

ORDINANCE NO. 9104-18

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, RELATING TO SECURITY ALARM SYSTEMS; AMENDING SECTION 5.44(1), CODE OF ORDINANCES TO REMOVE REFERENCE TO 'FLORIDA POWER CORPORATION'; AMENDING SECTIONS 5.46(2) AND (3), CODE OF ORDINANCES TO UPDATE SERVICE CHARGE SCHEDULE AND INCREASE TIME TO PAY SERVICE CHARGES; AMENDING SECTIONS 5.47(2), (3), AND (4), CODE OF ORDINANCES TO ALLOW THE CITY MANAGER TO NAME A DESIGNEE TO HEAR APPEALS; AMENDING SECTION 5.62(1), CODE OF ORDINANCES TO PROVIDE FOR ELECTRONIC REGISTRATION; AMENDING SECTION 5.63, CODE OF ORDINANCES TO CHANGE SECTION TITLE AND REMOVE DECAL REQUIREMENT; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. Section 5.44(1), Section 5.46(2) and (3), Section 5.47(2), (3), and (4), Section 5.62(1), and Section 5.63, Clearwater Code of Ordinances, are amended to read as follows:

Sec. 5.44. – Required Equipment; penalty for violation.

- (1) All security alarm systems connected to ~~Florida Power Corporation~~ electrical lines shall have a backup power supply that will become effective in the event of power failure or outage.

Sec. 5.46. – Service charge for false alarms.

- (2) The first activation within a permit year of an alarm user's permitted security alarm system determined by the responding police officer to have been a false alarm shall result in the city's issuance to the alarm user of a written courtesy warning by regular United States mail or by hand delivery. The issuance of a courtesy warning to the alarm user is not intended to create any rights of the alarm user. The city could have issued a notice of a false alarm and could have requested the payment of a service charge rather than issuing a warning. The issuance of a courtesy warning is merely a courtesy offered by the city to induce the alarm user to take corrective actions to prevent false alarms. The first activation within a permit year of an alarm user's unpermitted security alarm system determined by the responding police officer to have been a false alarm shall result in a service charge, unless the alarm user registers their security alarm system pursuant to Sec. 5.61 within 30 days of the receipt of the notice of service charge. However, an alarm user who obtains a permit for their unpermitted security alarm system and receives

a courtesy warning instead of a service charge will still have accumulated one false alarm in that permit year for purposes of the escalating service charge schedule in paragraph (3) of this section.

- (3) The activation at the same premises of one or more false alarms within a permit year after the date of the response that resulted in the city's issuance of a written courtesy warning shall result in the city's issuing to the alarm user a written notice of the false alarm and a notice of the city's imposition on the alarm user of a service charge of ~~\$50.00 per occurrence~~ per the following table, which shall be considered a bill owed by the alarm user to the city-:

Insert table

Permit		No Permit	
Alarm Calls	Fine	Alarm Calls	Fine
First	No Fine	First	\$50.00
Second – Fifth	\$50.00 each	Second – Fifth	\$100.00 each
Sixth +	\$100.00 each	Sixth +	\$150.00 each

Each service charge shall be paid to the police department within ~~45~~ 30 calendar days from the date of receipt of the written notification of the service charge. If the police department does not receive payment of the service charge within such time and if the alarm user fails to take an appeal by requesting a hearing as provided by this article within 15 calendar days from the date of receipt of the false alarm notice, the alarm user's permit for the premises shall become automatically revoked, and the notice shall so state.

Sec. 5.47. – Appeals.

- (2) The city manager or his/her designee shall hold a hearing within 20 calendar days from the date the alarm user files the request for a hearing with the city clerk's office. The alarm user shall be given notice of the hearing and shall have an opportunity to present evidence on his behalf, to cross-examine any witnesses, and to be represented by counsel. Within ten calendar days of the hearing, the city manager or his/her designee shall file with the city clerk's office a written decision upholding or canceling the false alarm report. The written decision shall be final and conclusive, subject to judicial review by common law certiorari in the circuit court for the county.
- (3) If the alarm user is unsuccessful in having the city manager or his/her designee declare the false alarm to be genuine or beyond the control of the alarm user and if the alarm user fails to seek further review in the circuit court, the alarm user shall have 30 calendar days from the date the city manager or his/her designee files the written decision with the city clerk to satisfy the requirements of section 5.46(3); otherwise the alarm user's permit for the premises shall become automatically revoked.

- (4) If the city manager or his/her designee determines that the alarm was activated by lightning, the false alarm report shall be cancelled. However, within 15 calendar days from the date the city manager or his/her designee files the written decision with the city clerk, the alarm user must present the police department written evidence from an alarm company licensed by the city certifying that the alarm system is operating properly, otherwise the alarm user's permit for the premises shall become automatically revoked.

Sec. 5.62. – Application.

- (1) Applications for alarm permits shall be made electronically or on forms provided by the police department. ~~Each application shall be signed~~ by the applicant or the applicant's agent. The application shall state the alarm user's name, and the address and telephone number of the alarm user's property to be serviced by the alarm. For business alarm users, the application shall also include the name of an individual employed at the premises who will represent the business as its agent to receive service of any notice required by this article. If the alarm user's alarm is serviced by an alarm company, the alarm user shall also include the name, address and telephone number of that company. If the alarm user's alarm is monitored by a company other than the company servicing the alarm, the application shall also contain the name, address and telephone number of the company monitoring the alarm system. If the alarm user's security alarm system was installed after October 1, 1990, the application shall also include the city's building permit number for the installation of any system required by the city code to be installed by a properly licensed alarm contractor and the date of final inspection

Sec. 5.63. – ~~Issuance of decals~~ Monitoring Companies.

- ~~(1) A decal with the alarm user's permit number shall be issued with the alarm user's permit. This decal shall be prominently posted on or near the front entrance to the premises so that the information provided on the decal is visible from the outside of the structure.~~
- (2) The alarm or monitoring company contacting the police department regarding an activated alarm shall inform the police department of the alarm user's permit number.

Section 2. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

George N. Cretekos
Mayor

Approved as to form:



Matt Smith
Assistant City Attorney

Attest:

Rosemarie Call
City Clerk