

ORDINANCE NO. 2024-O-36

**AN ORDINANCE OF THE CITY OF EDGEWATER,
FLORIDA, AMENDING CHAPTER 12 (OFFENSES AND
MISCELLANEOUS PROVISIONS), ARTICLE III (ALARM
SYSTEMS) OF THE CODE OF ORDINANCES;
PROVIDING FOR CONFLICTING PROVISIONS,
SEVERABILITY AND APPLICABILITY; PROVIDING FOR
CODIFICATION, AN EFFECTIVE DATE AND ADOPTION.**

WHEREAS, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. Chapter 12 (Offenses and Miscellaneous Provisions) has been amended from time to time for consistency with current state laws and codes.
2. Article III (Alarm Systems) will eliminate the requirement to register alarm systems and modify the enforcement process from the City Clerk’s Office to the Code Enforcement Division.

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Edgewater, Florida:

**PART A. AMEND CHAPTER 12 (OFFENSES AND
MISCELLANEOUS PROVISIONS), ARTICLE III (ALARM SYSTEMS) OF
THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA**

Chapter 12 (Offenses and Miscellaneous Provisions), Article III (Alarm Systems), Code of Ordinances, City of Edgewater, Florida is hereby amended as set forth in **Exhibit “A”**, which is attached hereto and incorporated herein.

PART B. CONFLICTING PROVISIONS

All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

PART D. CODIFICATION

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word “ordinance”, may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Parts B through F shall not be codified.

PART E. EFFECTIVE DATE

This ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2024.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the ____ day of _____, 2024

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorney

EXHIBIT “A”

ARTICLE III ALARM SYSTEMS

Sec. 12-60. Purpose.

The purpose of this article is to protect the emergency services of the city from misuse through prohibition and regulation of certain alarms within the city.

Sec. 12-61. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them in this section:

Alarm means any device which is used in a building, place or premises for the detection of unauthorized entry, burglary, fire, rescue or any other emergency activity and which when activated emits a sound, signal or message to alert others, whether such sound, signal or message is emitted on or off premises or to an alarm monitoring center ~~the central office of an alarm business.~~

Alarm business means any person engaged in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm in or on any building, place or premises.

~~*Alarm user* means any person using an alarm or occupying or controlling any building, place or premises or portion of a building, place or premises served by an alarm.~~

False alarm means the activation of an alarm through mechanical failure, malfunction, improper installation, or other negligence of the alarm user that results in dispatch of police or fire personnel. False alarms do not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not subject to control by the alarm user.

Person means any firm, partnership, association, organization, bodies politic and corporate, and any other group acting as a unit, as well as any individual or property owner.

~~Sec. 12-62. Alarm registration required.~~

- ~~(a) Effective October 1, 1994, no person shall have an alarm installed to be operational or use an existing alarm unless an alarm registration has been issued by the city authorizing the use of such alarm.~~
- ~~(b) Any person who does not obtain the required alarm registration within 30 days of installation and/or activation shall be subject to a fine as established by resolution of the city council. The city shall provide the alarm user and the owner of the real property on which the building, place or premises served by the alarm is located written notice by regular mail of the fine. The notice shall require payment within 30 days of the date of the notice and shall state that it shall constitute a lien against the property if payment is not received within 30 days.~~
- ~~(c) If payment is not received within the thirty day period, a lien against the property is hereby created in favor of the city in the amount of the fine plus any recording fee, foreclosure costs, other expenses including attorney's fees and simple interest at the rate of eight percent from the date the lien is filed. Such lien shall be prior to all other liens on such property except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes.~~
- ~~(d) Such registration shall be in addition to any construction or building requirements imposed pursuant to chapter 7.~~

~~Sec. 12-63. Application for alarm registration.~~

- ~~(a) An application for an alarm registration shall be filed with the city. The application shall be in such form and shall contain such information as shall be prescribed from time to time by the city, but shall contain at least the following:~~
- ~~(1) Name, address and telephone number of the alarm user.~~
 - ~~(2) Address of the building, place or premises served by the alarm.~~
 - ~~(3) The name, address and telephone number of the person or persons in charge of the building, place or premises served by the alarm if different than the alarm user.~~
 - ~~(4) The name, address and telephone number of the owner of the real property on which the building, place or premises served by the alarm is located if other than the alarm user.~~
- ~~(b) An amended application shall be filed within ten days after any change in the information provided in the original application.~~
- ~~(c) An alarm registration shall be denied if:~~
- ~~(1) The requested information is not supplied on the application.~~
 - ~~(2) The requested information is incorrect.~~

~~Sec. 12-64. Registration issuance.~~

~~No alarm registration shall cover more than one building, place or premises.~~

~~Sec. 12-65. Decal posting required.~~

~~Each alarm registration holder shall be issued a numbered alarm decal by the city which shall be displayed in a conspicuous place near the entrance and visible from the outside of the premises.~~

Sec. 12-66~~12-62~~. Excessive false alarms declared a public nuisance.

