

ATTACHMENT A:

Chapter 26 - EMERGENCY SERVICES⁴¹

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.

Alarm user means any person in control of any building, structure or facility or portion thereof where an alarm system is maintained. Alarm user shall include the property owner.

Alarm system registration means a registration filed with the city.

Audible alarm means a device designed to detect unauthorized entry on premises and which when activated generates an audible sound.

Alarm Provider means a company or provider who installs and/or provides commercial or residential alarm systems within the City.

Automatic telephone dialing alarm system means the automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically transmits by telephone or telephone line to the police or fire department, a recorded message or code signal indicating a need for emergency response.

Burglar Alarm means a system arranged to signal the occurrence of an illegal entry requiring urgent attention and to which the police department is expected to respond, but does not include alarms installed in conveyances.

Calendar year means a 12-month period beginning January 1 and ending December 31 every year.

Code enforcement officer means any designated employee acting as an agent of the city whose duty it is to enforce codes and ordinances enacted or adopted by the city.

False alarm means an alarm signal eliciting a response by the police or fire department when a situation requiring a response by the police or fire department does not, in fact, exist.

Fire Alarm means a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal – initiating devices and to initiate the appropriate response to the signal.

Fire Marshal means the person holding the position as the Fire Marshal of the Fire Department of the City of Coral Gables, or the duly authorized designee, assuming the responsibility for providing delivery, management, and/or administration of fire protection and life safety related codes and standards, investigations, education and/or prevention services for Local, State, Provincial, Federal, or Private sector jurisdictions as adopted or determined by the city.

Fire watch officer means a state certified firefighter that is employed by the city fire department or personnel with the proper credentials as determined by the Fire Marshal.

Hearing officer means a resident of the city appointed by the city manager on the basis of experience to act as an impartial arbitrator at hearings related to the enforcement of this article, and as described in the city's code enforcement ordinance.

Licensed alarm contractor means an individual or company holding a valid current State of Florida contractor license or the required level of licensure regarding certain repairs to an alarm system.

Monitored alarm means a device designed for the detection of an unauthorized entry in premises and which when activated generates an inaudible signal to a monitoring station. A monitoring alarm may also generate an audible sound on the premises.

Nuisance alarm means an audible alarm system operating continuously over 15 minutes or an audible alarm system that activates three or more times within a two-hour period causing a disturbance as described in section 38-29 and section 38-30.

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 system registration—Required; fee; renewal.

- (a) It will be unlawful for any person to operate an alarm system without a valid alarm 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 30 days of the final inspection of a new alarm system done by the development services department or fire department for a commercial alarm system, activating an existing alarm system, or within 30 days of the installation of a residential alarm system.
- (c) An alarm system registration 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 system registration within 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 system registrations are valid from October 1 through September 30 of each year and must be renewed by October 31 of each year. Alarm system registrations will be renewed after the alarm user verifies or updates information on the registration notice.
- (e) If a business has one or more alarm systems protecting two or more separate structures having different addresses, a separate alarm system registration will be required for each structure.
- (f) The penalty for a violation of this section may be enforceable pursuant to sections 101-161 through 101-190 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—Registration; emergency notification and reporting service information.

- (a) *Applications.* Applications for alarm 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 system registration shall immediately notify the finance department in writing within 30 days of any and all changes in the information on file with the city regarding such registration. Failure to report such information shall constitute a violation and may be punishable by a fee as established by the city commission.

(Code 1958, § 5A-14; Code 1991, § 3-28; Ord. No. 2896, § 5, 2-27-1990; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-34. - Same—Necessary items to qualify "the alarm system."

- (a) All alarm systems must have a backup power supply that will become effective in the event of power failure or outage in the source of electricity from the utility company.

- (b) All audible alarms must have an automatic reset program which silences the annunciator within 15 minutes after activation and which will not sound again as a result of the same event that resulted in the original activation.
- (c) Fire alarm systems must meet standards of Underwriters Laboratories, American National Standards Institute, or any other national standards-setting body as identified by the Fire Marshal having jurisdiction. Failure to comply with the standards/codes that have been adopted by the City of Coral Gables will result in the Fire Prevention Bureau giving notice in writing, by certified mail, to the owner, operator, property manager or lessee to become compliant within five business days of receipt of notice. At the discretion of the Fire Marshal, the five business days for compliance may be extended. Failure to comply and correct the violation(s) will result in charges as established by the city commission.

(Code 1958, § 5A-13; Code 1991, § 3-29; Ord. No. 2896, § 4, 2-27-1990; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-35. - Response to alarm; determination of validity.

- (a) Whenever an alarm is activated requiring response to a location by the police or fire department, a police officer or firefighter on the scene of the activated alarm system will inspect the area protected by the system and shall determine whether the emergency response was, in fact, required as indicated by the alarm system or whether the same was a false alarm.
- (b) If the police officer or firefighter at the scene of the activated alarm system determines the alarm to be false, such police officer or firefighter shall leave a False Alarm Notification Card at the premises that shall serve as the initial notice of the false alarm.
- (c) Once there have been three or more false alarms within a fiscal year, the alarm user shall be required to have a licensed alarm contractor or alarm provider complete the city prescribed alarm affidavit confirming that appropriate action has been taken to correct any possible defects. The 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. Failure to comply with the above may result in a revocation of the alarm system registration and a charge as established by the city commission or a civil citation.

