



MEMORANDUM

Agenda Item No. 13(J)

TO: Honorable Chairperson Barbara
Carey-Shuler, Ed.D and Members,
Board of County Commissioners

DATE: December 16, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Proposed Amendment to Section
21-276 of the Miami-Dade County
Code, Pertaining to Burglar Alarms

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending Section 21-276 of the Miami-Dade County Code, pertaining to burglar alarms. The proposed changes would facilitate the administration and enforcement of the burglar alarm ordinance and would correct scrivener's errors.

BACKGROUND

On January 1, 2002, County Ordinance No. 21-276 became effective requiring annual registration and a \$25.00 fee payable to the Miami-Dade Police Department (MDPD) for all residences and businesses in the unincorporated area with working burglar alarm systems. In an effort to better administer and enforce the ordinance and correct omitted language, MDPD staff along with the County Attorney's Office and members of the Alarm Association of Florida, have prepared the attached proposed revisions. These revisions include the following:

- 21-276(2) *Scope of regulations*: The existing Ordinance applies only to unincorporated Miami-Dade County. The proposed revision will also apply to municipalities whose primary police protection is MDPD. The immediate benefit is that MDPD maintain revenue from fines and registration fees.
- 21-276(3) *Definitions*, (a): "Monitored" was omitted from the existing Ordinance due to scrivener's error.
- 21-276(4) *Registration of alarm system and fee*, (a): This subsection specifies that the Ordinance will apply within municipalities that are provided primary police services by MDPD, and requires registration of working alarm systems with MDPD. Additionally, it specifies that the name of a property owner be included in the alarm registration, as property owners are responsible for violations of the Ordinance. This will enable the MDPD staff to notify both owners and users of violations.
- 21-276(4) *Registration of alarm system and fee*, (b): This subsection will allow for the renewal date of any annual registration to be staggered throughout the calendar year, provided that no renewal shall be for less than one (1) calendar year. This allows for better administration of the Ordinance by the MDPD.
- 21-276(6) *Alarm Companies Responsibilities*, (d) and (e): These additions mandate alarm companies to disconnect a system after notification of service cancellation from a user, and that companies must electronically provide client lists to MDPD. Both additions will improve the administration of the Ordinance.

- 21-276(7) *Alarm verification calls required*: Changes to this subsection mandate alarm monitoring stations to make calls to the premises generating the alarm signal and two additional contacts designated by the alarm user, in an attempt to verify police response prior to notifying MDPD of an alarm activation. This will not apply to panic or holdup type alarms. All calls to MDPD will include the alarm registration number. These requirements will help reduce the number of false alarms received by MDPD and properly dispatch and track alarm calls.
- 21-276(8) *Cancelling false burglar alarm calls*: Corrects wording in the existing Ordinance.
- 21-276(9) *False burglar alarms prohibited*: Changes in this section will make property owners ultimately responsible for violations.
- 21-276(10) *Penalties, (b)*: This change is consistent with subsection 9 and provides a twenty-four (24) hour fine maximum for property owners.
- 21-276(13) *Restoring Police response to terminated locations, (a) and (b)*: This revision will mandate stricter inspection guidelines for an alarm system at a location where police response has been discontinued pursuant to the Ordinance and will provide for more specific documentation to ensure compliance with the inspection.



Susanne M. Torriente
Assistant County Manager



MEMORANDUM

TO: Honorable Chairperson Barbara
Carey-Shuler, Ed.D and Members,
Board of County Commissioners

DATE: December 16, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Fiscal Impact Report for Proposed
Amendment to Section 21-276 of
the Miami-Dade County Code

The proposed amendments to Section 21-276 of the Miami-Dade County Code concerning burglar alarms will have a fiscal impact on Miami-Dade County, as indicated below. It is important to note that the proposed revisions to the ordinance will not increase the current demand for police services, nor will it result in an immediate financial impact. However, it is anticipated that if the proposed revisions are not passed there will be future increases in the amount of nuisance burglar alarm calls that MDPD responds to, which will result in an undetermined service and financial impact.

