

1 EXHIBIT 1
2 ORDINANCE NO. 2022-
3

4 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
5 THE CITY OF HALLANDALE BEACH, FLORIDA, REPEALING
6 CHAPTER 7 BUSINESSES, ARTICLE III ALARM SYSTEMS
7 AND ENACTING CHAPTER 7 BUSINESSES ARTICLE III
8 ALARM SYSTEMS AND FALSE ALARMS, ESTABLISHING
9 ALARM REGISTRATION AND MAINTENANCE
10 REQUIREMENTS, AND PROVIDES FOR PENALTIES,
11 ENFORCEMENT AND AN APPEAL PROCESS; PROVIDING
12 FOR CONFLICT; PROVIDING FOR SEVERABILITY;
13 PROVIDING FOR CODIFICATION; AND PROVIDING AN
14 EFFECTIVE DATE.
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18 **WHEREAS**, the City Administration is recommending the repeal of the City of Hallandale
19 Beach's Code of Ordinances Chapter 7 Businesses, Article III Alarm Systems in its entirety and
20 reenacting Chapter 7 Businesses Article III Alarm Systems and False Alarms; and
21

22 **WHEREAS**, the City of Hallandale Beach is desirous of updating its Alarm Systems
23 regulations to address the growing problem of excess false alarms which unduly burden the City
24 of Hallandale Beach Department's limited law enforcement resources; and
25

26 **WHEREAS**, the purpose of this ordinance is to establish reasonable expectations of
27 alarm users and to ensure that alarm users are held responsible for their use of alarm systems;
28 and

29 **WHEREAS**, this ordinance would apply to all alarm systems, including both local alarms
30 and alarms sent to a central monitoring station, which are designed to elicit a response from the
31 police department under the presumption that a crime has occurred, requires alarm system
32 registration, provides for penalties for violations, creates a system of administration, and provides
33 for an appeal process; and
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35 **WHEREAS**, the Mayor and City Commission of Hallandale Beach have determined it is
36 in best interest of the residents that Chapter 7 Businesses, Article III Alarm Systems be repealed
37 and replaced as indicated herein.
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**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF
HALLANDALE BEACH, FLORIDA:**

SECTION 1. Chapter 7 Businesses, Article III Alarm Systems, of the Code of Ordinances of the City of Hallandale Beach is hereby repealed in its entirety.

SECTION 2. Chapter 7 Businesses, Article III Alarm Systems and False Alarms, of the Code of Ordinances of the City of Hallandale Beach is hereby enacted as follows:

CHAPTER 7. BUSINESSES

* * * *

ARTICLE III. ALARM SYSTEMS AND FALSE ALARMS

Section 7-111. - Definitions.

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

(a) Alarm Administrator means a person or persons designated by the City to administer the provisions of this ordinance.

(b) Alarm company means a person, company, firm, or corporation which has the contractual agreement with the alarm user and is subject to the licensing requirements, and engaged in selling, leasing, installing, servicing or monitoring alarm systems; this entity shall be licensed in compliance with city, county and state laws.

(c) Alarm permit means a permit issued to an alarm user by the City allowing the operation of an alarm system within the City.

(d) Alarm signal means a notification to the city that an alarm has been activated at a particular alarm site and that city emergency service is requested.

(e) **Alarm system** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon a city emergency service response, including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

- (f) **Alarm user** means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.
- (g) **Alarm User Awareness Class** means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.
- (h) **Cancellation** means termination of response by the Police Department when the alarm company notifies the Police Department that there is not an existing situation at the alarm site requiring emergency services response after an alarm dispatch request. If cancellation occurs within three (3) minutes of dispatch and prior to police arriving at the scene, no penalty will be assessed.
- (i) **False alarm** means an alarm dispatch request, that has generated a city emergency service response, which is canceled, or when no emergency condition is found at the alarm site.
- (j) **Local alarm** means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.
- (k) **Permit year** means a 12-month period beginning on the day and month on which an alarm permit is issued.
- (l) **Compliance Standards** means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.
- (m) **Enhanced Call Confirmation (ECC)**, means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails. EXCEPT in case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016(or current version).

