

Chapter 54 - EMERGENCY SERVICES¹¹

Footnotes:

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Charter reference— General powers of county, § 2.01.

Cross reference— Civil emergencies, ch. 34.

State Law reference— General powers of chartered counties, Fla. Const. art. VIII, § 1(g).

ARTICLE I. - IN GENERAL

Sec. 54-1. - Prohibition of false residential detection alarms.

- (a) Legislative authority. This section is adopted pursuant to article VIII, section 1, under the state constitution and F.S. § 125.01(1)(t) and (1)(w).
- (b) Prohibition. It shall be unlawful for any electrical and/or mechanical burglar, holdup, intrusion, smoke or fire alarm in a residential dwelling to be falsely activated due to negligence or improper maintenance by the party responsible for or having custody of the same or due to negligence in the design, manufacture, distribution or installation of the same and causing response by a law enforcement agency on more than four occasions during any 12-month period.
- (c) Exemptions. Any person or entity required by law to possess and maintain any such electrical and/or mechanical burglar, holdup, intrusion, smoke or fire alarm is exempt from the provisions of this section. In addition, this section shall not be applicable to those electrical and/or mechanical burglar, holdup, intrusion, smoke or fire alarms installed and put into service within 30 days preceding the false activation.
- (d) Penalty. Violations of this section are punishable as provided in section 1-8.
- (e) Areas embraced. All territory within the legal boundaries of the county, including all incorporated areas, shall be embraced by the provisions of this section except those areas embraced by subsection 54-2(g), unless specifically excluded by municipal ordinance or in conflict with municipal ordinance to the extent of such conflict.

(Ord. No. 82-20, §§ 1—7, 7-13-82; Ord. No. 09-6, § 1, 2-3-09)

Charter reference— Conflicts between county and municipal ordinances, §§ 2.01, 2.04.

Cross reference— Fire prevention and protection, ch. 62; law enforcement, ch. 74.

State Law reference— General powers of chartered counties, Fla. Const. art. VIII, § 1(g).

Sec. 54-2. - Unlawful false alarms resulting from the improper use of alarm systems.

- (a) [Definitions.] When used in this section, the following terms shall have meanings ascribed to them below unless another meaning is clearly evident from the context in which they are used:

Automatic telephone dialing device or digital alarm communicator system means an alarm system which automatically sends a pre-recorded voice message or coded signal over telephone lines, by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.

Enforcement official means the sheriff or his designated representative(s).

False alarm means the activation of a security alarm system resulting in the response and arrival of the sheriff's office when a situation requiring a response by the sheriff's office does not exist and:

- (1) Which is caused by mechanical failure, malfunction, improper maintenance or installation of the alarm system, regardless of whether the alarm user is at fault; or the negligent or intentional activation of the alarm system; and
- (2) Is not caused by unlawful entry, attempted unlawful entry, or robbery. A presumption exists that the alarm was not caused by unlawful activity if the law enforcement officer responding to the alarm finds no evidence of criminal activity, attempted criminal activity or an emergency at the premises.

Fee means the assessment of costs imposed pursuant to this article to defray the expense of responding to a false alarm.

Premises means any building, structure or combination of buildings and structures including the curtilage thereof which is used for residential, commercial or any other purpose. At the option of the responsible party, out buildings, separate or detached buildings may be deemed separate premises for the purpose of registration.

Registration year means 12 continuous months of days beginning on the date of registration. Alarm registrations shall be renewed annually at the conclusion of the registration year.

Responsible party means any person or entity that owns or controls the premises in which an alarm system is installed, including, but not limited to, a person or entity that leases, operates, occupies or manages the premises.

Security alarm system means any mechanical, electrical or radio controlled device which is designed to be used for the detection of any unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful act at or within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Without limiting the generality of the foregoing, alarm systems shall be deemed to include audible alarms at the site of the installation of the detection device, proprietary alarms, and automatic telephone direct dial devices or digital communicator systems. Excluded from the definition of "security alarm systems" are devices which are designed or used to register alarms that are audible, visible or perceptible, in or attached to any motor vehicle, or auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service.

(b) Responsibility for security alarm activation, owner response, security alarm malfunction, corrective action, and fees.

- (1) The responsibility for false alarms shall be borne by the responsible party for the premises. In the absence of the specific assignment of responsibility for the alarm, the person or persons occupying or controlling the premises on which the alarm is located at the time of the false alarm will be held liable.
- (2) Every person who owns, operates or leases any alarm system as defined herein, whether existing or to be installed in the future, shall, within 30 days of the effective date of this article or installation thereafter, register the alarm by notifying the sheriff on forms to be provided, of the following:
 - a. The type, make, and model of the alarm system;
 - b. Whether the alarm is installed in a residential or commercial premises;
 - c. The name, address, and telephone number of the owner or lessee of the alarm system;

- d. The names, addresses, and telephone numbers of no less than two persons to be notified in the event of alarm activation;
- e. The name, address, and 24-hour telephone number for any monitoring service for the alarm system.

The responsible person shall provide to the sheriff's office any changes in the information required by subsections (b)(2)a through e within 15 days of such change.

