ORDINANCE
NUMBER 2019-019

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-5, ARTICLE VI, SECTIONS 2-5-141, 2-5-142, AND 2-5-145 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA GOVERNING SECURITY ALARM SYSTEMS; AMENDING DEFINITIONS OF ALARM MONITORING COMPANY, ALARM USER AND SECURITY ALARM SYSTEM; AMENDING WHEN REGISTRATION IS REQUIRED; AMENDING FEES TO INCLUDE A FEE FOR CHECKS RETURNED FOR INSUFFICIENT FUNDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners, by Ordinance No. 98-059, enacted Chapter 2-5, Article VI of the Code of Laws and Ordinances of Charlotte County, Florida, regulating privately owned security alarm systems for the purpose of reducing the substantial misuse of manpower and resources of the Charlotte County Sheriff’s Office, which must respond to numerous false alarm notifications; and

WHEREAS, the Board of County Commissioners, by Ordinance No. 2002-034, amended Chapter 2-5, article VI, Charlotte County Code; and

WHEREAS, the Board of County Commissioners, by Ordinance No. 2004-051, amended Chapter 2-5, article VI, Charlotte County Code; and

WHEREAS, the Board of County Commissioners, by Ordinance No. 2017-045, further amended Chapter 2-5, article VI, Charlotte County Code; and

WHEREAS, the administration of the security alarm system code by the Charlotte County Sheriff's office has been effective in reducing the number of false alarms in the County; and

WHEREAS, implementation of the registration process and its amendments has
revealed over time that additional amendments to the Article's definitions, registration and
warning procedures, penalties, fees and methods of payment are warranted; and

WHEREAS, the promotion of the purposes of the law without unduly burdening
alarm users requires that the ordinance be amended.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners
of Charlotte County, Florida:

Section 1. Charlotte County Code Chapter 2-5, Article VI, § 2-5-141 is hereby
amended by adding the underlined language and by deleting the stricken language to
provide as follows:

Sec. 2-5-141. Definitions.

When used in this article, the following words and terms shall have the meanings
ascribed thereto:

Alarm coordinator means the person designated by the Charlotte County Sheriff's
Office to administer, control and review false alarm reduction efforts and administer the
provisions of this article.

Alarm installation company means a person or entity whose business includes the
selling, providing, maintaining, servicing, repairing, altering, replacing, moving or
installing security alarm systems.

Alarm monitoring company means a person or entity whose business includes
receiving signals from security alarm systems for the purpose of relaying related
information to third parties, including law enforcement, for the purpose of initiating a
response thereto. Devices or systems installed by, or installed at the direction of, an Alarm
user and which transmit signals to an Alarm monitoring company shall be subject to the
provisions of this section.

Alarm registration means the registration issued by the alarm coordinator for the
security alarm system at an alarm site.

Alarm site means the contiguous parcel or contiguous premises of an alarm user.

Alarm user means the person or entity that registers the alarm, including but not
limited to an owner, tenant, or any person or entity deriving its possession or ownership
of the alarm site through, under or by the owner or tenant. An Alarm User includes any
person that installs, or directs the installation of, an Security alarm system for his or her
own use. Any federal, state, county, municipal, school district, or other governmental unit
shall not be considered an Alarm user for purposes of this Article.

Bar code means the unique identification number assigned to a security alarm
system or location served by a security alarm system.

False alarm means activation of a security alarm system, for a reason other than
an actual unauthorized entry or exit or other illegal activity, which results in a law
enforcement officer response. Included in this definition are alarms caused by negligence,
those intentionally caused in non-emergency situations, and those responded to by the
law enforcement officer when the law enforcement officer finds no evidence of a criminal
offense or attempted criminal offense.

Responder means the owner, manager or individual (18 years of age or older)
designated by the alarm user on the alarm registration application as capable of
responding to the alarm site within 30 minutes after request, and authorized and able to
enter the alarm site and deactivate or reset the security alarm system.
Security alarm system means a device or system installed by an Alarm user, which is designed to be used for the detection of unauthorized entry or exit or other illegal activity in a building, structure or facility, that emits, transmits or relays a remote or local signal intended to summon, or that would reasonably be expected to summon, the services of a law enforcement officer. Excluded from this definition are (1) public utility alarms used to warn of equipment failure, such as those used at lift stations, and electric and telephone relay stations, (2) alarms installed in motor vehicles, boats, and aircraft, and (3) portable personal safety alarms.

Section 2. Charlotte County Code Chapter 2-5, Article VI, § 2-5-142 is hereby amended as follows:

Sec. 2-5-142. Registration of security alarm systems.

(a) Registration required. All Security alarm systems alarms must be registered and no security alarm system may be operated unless it is identified in a current alarm registration. Multiple security alarm systems at the same alarm site may be registered under a single registration. Each Security alarm system located at an Alarm site must be registered individually. Bar codes shall be assigned to each security alarm system. Where more than one structure is served by a single security alarm system, each structure may be assigned a bar code. A new registration is required upon transfer of any alarm site by operation of law or upon change of any alarm user, including but not limited to transfer upon order of a court of competent jurisdiction.

(b) Applications. Applications for a security alarm system registration shall be made on the forms provided by the alarm coordinator. Completed applications must be submitted to the alarm coordinator within 10 days after the security alarm system is first
placed in service. Applications for registration of security alarm systems in use prior to November 1, 2002, the effective date of this article, shall be made no later than December 31, 2002.

(c) **Annual registration period.** Security alarm system registrations shall expire one year (4) from the date of issuance. The alarm coordinator shall notify each registered alarm user of the need to renew thirty days prior to the expiration of the registration period.

(d) **Fees.** Fees must be paid in a form acceptable to the Charlotte County Sheriff's Office.

