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ARTICLE I. IN GENERAL

Sec. 3.5-1. Definitions.

As used in this chapter, the following words and terms shall have the following meanings:

- (1) Alarm systems means either a burglar alarm system as defined in section 3.5-26 of this chapter or any other type of alarm.
- (2) Automatic telephone dialing device or digital alarm communicator system means an alarm system which automatically sends a prerecorded voice message or coded signal over regular telephone lines by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.
- (3) Fee means the reasonable fees to be paid for applications and record keeping or the assessment of a monetary charge payable to the city, authorized pursuant to this chapter, to defray the expenses of responding to a false alarm or alarm malfunction.
- (4) Key holder/emergency contact means that person or persons designated by the owner of the alarm system as a holder of keys to the premises who is thereby authorized to respond to an alarm of the owner. The key holder/emergency contact shall be required to have the ability to activate/deactivate the alarm system.
- (5) Owner means any person who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises.
- (6) Premises means any building, structure, or combination of buildings and structures which serve as dwelling units, single-family or multi-family; or any other area within a building, structure or combination thereof which is used for any purpose other than residential, wherein an alarm system is installed.
- (7) Required operative alarm system means an alarm system which the owner of a premises is required to maintain in an operative condition pursuant to statute, law, ordinance, rule or regulation of any governmental entity.
- (8) Serve shall mean hand delivery by a representative of either the fire department or police department to the owner or authorized representative who responded to the premises. In the event the owner or authorized representative fails to respond to the premises within thirty (30) minutes, serve shall mean placing the form or other matter in the United States mail, postage prepaid, addressed to the owner or authorized representative.
- (9) Alarm system contractors means registered alarm system contractors, Class I or II, or residential shall be those contractors that comply with all requirements defined in Chapter 489, Florida Statutes.
(Ord. No. 1136-96, § 2, 12-18-96)

Sec. 3.5-2. Disconnection of alarm system.

- (a) Except for premises protected by a required operative alarm system, the police department enforcement official is authorized to order the disconnection or deactivation of any alarm system by written notice to the alarm contractor,

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alarm company, owner and/or lessee of the premises wherein an alarm system is installed for any of the following reasons:

(1) Failure to meet all requirements or pay the fees provided for in this Chapter within thirty (30) days of the charging of the fee.

(b) If the disconnection or deactivation order is due to an alarm contractor or alarm company failing to meet all requirements or pay the fees provided for in this Chapter within thirty (30) days of the charging of the fee; then the owner and/or lessee of the premises wherein an alarm system is installed shall be notified concurrently with the alarm contractor or alarm company of the disconnection or deactivation order. As part of the notice, the alarm contractor, alarm company, owner and/or lessee of the premises wherein the alarm system is installed shall be on official notice that no response will be made to the premises if the alarm system remains active beyond the specified date in the notice, which will be at least fifteen (15) days after the date of mailing or delivery, unless official appeal is requested by the alarm contractor or alarm company pursuant to section 3.5-3.

(c) If the disconnection or deactivation order is due to the owner and/or lessee failing to meet all requirements or pay fees provided for in this Chapter within thirty (30) days of the charging of the fee. The written notice to disconnect or deactivate shall be mailed or hand delivered to the owner and/or lessee and shall specify the date on which the owner and/or lessee shall be required to disconnect or deactivate the alarm system, which shall be at least fifteen (15) days following the date of the notice. The owner/lessee may appeal the order of the enforcement official pursuant to section 3.5-3. The alarm company shall be notified by written notice after the time limit for appeal has passed pursuant to section 3.5-3. As part of the notice, the owner and/or lessee along with the alarm company shall be on official notice that no response will be made to the premises if the alarm remains active beyond the specified date of the disconnect or deactivation order.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1149-97, § 1, 11-19-97; Ord. No. 1232-00, § 1, 8-26-00)

Sec. 3.5-3. Appeal.

(a) A notice of disconnect or deactivation order may only be appealed by the owner and/or lessee if the owner and/or lessee is the cause of the disconnect or deactivation order.

(b) A notice of disconnection or deactivation order may only be appealed by the alarm contractor or alarm company if the contractor or company is the cause of the disconnect or deactivation order.