- (3) When responding to an alarm at which there are no persons on the premises, and there is evidence of a break-in, attempted break-in, tampering with the security alarm system, or circumstances which the deputy reasonably believes requires the presence of the responsible party, the responsible party or authorized representative will be contacted and required to respond to the premises immediately, for the purposes of conducting a security check of the premise and resetting the alarm system.
 - (4) Each false alarm more than 24 hours apart for which the sheriff's office makes a separate response is subject to a separate fee assessment.
 - (5) No person shall be held liable under this section for any false alarm transmitted under a reasonable mistake of fact that a crime was being or had been committed.
- (c) Fees for multiple security alarm malfunctions or for false alarms.
- (1) For registered users, no fee shall be assessed under this section for the first two false alarms at the same premises responded to by the sheriff's office during the registration year. Thereafter, the following fees shall be paid by the responsible party for each false alarm during the registration year as set forth below:

False Security Alarm or Alarm Malfunction Fee Schedule

Number of Alarms	Fee per Alarm
Three	\$ 30.00
Four	\$100.00
Five	\$200.00
Six	\$250.00
Seven and above	\$300.00

For non-registered users, the following fee schedule applies:

Number of Alarms	Fee per Alarm
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One	\$ 80.00
Two	\$160.00
Three	\$320.00
Four and above	\$500.00

- (2) All fees assessed in the carrying out of this section shall be assessed to the responsible party and considered a bill owed by the responsible party, payable to the sheriff's office. Each fee shall be paid within 30 calendar days from the date of the receipt of the written notification of the fee. The fees are separate and apart from any fines that may be assessed for a violation of this ordinance.
- (d) Appeals and failure to pay assessed fees.
- (1) The responsible party may request a hearing within 30 calendar days of the date of receipt of any notice of false alarm or fee assessment to contest the validity of any notice of false alarm or fee assessment. The request for a hearing shall be in writing directed to Pinellas County Sheriff's Office, Attention: SHARP.
 - (2) The sheriff or designee will immediately schedule the hearing to occur on the next available hearing date. If the requesting party cancels or requests to continue the hearing with less than three business days' notice, a \$25.00 fee will be assessed unless the reason for cancellation is that the fee has been paid. The hearing shall be conducted by an independent hearing officer. The responsible party shall be given notice of the hearing and shall have the opportunity to present evidence, cross-examine any witness, and to be represented by counsel. The formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Within ten calendar days of the hearing, the hearing officer shall issue a written determination affirming or denying the initial determination that a false alarm existed, and advising the responsible party of the action(s) required. If the hearing officer affirms the violation, \$50.00 in costs will be assessed in addition to the fee set forth above. The hearing officer will also make a determination whether the violation should be punishable under section 1-8 if the amount is not paid within 30 days. The written determination shall be final and conclusive, subject to judicial review by common law certiorari in the circuit court for Pinellas County.
 - (3) The responsible party shall have 30 calendar days from the date of the written determination to satisfy the requirements set forth in the written determination. The failure to satisfy the requirements set forth in the written determination is a violation of this section is punishable as provided in section 1-8.
 - (4) If the hearing officer determines that the alarm was activated by severe weather conditions which includes, but is not limited to, hurricanes, tornadoes, or lightning strikes in the proximity of the premises, the hearing officer shall determine that alarm was not a false alarm. However, within 15 calendar days from the date the hearing officer issues the written determination, the responsible party may be required to present the sheriff's office written evidence from a licensed alarm technician certifying the alarm system is operating properly.
 - (5) Where the responsible party fails to request an appeal under this section and fails to pay the assessed fine within 45 days, the sheriff's office will notify the responsible party of their right to appear at a hearing to show cause why the violation should not be punishable as provided in

section 1-8. Such hearing shall be conducted before the hearing officer who will make a written determination of whether the violation of this section will be governed by section 1-8. Where the hearing officer determines that the violation shall be governed by section 1-8, the sheriff's office will issue the ordinance violation to the responsible party pursuant to that section.

- (e) Newly installed alarm systems. Except for the application requirements of subsection (b)(2), the provisions of this section shall not apply to any newly installed alarm system for a period of 30 days from the date of the installation.
- (f) Testing alarm systems. Notwithstanding any other provision of this chapter, it shall not be a violation of this section to test an alarm system pursuant to the testing procedures of the contracted alarm monitoring provider, or, in the absence of such provider, under the following conditions:
 - (1) Where there is no visual, audio, electronic or other indication of the alarm which can be seen, heard, or received beyond the boundaries of the property upon which the test is occurring; or
 - (2) Where there is a visual, audio, electronic, or other indication of the alarm which can be seen, heard, or received beyond the boundaries of the property upon which the test is occurring, and one of the following two precautions are observed:
 - a. Adequate measures are taken to ensure that anyone seeing, hearing, or receiving the indication of an alarm will not report it either directly or indirectly to the sheriff's office as an alarm requiring assistance of the sheriff's office; or
 - b. The sheriff's office is notified that the test is to occur and is instructed not to respond by the responsible party.
- (g) Territory embraced. This section shall be effective within the unincorporated areas of Pinellas County and those incorporated areas contracting with the Pinellas County Sheriff for law enforcement services, including Belleair Beach, Belleair Bluffs, Belleair Shores, Dunedin, Indian Rocks Beach, Madeira Beach, N. Redington Beach, Oldsmar, Redington Beach, Safety Harbor, Seminole, South Pasadena and St. Pete Beach.

(Ord. No. 09-6, § 2, 2-3-09; Ord. No. 14-01, 1-14-14)

Secs. 54-3—54-25. - Reserved.