<table>
<thead>
<tr>
<th>Initial registration</th>
<th>$25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewals</td>
<td>$10</td>
</tr>
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Renewal fees will be waived if there have been no false alarms at the alarm site during the preceding registration period.

A late fee of $5 per month, or portion thereof, shall be assessed, up to a maximum of $25, if the renewal application is received more than 30 days after the expiration of the prior registration period. In addition to the above described fees, checks returned for insufficient funds shall result in the imposition of an “NSF fee” and which shall be paid before any initial registration or renewal may be processed by the Alarm coordinator.

All fees are non-refundable and all registrations are non-transferable.

Fees are payable in a form acceptable to the Sheriff's Office and shall be used to defray the cost associated with the registration of security alarm systems, the false alarm prevention program and the tracking of violations.

**Section 3.** Charlotte County Code Chapter 2-5, Article VI, § 2-5-145 is hereby amended as follows:
Sec. 2-5-145. Penalties.

(a) If a law enforcement officer responds to a false alarm, the alarm user shall be assessed a fine or given a warning as provided in this section.

(b) Violations of any provision of this article, including a response to a false alarm, shall be subject to the following penalties:

- First violation: Warning
- Second violation: Warning
- Third violation: $35.00 - $45.00 fine
- Fourth violation: $50.00 - $70.00 fine
- Fifth violation: $75.00 - $95.00 fine
- Sixth and subsequent violations: Notice to appear and a fine of $100 to $500 and/or imprisonment in the county jail not to exceed 60 days.

The Charlotte County Sheriff may impose an administrative fee not to exceed $10.00 in addition to the above-described fines. An administrative fee of ten dollars ($10.00) is hereby authorized and is included within the above described fines.

(c) Warnings and fines are determined by the number of violations assigned to the bar code. Violations are cumulative, that is, the violator shall pay the next highest fine for the next violation at that bar code without regard to the time that has elapsed since the previous violation, except that:

(1) if one year (six months for government-owned security alarm systems) passes without a violation at the alarm site that bar code, a “clean slate” status shall be granted to the alarm site that bar code and the next
violation shall be considered a first violation, or

(2) if a new security alarm system is installed at the alarm site, upon
notification to the alarm coordinator by an alarm system installation
company or alarm monitoring company and the payment of all unpaid
penalties and registration fees (including late fees), the security alarm
system shall be considered a new system with no prior violations.

(d) A false alarm violation may be waived by the alarm coordinator in the event
the false alarm resulted from any of the following. The burden of showing that a false
alarm was due to one of the following shall rest on the alarm user.

(1) Electrical storms, hurricanes, tornadoes and acts of God, where
there is clear evidence of physical damage to the security alarm system;

(2) Disruption of the telephone circuits beyond the control of the alarm
user, responder, alarm installation company or alarm monitoring company;

(3) Electrical power disruption or failure in excess of two hours;

(4) Alarms caused by the failure of the equipment of the alarm
monitoring company provided written verification is provided by the alarm
monitoring company;

(5) Malicious causes beyond the control of the alarm user or responder.

(6) Information acceptable to the Alarm Coordinator provided no later
than thirty days after the false alarm.

(e) The alarm coordinator may grant, in lieu of a fine as described in § 2-5-
145(b), a third warning during the registration period to alarm users upon successful
completion of an educational program for the prevention of false alarms. Warnings or
(f) Each violation of this article shall constitute a separate offense. In addition to the fines and criminal sanctions contained herein, violators may be subject to other legal action, including emergency injunctive action, to enforce the provisions of this article. 

(g) The Clerk of the Circuit Court shall collect the fines established in this section and shall remit the same to the Charlotte County Sheriff's Office monthly, less five (5) percent, which is to be retained as fee income of the office of the Clerk of the Circuit Court.

Section 4. Severability. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

Section 5. Codification. It is the intention of the Board of County Commissioners of Charlotte County, Florida and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code and Laws and Ordinances of Charlotte County, Florida ("Code"), and the sections of this Ordinance may be renumbered to accomplish such intention. In the event this Ordinance conflicts with any provisions of the Code, the provisions of this Ordinance shall control to the extent of any such conflict.

Section 6. Effective Date. This ordinance shall take effect upon its filing in the Office of the Secretary of State, State of Florida.
PASSED AND DULY ADOPTED this 24th day of September, 2019.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By:  [Signature]
Kenneth N. Doherty, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit
Court and Ex-Officio Clerk of the
Board of County Commissioners

By:  [Signature]
Michelle DeBardino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By:  [Signature]
Janette S. Knowlton, County Attorney

LR 2019-0243
September 25, 2019

Mr. Roger D. Eaton
Clerk of the Circuit Court
County Comptroller
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle DiBerardino

Dear Mr. Eaton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2019-019, which was filed in this office on September 24, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/1b
The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 25, ARTICLE VI, SECTIONS 25-141, 25-142, AND 25-145 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA GOVERNING SECURITY ALARM SYSTEMS; AMENDING DEFINITIONS OF ALARM MONITORING COMPANY, ALARM USER AND SECURITY ALARM SYSTEM; AMENDING WHEN REGISTRATION IS REQUIRED; AMENDING FEES TO INCLUDE A FEE FOR CHECKS RETURNED FOR INSUFFICIENT FUNDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing on this ordinance will be held at 10:00 AM, or as soon thereafter as it may be heard, on the 24th day of September, 2019, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance and the economic impact estimate, if applicable, are available for inspection by the general public in the Charlotte County Attorney’s Office, 18500 Murdock Circle, Port Charlotte, Florida.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at such meeting, he will need a record of the proceeding, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County’s functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1391, TDD/TTY 941.743.1234, or by email to David.Lyles@CharlotteCountyFl.gov.

Publish: 09/13/2019
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