

ORDINANCE NO. 2010 - 02

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CREATE A NEW SECTION ENTITLED "EMERGENCY ALARMS"; PROVIDING FOR A SERVICE CHARGE AS A PENALTY FOR THREE OR MORE ALARM INCIDENTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, every time the Town's emergency services personnel responds to a false alarm it hampers their ability to respond to a true emergency; and

WHEREAS, response to false alarms consumes many hours of valuable time and resources, reduces the manpower and resources of public safety agencies by rendering them out of service and unavailable to respond to legitimate emergency situations; and

WHEREAS, many of the Town's false alarms are simply caused by the failure of residents to maintain their own emergency alarm systems; and

WHEREAS, to help limit the false alarms within the Town, the Town desires to institute a service charge as a penalty for responding to three or more alarm incidents within a calendar year; and

WHEREAS, the Town Council finds that the adoption of an emergency alarm ordinance is in the best interest of the public health, safety, and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

Section 2: That a Chapter entitled "Emergency Alarms", of the Code of Ordinances of the Town of Southwest Ranches, Florida is hereby created to read as follows:

Emergency Alarms.

1. DEFINITIONS.

- (a) "Alarm Incident" means any operation or activation of an alarm system within the Town which causes or results in response to the alarm location by any police, fire, or medical personnel, which was not caused or necessitated by an actual emergency or need for police, fire, or medical services at that location.
- (b) "Alarm System" and/or "Alarm" means any device or system of devices designed or used in or upon a building or structure or used to detect violations of an entry onto property protected by an alarm for the detection and alerting of others of fire, medical emergency or of unauthorized entry, or any other crime, including, but not limited to, robbery and burglary offenses, which emits a sound, signal, or message, when activated.
- (c) "Responsible Party" means the owner of real property in the Town where a building or structure which contains an alarm system is situated or, any person, firm, corporation, partnership or other entity that utilizes or operates an alarm system within the Town.

2. EXEMPTIONS.

- (a) This Chapter shall not apply to:
 - a. An alarm attached to a motorized vehicle or vessel.
 - b. Property owned or leased by the Town.
 - c. Property owned or leased by another governmental entity; provided, however, that this provision shall not apply to any property owned by the governmental entity that has been leased to a third party, including, but not limited to, any person, group, agency or corporation.
 - d. Alarms attached to or connected with industrial equipment which are designed to alert the user for reasons other than for an alarm pursuant to the definition of Alarm System and or Alarm as provided above.
 - e. Alarms that are being tested; provided, however, that the Town's police and/or fire department(s) are made aware of the test status and duration of same prior to the alarm being activated such that no response will be dispatched.
 - f. Pool alarms as per the Florida Building Code.

3. SERVICE CHARGES AS A PENALTY FOR ALARM INCIDENTS.

- (a) It is hereby found and determined that any Alarm Incident in excess of two (2), regardless of the cause of the alarm activation, at the same address within any calendar year shall be deemed to be a public nuisance, an excessive burden on the responding Town departments and a corresponding burden to the taxpayers of the Town to continuously incur the cost of dispatching emergency and/or sheriff's vehicles to a particular location. Should an Alarm Incident require the Town to respond in excess of two alarms, the Responsible Party where the alarm is located shall pay a service charge as a penalty in the amount of \$50 for the third Alarm Incident, and \$250 for every subsequent Alarm Incident occurring within the calendar year. The Town finds that any Alarm Incident greater than two Alarm Incidents is a violation which is irreparable or irreversible in nature and as such the Town's Special Magistrate may assess a fine greater than the fine set forth herein. Every outstanding fine shall be subject to a monthly penalty of 10% interest on the amount overdue.
- (b) Any Responsible Party that has been issued a citation and/or a notice of violation, may appeal such decision in accordance with the Town's Code Enforcement provisions.
- (c) Failure to pay any fine for Alarm Incidents when due shall be a violation of this Chapter and the Responsible Party shall be subject to appropriate action which may include, but shall not be limited to, prosecution before the Town's Special Magistrate, or prosecution in the County Court. The Town shall not be precluded from pursuing any other available legal remedy it deems appropriate to prevent further Alarm Incidents.

4. PROHIBITIONS.

It shall be a violation of the Town Code to have:

- (a) Burglar alarms which do not deactivate within 30 minutes after activation.
- (b) Alarms which automatically dial the Broward County Sheriff's Office or the Fire Department over lines exclusively used by the public to request emergency service and information.

5. LIMITATION OF LIABILITY.

- (a) Neither the Town nor any of its officers, agents, or employees, shall be under any obligation or duty to an alarm user or to any other person hereunder by reason of this Chapter.

Section 3: Inclusion. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Southwest Ranches, and the sections of the Code may be renumbered to accomplish such intention.

Section 4. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its adoption.

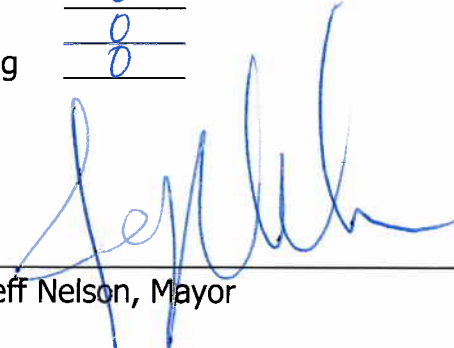
PASSED ON FIRST READING this 3rd day of December, 2009, on a motion made by Vice Mayor Knight and seconded by Council Member Breitzkreuz.

PASSED AND ADOPTED ON SECOND READING this 7th day of January, 2010, on a motion made by Vice Mayor Knight and seconded by Council Member McKay.

[SIGNATURES ON FOLLOWING PAGE]


Nelson AYE
Knight AYE
Breitkreuz AYE
Fisikelli AYE
McKay AYE

Ayes 5
Nays 0
Absent 0
Abstaining 0



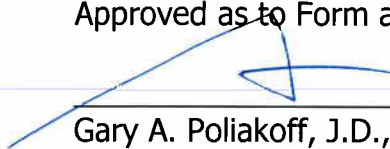
Jeff Nelson, Mayor

Attest:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
ACTIVE: 2786317_1