

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-43

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 22 “EMERGENCY SERVICES”, OF THE CITY OF CORAL GABLES CODE TO CLARIFY DEFINITIONS AND PROCESSES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE. (APPROVED ON FIRST READING ON NOVEMBER 14, 2017).

WHEREAS, Chapter 22 of the City of Coral Gables Code outlines the processes and procedures regarding registration of both residential and commercial burglar and fire alarms and collection of fees for false alarms; and

WHEREAS, in an effort to clarify certain definitions, add definitions that did not exist, and clarify procedures of the registration and false alarms processes amendments to Chapter 22 are necessary; and

WHEREAS, the City desires to change the annual processing of alarms from a calendar year to a fiscal year so as to conform with other city operations; and

WHEREAS, the City desires to add an exemption to the false alarm fees for senior citizens; and

WHEREAS, it is now necessary to update Chapter 22 “Emergency Service” to implement the changes outlined above;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 22 “Emergency Services” of the Official Code of the City of Coral Gables is hereby amended in Attachment A (changes in ~~strike-through~~ / underline format):

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Code of the City of Coral Gables Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective upon its passage and adoption herein.

PASSED AND ADOPTED THIS FIFTH DAY OF DECEMBER, A.D., 2017.

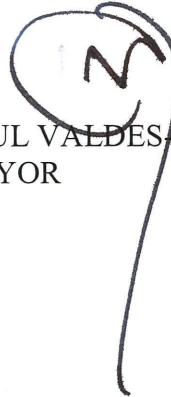
(Moved: Lago / Seconded: Quesada)

(Yeas: Keon, Lago, Mena, Quesada, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-1)

APPROVED:

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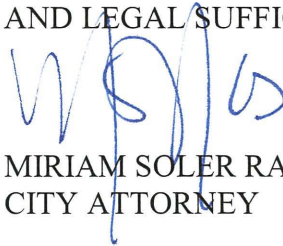
RAUL VALDES-FAULI
MAYOR

ATTEST:

A handwritten signature in blue ink, appearing to read 'Walter J. Foeman' in a cursive script.

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink, appearing to read 'Miriam Soler Ramos' in a cursive script.

MIRIAM SOLER RAMOS
CITY ATTORNEY

ATTACHMENT A:

Chapter 26 - EMERGENCY SERVICES¹¹

Footnotes:

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State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166.

ARTICLE I. - IN GENERAL

Sec. 26-1. - Fees for emergency rescue services.

The fees which shall be assessed for persons transported via fire department vehicle shall be in the amount established by the city commission.

(Code 1991, § 10-7; Ord. No. 2981, § 1, 3-31-1992; Ord. No. 3526, § 1, 9-25-2001; Ord. No. 2009-42, § 1, 9-22-2009)

Secs. 26-2—26-30. - Reserved.

ARTICLE II. - BURGLARY, FIRE AND ROBBERY ALARMS

Sec. 26-31. - Definitions.

Unless it is apparent from the context that another meaning is intended, the following words when used in this article shall have the meanings attributed to them by this section:

Alarm business means the business of any individual, partnership, corporation or other entity engaged in selling, leasing, maintaining servicing, repairing, altering, replacing, moving or installing any alarm system or causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility. An alarm business shall be a burglar or fire alarm specialty electrical contractor which shall have, as a qualifying agent, a master alarm technician with a valid county or state certificate of competency. An alarm business shall have a municipal contractors occupational license issued by the county.

Alarm permit means a permit issued by the city for commercial properties allowing the installation of an alarm system within the city.

Alarm system means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police or fire department is expected to respond, but does not include alarms installed in conveyances.

Robbery Alarm means a system arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police department is expected to respond. Robbery Alarms are also known as hold-up, duress, ambush, or emergency alarms. The system is usually manually activated by a button to signal a robbery or emergency is in progress. The alarm indicates that there is an immediate threat to personal safety by a subject that is on scene. Most systems are silent as to not alert the subject that the police have been summoned.

