

ORDINANCE NO. 2008-038

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 16 OF THE PALM BEACH COUNTY CODE, ARTICLE III, (ORDINANCE NO. 2002-13), PERTAINING TO ALARMS; PROVIDING FOR SHORT TITLE; PROVIDING FOR PURPOSE; AMENDING SECTION 3, DEFINITIONS; AMENDING SECTION 4, PROVIDING FOR ALARM PERMITS REQUIRED; APPLICATION FEE, RENEWAL AND DURATION; AMENDING SECTION 5, PROVIDING FOR ALARM PERMIT APPLICATIONS; PROVIDING EMERGENCY NOTIFICATION AND REPORTING SERVICE ; AMENDING SECTION 6, PROVIDING FOR TECHNICAL REQUIREMENTS OF ALARM SYSTEMS; AMENDING SECTION 7, PROVIDING FOR RESPONSE TO ALARM, DETERMINATION OF FALSE ALARMS, ALARM VERIFICATION; AMENDING SECTION 8, PROVIDING A PROCEDURE TO APPEAL FALSE ALARM DETERMINATIONS AND PROVIDING FOR A FALSE ALARM APPEALS BOARD; AMENDING SECTION 9, PROVIDING FOR FINES FOR FALSE ALARMS; PROVIDING FOR MAINTENANCE OF RECORDS; PROVIDING THAT AUTOMATIC TELEPHONE DIALING SYSTEMS ARE PROHIBITED AND NO RESPONSE FOR MOBILE ALARM SYSTEMS; PROVIDING FOR APPLICABILITY OF ORDINANCE; PROVIDING FOR LIMITATION OF LIABILITY; AMENDING SECTION 14, PROVIDING FOR PROHIBITIONS AND PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is hereby found and determined that excessive false alarms constitute a public nuisance and that the response of the Palm Beach County Sheriff's Office results in wasted resources; and

WHEREAS, since 1980 the Sheriff of Palm Beach County has indicated that by negligence, improper use, malfunction or poor design, the

1 increased use of burglar alarms in the unincorporated areas of Palm Beach
2 County has resulted in an escalating number of "false alarms" to which the
3 Sheriff's Office must respond in force; and

4 **WHEREAS**, the Sheriff's Office has indicated that the vast majority
5 of alarms are caused by improper use of, defects in, improper installation of,
6 or maintenance of alarm systems, rather than by criminal activity; and

7 **WHEREAS**, the Sheriff's Office has determined that current
8 information regarding the resident or business owner and his or her
9 representative is vital to the safety of the deputies responding to alarms; and

10 **WHEREAS**, the Sheriff's Office's experience indicates that a
11 majority of alarm users do not update this vital information without an
12 annual permit renewal process; and

13 **WHEREAS**, based on the cost to process permits and renewal
14 permits, there is a need to increase the renewal fee; and

15 **WHEREAS**, having a False Alarm Appeals Board with knowledge of
16 the workings of alarm systems will be more beneficial to the alarm user.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF**

18 **COUNTY COMMISSIONERS OF PALM BEACH COUNTY,**

19 **FLORIDA, that:**

20 **SECTION 1. Short Title.**

21 This Ordinance may be cited as "The Alarm Ordinance."

22 **SECTION 2. Purpose.**

23 In concert with the Palm Beach County Sheriff's Office commitment to
24 problem solving policing, the purpose of this Ordinance is to prevent false alarm
25 activations that require the Sheriff's Office to respond. Deputies responding to

1 false alarms are more wisely utilized preventing crime and solving neighborhood
2 crime problems. This Ordinance is a cooperative effort among the Palm Beach
3 County Board of County Commissioners, the Alarm Association of Florida and the
4 Palm Beach County Sheriff's Office to prevent false alarm activations in the most
5 effective manner.

6 **SECTION 3. Definitions.**

7 The following words when used in this Ordinance shall have the meanings
8 attributed to them by this section:

9 **A. Alarm Administrator** means the person designated by the Sheriff to
10 administer, issue and review alarm applications, permits and alarm dispatch
11 requests.

12 **B. Alarm Company** means any individual, partnership, corporation or
13 other entity engaged in or causing the selling, leasing, maintaining, servicing,
14 repairing, altering, replacing, moving, installing or monitoring any Alarm System.

