

ORDINANCE NO: 2023-02

AN ORDINANCE OF THE CITY OF BLOUNTSTOWN, FLORIDA, CREATING ARTICLE II OF EXISTING CHAPTER 23, CODE OF ORDINANCES, CONCERNING LAW ENFORCEMENT AND FALSE ALARMS; PROVIDING FOR REGISTRATION OF INTRUSION ALARMS AND FIRE ALARM SYSTEMS; PROVIDING FOR PENALTIES AND ENFORCEMENT FOR FALSE ALARMS; PROVIDING FOR REPEAT FALSE ALARM PROPERTIES TO BE PLACED ON FIRE WATCH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE:

WHEREAS, The City of Blountstown is empowered to provide for the health, safety, welfare, and infrastructure for the citizens of Blountstown, Florida, and

WHEREAS, issues exist relating to the regulation of false alarms within the City; and

WHEREAS, The City Council of the City of Blountstown, Florida has determined that it is in the public interest to provide for the regulation of false alarms within the City; and

WHEREAS, The City Council of the City of Blountstown, Florida therefore proposes to amend Chapter 24 of its Code of Ordinances to create Article II, Chapter 24 of its Code of Ordinances, providing for the regulation of false alarms within the City.

NOW THEREFORE, IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOUNTSTOWN, FLORIDA THAT:

SECTION ONE: The following ordinance amendment and creation, concerning false alarms, specifically, creating Article II, Chapter 24, Code of Ordinances, shall be amended and created as follows:

ARTICLE II. FALSE ALARMS

Sec. 24-7. Purpose.

- (1) The purpose of this article is to encourage security, fire or medical alarm users and alarm businesses (including, but not limited to, sales, installation, and/or monitoring) to maintain the operational reliability and the proper use of alarm systems so as to limit unnecessary police, fire and emergency medical responses to false alarms and alarm malfunctions.
- (2) This article governs all alarm systems intended to summon police, fire and emergency medical response, and requires registration, establishes fees, provides for fines for violations, and establishes a system of administration and collection procedures.

Sec. 24-8. Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

- (1) *Adopted Code(s)* means code, including, but not limited to, Chapters 18 and 24, Code of Ordinances of the City of Blountstown; National Fire Protection Alarm and Signaling Code (NFPA 72); the National Fire Protection Association Life Safety Code 101 (NFPA 101); and the Florida Administrative Code Section 69A-48.
- (2) *Alarm Company* means a person, partnership or corporation in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system at an alarm site.
- (3) *Alarm Coordinator* means the person within the Blountstown Police Department designated to administer, control, and maintain records; review false alarm reduction efforts; and administer the provisions of this article.
- (4) *Alarm Registration* means authorization granted by the Enforcement Official or Alarm Coordinator to an Alarm User to operate an Alarm System. The registration shall serve as notification by an Alarm User that an Alarm System has been installed and is or will be in use at an Alarm Site.

- (5) *Alarm Site* means a single fixed premises or location, or a multi-tenant location, served by an alarm system or systems. Each unit, if served by a separate alarm system in a multiunit building or complex, shall be considered a separate alarm site.
- (6) *Alarm System* means any mechanical, electrical, or radio-controlled device or system which is designed to emit, transmit or relay a signal or message and which, when activated, is intended to summon, or that would reasonably be expected to summon, police, fire or emergency medical services of the City of Blountstown including, but not limited to, local alarms. Alarm system does not include:
 - (a) An alarm installed on a vehicle, unless the vehicle is permanently located at a site; or
 - (b) An alarm designed to alert only the inhabitants of a premises, and which does not constitute a local alarm.
- (7) *Alarm-User* means person, partnership, corporation or any other entity which has contracted for monitoring, repair, installation, or maintenance service from an alarm installation company or monitoring company for an Alarm System, or who owns or operates an Alarm System which is not monitored, maintained, or repaired under contract.
- (8) *Automatic Voice Dialer* means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice or data message, when activated, over a telephone line, radio or other communication system, to the City of Blountstown Police or Fire Department requesting dispatch.
- (9) *Cancellation* means the process where police response is terminated after an alarm dispatch request has been received and the alarm company notifies the City of Blountstown Police Department that there is not an existing situation at the alarm site requiring police response. If cancellation occurs prior to police arriving at the alarm site or within two (2) minutes of the initial alarm dispatch, this is not a false alarm. Cancellation shall not apply to an alarm dispatch involving domestic violence or to any fire or emergency medical alarm systems.
- (10) *Chemical Alarm* means an alarm that emits smoke, gas, pepper spray, or other noxious chemicals or vapors upon activation.
- (11) *Dispatch Request* means a notification to the City of Blountstown Police or Fire Department that an alarm, either manual or automatic, has been activated at a particular alarm site.
- (12) *Enforcement Official* means the City of Blountstown representative designated by the Fire Chief to administer this article and control and maintain records involving false fire or emergency medical alarms.
- (13) *False Alarm* means the activation of an alarm system signal or message which elicits notification to and response by the City of Blountstown Police or Fire Departments when there is no evidence of a crime, fire, medical emergency or other activity which warrants a call for immediate police, firefighting or emergency medical assistance. This may include, but is not limited to, an alarm discovered by a police officer or firefighter before notification of an alarm from a monitor or from a local alarm system that is not monitored.
- (14) *False Alarm Notice* means written notification provided at an alarm site by the City of Blountstown Police Department notifying an alarm user that a False Alarm has occurred at the premises.
- (15) *Fee* means the assessment of a monetary charge payable to the City of Blountstown, authorized pursuant to this article, to defray the expenses of responding to a false alarm.
- (16) *Fire Alarm Incident Report* means a document issued by the Enforcement Official indicating that the activation was deemed to be the result of fire alarm activation due to fire, a Nuisance Fire Alarm, or a False Fire Alarm.
- (17) *Fire or Emergency Medical Alarm* means a system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire or a medical emergency or supervisory signal initiating devices which are intended to summon fire or emergency medical services of the City of Blountstown.
- (18) *Fire Watch* means an individual(s) designated by the Enforcement Official to the Premises for the purpose of protecting the occupants from fire or similar emergencies.