1. During the 2002 calendar year, almost 70,000 burglar alarm systems were registered with the Miami-Dade Police Department generating \$1,708,610 in revenue. A substantial number of these alarm systems are located within newly incorporated areas or those currently under study by a Municipal Advisory Committee (MAC). The revenue generated by these registrations are immediately lost upon incorporation of an area.
2. During the 2002 calendar year, the Miami-Dade Police Department issued \$2,963,950 in fines, of which the Clerk of the Court collected \$1,105,475. Revenues generated by future fines are difficult to determine because it is not possible to estimate the future number of false burglar alarm citations issued, nor the number of citations issued for escalating violations. However, as indicated above, a substantial number of alarm users are located within newly incorporated areas or those currently under study by a Municipal Advisory Committee, therefore, a loss of revenue can be expected.
3. The purpose behind burglar alarm controls is to reduce the number of false burglar alarms. During the 2002 calendar year, the Miami-Dade Police Department experienced a 12% reduction in the number of false burglar alarms, amounting to over 14,000 fewer calls for service. To date this year, the reduction is 29%, or 23,000 fewer false burglar alarms. Stricter controls will reduce police resources spent on responding to nuisance alarms. If we do not extend the Ordinance to the municipalities MDPD serves, or they do not institute one of their own, MDPD will be inundated with rising false alarms. These calls for police service waste manpower and cost money. Each burglar alarm call is estimated to cost approximately \$65.00, which resulted in a cost of \$2.86 million to Miami-Dade County in 2001.



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 16, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(J)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 13(J)

12-16-03

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 21-276 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PERTAINING TO BURGLAR ALARMS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 21-276 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 21-276. Burglar alarms.

- (1) *Purpose of regulations.* The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false burglar alarms.
- (2) *Scope of regulations.* This section will apply to unincorporated Miami-Dade County>> and within those municipalities that are provided primary police protection by the Miami-Dade Police Department<<.
- (3) *Definitions.*
 - (a) *Alarm company* means any person engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring any alarm system or causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved>> monitored<< or installed in, or

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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on, any building, structure or facility. An alarm company and/or alarm monitoring company shall be properly licensed in accordance with Chapter 489, Florida Statutes. An alarm company shall have an appropriate occupational license pursuant to state statute, Chapter 489, Part II.

- (b) *Alarm user* means any person or other entity that owns, possesses, controls, occupies, or manages any premises as defined below.
- (c) *Burglar alarm system* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the Police Department may reasonably be expected to respond, but does not include fire alarms or alarms installed in motor vehicles. If a fire alarm system is connected to a burglar alarm system, this section shall not apply to false alarms that the alarm user proves were generated by the fire alarm portion of the system.
- (d) *False burglar alarm* means a signal from a burglar alarm system that elicits a response by the Police when no emergency or actual or threatened criminal activity requiring immediate[[ly]] response exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in nonemergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a burglar alarm is false if personnel responding from the Police Department do not discover any evidence of unauthorized entry, criminal activity, or other emergency after following normal Police procedures in investigating the incident. An alarm is not false if the alarm user proves that (1) an individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed; or (2) the alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system

contractor who conducted an on-site inspection and personally observed the damage to the system; or (3) if the user experienced a power outage of four or more hours, causing the alarm to activate upon restoration of power, as evidenced by written documentation provided by Florida Power and Light Company or other applicable provider.

(e) *Premises* means the building or structure or portion of a building or structure upon which is installed or maintained a burglar alarm system.

(4) *Registration of alarm system and fee.*

(a) *Registration of burglar alarm systems.* All burglar alarm systems which operate at locations within the unincorporated area of Miami-Dade County >>or within a municipality which is provided primary police services by the Miami-Dade Police Department<< shall be registered with the Miami-Dade Police Department by the user. The user shall complete and submit to the ~~[[MDPD]]~~ >>Miami-Dade Police Department<< an initial registration or an annual registration renewal with the appropriate fee. Initial registration shall be necessary to register any system which is not currently registered with the Department or upon a change in the user of an alarm.>> Any burglar alarm system which is registered for a residential use shall include the name and address of the owner of property in addition to any user of the system.<<

(b) *Annual registration fee.* Effective with registrations for registration periods beginning on or after January 1, 2002, there shall be an annual registration fee of twenty-five dollars (\$25.00) for all alarm registrations. Separate alarm systems require separate registrations. The registration period will be for one year. >>At the discretion of the Department Director, the renewal date for any annual registration may be staggered throughout the calendar year provided that no renewal shall be for less than one calendar year. <<Upon renewal for registration periods beginning on or after January 1, 2003, the fee will be waived if the burglar alarm

system has had no false burglar alarms requiring police dispatch during the prior registration period.