15 **C. Alarm Monitoring Company** means any individual, partnership,
16 corporation or other entity engaged in or causing the monitoring of any digital,
17 cellular, long range radio or any other alarm monitoring system which is designed
18 to detect intrusion and whose duty it is to notify any law enforcement agency by
19 any means.

20 **D. Alarm Permit** means a permit issued by the Sheriff allowing the
21 operation of an Alarm System within the unincorporated areas of the County and
22 any area where the Palm Beach County Sheriff's Office responds to burglary,
23 robbery, panic and duress or holdup alarms as the primary law enforcement agency
24 pursuant to an agreement between a municipality and the Sheriff. Alarm Permits
25 are not transferable from one person to another or one business to another. Alarm

1 Permits may be transferable if the Alarm User moves from one location to another
2 location within the unincorporated area of Palm Beach County. Alarm Permit fees
3 and alarm renewal fees are nonrefundable.

4 **E. Alarm Re-Training** means personal individual training of the Alarm
5 User in the proper use of the Alarm System. The retraining shall include;
6 activation, deactivation, panic/hold up alarms, procedure to cancel false alarm
7 dispatches, basic alarm maintenance, false alarm avoidance, key holder
8 responsibilities and other responsibilities of the Alarm User under this Ordinance.

9 **F. Alarm Site** shall mean any building, structure, facility or premises, or
10 portion thereof, wherein an Alarm System is maintained.

11 **G. Alarm System** means any assembly of equipment, mechanical or
12 electrical, arranged to signal the occurrence of an illegal entry or other activity, but
13 does not include mobile alarms or fire alarms.

14 **H. Alarm User** means the person, firm, partnership, association,
15 corporation, company or organization of any kind in control of any building,
16 structure, facility or premises, or portion thereof, containing an Alarm System.

17 **I. Alarm User's School** means a class provided by the Palm Beach
18 County Sheriff's Office or an agency authorized to perform such training by the
19 Sheriff's Office.

20 **J. Automatic Telephone Dialing Alarm System ("ATDAS")** means
21 the automatic dialing device or an automatic telephone dialing Alarm System and
22 shall include any system which, upon being activated, automatically transmits by
23 telephone or telephone line to the Sheriff's Office or Sheriff's dispatcher a
24 recorded message or code signal indicating a need for emergency response.

25 **K. False Alarm** means an alarm dispatch request where the responding

1 deputy finds no evidence of a criminal offense or attempted criminal offense after
2 completing an investigation of the alarm site. False Alarms include alarms caused
3 by user error and/or technical or mechanical failure. Excluded are alarms caused
4 by tornado, hurricane, fire, and telephone line trouble outside the alarm premises
5 and dispatches that are properly canceled by the Alarm Company or Alarm
6 Monitoring Company before the Sheriff's Office arrives at the scene.

7 **L. Nuisance Alarm** means a repeated Alarm System activation in which
8 a sensor responds to a stimulus, but the stimulus is not a verifiable criminal
9 activity and repeatedly wastes Sheriff's Office resources. This includes unlocked
10 or unsecured doors and windows, public access to alarmed areas, open fields or
11 other areas where persons may travel.

12 **M. Private Security Alarm System ("PSAS")** means a gated
13 community with 24 hours a day, 7 days a week private security. The alarm
14 activation shall not cause an audible sound outside the business. Both the private
15 security company and the outside monitoring company shall monitor the alarm
16 signal for the community and provide first response to the Alarm Site to determine
17 the validity of the activation. The Sheriff's Office shall not be notified of the
18 alarm activation and is not required or expected to respond to the Alarm Site
19 unless the security representative first finds evidence of criminal activity or an
20 unlocked or open door or window. PSAS does not include contracted Sheriff's
21 Office Deputies. The private security company must be properly licensed and
22 meet all of the requirements of Palm Beach County Ordinances and Florida State
23 Statutes and must produce such documentation to the Sheriff's Office Alarm Unit
24 upon request. Failure by the community or the private security company to
25 maintain any of the requirements of this section shall result in disqualification as a

1 PSAS community and subject the Alarm Users in that community to all of the
2 provisions of this Ordinance.

3 N. **Transfer** means every mode, direct or indirect, absolute or
4 conditional, voluntary or involuntary, of disposing of or parting with an asset or an
5 interest in an asset, and includes payment of money, release, lease, and creation of
6 a lien or other encumbrance.

