

ARTICLE III. - SECURITY ALARM SYSTEMS

DIVISION 1. - GENERALLY

Sec. 5.41. - 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 permit means a permit issued by the city allowing the operation of a security alarm system within the city.

Alarm user means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein a security alarm system is maintained. If the lessee of the premises is responsible for ensuring the proper maintenance of the security alarm system, then the lessee shall be considered the alarm user.

Automatic telephone dialing device or digital alarm communicator alarm system means an alarm system which is activated by a signal or message and which automatically sends a prerecorded voice message or coded signal by microwave, telephone line, or other mode of transmittal directly to the county 911 line or directly to the police or fire department, indicating the existence of an emergency situation that the alarm system is designed to detect.

Date of receipt means, for a residential user, the date that the return receipt accompanying any certified mailing of a notice required by this article to be sent to the alarm user's residence is signed or the date that any notice required by this article is delivered to the alarm user personally or to any person 15 years of age or older residing with the alarm user after informing the person of the contents of the notice. For business alarm users, the term means the date the return receipt accompanying any certified mailing of a notice required by this article to be sent to the alarm user's premises is signed or the date any notice required by this article is delivered to the person designated in the alarm permit application to receive notices, or to any employee, if the person so designated is not present on the premises, after notifying the employee of the contents of the notice.

False alarm means the activation of a security alarm system resulting in a police response caused by the mechanical failure, mechanical malfunction, improper maintenance, or faulty installation of the system, regardless of whether the alarm user is at fault; or the negligent or intentional activation of the sensors of a security alarm system by an act or omission of the alarm user, a person residing on the alarm user's premises or an employee of the alarm user, including but not limited to opening doors or windows protected by sensors, walking through or walking on areas protected by sensors, or failing to prevent the activation of sensors by animals or objects over which the alarm user, a person residing on the alarm user's premises, or an employee of the alarm user has or reasonably should have control. An alarm is not false if the security alarm system is activated by conditions that were not reasonably subject to the control of the alarm user, such as severe weather conditions, or under circumstances that would have caused a careful and prudent person to believe that criminal activity or an emergency was in progress at the premises. It may be presumed that the alarm was false if the police officer responding to the alarm finds no evidence of criminal activity, attempted criminal activity, or an emergency at the premises.

Permit year means from October 1 to September 30 of the next calendar year.

Premises means any building or structure or portion thereof protected by a security alarm system.

Same premises means at the same building or structure or portion thereof protected by a security alarm system, without regard to alterations therein, if the identity of the alarm user has not materially changed since the last false alarm report. For example, but without limiting the meaning of the definition, a bona fide sale of the premises or the business therein to a third party or the replacement of a tenant by a different tenant shall be deemed a material change of the identity of the alarm user.

Security alarm system means any assembly of equipment, mechanical or electrical, designed to signal the occurrence of an illegal entry or other criminal activity or of an emergency to a monitoring

facility that contacts the police department and requests a police officer to respond to the alarm user's premises. The term also includes any assembly of equipment, mechanical or electrical, that emits an audible or visual signal designed to be heard or seen outside the alarm user's premises indicating the occurrence of an illegal entry or other criminal activity or of an emergency on the alarm user's premises. The term includes but is not limited to intrusion alarms, holdup alarms, and panic alarms, but does not include fire alarms or alarms installed in motor vehicles.

(Code 1980, § 94.07)

Cross reference— Definitions and rules of construction generally, § 1.02.

Sec. 5.42. - Liability of city.

The city and any of its agents and employees shall have no liability or responsibility for the operation or effectiveness of any alarm system and shall not be subject to any claims, demands or actions which may arise out of or in connection with the failure to respond to an alarm.

(Code 1980, § 94.16)

Sec. 5.43. - Prohibited systems.

It shall be unlawful for any person, natural or corporate, to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an automatic telephone dialing device or digital alarm communicator alarm system within the city.

(Code 1980, § 94.15)

Sec. 5.44. - Required equipment; penalty for violation.

- (1) All security alarm systems connected to electrical lines shall have a backup power supply that will become effective in the event of power failure or outage.
- (2) All business security alarm systems shall have an automatic reset that silences the annunciator within 30 minutes after activation. All residential security alarm systems shall have an automatic reset that silences the annunciator within 20 minutes after activation.
- (3) An alarm user shall be punished by a fine not exceeding \$500.00 for each day the alarm user operates a security alarm system in violation of this section.

