

**CITY OF SPRINGFIELD, FLORIDA**

**ORDINANCE NO. 517**

**AN ORDINANCE OF THE CITY OF SPRINGFIELD, FLORIDA, PERTAINING TO ALARM SYSTEMS AND FALSE ALARMS; CREATING CHAPTER 50, ARTICLE IV, SECTIONS 50-50 THROUGH 50-56, ENTITLED ALARM SYSTEMS; ESTABLISHING DEFINITIONS; MAKING EXCESSIVE FALSE ALARMS UNLAWFUL; ESTABLISHING RESPONSE PROCEDURES; PROVIDING FOR PENALTIES; PROVIDING FOR AN APPEAL PROCESS; ESTABLISHING EMERGENCY NOTIFICATION PROCEDURES; PROHIBITING AUTOMATIC TELEPHONE DIALING SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, the City of Springfield, Florida (hereinafter "City") is authorized to protect the public health, safety, and welfare of its residents and has the power and the authority to enact ordinances and regulations for valid governmental purposes that are not inconsistent with general or special law; and

**WHEREAS**, the City's Police and Fire Departments respond to several hundred burglary, robbery or fire alarms annually, of which only a small percentage are found to be valid; and

**WHEREAS**, the City Commission finds that responding to alarm calls is both costly to the City and potentially dangerous to the public; and

**WHEREAS**, since the majority of all alarm calls have historically been false alarms, the City Commission finds and determines that alarms need to be regulated by the City, including imposing a penalty for excessive false alarms;

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD IN BAY CITY, FLORIDA:**

**SECTION 1. Recitals.**

The recitals set forth above are incorporated herein and are found true and correct.

**SECTION 2. Creation of Chapter 50, Article IV, Alarm Systems.**

ARTICLE IV, SECTIONS 50-50 through 50-56, of Chapter 50 of the Springfield Code of Ordinances is hereby created to read as follows:

**ARTICLE IV. ALARM SYSTEMS**

**Sec. 50-50. Definitions.**

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

*Alarm or Alarm System* shall mean any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the city of a burglary, robbery or other criminal offense, fire emergency or other emergency requiring urgent attention, and to which police or fire personnel are expected to respond. Alarm systems included those through which public safety personnel are notified directly or indirectly by way of third persons who monitor the alarm systems and who report such signals to the fire or police department. Alarm systems also include those designed to register a signal which is so audible, visible or in other ways perceptible outside a protected building, structure or facility as to notify persons in the neighborhood or beyond the signal location who in turn may notify the police or fire department of the signal. Alarm systems do not include those affixed to automobiles. Multiple alarm systems in a single structure or alarms in separate structures are to be counted as separate systems, even though owned or controlled by the same person or entity.

*Automatic telephone dialing alarm system* shall not be considered alarms and are prohibited. "Automatic telephone dialing alarm system" shall mean the automatic dialing device or an automatic telephone dialing alarm system or any system which, upon being activated, automatically transmits by telephone or telephone line to the city police department, a voice recorded message indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function it

is to transmit to the city police department or city fire department a need for emergency response.

*Excessive false alarms* shall occur when any alarm system produces more than three false alarms in any six-month period; provided however, persons installing a new alarm system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed non-false alarms, provided further, that this grace period shall cease 30 days after installation of or modification of an alarm system, and provided further that the chief of the police or chief of the fire department shall have the authority to grant an extended grace period for good cause shown upon request in writing.

*False alarm* shall mean an alarm signal eliciting a response by the police or fire department when a situation requiring a response by the police or fire department does not in fact exist. False alarm does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm operator or alarm user.

#### **Sec. 50-51. False police and fire alarms.**

It shall be unlawful for any person who owns, controls or has custody of any police or fire alarm to suffer or permit the existence of excessive false alarms by such devices.

#### **Sec. 50-52. Response to alarms.**

- a. Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by the police or fire department and the police or fire department does respond, the police or fire department personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.
- b. Any alarm system which produces three or more alarms in any one-hour period due to telephone line malfunctions shall be placed in a "No Dispatch" status after the department has notified the user designate of such intended action.
- c. If the police or fire department personnel at the scene of the activated alarm system determine the alarm to be false, the officers shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user

at the address of such alarm system installation location, advising the alarm user of the false alarm.