7 **SECTION 4. Alarm Permits Required; Application Fee, Renewal,**
8 **Duration.**

9 (a) It shall be a violation of this Ordinance to operate an Alarm System
10 without a valid Alarm Permit unless specifically exempted under Section 3M of
11 this Ordinance. Violation of this section shall be subject to a civil penalty of two
12 hundred fifty (\$250.00) dollars plus court costs.

13 (b) Alarm Systems on publicly owned properties will be required to
14 register with the Sheriff's Office and will be subject to all regulations and
15 requirements of this Ordinance, except application fees. Failure to register shall
16 result in a No-Response status.

17 (c) All Alarm Users shall obtain an Alarm Permit within thirty (30) days
18 of the effective date of this Ordinance. Alarm Permits shall be acquired from the
19 Sheriff's Office upon submission of a permit application fee of twenty-five
20 (\$25.00) dollars. An Alarm User that has paid the applicable permit fee prior to
21 enactment of this Ordinance shall be governed by Section 4(e) herein. Alarm
22 Users in communities that meet all of the requirements of Section 3M of this
23 Ordinance are exempt from this section.

24 (d) Applicants for Alarm Permits shall obtain all other applicable
25 permits, including building permits, prior to submitting an application for an

1 Alarm Permit.

2 (e) All Alarm Permits will expire one (1) year from the date of issuance.
3 Renewal permits will be issued after completion of a renewal form and the
4 payment of a renewal fee of twenty-five (\$25.00) dollars per year. This fee is to
5 offset the cost of monitoring current registration for effective Sheriff's Office
6 response to the alarm site. Failure to make payment within thirty (30) days from
7 date of receipt of notification by the Sheriff's Office shall result in a
8 discontinuance of Sheriff's Office response to alarms that may occur at the
9 premises described in the Alarm User's permit until payment is received.

10 (f) If a business or residence has one (1) or more Alarm Systems
11 protecting two (2) or more separate structures having different addresses, a
12 separate Alarm Permit will be required for each structure. Violation of this section
13 shall result in a civil penalty of two hundred fifty dollars (\$250.00) plus court
14 costs per incident.

15 (g) If the owner or property manager of an apartment complex provides
16 Alarm Systems in each residential unit as an amenity, then the apartment complex
17 shall obtain an Alarm Permit for each apartment. All units, whether occupied or
18 not, shall be required to have an Alarm Permit. Each apartment shall be
19 considered as a separate Alarm User.

20 (h) An apartment complex shall obtain a separate Alarm Permit for any
21 Alarm System operating in a non-residential area of the apartment complex
22 including, but not limited to, common tenant areas, office, storage and equipment
23 areas.

24 (i) All Alarm Companies, that install, monitor, repair, or activate an
25 Alarm System in the unincorporated area of Palm Beach County must be licensed

1 according to Chapter 489, Florida Statutes, have the appropriate occupational
2 licenses and instruct the user on the proper use of the system. It shall be the
3 responsibility of the Alarm Company to provide necessary re-training to the Alarm
4 User as defined in Section 3E. Alarm Companies shall also inform the Alarm User
5 or person requesting such work of the requirements of this Ordinance, and provide
6 them a copy. Literature will be made available on the Palm Beach County
7 Sheriff's Office website (www.pbso.org). Violation of this section shall result in a
8 civil penalty of five hundred dollars (\$500.00) plus court costs to the Alarm
9 Company for each occurrence.