(c) An alarm contractor, alarm company, owner and/or lessee to whom a notice to disconnect or deactivate an alarm system was mailed or hand delivered pursuant to section 3.5-2 shall be entitled to appeal, pursuant to section 3.5-3 (a) or (b), the order of the enforcement official to the enforcement official or the city manager or designee, if the matter cannot be resolved at the enforcement official level. The order may then be appealed to the office of the city manager. An appeal must be made in writing, stating the reason why the order to disconnect or deactivate should be withdrawn, and shall be made within fifteen (15) days of the notice to disconnect. The city manager or designee shall review the facts and circumstances and shall determine whether the alarm company, owner and/or lessee has shown good cause why the order should be withdrawn. If the city manager or designee affirms the order to disconnect or deactivate the alarm system, the alarm contractor, alarm company, owner and/or lessee shall have ten (10) days following the mailing or hand delivery of the written decision of the enforcement official, city manager or designee within which to comply with the order. The appeal of an order to disconnect or deactivate shall suspend the effective date of the order until the appeal has been acted upon by the city manager.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1232-00, § 1, 8-26-00)

Sec. 3.5-4. Failure to disconnect or unauthorized reconnection of alarm system.

It shall be unlawful and an offense against the city for any person to fail to disconnect or deactivate an alarm system which has been ordered disconnected or deactivated pursuant to section 3.5-2, including those situations in which the city manager or designee affirmed the order to disconnect or deactivate; and it shall be unlawful and an offense against the city for any person to reconnect an alarm system which has been disconnected or deactivated pursuant to the order of the enforcement official, unless the reconnection of the alarm system is authorized pursuant to section 3.5-6 hereof. A fine of three hundred dollars (\$300.00) will be imposed on the owner and/or lessee for each alarm activation learned of by any means whatsoever by the police department while an alarm system is under an active disconnection or deactivation order.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1232-00, § 1, 8-26-00)

Sec. 3.5-5. Failure to pay registration fee, administrative fee or fine.

(a) It shall be unlawful and an offense against the city for any person or alarm company to fail to pay any registration fee, administrative fee, assessed fine, or other monetary penalty due the city under the provisions of this chapter, within thirty (30) days after written demand has been served by mail or hand delivery upon such person or company by the city.

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(b) If the owner of the premises fails to pay the fee, fine or penalty timely, the owner shall be notified in writing, by certified mail or hand delivery of the city's intent to impose a lien to cover all costs and/or fees incurred. If payment is not received within thirty (30) days from the date of the notice to the owner indicating the total due, the city manager or designee shall impose a lien on the property in the amount of the fee, fine or penalty, including administrative costs and fees incurred by the city. The lien may be recorded in the official records of the county. Liens created under this section shall remain liens co-equal with the lien of all state, county, district and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid, and shall bear interest annually at a rate not to exceed the legal rate allowed and such liens may be foreclosed pursuant to the procedure set forth in Chapter 173, Florida Statutes.

(c) If a licensed business is renting or leasing the premises and fails to pay the fees, fines, or penalties timely, the enforcement official shall notify the licensing division of the fees or fines owed to the City of Rockledge. The licensing division will place a hold on the company's occupational license for the next license renewal until the outstanding fees, fines, or monetary penalties are paid.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1149-97, § 2, 11-19-97; Ord. No. 1232-00, § 1, 8-26-00)

Sec. 3.5-6. Reconnection of alarm systems.

Any order to disconnect or deactivate an alarm system may be rescinded by the police department enforcement official upon a finding by said enforcement official that the reason for the disconnect or deactivation order has been corrected. Before any reconnection of any alarm system, after the order to disconnect said system, a reconnection fee of fifty dollars (\$50.00) shall be assessed to the person or company responsible for the disconnection or deactivation order. The enforcement official shall not rescind an order to disconnect or deactivate if the owner and/or lessee, or alarm company has failed to pay any fee or fine charged pursuant to this chapter.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1232-00, § 1, 8-26-00)

Sec. 3.5-7. Automatic telephone dialing alarm device or digital alarm communicator system.

(a) It shall be unlawful for any person to install, maintain, operate or use any automatic telephone dialing alarm device or digital alarm communicator system within the city if the system requires connection to the emergency communications center of the police or fire departments.

(b) It shall be unlawful for any person to install, maintain, operate, or use any automatic telephone dialing alarm device or digital alarm communicator system within the city unless such system is currently approved by the Federal Communications Commission (FCC), and has been approved by the enforcement official, unless otherwise required by Florida Statutes.

(c) Any person who violates the provisions of this section shall be punished as provided for in section 1-8 of this Code.

(Ord. No. 1136-96, § 2, 12-18-96)

Sec. 3.5-8. Newly installed alarm systems.