* * *

(6) *Alarm Companies Responsibilities.*

* * *

>>(d) Upon termination of any alarm monitoring contract or service to a user, the monitoring company shall be responsible for disconnecting or disabling the user's alarm system from calling or otherwise notifying the monitoring company of an alarm event.

(e) Any alarm monitoring company which monitors alarm systems covered under this chapter shall provide an electronic list of customers, on a quarterly basis, to the Miami-Dade Police Department. The list shall be in a format which is approved by the Department Director.<<

(7) *Alarm verification calls required.* All residential or commercial intrusion/burglar alarms, that have central monitoring, must have ~~[[a]]~~ >>the required<< central monitoring verification call>>~~s~~<< made ~~[[to the premises generating the alarm signal]]~~, prior to alarm monitor personnel contacting the Miami-Dade Police Department for dispatch. >>Required central monitoring calls shall include the premises generating the alarm signal and two additional phone contacts designated by the alarm user.<<This does not apply to panic or holdup type alarms. >>All calls made by the monitoring company to the Miami-Dade Police Department shall include the alarm registration number.<< Alarm monitoring companies will make available to the Miami-Dade Police Department upon request, records providing proof that the monitoring company made the verification calls.

(8) *Cancelling false burglar alarm calls.* Alarm monitoring companies shall notify the ~~[[Metro]]~~>>Miami<<-Dade Police Department to cancel dispatches to alarm calls the company initiated within ten (10) minutes of being notified that the alarm is false by the alarm user or his authorized

representative. However, Police will not cite the company for failure to meet the ten-minute criterion if notification of a false alarm is received before an Officer arrives on the scene. Alarm monitoring companies will make available to the Miami-Dade Police Department records providing proof that the police department was contacted within the ten-minute criterion. An emergency line has been provided by the Miami-Dade Police Department to call in and/or cancel panic or holdup type alarms. Use of this line for non-emergency alarm calls is prohibited.

(9) *False burglar alarms prohibited.* No burglar alarm user >>or residential property owner<< shall cause, allow, or permit the burglar alarm system to give four (4) or more false alarms in any registration period.

(10) *Penalties.*

(a) Each violation of this section shall be punished as follows:

* * *

(b) An alarm user >>and residential property owners<< shall not be fined more than two hundred dollars (\$200.00) for false alarms that occur at the same premises in any twenty-four-hour period.

(c) No penalty specified hereunder shall be imposed or assessed against any entity that qualifies as tax exempt under the provisions of Section 501(c)(3) of the Internal Revenue Code provided that the premises is used exclusively by said entity for such tax exempt purposes.

* * *

(12) *Limitations to Police response.*

(a) Police are not required to respond:

* * *

(c) A notice that Police response will be discontinued, for any of the above reasons, will accompany a civil

violation notice, be posted at the affected location, or be sent to the user by ~~[[certified]]~~ >>first class<< mail at least thirty (30) days prior to discontinuing service.

* * *

(13) *Restoring Police response to terminated locations.* To regain Police response to burglar alarms at terminated locations, the alarm user must:

- (a) When Police response has been discontinued pursuant to Section 21-276~~[(10)]~~>>(12)<<(a) 1 >>above<<, >>the user shall<< submit a written report from a licensed burglar alarm company certifying that the system has been inspected, repaired if required, and that it is functioning properly. >>The inspection shall include the testing of the battery, which must be sufficient to provide four (4) hours of backup for the alarm system. In addition, the control panel, to the extent it is capable of being so programmed, must be programmed so as to comply with the SIA CP-01 Control Panel Standard. The certification required by this section must be signed by the user and the alarm company and be on a form approved by the Director. <<In addition, the alarm user must pay all outstanding burglar alarm ordinance fines;
- (b) When Police response has been discontinued pursuant to Section 21-276(12) a.2>>and 3<<. >>above<<, >>the user shall<< submit burglar alarm registration information and pay all outstanding burglar alarm ordinance fines.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6
PL

Prepared by:

Thomas H. Robertson