10 **Section 5. Alarm Permit Applications; Emergency Notification;**
11 **Reporting Service.**

12 (a) All applications submitted for an Alarm Permit to the Sheriff's Office
13 shall state the name, address and telephone number of the property to be serviced
14 by the alarm, and the name, address and telephone number of the Alarm User's
15 residence. If serviced by an Alarm Company, then the Alarm User shall also
16 include the name, address, telephone number and State license number of that
17 company. It is the responsibility of any Alarm User that activates a new or
18 existing alarm system to forward an Alarm Permit application to the Sheriff's
19 Office. The Alarm User must submit an Alarm Permit application and a check
20 made payable to the Palm Beach County Sheriff's Office for the amount of
21 twenty-five dollars (\$25.00). The application and check must be mailed or
22 delivered in person to the Sheriff's Office within 24 hours following activation or
23 reactivation. The renewal fee and false alarm fine notices will be sent directly to
24 the Alarm User. The Sheriff's Office shall not respond to an unpermitted Alarm
25 System activation. It is the responsibility of the Alarm User to provide the Alarm

1 Permit number to the Alarm Monitoring Company. Alarm Companies and Alarm
2 Users shall be permitted to use online application and payment services when
3 made available by the Sheriff's Office.

4 (b) Emergency Notification. Each Alarm Permit application shall list an
5 emergency telephone number of the user and one representative (key holder) to
6 permit prompt notification of emergencies. All users of an Alarm System must
7 have one representative (key holder), other than him or herself, available to
8 respond to an alarm activation to open the premises and have the capacity to
9 deactivate the system. The representative must respond upon request by the
10 Sheriff's Office or Alarm Company to deactivate the system. Failure to do so shall
11 result in the assessment of a civil penalty of one hundred twenty five dollars
12 (\$125.00) plus court costs per incident to the Alarm User. Changes in emergency
13 telephone numbers shall be kept current by the Alarm User, the Alarm Company
14 and the Alarm Monitoring Company and failure of either to provide current
15 information to the Sheriff's Office shall result in a civil penalty of forty dollars
16 (\$40.00) and shall constitute grounds for revocation of the Alarm Permit. All
17 Alarm Companies and Alarm Monitoring Companies must notify the Sheriff's
18 Office in writing of cancellation of monitoring service or change of information
19 concerning the Alarm Users. Alarm Companies and/or Alarm Monitoring
20 Companies shall not be held responsible for violation of this section if they have
21 not been notified by the Alarm User. It is the responsibility of the Alarm User to
22 notify the Alarm Company and/or Alarm Monitoring Company whenever a key
23 holder is temporarily unavailable. If a key holder is temporarily unavailable for
24 whatever reason and fails or neglects to notify the Alarm User, neither the Alarm
25 User, the Alarm Company nor the Alarm Monitoring Company shall be fined or

1 penalized pursuant to Section 5(b) of the Alarm Ordinance.

2 (c) Reporting service information. Each Alarm Monitoring Company or
3 nonmonitored Alarm User shall immediately notify the Sheriff's Office in writing
4 of any and all changes in the information on file with the Sheriff regarding each
5 Alarm User. Failure to do so shall constitute grounds for revocation of the permit.

6 (d) Information relating to security systems is exempt from public
7 disclosure according to Florida Statutes, 281.301, as may be amended from time to
8 time.

9 **SECTION 6. Technical Requirements of Alarm Systems.**

10 (a) All Alarm Systems shall have a backup power supply that will
11 become operative in the event of power failure or outage. The backup power
12 supply shall have a minimum capacity of three (3) hours. The Alarm Company
13 will be required to produce documentation indicating that battery calculations
14 were performed in order to comply with the standby requirement. Switching to
15 backup power or restoring to electrical power from backup power shall not cause
16 an alarm condition. Violation of this section shall result in a civil penalty of one
17 hundred twenty five dollars (\$125.00) plus court costs per incident to the Alarm
18 User.

19 (b) All control panels installed after January 2003 must meet the
20 requirements of Security Industry Association ("SIA") equipment related group
21 CP-01 (or an equivalent) and must maintain defaults; minimum 30 second entry
22 delay; minimum 30 second abort delay; minimum 45 second exit delay with auto
23 restart. Commercial systems requiring UL certification shall be exempt from these
24 delay requirements. Violation of this Section 6(b) shall result in the Alarm System
25 being placed on No Response status.

1 (c) All motion detectors installed after January 1, 2007 shall meet the
2 requirements of Security Industry Association (“SIA”) equipment standard MID-01
3 (or an equivalent).

4 (d) All glass break detectors (and related equipment) installed after
5 January 1, 2007 shall meet the requirements of Security Industry Association
6 (“SIA”) equipment standard GB-01 (or an equivalent).

