

ORDINANCE 14-27

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO EMERGENCY SERVICES BY AMENDING SEC. 30-31 PURPOSE AND POLICY OF ARTICLE BY STRIKING LANGUAGE REGARDING HIGH SPEED TRAVEL; BY AMENDING SEC. 30-32 DEFINITIONS BY ADDING A DEFINITION FOR "ALARM USER" AND DELETING THE DEFINITION OF "PERSON MAKING USE OF AN ALARM SYSTEM AND ALARM USER"; BY AMENDING SEC. 30-33 FALSE ALARM PROHIBITED; MAINTENANCE RESPONSIBILITY BY REMOVING THE REFERENCE OF SERVANTS OR AGENTS; BY AMENDING SEC. 30-38 FREQUENCY OF FALSE ALARMS; DUTY TO REPAIR; SERVICE CHARGE, SUBSECTION (A) TO PROHIBIT THE REMOVAL OF EXISTING ALARM SYSTEMS AND PROVIDING A SERVICE CHARGE FOR THE EXCESSIVE USE OF FALSE ALARMS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Commission seeks to amend Chapter 30 as proposed by the Fire Chief; and

WHEREAS, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That Section 30-31 of Chapter 30 of the Code of Ordinances is amended in its entirety as follows:

Sec. 30-31. - Purpose and policy of article.

The purpose of this article is to establish requirements for the use of emergency alarm systems in the city. It is declared to be the public policy of the city to discourage and prevent a possibility of false alarms to the greatest degree possible. This public policy is created in recognition of the fact that false law enforcement and fire alarms endanger the lives of the citizens of the city and of law enforcement and firefighting personnel to an even greater degree than the incident of actual emergencies. In responding to law enforcement and fire alarms on an emergency basis, the allocation of law enforcement personnel and firefighting personnel and equipment to a false alarm removes these resources from service, thus endangering lives and property in the event of an actual law enforcement emergency or fire taking

place within the city. For these reasons, it is the policy of the city that law enforcement and fire alarm equipment must be maintained and monitored in a manner that ensures that false alarms will be kept to an absolute minimum.

Section 2: That Section 30-32 of Chapter 30 of the Code of Ordinances is amended in its entirety as follows:

Sec. 30-32. - 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 system means any device or system for the detection and notification of the presence of a medical emergency, unauthorized entry into a building, structure or facility, or alerting others to the commission of an unlawful act, or which detects heat, smoke, flames, sprinkler activation or other fire event, which emits a sound or transmits a signal or message when activated. The term "alarm system" includes, but is not limited to, direct dial telephone devices, audible alarms and proprietor alarms.

Alarm user means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein a security alarm system is maintained. If the lessee of the premises is responsible for ensuring the proper maintenance of the security alarm system, then the lessee shall be considered the alarm user.

City means the geographical boundaries of the city and, for the purpose of regulation of fire alarm systems, the fire district of the city under the authority of the laws of the state.

False alarm means an alarm signal eliciting a response by the public safety department of law enforcement officers or fire personnel when the situation requiring that response does not exist.

Section 3: That Section 30-33 of Chapter 30 of the Code of Ordinances is amended in its entirety as follows:

Sec. 30-33. - False alarm prohibited; maintenance responsibility.

- (a) It shall be unlawful for any person to cause an alarm system to give a false alarm because of mechanical failure, malfunction, improper installation, or the negligent or intentional misuse by the user of an alarm system or by his employees or persons under his custodial care, including children.

- (b) Every alarm user of an alarm system within the city shall be responsible for the proper maintenance, adjustment and usage of such system. It shall be unlawful for any person not to properly maintain an alarm system. It shall be unlawful for any person making use of an alarm system which has previously caused a false alarm to fail to take appropriate corrective action to prevent further improper operation of the system.

Section 4: That Section 30-38 of Chapter 30 of the Code of Ordinances is amended in its entirety as follows:

Sec. 30-38. - Frequency of false alarms; duty to repair; service charge.

- (a) If any premises within the city on which an alarm system is located has a false alarm on such premises within the following frequency:
 - (1) Two false alarms within one week;
 - (2) Three false alarms within 90 days; or
 - (3) Five false alarms within 12 months;

the owner of such premises shall be required to repair the system. Each day of failure to repair such system shall constitute a violation of this subsection.

- (b) If a false alarm in excess of the frequency set forth in subsection (a) of this section occurs on any premises, a service charge of \$150.00 for each alarm requiring a police response and a charge of \$500.00 for each alarm requiring a fire response shall be imposed upon the property. Such charge shall not relieve the owner or person in possession of the premises from any other penalties under the provisions of this article. Such charge shall be billed immediately following the response to the false alarm. Such charge shall be a lien upon the property and shall be superior to any or all liens of mortgages, mechanics liens and all other liens of whatever type or nature and shall be of equal dignity to the lien of ad valorem taxes. The city clerk shall record such lien against the property in the public records of the county, and such lien shall bear interest at the rate then prescribed for interest owed on judgments in circuit court. Such lien may be foreclosed by the city attorney in accordance with law.

Section 5: That this Ordinance shall be effective upon passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY
OF DUNEDIN, FLORIDA, THIS 23rd day of October, 2014.



Dave Eggers
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: October 9, 2014

READ SECOND TIME AND ADOPTED: October 23, 2014