Section 7-112. – Alarm Permit required; application; transferability; false statements.

(a) No alarm user shall operate, or cause to be operated, an alarm system without a valid alarm permit. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

(1) A separate alarm permit is required for each alarm site. If an alarm user has one or more alarm systems protecting two or more properties having different addresses, a separate permit shall be required for each address. A tenant of residential property or apartment shall obtain an alarm permit in their name before obtaining or causing the operation of an alarm system in the tenant's residential unit. The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm system operated in a nonresidential area of the apartment complex, including, but not limited to, common tenant areas and offices, and storage and equipment areas.

(2) The permit shall be requested on an application form provided by the City. An alarm user has the duty to obtain an application from the City within five (5) days of the alarm system installation or an alarm system transfer. The application shall require the name, address and daytime and evening telephone numbers of the the alarm user and the property owner (if different from the alarm user), in addition to any other information required by the City for enforcement of this Article.

(3) An alarm permit shall expire twelve (12) months from the date of issuance and must be renewed annually by submitting an updated application and permit renewal fee to the City or its designee. A late fee will be assessed if the renewal is more than thirty (30) days late. Failure to renew will be classified as a non-permitted alarm system and additional fines will be assessed.

(4) The City may deny a permit issuance or renewal to an alarm user that has not paid all applicable fees previously incurred on any alarm permit assigned to the alarm user.

(b) **Transfer of possession.** Alarm permits are not transferable and cannot be transferred to another person or location. When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application and pay any associated fees for an alarm permit within five (5) days of obtaining possession of the property.

(c) **Reporting updated information.**

(1) It is the responsibility of the alarm user to notify the City whenever the information provided on the alarm permit application changes. The alarm user shall provide correct information to the City, in the manner designated by the City, within 5 business days of the change. In addition, alarm users shall confirm or update existing permit information annually at the time of renewal.

(2) If emergency services respond to an alarm and find that the permit or emergency contact information is incorrect, City shall notify alarm user by letter sent to the location where the alarm system is installed. The alarm system owner must submit correct updated information to the City within 15 days of receipt of this letter.

(3) Failure to maintain current the alarm permit information will make the alarm system user subject to the assessment of an invalid permit fee. This fee shall then be imposed for every instance where the police respond and the alarm owner has failed to supply current information and shall be in addition to any other fees imposed.

(d) **Confidentiality.** In the interest of public safety, all information contained in and gathered through the alarm permit applications and applications for appeals shall be held in confidence by all employees or representatives of the city and by any third-party administrator or employees of a third-party administrator with access to such information, unless disclosure is otherwise required by law.

Section 7-113. – Operations and Maintenance

(a) An alarm user shall:

(1) Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms.

(2) Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to facilitate dispatch).

(3) Respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by emergency services.

(4) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(5) Not use automatic voice dialers.

(b) Any person engaged in the alarm business in the city shall comply with the following:

- (1) Florida State Statute, Chapter 489.
- (2) Obtain and maintain the required state, county and/or city license(s).
- (3) Provide name, address, and telephone numbers of the alarm company license holder or a designee who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.
- (4) Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.
- (5) Provide reports of alarm system locations and triggered alarms in the format required by the City every thirty (30) days or upon request by the City.
- (6) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the City of such purchase and provide details as may be requested by the City.
- (c) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user. Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm.
- (d) After completion of the installation of an alarm system, the alarm company employee shall review with the alarm user the customer false alarm prevention checklist (appendix A) or an equivalent checklist approved by the City. The alarm company employee shall complete, sign and date the alarm prevention checklist and maintain a copy for a period of two (2) years.
- (e) An alarm company performing monitoring services shall:
- (1) Attempt to confirm, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone confirmation shall require, as a minimum that a second call also known as Enhanced Call Confirmation (ECC), be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016(or current version).