- (a) No person shall allow, permit, cause or fail to prevent the emission for any reason of more than three false alarms within any six-month period by any alarm used by him or on property owned by him. The emission of more than three false alarms within any six-month period is excessive, constitutes a serious public nuisance and shall be subject to the service charges provided for in this article code compliance process as prescribed in Chapter 10 Article XXVII.
- ~~(b) Upon notice to the police chief or fire chief, an alarm user shall be given a thirty-day grace period from the date the alarm is installed or a substantial change in the system is made during which time false alarms will not be counted. Upon the filing of an amended application, any response to a building, place or premises in which the alarm user has changed will be considered a first response.~~

~~Sec. 12-67. Service charges.~~

- ~~(a) Pursuant to the provisions of this section, effective May 1, 1994, an alarm user shall be charged a service fee as established by resolution of the city council for response to excessive false alarms by the police department and/or department of fire and rescue services. An initial service fee shall be established for the first false alarm in excess of three false alarms in any six-month period and an escalating fee for the second, third and each successive false alarm in any six-month period.~~
- ~~(b) The police chief in the case of alarms responded to by the police department only and the fire chief in the case of alarms responded to by the department of fire and rescue services shall determine whether a false alarm has occurred and the frequency of such false alarms and reduce such determination to writing.~~

- ~~(c) The decision of the police chief or the fire chief may be appealed by the alarm user to the code enforcement board by filing a written notice of appeal with the secretary of the code enforcement board within 30 days from the date the decision was rendered. The code enforcement board shall provide an opportunity to appear, be heard and to present testimony or evidence. Upon hearing all testimony and evidence, the board shall determine whether the alarm was activated through mechanical failure, malfunction, improper installation, or other negligence of the alarm user or was caused by violent conditions of nature or other extraordinary circumstances not subject to control by the alarm user. The board shall inform the alarm user of its decision at the meeting.~~
- ~~(d) The city shall provide the alarm user and the owner of the real property on which the building, place or premises served by the alarm is located with written notice by regular mail of the amount of any service charge owed to the city. The notice shall require payment within 30 days of the date of the notice and shall state that it shall constitute a lien against the property if payment is not received within 30 days.~~
- ~~(e) If payment is not received within the thirty-day period, a lien against the property is hereby created in favor of the city in the amount of the service charge owed plus any recording fee, foreclosure costs, other expenses including attorney's fees and simple interest at the rate of eight percent from the date the lien is filed. Such lien shall be prior to all other liens on such property except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes.~~

~~Sec. 12-68. Automatic dialing prohibited; requirements for alarm business staffing and identification.~~

- ~~(a) No automatic dialing device shall be interconnected to any primary or trunk line at the police department or department of fire and rescue services unless approved by the police or fire chief, respectively.~~
- ~~(b) No person shall provide an alarm system programmed to a central alarm reception office unless the central office is staffed 24 hours a day, including holidays.~~
- ~~(c) Any employee of an alarm service reporting an alarm activation to which police and/or fire/rescue response is requested shall identify himself by name and state the name and telephone number of the alarm business requesting such response.~~

~~Sec. 12-69. Audible alarms.~~

~~All alarm sounds which may be heard in any public place shall be equipped and maintained to automatically cut off after no longer than 30 minutes except for fire alarms and other alarms required by law to sound longer.~~

~~Sec. 12-7012-63. Exemptions.~~

This article shall not apply to alarms attached to motor vehicles or to any alarm system located in a building, place or premises occupied by an agency of federal, state, county or municipal government or any medical alert device.

~~Sec. 12-71. Alternative enforcement procedure.~~

~~The procedures set forth in this article shall be supplemental to other procedures established by the city for the enforcement of its codes.~~

~~Secs. 12-7212-64—12-74. Reserved.~~