7 (e) Alarm Companies shall not program Alarm Systems with One Plus
8 Duress capabilities. Alarm Companies may continue to report One Plus Duress
9 alarms received from Alarm Systems programmed with this feature prior to 2000.
10 Violation of this section shall result in a civil penalty to the Alarm Company of
11 five hundred dollars (\$500.00) plus court costs for each occurrence.

12 (f) When performing any upgrade or modification to an Alarm System,
13 an Alarm Company must remove the One Plus Duress capability from the Alarm
14 System.

15 (g) Alarm Companies shall not install devices for activation of hold up or
16 panic alarms as a single action, non-recessed button.

17 (h) All alarm dispatch requests caused by a verifiable or attempted
18 criminal offense shall not be considered a False Alarm. The criminal activity must
19 be determined by the responding Deputy Sheriff or documented within five
20 business days of the activation and must be accompanied by a police report.

21 (i) The Alarm Administrator or Sheriff's Office supervisor may cancel,
22 without notice, any alarm dispatch caused by power or weather related causes,
23 determined to be a nuisance, or emergencies based upon priority. Alarm
24 dispatches canceled under this section shall not be considered False Alarms.

25 (j) The Sheriff's Office will not respond to an alarm activation at the

1 same premises within an eight (8) hour period unless a key holder is available to
2 respond. It is the duty of the Alarm Monitoring Company to contact the key
3 holder before requesting a second response from the Sheriff's Office within an
4 eight (8) hour period. If a key holder cannot be contacted to respond to the alarm
5 site, the Sheriff's Office will not respond. Alarm Monitoring Companies shall
6 contact a key holder in advance and determine that the key holder is available to
7 respond.
8 (k) Violation of this section shall result in a civil penalty of five hundred
9 dollars (\$500.00) plus court costs to the Alarm Monitoring Company for each
10 occurrence.

11 **SECTION 7. Response to Alarm; Determination of False Alarms,**
12 **Alarm Verification.**

13 (a) Whenever an alarm is activated and the Sheriff's Office responds, a
14 deputy sheriff on the scene of the activated Alarm System shall inspect the area
15 protected by the system and shall determine whether the activated alarm was a
16 verifiable emergency or whether it was a False Alarm.

17 (b) The deputy shall make a report of any False Alarms and send a
18 notification by mail or hand delivery to the address shown on the Alarm Permit
19 advising the Alarm User of the False Alarm.

20 (c) An Alarm Monitoring Company performing monitoring services and
21 nonmonitored Alarm Users shall provide the Sheriff's Office with the valid Alarm
22 Permit number of the activation. The Sheriff's Office will not dispatch a response
23 to a call indicating an alarm activation from an Alarm Monitoring Company
24 without an Alarm Permit number, the name and address of the alarm activation,
25 and the zone(s). The Alarm Company shall report the specific location, i.e.: front

1 door, west window, etc. to the Sheriff's Office. The Alarm Monitoring Company
2 will call the alarm site and attempt to verify every alarm activation before
3 requesting a Sheriff response with the exception of robbery, panic, duress or hold
4 up alarms.

5 (d) Alarm Companies and Alarm Monitoring Companies shall employ
6 Enhanced Call Verification methods as specified in Florida Statutes 489.529 and
7 any related rule in Florida Administrative Code 61G6 as either may be amended
8 from time to time.

9 (e) Failure to verify alarm activations in accordance with Section 7(d) of
10 this Ordinance before requesting a dispatch or requesting a dispatch without a
11 valid permit number shall result in the assessment of a civil penalty of five
12 hundred dollars (\$500.00) plus court costs for each occurrence.

13 (f) All Alarm Monitoring Companies shall verify cancellations of alarm
14 dispatch requests to the Sheriff's Office in a manner and form determined by the
15 Alarm Administrator. The procedure shall require Alarm Monitoring Companies
16 to telephone the Sheriff's Office on a non-emergency telephone line to indicate the
17 alarm was false and to cancel all police response.

