heat or smoke, or bona fide medical emergency; provided, however, false alarm does not include alarms caused by acts of God or by external power failure or those alarms intentionally activated by an owner, lessee, occupant, recipient, or manager of premises who visually observed or heard suspicious circumstances which would cause a careful and prudent person to believe that a fire, forced entry, robbery, or other felony was in progress at the premises protected by the alarm system.

Fee. The assessment of a monetary charge, as authorized pursuant to this article, to defray the expense of responding to a false alarm.

Owner. Any person who owns the premises in which an alarm system is installed or the person who leases, operates, occupies or manages the premises.

Premises. Any building, structure, conveyance, or combination of buildings and structures which serve as dwelling units, single-family or multifamily, or any other area within a building, structure or combination thereof which is used for any purpose other than residential, wherein an alarm system is installed.

Recipient. The person or persons who request or benefit from the installation of an alarm system.

Required operative alarm system. An alarm system which the owner of a premises is required to maintain in an operative condition pursuant to statute, law, ordinance, rule or regulation of any governmental entity.

(Ord. No. 94-19, § 1, 10-4-94)

§ 4-27. Penalty.

If any person fails to do an act required by the terms of this article, or if any person does any act declared to be unlawful, the same shall, upon conviction be punished pursuant to section 1-15.

(Ord. No. 94-19, § 1, 10-4-94)

§ 4-28. Notice of existence of alarm system.

Every person who owns, leases, possesses or operates any alarm system within the city, whether the same exists on the effective date of this article or whether the same is installed thereafter, shall, within thirty (30) days of the effective date of this article or within the same period of time after a new alarm system is installed, notify the enforcement official, on forms to be provided, of the existence of the alarm system. Notice shall include the following information:

- (1) The name, address, business and home telephone number of the owner, lessee, operator, manager or person in possession of the premises wherein the alarm system is installed.
- (2) The name, address and telephone number of at least two (2) persons who are to be notified by the enforcement official upon the activation of the alarm system, who shall be authorized to enter the premises and deactivate an alarm system within thirty (30) minutes.
- (3) The date of installation of the alarm system.
- (4) The name, address and telephone number of the company contracted to service the alarm.
- (5) When any of the information required in subsection (1), (2) or (4) has changed, it shall be reported to the enforcement official by the owner within fifteen (15) days of such change.

(Ord. No. 94-19, § 1, 10-4-94; Ord. No. 98-21, § 1, 11-11-98)

§ 4-29. Responsibility for false alarm; response and corrective action.

For the purposes of this section, the responsibility for a false alarm shall be that of the owner. A response to a false alarm shall result when any police officer or member of the fire department shall be dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system, by any means whatsoever, and responds thereto by traveling to that premises. After responding to a false alarm, the enforcement official shall notify any person identified in the notice required pursuant to section 4-28 of the activation of the alarm system. If the alarm is audible and does not deactivate automatically, such person shall thereupon travel to the premises to deactivate the alarm system. Should the person notified fail to appear at the premises to deactivate the alarm system within one-half (½) hour after being notified to do so, the city shall charge the owner a fee of twenty-five dollars (\$25.00); provided, however, if the owner is prevented from deactivating the alarm for reasons beyond the owner's reasonable control, no such fee shall be imposed. Additionally, the enforcement official shall require the owner to make a written report, within seven (7) calendar days of the date of the false alarm, on forms prescribed and provided by the enforcement official, setting forth the cause of the false alarm, the corrective action taken and the name, address and telephone number of any maintenance, repair or serviceman who inspected or repaired the alarm system following the false alarm, as well as such other information as the enforcement official may deem is reasonably necessary to determine the cause of the false alarm, or the corrective action taken or required in order to correct the cause of the same.

(Ord. No. 94-19, § 1, 10-4-94; Ord. No. 98-21, § 1, 11-11-98)

§ 4-30. Automatic telephone dialing alarm device or digital alarm communicator system.

(a) It shall be unlawful for any person to install, maintain, operate or use any automatic telephone dialing alarm device or digital alarm communicator system within the city if the system requires connection to the emergency communications center of the police or fire department.