- d. The chief of police or fire department shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter.

**Sec. 50-53. Penalty fee assessment.**

- a. If any alarm system produces three false alarms in any six-month period, the chief of the affected department shall provide written notice of the fact, which shall be given by mail or delivery to the alarm user asking the alarm user to take corrective action in regard to false alarms and informing the alarm user of the false alarm fee schedule provided herein.
- b. Upon any alarm system producing a fourth, fifth or sixth false police or fire alarm in a six-month period, a fee of \$50.00 per false alarm shall be charged to the user or owner. The following fee schedule shall be used for each additional false alarm:
  - 1. Seventh, eighth and ninth false police or fire alarm in a six-month period, a fee of \$100.00 per false alarm shall be assessed.
  - 2. Ten or more false alarms in a six-month period, the location shall be placed into a "No Dispatch" status for a period of 90 days and proof of proper maintenance/repair of the alarm system.
- c. Failure to pay any fee assessment within 30 days of notification or within 30 days of any final hearing shall result in the alarm system being disconnected from the police or fire department.

**Sec. 50-54. Appeal of False Alarm.**

- a. Any owner or user who has been notified of a false alarm or assessed a false alarm fee may appeal to the Mayor by giving notice within three days of the notification of a false alarm assessment. Upon receipt of the appeal notice, a time certain not to exceed 30 days of receipt of the appeal shall be established for a hearing.
- b. The appellant shall be given reasonable notice of such hearing date.

- c. The Mayor shall serve as the hearing officer, and the burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm.
- d. After receipt of all relevant evidence, the hearing officer shall render his decision within 30 days. The decision of the hearing officer shall be final.

**Sec. 50-55. Emergency Notification.**

Each alarm system user shall provide current emergency notification telephone numbers of at least two representatives to the city police department, to permit prompt notification of alarm responses and to aid in their inspection of the property. Failure to respond to emergency notification or to provide current emergency telephone numbers shall constitute grounds for termination of alarm responses.

**Sec. 50-56. Automatic telephone dialing systems prohibited.**

- a. It shall be unlawful for any person to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency service from the city police department.
- b. The chief of police, when he has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system, installed or operated in violation of subsection a above, shall in writing, order the owner, operator or lessee to disconnect and cease operation of the system within 72 hours of receipt of the order.
- c. Any automatic telephone dialing system installed unlawfully as set forth in subsection "a" above shall be removed within 30 days of the order as contained in subsection "b" above.
- d. Automatic telephone dialing systems already installed and operating prior to January 1, 2014, shall not be in violation of this article; however, any such system shall be registered as specified in section 50-55, and shall be subject to the penalty fee assessments in section 50-53.

**SECTION 3. Reservation of Code Sections**

Sections 50-42 through 50-49 of Chapter 50, Article III are reserved.

**SECTION 4. Severability.**

The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

**SECTION 5. Repealer.**

All ordinances, resolution or parts thereof, including but not limited to Chapter 27900, Laws of Florida (1951), as amended (which became a City ordinance pursuant to and upon enactment of Section 166.021(5), Florida Statutes), which are inconsistent or in conflict herewith are hereby repealed and of no further force and effect.

**SECTION 6. Effective Date.**

This Ordinance shall be in force and take effect immediately upon its passage and adoption by the City Commission.

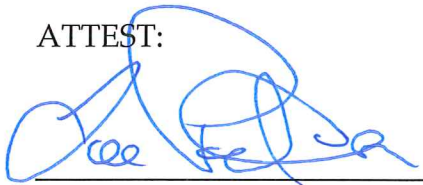
**DULY PASSED AND ENACTED** by the City Commission of the City of Springfield, Florida this 15<sup>th</sup> day of April, 2014.

CITY COMMISSION OF THE CITY  
OF SPRINGFIELD, FLORIDA

  
\_\_\_\_\_  
Ralph Hammond, Mayor

(SEAL)

ATTEST:

  
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D. Lee Penton, City Clerk