18 (g) The Palm Beach County Sheriff's Office will provide normal response
19 to all 911 calls and all robbery/panic duress or hold up alarms which require an
20 intentional act by a person on the premises to activate the alarm even if the Alarm
21 User is on No Response status. Activations of this type of alarm which is
22 determined to be false by the Sheriff's Office will result in fines in accordance
23 with Section 9.

24 (h) The Sheriff or his designee shall have the right to inspect any Alarm
25 System which might require a Sheriff's response at any reasonable time to

1 determine whether it is in conformity with the terms of this Ordinance.

2 (i) No fine shall be imposed upon the Alarm User if the Alarm User can
3 prove by the greater weight of evidence that the Alarm Company failed to attempt
4 to notify the Alarm User before notice to the Sheriff's Office. This section shall
5 only apply to burglar alarms. All robbery, panic, duress and holdup alarms are
6 excluded from this section.

7 **SECTION 8. Procedure to Appeal False Alarm Determination.**

8 (a) Upon receipt of any False Alarm notifications, the Alarm User shall
9 have ten (10) days to appeal said notification, in writing, to be heard at 3228 Gun
10 Club Road, West Palm Beach, Florida 33406, before a False Alarm Appeals Board
11 setting forth the reasons for the appeal. False Alarm Appeals Board shall hear
12 cases involving special circumstances which are beyond the control of the Alarm
13 User or the Alarm Company.

14 (b) All hearings shall be scheduled and concluded within fifteen (15)
15 days from the date the request is received.

16 (c) If appealed, a False Alarm determination shall be stayed until a
17 determination is made by the False Alarm Appeals Board.

18 (d) The False Alarm Appeals Board shall be comprised of an attorney
19 licensed to practice in the State of Florida, selected by the Sheriff's General
20 Counsel, an active licensed Alarm Company representative, a current member of
21 the Sheriff's Office's Alarm Unit, as well as an alternate member who shall serve
22 only when a member of the False Alarm Appeals Board has direct experience with
23 the specific false alarm which is the subject of the appeal. The Sheriff or his
24 designee shall appoint all members to the False Alarm Appeals Board.

25 (e) Rules of Procedure. The False Alarm Appeals Board shall conduct a

1 hearing and consider all evidence from the Alarm Company, Alarm User and/or
2 Sheriff's Office and make a decision based upon a preponderance of evidence
3 presented at the hearing. The Alarm User shall have the burden of proof. The
4 False Alarm Appeals Board may not compromise or overturn cases concerning
5 faulty or malfunctioning equipment, false alarms caused by electrical surges, or
6 alarms caused by the fault of another person during non-criminal incidents. The
7 False Alarm Appeals Board shall hear cases involving circumstances which are
8 beyond the control of the Alarm User or the Alarm Company. The False Alarm
9 Appeals Board shall send notice of its majority decision to the Alarm User within
10 five (5) business days of the hearing. The decision of the False Alarm Appeals
11 Board constitutes final administrative action.

12 (f) Meetings.
13 1. Location. The location of the hearings shall be in Palm Beach
14 County, Florida.

15 2. Operating procedures. All cases brought before the False
16 Alarm Appeals Board shall be presented by either the Alarm
17 Enforcement Division or an attorney representing the Division.
18 3. Meetings open to the public. All meetings and public hearings
19 shall be open to the public.

20 (g) Compensation. False Alarm Appeals Board members shall serve
21 without compensation for their services and shall not by virtue of their service on
22 the False Alarm Appeals Board, be considered County or Sheriff employees.

23 (h) The Sheriff may also request the initiation of the Code Enforcement
24 procedures pursuant to Ordinance No. 90-45, as amended.

25

1 **SECTION 9. Fines for False Alarms.**

2 (a) False Alarms within a permit year for the same Alarm Permit shall be
3 subject to the following fines:

4 (1) The first and second False Alarms shall not be assessed a fine.

5 (2) The third and fourth false alarms shall each be assessed a fifty
6 (\$50.00) dollar fine.

7 (3) The fifth false alarm shall be assessed a seventy five (\$75.00)
8 dollar fine.

9 (4) The sixth through ninth false alarms shall each be assessed a
10 one hundred dollar (\$100.00) fine.

11 (5) The tenth and all subsequent false alarms shall each be
12 assessed a five hundred dollars (\$500.00) fine.