(Code 1980, § 94.11; Ord. No. 9104-18, § 1, 4-4-18)

Sec. 5.45. - Response to alarm; determination of validity.

- (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by the police department, and the police department does respond, a police officer on the scene of the activated security alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the security alarm system or whether a false alarm occurred.
- (2) If the police officer at the scene of the activated security alarm system determines the alarm to be false, the officer shall make a report of the false alarm.

- (3) If police officers respond to the same premises more than once during any eight-hour period, only one false alarm will be chargeable against the alarm user. For example, if a false alarm occurs at the alarm user's premises at 2:00 a.m., the next chargeable false alarm could not occur until 10:01 a.m.

(Code 1980, § 94.12)

Sec. 5.46. - Service charge for false alarms.

- (1) It is hereby found and determined that one or more false alarms within any permit year constitutes a public nuisance.
- (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 section 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 per the following table, which shall be considered a bill owed by the alarm user to the city:

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 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.

- (4) If the alarm user's permit has been revoked pursuant to subsection (3) of this section, the alarm permit shall not be reinstated until the alarm user pays all outstanding service charges.
- (5) The provisions of this section shall not apply to any new installation of an alarm system for the first 30 calendar days following the date the alarm system becomes operable.

(Code 1980, § 94.14; Ord. No. 6638-01, § 1, 2-1-01; Ord. No. 9104-18, § 1, 4-4-18)

Sec. 5.47. - Appeals.

- (1) Within 15 calendar days from the date of receipt by the alarm user of any notice of a false alarm, the alarm user shall file with the city clerk's office a written request for a hearing if the alarm user chooses to contest the validity of the false alarm, and the false alarm notice shall so state. The request for a hearing shall be accompanied by a filing fee of \$25.00 which will be refunded to the alarm user if the false alarm is determined to have been genuine or beyond the control of the alarm user.
- (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.

(Code 1980, § 94.13; Ord. No. 9104-18, § 1, 4-4-18)

DIVISION 2. - PERMIT

Sec. 5.61. - Permit required; penalty for violation.

- (1) On the effective date of Ordinance No. 4886 from which this article was derived, it shall be unlawful for any person who has not obtained an alarm permit for the premises or who has had his permit revoked pursuant to this article to operate a security alarm system. An alarm user who violates this subsection shall be deemed to have committed a Class IV offense punishable by a fine not exceeding \$500.00 for each day the alarm system is operated without a valid alarm permit.
- (2) An alarm permit may be acquired from the Clearwater Police Department upon application. The alarm permit will remain valid until the permit is revoked or until the alarm user changes his or her address or disconnects the system. The alarm user shall be responsible for notifying the Clearwater Police Department if any information contained on the initial application changes.

- (3) An alarm user that purchases a business or residence having an existing alarm system shall obtain a new permit for the premises. An alarm user that fails to comply with this subsection shall be deemed to be operating an alarm system without a valid permit in violation of subsection (1).
- (4) If an alarm user has one or more security alarm systems protecting two or more separate structures having different addresses, a separate permit shall be required for each structure. An alarm user who violates this subsection shall be deemed to have committed a Class IV offense punishable by a fine not exceeding \$500.00 for each day the alarm system is operated without a valid alarm permit.

(Code 1980, § 94.08; Ord. No. 5333-93, § 1, 2-4-93; Ord. No. 6638-01, § 2, 2-1-01)

Sec. 5.62. - Application.

- (1) Applications for alarm permits shall be made electronically or on forms provided by the police department 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.
- (2) Each application shall list the address and emergency telephone number of at least one individual who can be notified of alarm calls to assist the police in the inspection of the property.
- (3) Each holder of an alarm user permit shall immediately notify the police department in writing of any and all changes in the information on file with the city regarding such permit. Failure to do so shall constitute grounds for revocation of the permit.

(Code 1980, § 94.09; Ord. No. 9104-18, § 1, 4-4-18)

Sec. 5.63. - Monitoring companies.

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.

(Code 1980, § 94.10; Ord. No. 9104-18, § 1, 4-4-18)