All newly installed alarm systems that have complied with section 3.5-27 shall not be fined for excessive alarms, and the total number of alarms shall not be counted against the owner or lessee of a newly installed alarm system for a period of sixty (60) days. The time limit in this section shall be measured from the date the system was activated as set forth in section 3.5-27. This section only applies to first time installed alarm systems at the installed address.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1149-97, § 3, 11-19-97; Ord. No. 1232-00, § 2, 8-26-00)

Sec. 3.5-9. Alarm system operations.

The city, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned alarm system, those duties and responsibilities being solely those of the owner of the premises. Additionally, it shall be the responsibility of the owner of the premises to silence an activated alarm and thereafter reset the same. The city shall not provide, nor make available, the services of its police department or fire department emergency communications centers for use by owners as a central location for alarm system receiving equipment.

(Ord. No. 1136-96, § 2, 12-18-96)

Sec. 3.5-10. Registration of alarm system contractors.

Every alarm system contractor performing work in the city shall be certified as required by Chapter 489, Florida Statutes. Every alarm system contractor performing work in the city must show proof of such insurance and state license as defined in Chapter 489, Florida Statutes, or city ordinance, to the enforcement official upon demand.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1149-97, § 4, 11-19-97)

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Sec. 3.5-11. Audible alarms.

All audible sound systems shall sound no longer than five (5) minutes for residential and ten (10) minutes for businesses unless otherwise directed by state statute. Every audible alarm system installed within the city must have a device to automatically terminate the audible signal within the above stated time limits.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1149-97, § 4, 11-19-97)

Sec. 3.5-12. Testing of alarm.

(a) Prior to any test of any alarm system the police department will be notified prior to the activation of the test.

(b) Failure of the owner and/or lessee to notify the police department of an alarm test which results in a response from the police department will be classified as a false alarm and will be taken into account as to the penalties described in section 3.5-29.

(c) Failure of any alarm company or monitoring agency to notify the police department of an alarm test which results in a response from the police department to the false alarm will result in a fifty dollar (\$50.00) fine imposed on the responsible company for the false alarm.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1232-00, § 3, 8-26-00)

Sec. 3.5-13. Requirements of the alarm monitoring agency.

All alarm monitoring agencies are required to furnish the law enforcement agency with the following information when dispatching or reporting an alarm:

(1) Alarm monitoring personnel must call the premises generating the alarm before contacting law enforcement;

(2) Give the name of the monitoring agency;

(3) Give the name or I.D. number of the reporting operator;

(4) Give a call back telephone number of the monitoring agency;

(5) Give the name of business or homeowner and address of the activated alarm;

(6) If a call has been made to a key holder, the key holder's name and estimated time of arrival (thirty (30) minutes maximum, unless extenuating circumstances can be shown for allowing more time);

(7) Any other information that may be of value or required by the individual enforcement agencies.

(Ord. No. 1136-96, § 2, 12-18-96)

Sec. 3.5-14. Penalty and enforcement.

(a) Any person who violates any provision of this chapter shall be guilty of an offense against the city and, upon conviction, shall be punished as provided in section 1-8 of this Code. The provisions of this chapter may be enforced either by prosecution as a misdemeanor through the state attorney's office for the Eighteenth Judicial Circuit of Florida in and for Brevard County, or through the powers and jurisdiction of the City Code Enforcement Board, or by any other legal or equitable form of action. The provisions of chapter 3.5 shall not be enforced within the city prior to October 1, 2000, and the provision of said chapter 3.5 shall commence to be enforced in the city on October 1, 2000, and continually thereafter except as the same may subsequently be amended or repealed. The city manager or his designee shall have the authority to modify, waive, or reduce penalties in the event of clearly demonstrated hardship or extraordinary circumstances and this shall be applicable to section 3.5-3.

(b) The city manager, enforcement official, or designee shall have the authority to suspend section 3.5-28 and 3.5-29 of the alarm ordinance in times of catastrophe such as hurricanes or tornados.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1149-97, § 5, 11-19-97; Ord. No. 1232-00, § 4, 8-26-00)

Secs. 3.5-15--3.5-25. Reserved.

ARTICLE II. BURGLAR ALARM SYSTEMS

Sec. 3.5-26. Definitions.

As used in this article, the following words and terms shall have the following meanings:

(1) Burglar alarm system means any mechanical, electrical or radio controlled device which is designed to be used for the detection of any unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Without limiting the generality of the foregoing, alarm systems shall be deemed to include audible alarms at the site of the installation of the detection device, proprietor alarms and automatic telephone direct dial devices or digital alarm communicator systems.