(b) Any person who violates the provisions of this section shall be punished as provided for in section 1-15

(Ord. No. 94-19, § 1, 10-4-94)

§ 4-31. Fee charged for multiple false alarms.

(a) *False police alarms.* Should a police officer respond to a false police alarm, the enforcement officer shall examine records and determine the number of false alarms at the premises within the preceding thirty (30) calendar days, and preceding twelve (12) months. If the enforcement officer determines that more than three (3) false alarms have occurred in the preceding thirty (30) calendar days or more than twelve (12) false alarms in the preceding twelve (12) months, the owner shall pay to the city a fee of fifty dollars (50.00) for the fourth or thirteenth and each succeeding alarm to which police personnel respond.

(b) *False fire alarms.*

(1) Should a member of the fire department respond to a false fire alarm, the enforcement officer shall examine records and determine the number of false fire alarms at the premises within the calendar year. If the enforcement officer determines that more than three (3) false alarms have occurred in the current calendar year, the owner shall pay to the city a fee in accordance with the schedule on paragraph (2).

(2) *Fee for multiple false fire alarms.* No fee shall be assessed for the first three (3) false fire alarms at the same premises responded to by the fire department during each calendar year. Thereafter, the following fees shall be paid by the owner:

Number of false alarms	Fee per false alarm
4—6	\$100.00
7 and above	200.00

(3) *Issuance of invoice for fees due.* An invoice shall be issued by the city to the owner of the alarm system stating the location of the false alarm and the amount of fees due. The owner of the alarm shall remit payment to the city within thirty (30) days of receipt of the invoice. If payment is not received within thirty (30) days, the city is authorized to pursue collection as stated in paragraph (d).

(d) *Enforcement of collection.* The city is authorized to pursue and shall pursue all legal means to collect fees due the city for service responding to false alarms. Said means may include, after review by the office of the city manager, filing a claim of lien against the property of the owner in the amount of the unpaid fees plus legal and administrative costs of the collection.

(e) *Foreclosure of claim of lien.* A copy of the claim of lien provided for in the foregoing paragraph (d), after certification by the city clerk, may be recorded in the public records of the county. After three (3) months from the filing of any such claim of lien which remains unpaid, the city manager may authorize the city attorney to foreclose the claim of lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under Sec. 4, Art. X of the State Constitution.

(Ord. No. 94-19, § 1, 10-4-94; Ord. No. 98-21, § 1, 11-11-98)

§ 4-32. Appeal.

Any owner who receives an invoice for a false alarm fee shall be entitled to an appeal to the city manager or his designee. An appeal must be in writing, stating the reasons why the fee should not be assessed, and shall be made within fifteen (15) days of the date of the invoice rendered by the city. The city manager shall review the facts and circumstances and shall determine whether the owner has shown good cause why the charge should be withdrawn and shall render a decision on the appeal within five (5) days of receipt. The decision of the city manager shall be the final administrative action by the city. Upon making a decision on the matter, the city manager or his designee shall notify the owner of the decision in writing. If the appeal is denied, fees shall be remitted within thirty (30) days of the date the appeal is denied.

(Ord. No. 94-19, § 1, 10-4-94; Ord. No. 98-21, § 1, 11-11-98)

§ 4-33. Liability of police department or fire department.

The police department or fire department shall be under no obligation to respond to any alarm message or signal transmitted in violation of the terms of this article and shall not be liable for any such failure to respond.

(Ord. No. 94-19, § 1, 10-4-94)

§ 4-34. Newly installed alarm systems.

The provisions of this article shall not apply to any newly installed alarm system for a period of one (1) month from the date of the installation of that alarm system, but shall apply from and after the expiration of the initial one (1) month period following installation. The time limit provided for in this section shall be measured from the date shown on the notice required by section 4-28. The initial exemption period shall not apply to any alarm system that has been in operation for more than one (1) month prior to the effective date of this article.

(Ord. No. 94-19, § 1, 10-4-94; Ord. No. 98-21, § 1, 11-11-98)

§ 4-35. Alarm system operations.

The city, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately-owned alarm system, such duties or responsibilities being solely those of the owner of the premises. Additionally, it shall be solely the responsibility of the owner of the premises to silence an activated alarm and thereafter to reset the same.

(Ord. No. 94-19, § 1, 10-4-94)