- (2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
- (3) Communicate any available information about the location of the alarm.
- (4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.
- (5) Maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to the alarm dispatch. Records must include name, address and telephone number of the alarm user, the alarm system zones activated, the time of alarm dispatch request and evidence of an attempt to verify the alarm. The alarm administrator may request copies of such records for individual alarm users. If the request is made, the alarm monitoring company shall provide requested information within (10) business days of receiving the request.

Section 7-114. – False Alarms and other Prohibited Acts

- (a) **False alarms.** It is hereby found and determined that 3 or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful and subject to the fees as proscribed herein.
- (1) The officer responding to an alarm dispatch shall indicate on the dispatch record whether the notification was caused by a criminal offense, an attempted criminal offense or was a false alarm.
- (2) In the case of an assumed false alarm or alarm malfunction at an unattended property, the responding officer shall leave notice at the alarm site that the police department has responded to a false alarm or alarm malfunction. The notice shall include the following information:
- a. Date and time of the police response to the false alarm notification;
 - b. The identification number of the responding officer; and
 - c. A statement that shall, in substance, urge the registered owner to ensure that the alarm system is properly operated and maintained to avoid service fees.
- (b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes.

- (c) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (d) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the City of Hallandale Beach.
- (e) It shall be unlawful to operate a burglar alarm system within the City of Hallandale Beach without an alarm permit or with an invalid or expired permit.

Section 7-115. – Enforcement and Appeals.

- (a) Unless stated otherwise, a violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or criminal infraction.
- (b) If the City assesses administrative fees or penalties, the City or its designee, shall send by registered mail, to the owner of the real property, or landlord of the leasehold premises where the alarm system is located and the alarm owner or the applicable alarm company written notice of the assessment of a fee and of the right to an appeal. All fees and fines are due within thirty (30) days of notification or the responsible party shall be subject to additional late payment fees.
- (c) **Appeal.** The alarm user may appeal an assessment of a fine or suspension of an alarm permit to the city by setting forth in writing the reasons for the appeal within ten (10) business days after receipt of the fine or notice of suspension and by submitting payment of the appeals fee plus the assessed fine payable to the city. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty (ies) or other enforcement decision. If the alarm user is successful on appeal, the appeal fee and associated fine will be refunded. The appeal shall be heard by a special magistrate appointed by the City.
- (1) Notice of the City's action is presumed received on the fifth day of mail service after mailing by the City unless the recipient presents evidence proving otherwise.
- (2) Filing of a request for an appeal shall stay the imposition of further fees or penalties until the special magistrate has completed her review and rendered a decision. A

hearing shall be scheduled within 60 days from the date of written request for same is received.

(3) The decision of the special magistrate shall be determined based upon a preponderance of the evidence after conducting a hearing and considering the evidence presented by any interested parties.

(4) Within 20 days of the hearing, the special magistrate shall affirm, reverse, or modify the action of the City.

(5) The decision of the special magistrate is final as to administrative remedies within the City but does not preclude an appeal to any court of competent jurisdiction.

(d) Fees and costs incurred either as service charges for false alarms, late fees, violations and/or hearing assessments shall constitute a lien against the premises to the same extent as a lien for special assessment, and with the same penalties and same rights of collection for foreclosure sale and forfeitures obtained for special assessment liens and may be handled in that manner by the City.

Section 7.116. – Government Immunity.

Alarm registration is not intended to, nor will it, create a contract, duty of obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the City of Hallandale Beach Department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 7-117.- Fee Schedule. Fees as indicated by this Article shall be set and amended by Resolution of the City Commission and included in the City's Fee Booklet as amended.

Secs. 7- 118 – 7-150. Reserved

SECTION 3. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 4. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 5. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 6. This Ordinance shall take effect upon adoption.

PASSED AND APPROVED on ____, 1st reading on January, 2022.

PASSED AND ADOPTED on ____, 2nd reading on February, 2022.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY and
FORM

JENNIFER MERINO
CITY ATTORNEY