(2) Burglar alarm technician means any person who inspects, installs, repairs or performs maintenance on burglar alarm systems and is licensed by the State of Florida or works under a state licensed alarm contractor.

(3) Enforcement official means the police chief or his designated representative.

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(4) False burglar alarm means the activation of any alarm system as defined in section 3.5-1 of this Chapter which results in the response of the police department caused by the negligence, malfunction, or intentional misuse of the system by the owner or his employees, servants or agents or any other activation not caused by forced entry or attempted forced entry or robbery. An alarm is not considered a false burglary alarm if the alarm is activated due to malicious causes beyond the control of the owner, or acts of God beyond the control of the owner such as lightning strikes or severe weather conditions, as documented by the investigating officer(s).

(5) Transfer of alarm system means any time that an alarm contractor or alarm company account is changed by name to a new owner or lessor of the alarm system by an alarm contractor or alarm company.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1232-00, § 5, 8-26-00)

Sec. 3.5-27. Notice of existence of burglar alarm system.

(a) Every person who installs, sells, owns, leases, possesses, or operates any burglar alarm system within the city shall furnish the City of Rockledge or designee a completed "alarm registration application" form prior to the alarm system being activated whether the system is monitored or not.

(b) If the alarm system is installed or transferred to another owner or lessor by a licensed alarm system contractor, or alarm company, it shall be the sole responsibility of the contractor or company which is installing or transferring the burglar alarm system to provide the owner or lessee with a copy of the most current city alarm ordinance, and an "alarm registration application" form. The "alarm registration application" shall be completed by the alarm contractor or alarm company and delivered to the City of Rockledge or designee by the alarm contractor or alarm company prior to the system being activated along with a registration fee of twenty-five dollars (\$25.00). A grace period of seven (7) calendar days will be allowed for the contractor or alarm company to assure the system is registered and that no undue hardship is incurred by the alarm system contractor or alarm company. Any alarm contractor or alarm company not complying with the registration of newly installed alarm systems or re-registration of transferred ownership of any alarm system shall be assessed a fine of one hundred dollars (\$100.00), and the owner or lessee of the alarm system shall not receive the exemptions set forth in section 3.5-8 if applicable. Alarm contractors or alarm companies shall not delegate the requirements to register alarm systems to the owner or lessee of the alarm system. Furthermore, the City of Rockledge or its designee will not accept "alarm registration applications" from the owners or lessees of alarm systems unless the system is being installed pursuant to section] 3.5-27(c). Failure of alarm contractors or alarm companies to pay imposed fines or adhere to this section will result in disconnection or deactivation orders being issued on the alarm system in violation as stated in sec[ti]on] 3.5-2, which will include a non-response to alarm activation by the Rockledge Police Department.

(c) If the alarm system is not installed by an alarm contractor or alarm company, the owner or lessee of the premises shall, before activating the system, furnish to the City of Rockledge or designee the "alarm registration application" along with the twenty-five dollar (\$25.00) registration fee. Failure to register the alarm system will result in a one hundred dollar (\$100.00) fine being issued at the discretion of the enforcement official.

(d) All "alarm registration application" forms shall be fully completed and include the following information if applicable:

(1) The name(s), address, business and home telephone number of the owner, lessee, operator, manager or person in possession of the premises wherein the alarm system is installed;

(2) The name, address and telephone number (home and business) of a minimum of two (2) persons (but not more than three (3) persons) who can be notified by the enforcement official in the event of the activation of the alarm system, who shall be capable of responding to the premises within thirty (30) minutes, and who has a key and is authorized to enter the premises to ascertain the status thereof;

(3) The name, address and telephone number of the alarm contractor wherein the alarm system is installed;

(4) The name, address and telephone number of the alarm maintenance/repair contractor wherein the alarm system is installed;

(5) The name, address and telephone number(s) of the alarm monitoring agency wherein the alarm signal is received;

(6) That a copy of the most current alarm ordinance was provided to the owner or lessor of the alarm system by the alarm contractor or alarm company; and

(7) The date of activation of the alarm system.

(8) When any of the information required in the "alarm registration application" form has changed, it shall be reported to the Rockledge Police Department, Records Division, by the owner within twenty (20) days of such change.