13 (b) Failure to make payment within thirty (30) days from date of receipt
14 of notification of any fines under this Ordinance shall result in a limited response
15 to alarm activations by the Sheriff's Office. The Sheriff's Office shall not respond
16 to burglar alarms at the alarm site until payment of all delinquent fines and/or civil
17 penalties are received. The Sheriff's Office will continue to respond to robbery,
18 panic, duress or hold up alarms, 911 telephone calls and other emergency or non-
19 emergency requests for service.

20 (c) Any person operating a non-permitted Alarm System (revoked,
21 suspended, or never permitted) will be subject to a two hundred fifty dollar
22 (\$250.00) civil penalty plus court costs for each False Alarm dispatch.

23 **SECTION 10. Maintenance of Records.**

24 All Alarm Companies must maintain for a period of one year, all
25 monitoring, service, and installation records. This information must be provided

1 to the Sheriff's Office, upon request, within the following time frames: records up
2 to 180 days old must be provided within 5 calendar days and records over 180
3 days old must be provided within 10 calendar days. Current information must be
4 maintained regarding the premises monitored, the Alarm User, and the key holder.
5 Violation of this section shall result in a civil penalty of five hundred dollars
6 (\$500.00) plus court costs per incident.

7 **SECTION 11. Automatic Telephone Dialing Alarm Systems**

8 **Prohibited, No Response for Mobile Alarm Systems.**

9 (a) It shall be a violation of this Ordinance for any person, natural or
10 corporate, to sell, offer for sale, install, maintain, lease, operate or assist in the
11 operation of an Automatic Telephone Dialing Alarm System. Violation of this
12 section shall result in a civil penalty of one hundred twenty five dollars (\$125.00)
13 plus court costs per incident to the Alarm User and/or Alarm Company.

14 (b) The Sheriff shall issue an order to discontinue use of all Automatic
15 Telephone Dialing Alarm Systems to the owner, operator, or lessee within
16 seventy-two (72) hours and shall put the system on a No Response status.

17 (c) All Automatic Telephone Dialing Systems installed prior to the
18 effective date of this Ordinance, shall be removed within thirty (30) days of the
19 date of the notice as set forth in subsection (b) hereof.

20 (d) Mobile Alarm Systems. The Sheriff shall not respond, and the Alarm
21 Company and/or Alarm Monitoring Company shall not request a response, to any
22 activation of a mobile, personal, or automotive security device or any other Alarm
23 System that is not fixed or installed in a permanent location. A request for a
24 dispatch for a Mobile Alarm System shall result in a civil penalty of two hundred
25 fifty dollars (\$250.00) plus court costs for each occurrence to the Alarm Company.

1 **SECTION 12. Applicability.**

2 This Ordinance shall apply in the unincorporated area of Palm Beach
3 County and any area within Palm Beach County where the Palm Beach County
4 Sheriff's Office responds to burglar, robbery, panic, duress or hold up alarm
5 activations as the primary law enforcement agency, pursuant to an agreement
6 between a municipality and the Sheriff unless the municipality has adopted its own
7 alarm ordinance. Otherwise, this Ordinance shall not be effective in
8 municipalities.

9 **SECTION 13. Limitation of Liability.**

10 Neither the Sheriff's Office nor the County shall be under any obligation or
11 duty to an Alarm User or to any other person hereunder by reason of this
12 Ordinance. The Sheriff specifically disclaims liability for any damages which may
13 be caused by failure to respond to an alarm.

14 **SECTION 14. Prohibitions and Penalties.**

15 In addition to the penalties referenced throughout this Ordinance, the
16 following shall apply:

17 (a) Any false statement made in an application for an Alarm Permit
18 hereunder or with respect to any process or procedure required under this
19 Ordinance shall result in a civil penalty of five hundred dollars (\$500.00) to the
20 maker of the false statement and revocation of the Alarm Permit.

21 (b) No Alarm User shall operate an Alarm System without a valid Alarm
22 Permit issued by the Palm Beach County Sheriff's Office unless specifically
23 exempted under Section 3M of this Ordinance. Violation of this section shall be
24 subject to a civil penalty of two hundred fifty dollars (\$250.00) plus court costs.