(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 from the Finance Department, 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 fiscal year, and for all other alarm users, for the first two false alarms in one 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 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 a 60-day time provision shall result in a past due notice providing late charges as established by the city commission. 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.

(Code 1958, § 5A-18; Code 1991, § 3-32; Ord. No. 2896, § 9, 2-27-1990; Ord. No. 3319, § 1, 4-21-1998; Ord. No. 2014-25, § 3, 9-23-2014)

Sec. 26-38. - Automatic telephone dialing alarm systems prohibited.

- (a) Except for the designated police department's alarm line entitled "Direct-connect," it is unlawful for any person to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request service from the police or fire department.
- (b) Unlawful maintenance of an automatic telephone dialing system, installed or operated in violation of subsection (a) of this section shall, result in the city notifying the alarm user, in writing, to disconnect and cease operation of the system within 72 hours of receipt of notice. Failure to comply with the above will subject the alarm user to a penalty or a civil citation as established by the city commission.

(Code 1958, § 5A-19; Code 1991, § 3-33; Ord. No. 2896, § 10, 2-27-1990; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-39. - Alarm permits.

All persons authorized to install or modify an alarm system on commercial properties must obtain an alarm permit from the development services department and must be a licensed alarm contractor. Alarm systems must be installed in accordance with all applicable codes.

(Code 1958, § 5A-20; Code 1991, § 3-34; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-40. - Deactivation of nuisance alarms.

- (a) All audible burglar and fire alarm systems operating continuously over 15 minutes or an audible alarm system that activates three or more times within a two-hour period causing a disturbance as described in section 38-29 and section 38-30 of the city Code, are hereby declared to be a public nuisance and shall be referred to as a "nuisance alarm."
- (b) All audible burglar and fire alarm systems must have an automatic reset which silences the annunciator within 15 minutes after activation and which will not sound again as a result of the same event that resulted in the original activation.
- (c) The city manager or duly authorized designee may take the necessary steps to disconnect a nuisance alarm after emergency contact individuals or alarm user, as prescribed in the alarm user certification application, cannot be reached within 60 minutes or said emergency contact individual or alarm user fails to appear within 60 minutes of notification to silence the nuisance alarm.
- (d) All costs and expenses incurred by the city in carrying out the provisions of this article shall be and constitute a charge and lien against the real property of the alarm user, as provided by section 26-37(d) of the city Code. The alarm user will assume all liabilities that arise from the city or city's representative entry onto the premises and disconnection of the alarm system.
- (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 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 101-161 through 101-190 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.
- (c) *Cost owed to city.* All the cost incurred by the city as described in subsection (a) of this section will be declared to be a debt due to the city, and such cost will be imposed pursuant to section 26-37.

(Code 1991, § 3-38; Ord. No. 3319, § 1, 4-21-1998)

Sec. 26-44. - Authority.

In the creation of the quick response burglary prevention program, the city commission is exercising its Charter home rule powers and its local authority, including police powers, pursuant to Article VII, sections 1(f), 1(g) and 2(b) of the Florida Constitution; the Municipal Home Rule Powers Act, F.S. ch. 166, as amended. The aforementioned provisions, in relevant part, authorize the city to provide for the health, safety and general welfare of the city. The provisions of this article shall not be construed to limit the scope of the city's power necessary to accomplish these purposes.

(Ord. No. 2014-25, § 2, 9-23-2014)

Sec. 26-45. - Quick response burglary prevention program.

- (a) Alarm businesses shall provide to alarm users the option of authorizing the alarm business to immediately contact the Coral Gables Police Department for alarm dispatch following an unanswered central monitoring verification call made to the premises generating the burglar alarm signal pursuant to F.S. § 489.529.
- (b) An alarm business having previously been authorized in writing by an alarm user in accordance with this section, shall immediately contact the Coral Gables Police Department for alarm dispatch following an unanswered central monitoring verification call made to the premises generating the alarm signal pursuant to F.S. § 489.529.

(c) Alarm users providing such authorization will be enrolled in the quick response burglary prevention program, and are therefore entitled to the benefits and remedies described herein.

(Ord. No. 2014-25, § 2, 9-23-2014)

Sec. 26-46. - Immunization and waiver of claims.

The city, as well as city officials, police officers, employees and agents, are immunized from any liability related to the establishment, implementation, or operation of the quick response burglary prevention program. In addition, agreement by an alarm user to participate in this voluntary program constitutes a waiver of any claim by the alarm user against the city and its officials, police officers, employees, and agents related to the establishment, implementation, or operation of the quick response burglary prevention program.

(Ord. No. 2014-25, § 2, 9-23-2014)

Sec. 26-47 – Senior citizen exemption.

Any property owner 65 years of age or older, who resides at the location where the alarm system is maintained is eligible for an exemption of all fees and penalties associated with alarm registration and false alarms on residential property. In order to qualify for said exemption, the individual requesting the exemption must submit the appropriate documentation to the finance department and must renew the exemption on an annual basis.

Secs. 26-48—26-60. - Reserved.