(e) Alarm systems that are not monitored by alarm companies, or monitoring agencies and were not installed by alarm contractors or alarm companies must re-register the alarm system when the owner or lessee changes.

Registrations are non-transferable to a new owner, lessee, or address.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1149-97, § 6, 11-19-97; Ord. No. 1232-00, § 5, 8-26-00)

Sec. 3.5-28. Responsibility for burglar alarm activation, owner response, burglar alarm malfunction and corrective action.

(a) The responsibility for burglar alarm activation shall be that of the owner or occupant of the premises in which the burglar alarm system is installed. A response to an alarm activation shall result when any officer or member of the police department shall be dispatched to the premises where the alarm has activated or learns of the activation of the alarm system(s), by any means whatsoever, and responds thereto by traveling to that premises. After responding to an alarm activation, the alarm monitoring agency shall notify any person identified within their system of the activation of the alarm system, and such person should thereupon travel to the premises to ascertain the status thereof. For alarm activations that are learned of by any means other than alarm companies or their monitoring agency the enforcement official or designee shall attempt to notify any person identified in the "alarm registration application" form or files of the activation of the alarm system; who has a key and is authorized to enter the premises, and such person should thereupon travel to said premises to ascertain the status thereof. Should any owner, occupant, or key holder/emergency contact elect not to respond to the premises or fail to respond to the premises within thirty (30) minutes of the alarm activation, it will result in the alarm activation automatically being classified as an alarm malfunction regardless of the cause of the alarm activation and be subject to fees imposed in sec[tion] 3.5-29, unless the investigating officer(s) is able to determine on premises at the time of response that the alarm activation was due to criminal activity or attempted criminal activity, or weather related activation.

(b) The officer or member of the police department who responds to said premises shall serve the owner or an authorized representative a copy of the alarm response report. If no response is made to the premises by the owner, occupant, or key holder/emergency contact within thirty (30) minutes, the enforcement official shall mail a copy of the alarm response report to the registered owner of the alarm system.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1149-97, § 7, 11-19-97; Ord. No. 1232-00, § 5, 8-26-00)

Sec. 3.5-29. Fee charges; burglar alarm malfunctions or false burglar alarms.

(a) No fee shall be assessed for the first four (4) alarms at the same premises responded to by the police department during each calendar year. Thereafter, the following fees shall be paid by the owner for each false alarm responded to by the police department at the same premises during the calendar year:

MONITORED ALARM SYSTEMS AND NON-MONITORED ALARM SYSTEMS OR ALARMS NOT REPORTED BY ALARM COMPANIES OR MONITORING COMPANIES

TABLE INSET:

Number of alarms ~	Fee per alarm ~
Fourth ~	Warning ~
Fifth ~	\$25.00 ~
Sixth ~	50.00 ~
Seventh ~	75.00 ~
Eighth ~	100.00 ~

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Number of alarms ~	Fee per alarm ~
Ninth ~	125.00 ~
Tenth ~	150.00 ~
Eleventh ~	175.00 ~
Twelfth ~	200.00 ~
Thirteenth ~	225.00 ~
Fourteenth ~	250.00 ~
Fifteenth ~	300.00 ~
Sixteenth through twentieth ~	500.00 each ~
Twenty-first ~	Disconnection order for the remainder of the year, plus one more year ~

(b) Should any fee assessed pursuant to this Chapter remain unpaid in excess of ninety (90) days from the date the charge is billed, a collection fee in the amount of thirty (30) percent of the outstanding balance shall be assessed and shall be payable by the person or company that was billed in addition to the original fee. The owner, lessee, or alarm company shall also be responsible for any legal fees or costs incurred by the city in enforcement of this Chapter.

(Ord. No. 1136-96, § 2, 12-18-96; Ord. No. 1232-00, § 5, 8-26-00)

***Editor's note:** Ordinance No. 1015-91, adopted November 6, 1991, amended the code by adding new chapter 2.2, regarding alarm systems. For classification purposes, Ordinance No. 1015-91 has been redesignated as new chapter 3.5 at the discretion of the editor. Subsequently, Ord. No. 1136-96, § 1, adopted Dec. 18, 1996, repealed Ch. 3.5. Section 2 of said ordinance enacted provisions designated as a new Ch. 3.5 to read as herein set out. See the Ordinance Disposition Table.

Cross references: See also fire protection and prevention, ch. 8.

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Art. I. In General, §§ 3.5-1--3.5-25

Art. II. Burglar Alarm Systems, §§ 3.5-26---3.5-29