25 (c) No person shall manually operate an Alarm System for any reason

1 other than an occurrence of an event that the Alarm System was intended for.
2 Violation of this section shall result in a civil penalty to the Alarm User of one
3 hundred twenty-five dollars (\$125.00) plus court costs per incident.

4 (d) Alarm Monitoring Companies shall attempt to verify every alarm
5 signal, except a robbery, panic, duress or hold up alarm activation before
6 requesting the Palm Beach County Sheriff's Office to respond. Violation of this
7 section shall result in a civil penalty to the Alarm Monitoring Company of five
8 hundred dollars (\$500.00) plus court costs per incident.

9 (e) It is the responsibility of the Alarm Company and technician to
10 prevent false alarms during installation, system repairs, or system service by
11 switching the monitoring system to test mode. Violation of this section shall
12 result in a civil penalty of one hundred twenty-five dollars (\$125.00) plus court
13 costs per incident to the alarm technician or Alarm Company.

14 (f) The Department of Business and Professional Regulations will be
15 notified of violations of this Ordinance by any contractor, Alarm Company or
16 Alarm Monitoring Company.

17 (g) Alarm Users who have excessive alarm dispatches shall be required
18 to attend an Alarm User's School given by the Palm Beach County Sheriff's
19 Office. Attendance at such school shall be at the direction of the designee of the
20 Sheriff's Office. Excessive alarm dispatches shall mean more than five alarms per
21 month. Attendees may be given a credit for outstanding fines upon successful
22 completion of the Alarm User's School and only when repairs are made by a
23 licensed Alarm Company and a work order from the Alarm Company is submitted.
24 Alarm Users are only allowed to attend Alarm User's School once in a lifetime for
25 the purpose of removal of fines.

1 **SECTION 15. Repeal of Laws in Conflict.**

2 All local laws and ordinances in conflict with any provisions of this
3 Ordinance are hereby repealed to the extent of such conflict.

4 **SECTION 16. Severability.**

5 If any section, paragraph, sentence, clause, phrase, or word of this
6 Ordinance is for any reason held by the Court to be unconstitutional, inoperative,
7 or void, such holding shall not affect the remainder of this Ordinance.

8 **SECTION 17. Inclusion in the Code of Laws and Ordinances.**

9 The provisions of this Ordinance shall become and be made a part of the
10 Code of Laws and Ordinances of Palm Beach County, Florida. The sections of
11 this Ordinance may be renumbered or relettered to accomplish such, and the word
12 "ordinance" may be changed to "section", "article", or other appropriate word.

13 **SECTION 18. Effective Date.**

14 The provisions of this Ordinance shall become effective upon filing with the
15 Department of State.

16 **APPROVED and ADOPTED** by the Board of County Commissioners of

17 Palm Beach County, Florida, on this the 9th day of
18 September , 2008.

19 SHARON R. BOCK,
20 CLERK & COMPTROLLER
21 BY ITS BOARD OF COUNTY
22 COMMISSIONERS

23 By: *Addie L. Greene*
24 Deputy Clerk
25 Addie L. Greene, Chairperson

26 APPROVED AS TO FORM AND
27 LEGAL SUFFICIENCY

28 By: *[Signature]*
29 Assistant County Attorney

30
31
32 Filed with the Department of State on the 18th day of September , 2008.
33
34
35

SUMMARY OF CHANGES TO BURGLAR ALARM ORDINANCE

ITEM	CURRENT PROVISION	PROPOSED PROVISION
Initial Burglar Alarm Applicant Fee	\$ 18.00	\$ 25.00
Renewal Permit Fee	5.00	25.00
Operating Alarm Without Valid Permit	250.00	250.00 Plus Court Cost
Special Master Appeal Process	Required	To Be Abolished
False Alarm Appeal Board	Does Not Exist	To Be Established

SURVEY OF RENEWAL AND APPLICATION FEE FOR OTHER CITIES/COUNTIES

CITY / COUNTY	FEE
City of West Palm Beach	\$ 25.00
Coral Springs	25.00
Charlotte County	25.00
Indian River County	30.00
Lee County	25.00
Martin County	25.00
Miami / Dade County	25.00
Boynton Beach	30.00

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)