A Fire Watch may involve at least some special action beyond normal staffing, such as assigning an additional security guard(s) to walk the premises, who has been specially trained in fire prevention and in the use of fire extinguishers, in notifying the fire department, in sounding the fire alarm located on the premises, and in understanding the particular fire safety situation.

- (19) *Holdup Alarm* means a silent or audible alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- (20) *Intrusion Alarm* means a panic or other alarm intended to summon the police, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.
- (21) *License* means a license issued by the State of Florida pursuant to Chapter 489, Florida Statutes, to an alarm company or monitoring company to sell, install, monitor, repair, or replace alarm systems.
- (22) *Local Alarm* means an alarm system which is not monitored, emits a signal at an alarm site, and is audible or visible from the exterior of a structure.
- (23) *Low-Voltage Alarm System Project* means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in § 489.505, Fla. Stat., that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, Current Edition, and ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras.
- (24) *Monitoring Company* means a person, partnership, or association in the business of providing monitoring services for alarm systems.
- (25) *Owner* shall mean any person or legal entity who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises if such person or persons are responsible for the installation or maintenance of such alarm system.
- (26) *Person(s)* means an individual, partnership, corporation, association or similar entity.
- (27) *Premises* shall mean any building, structure or combination of buildings and structures which serve as dwelling units such as single-family, multi-family or any other area with a building, structure or combination thereof which is used for any purpose and is served by an Alarm System.
- (28) *Qualified Fire or Intrusion Alarm Technician* means any person who inspects, installs, repairs or performs maintenance of fire or intrusion alarm systems, is licensed by the State of Florida, and possesses a Burglary Alarm System Agent (BASA) or Fire Alarm System Agent (FASA) certification as required by state statute (or works under the license of an alarm contractor). For fire alarms, this person shall be preferred to be factory trained and certified and hold a National Institute of Certification in Engineering Technologies (NICET) in fire alarms.
- (29) *Record of Completion* means a document that acknowledges the features of installation, operation, performance, service, and equipment with representation by the property owner, system installer, system supplier, service organization, and the City of Blountstown Fire Department.
- (30) *Report of Service/Repair* means documentation in a format acceptable to the Enforcement Official or Alarm Coordinator, or designee, that verifies proper repairs or maintenance have been performed by a Qualified Fire or Intrusion Alarm Technician including, but not limited to: work orders, service tickets, battery purchase, or documentation from a licensed contractor.
- (31) *Responder* means an individual capable of reaching an alarm site, within one (1) hour for a fire or medical alarm and within thirty (30) minutes for an intrusion alarm, upon receiving notice that an alarm dispatch request has been requested for an alarm site; and who can provide access and is authorized to enter the premises to ascertain the status thereof, including resetting and silencing of all equipment.
- (32) *Verify* means an attempt, as required by section 489.529, Florida Statutes, by the monitoring company to contact the alarm site by telephonic or other electronic means,

whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting police dispatch to an alarm site.

(33) *Warning Notice/Letter* means a notification provided to the owner or person in charge of an alarm site by the City of Blountstown Police or Fire Departments for false alarms when it is determined there is no evidence of a crime, fire, medical emergency or other activity which warrants a call for immediate police, fire or emergency medical assistance due to system malfunction or when no reason can be determined for the false alarm. The warning letter will require the alarm system be inspected and serviced within five (5) working days for fire or medical alarms and within thirty (30) days for intrusion alarms, with written documentation submitted to the Enforcement Official or Alarm Coordinator certifying the system is in working order. Warning Notice and Warning Letter shall have the same meaning.

(34) *Wireless Alarm System* means a burglar alarm system or smoke detector that is not hardwired and is not monitored by a Monitoring Company or otherwise.

Sec. 24-9. Enforcement.

In lieu of assessing service fines or fees as otherwise provided for in this Code of Ordinances, the City of Blountstown Police Department or Fire Department may issue code enforcement citations pursuant to the Code of Ordinances of the City of Blountstown.

Sec. 24-10. Penalties.

Upon issuance of a code enforcement citation and a hearing on same, violators shall be assessed a fine in the amount of \$150.00 for a first offense; \$200 for a second offense; \$300 for a third offense; \$400 for a fourth offense; and \$500 for a fifth and any subsequent offense.

Sec. 24-11. Dual response; fines and service fees cumulative.

If the false alarm elicits a response from both the City of Blountstown Police Department and the City of Blountstown Fire Department, and such response would cause a fine or service fee to be assessed, then the party responsible for the fine or service fee shall be jointly and severally liable for each service fee or fine assessed.

SECTION TWO: SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is held for any reason, to be unconstitutional, void, or invalid, the validity of the remaining portion of the ordinance shall not be affected hereby.

SECTION THREE: EFFECTIVE DATE AND REPEALER

- A. This amendment shall become effective immediately upon its adoption.
- B. All ordinances and parts of existing ordinances in conflict herewith are hereby repealed.

ATTEST:

CITY OF BLOUNTSTOWN


Traci S. Hall, City Manager


Tony Shoemaker, Mayor