Violators means a person or entity legally responsible for violations of this article.

Wakeful walking watch means an individual employed by building management to walk a building until the alarm/fire system is restored.

(Code 1958, § 5A-12; Code 1991, § 3-26; Ord. No. 2896, § 3, 2-27-1990; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-32. - Alarm ~~user certificate~~system registration—Required; fee; renewal.

- (a) It will be unlawful for any person to operate an alarm system without a valid alarm user ~~certificate~~system registration as per the Florida Statutes Section 553.7931(1)(a).
- (b) The alarm user shall file the required information, as outlined in section 26-33, with the finance department within ~~15-30~~ days of the final inspection of a new alarm system done by the ~~building and zoning/development services~~ department or fire department for a commercial alarm system, or activating an existing alarm system, or within 30 days of the installation of a residential alarm system.
- (c) An ~~alarm user certificate~~system registration ~~are~~is required for all alarm systems that meet the requirements of section 26-34. Application and payment of a registration fee shall be made to the city finance department. Failure to obtain a valid alarm user ~~certificate~~system registration within ~~20-30~~ days of notice shall constitute a violation of this section and the Florida Statutes Section 553.7931, punishable by a fine as established by the city commission.
- (d) All alarm user ~~certificate~~system registrations are valid from October 1 through September 30 of each year and must be renewed by October 31. ~~expire on December 31 of each year and must be renewed not later than January 31 of each year. Certificates~~ Alarm system registrations will be renewed after the alarm user verifies or updates information on the registration notice, and upon payment of a fee as established by the city commission.
- (e) If ~~at~~ the business has one or more alarm systems protecting two or more separate structures having different addresses, a separate ~~certificate~~alarm system registration will be required for each structure.
- (f) The penalty for a violation of this section may be enforceable pursuant to sections 101-100 through 101-169 of the City Code.

(Code 1958, § 5A-15; Code 1991, § 3-27; Ord. No. 2896, § 6, 2-27-1990; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-33. - Same—~~Application~~Registration; emergency notification and reporting service information.

- (a) *Applications.* Applications for alarm user ~~certificate~~system registrations will be made on forms provided by the finance department. Each application shall be accompanied by a fee as established by the city commission.
- (b) *Reporting service information.* Each holder of an alarm user ~~certificate~~system registration shall immediately notify the finance department in writing within ~~15-30~~ days of any and all changes in the information on file with the city regarding such ~~certificate~~registration. Failure to report such

(Code 1958, § 5A-16; Code 1991, § 3-30; Ord. No. 2896, § 7, 2-27-1990; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-36. - Appeals.

- (a) Upon receipt of any notice of any false alarm fee invoice ~~violation~~ from the Finance Department ~~city~~, as prescribed in this article, the violator who has been served with notice shall elect either to:
 - (1) Pay the fee in the manner indicated on the notice; or
 - (2) Request an administrative hearing before a hearing officer/special master to appeal the violation notice.
- (b) An appeal for an administrative hearing shall be accomplished by filing a request in writing with the Finance Department to set the hearing for review to the address indicated on the notice, not later than 20 days after the service of the notice. Failure to meet this requirement will constitute a waiver of the violator's right to an administrative hearing and will constitute admission of violation. A fee as established by the city commission shall accompany the request for a hearing. This fee shall be refunded if the hearing officer returns a favorable decision on all counts.
- (c) At the hearing, the alarm user will have the right to present evidence and testimony.
- (d) The hearing officer/special master shall make written findings of facts and conclusions of law. The hearing officer/special master may also set times for compliance or further penalty, where appropriate.

(Code 1958, § 5A-17; Code 1991, § 3-31; Ord. No. 2896, § 8, 2-27-1990; Ord. No. 2981, § 1, 3-31-1992; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-37. - False alarm fees, lien provision and alarm user awareness class.

