

CH6  
BCC



FILED WITH THE DEPARTMENT OF STATE : September 24, 2019

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

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

Min  
e

34 revealed over time that additional amendments to the Article's definitions, registration and  
35 warning procedures, penalties, fees and methods of payment are warranted; and

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

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

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

43 **Sec. 2-5-141. Definitions.**

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

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

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

52 *Alarm monitoring company* means a person or entity whose business includes  
53 receiving signals from security alarm systems for the purpose of relaying related  
54 information to third parties, including law enforcement, for the purpose of initiating a  
55 response thereto. Devices or systems installed by, or installed at the direction of, an Alarm

56 user and which transmit signals to an Alarm monitoring company shall be subject to the  
57 provisions of this section.

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

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

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

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

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

75 *Responder* means the owner, manager or individual (18 years of age or older)  
76 designated by the alarm user on the alarm registration application as capable of  
77 responding to the alarm site within 30 minutes after request, and authorized and able to  
78 enter the alarm site and deactivate or reset the security alarm system.

79            *Security alarm system* means a device or system installed by an Alarm user, which  
80 is designed to be used for the detection of unauthorized entry or exit or other illegal activity  
81 in a building, structure or facility, that emits, transmits or relays a remote or local signal  
82 intended to summon, or that would reasonably be expected to summon, the services of  
83 a law enforcement officer. Excluded from this definition are (1) public utility alarms used  
84 to warn of equipment failure, such as those used at lift stations, and electric and telephone  
85 relay stations, (2) alarms installed in motor vehicles, boats, and aircraft, and (3) portable  
86 personal safety alarms.

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

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

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

99            (b)    *Applications.* Applications for a security alarm system registration shall be  
100 made on the forms provided by the alarm coordinator. Completed applications must be  
101 submitted to the alarm coordinator within 10 days after the security alarm system is first

102 placed in service. Applications for registration of security alarm systems in use prior to  
103 November 1, 2002, the effective date of this article, shall be made no later than December  
104 31, 2002.

105 (c) *Annual registration period.* Security alarm system registrations shall expire  
106 one year ~~(1)~~ from the date of issuance. The alarm coordinator shall notify each registered  
107 alarm user of the need to renew thirty days prior to the expiration of the registration period.

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

110 Initial registration .... \$25

111 Renewals .... \$10

112 Renewal fees will be waived if there have been no false alarms at the alarm site  
113 during the preceding registration period.

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

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

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

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

125 **Sec. 2-5-145. Penalties.**

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

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

130	First violation	Warning
131	Second violation	Warning
132	Third violation	<del>\$35.00</del> <u>\$45.00</u> fine
133	Fourth violation	<del>\$50.00</del> <u>\$70.00</u> fine
134	Fifth violation	<del>\$75.00</del> <u>\$95.00</u> fine
135	Sixth and subsequent violations	Notice to appear and a fine of \$100 to 136 \$500 and/or imprisonment in the county 137 jail not to exceed 60 days.

138  
139 ~~The Charlotte County Sherriff may impose an administrative fee not to exceed~~  
140 ~~\$10.00 in addition to the above described fines. An administrative fee of ten dollars~~  
141 ~~(\$10.00) is hereby authorized and is included within the above described fines.~~

142  
143 (c) Warnings and fines are determined by the number of violations assigned to  
144 the bar code. Violations are cumulative, that is, the violator shall pay the next highest fine  
145 for the next violation at that bar code without regard to the time that has elapsed since  
146 the previous violation, except that:

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

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

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

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

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

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

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

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

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

170 (e) The alarm coordinator may grant, in lieu of a fine as described in § 2-5-  
171 145(b), a third warning during the registration period to alarm users upon successful  
172 completion of an educational program for the prevention of false alarms. Warnings or

173 citations issued under this section do not abate the renewal fee due pursuant to Sec. 2-  
174 5-142(d).

175 (f) Each violation of this article shall constitute a separate offense. In addition  
176 to the fines and criminal sanctions contained herein, violators may be subject to other  
177 legal action, including emergency injunctive action, to enforce the provisions of this article.

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

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

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

192 **Section 6.** Effective Date. This ordinance shall take effect upon its filing in the  
193 Office of the Secretary of State, State of Florida.

194

195



196

197 PASSED AND DULY ADOPTED this 24th day of September, 2019.

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

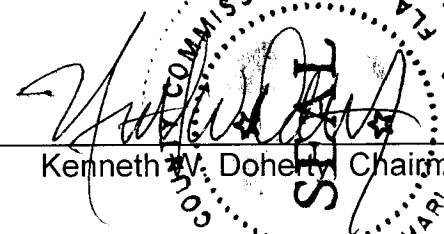
219

220


221

222

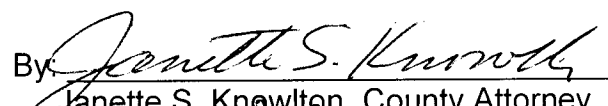

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Kenneth V. Doherty, Chairman

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

By:   
Michelle B. Brudino  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By:   
Janette S. Knowlton, County Attorney  
LR 2019-0243 



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

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/lb



PUBLISHER'S AFFIDAVIT OF PUBLICATION  
STATE OF FLORIDA COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared **Melinda Dickinson**, who on oath says that she is legal clerk of the Charlotte Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a **Legal Notice** was published in said newspaper in the issues of:

09/13/2019

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Melinda Dickinson*  
(Signature of Affiant)

Sworn and subscribed before me this 13<sup>th</sup>  
day of September, 2019.

*Donna Marie King*  
(Signature of Notary Public)

Personally known X OR \_\_\_ Produced  
Identification



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 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.

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 941.743.1381, TDD/TTY 941.743.1234, or by email to David.Lyles@CharlotteCountyFL.gov.

Publish: 09/13/2019  
163352 3706283

092419 A