- (a) No fee will be assessed to residents enrolled in the Quick Response Burglary Prevention Program for the first four false burglary alarms in one ~~calendar~~ fiscal year, and for all other alarm users, for the first two false alarms in one ~~calendar~~ fiscal year. A fee as established by the city commission will be assessed to the alarm user for each false alarm thereafter. Notification of fees shall be by regular mail to the alarm system registration address on file. Where the user is not the owner, then the owner will also be notified at the address furnished by the alarm user registration application or recorded in the current property ownership records maintained by the County.
- (b) The alarm user shall have 30 days from the date of the ~~notice~~ invoice/statement of the false alarm fee in which to pay the fee.
- (c) Failure to pay the false alarm fee, or other fees contained in this chapter within ~~the 30~~ a 60-day time provision shall result in a past due notice providing late charges as established by the city commission, ~~if payment is not received within ten days from the date of the letter.~~ Notice of unpaid fees is to be sent by regular mail to the alarm system registration address on file. Where the user is not the owner, then the owner will also be notified at the address furnished by the alarm user registration application or recorded in the current property ownership records maintained by the County. Delinquent fees will not exceed the amount determined by resolution per false alarm.
- (d) The fee for false alarms, late fees, penalty charges, violations and costs for deactivating a nuisance alarm will be declared to be a debt due to the city, and such amount shall constitute a lien against the premises to the same extent and character as a lien for special assessment, and with the same penalties and same rights of collection, foreclosure, sale and forfeiture as obtained for special assessment liens.

- (e) All audible burglar and fire alarm systems classified as a nuisance alarm will result in automatic suspension of the alarm user certificate for that location, until such time that a licensed alarm contractor completes the city prescribed alarm affidavit confirming that all appropriate action has been taken to correct any possible defects. Affidavit shall be filed with the finance department within 30 days from notice, and will state that the alarm system has been inspected and is functioning properly, and in accordance with this article.
- (f) It shall be unlawful for any person to refuse or fail to pay any cost assessed for deactivating an alarm pursuant to this section. The refusal or failure to make payment within 30 days of being notified of such expenses shall constitute a separate offense against the city.

(Code 1991, § 3-35; Ord. No. 2896, § 11, 2-27-1990; Ord. No. 3086, § 1, 7-26-1994; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-41. - Proper alarm systems operation and maintenance.

- (a) All alarm systems must be maintained in a manner that will reduce or eliminate false alarm dispatches and audible alarm systems classified as a nuisance alarm.
- (b) Alarm businesses must instruct each commercial alarm user of the building or premises protected by the alarm system on the proper use and operation of the system. Such instructions must specifically include all necessary information on operating the alarm system, and avoiding false alarms. An affidavit as prescribed by the city, certifying compliance with this provision shall be filed with the finance department within 15 days of final inspection by the ~~building and zoning development services~~ department and fire department of a new alarm, or activating an existing alarm system.
- (c) The penalty for any violation of this section will be enforceable pursuant to sections 101-100 through 101-169 of the city Code.

(Code 1991, § 3-36; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-42. - Alarm system performance and reviews.

If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the city may require a conference with the alarm user and/or alarm business responsible for the repairs of the alarm system to review the circumstances of each false alarm.

(Code 1991, § 3-37; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-43. - Resetting of fire alarm systems (excluding single-family residences and duplex).

- (a) *Occupied building.* It is the responsibility of the alarm user to reset the fire alarm system when activated. If the fire alarm system cannot be reset, the following will occur:
 - (1) The alarm user will provide for a wakeful walking watch to patrol the building until the system is reactivated. The watch will be conducted by City of Coral Gables Fire Department personnel or persons with the proper credentials as determined by the City of Coral Gables Fire Marshal; or
 - (2) If the alarm user is unable to be contacted, the fire department shall provide a fire watch officer to patrol the building until the system is reactivated.
- (b) *Unoccupied building.* If the fire alarm system is activated and cannot be reset, the fire department will place a hazardous warning tag on the alarm panel and on all identified means of entrance.

Secs. 26-478—26-60. - Reserved.