

ORDINANCE NO. 78-51

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA PERTAINING TO FIRE, ROBBERY, BURGLARY, MEDICAL AND OTHER EMERGENCY ALARM SYSTEMS WITHIN ST. JOHNS COUNTY; PROVIDING THE PURPOSE OF SAID ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE PROHIBITION OF CERTAIN ALARMS AT CERTAIN LOCATIONS; PROVIDING FOR THE REGISTRATION OF CERTAIN ALARM SYSTEMS; PROVIDING FOR PROCEDURES, PENALTIES AND FEES FOR FALSE ALARMS; PROVIDING FOR IMPLEMENTATION PROCEDURES: PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING AN EFFECTIVE DATE AND PROHIBITING CERTAIN TELEPHONE CONNECTED ALARM SYSTEMS: PROVIDING FOR SEVERABILITY.

WHEREAS, an increasing number of persons, businesses and homes are using mechanical and electrical alarm systems to provide protection from burglaries, robberies and fires and to obtain emergency service, and

WHEREAS, some such alarm systems use automatic dialing devices, and

WHEREAS, such alarm systems, while providing a desirable degree of assistance in alerting and/or obtaining such emergency services and providing such protection are subject to signaling false alarms because of owner/operator carelessness, improper installation, general deterioration of systems, storms, electrical malfunctions, non-emergency activation, and other causes, and

WHEREAS, the increasing number of false alarms of the type regulated herein has unreasonably burdened the emergency service response capability of the County by causing dispatch of personnel and vehicles to non-emergency situations, and

WHEREAS, direct dialing systems which are currently known to be programmed to dial County emergency numbers are capable of totally blocking the County and the emergency communications center telephone lines to the exclusion of all other calls, and

WHEREAS, it is necessary to protect the emergency response potential of the County by protecting the communications system from false dispatch and blockage by alarm systems, NOW, THEREFORE,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

SECTION I. Purpose. The purpose of this Ordinance is to protect the emergency services of the County from misuse through prohibition and regulation of certain alarms within the unincorporated areas of St. Johns County, Florida.

SECTION II: Definitions.

(a) "Alarm business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing, any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed, any alarm system in or on any building, structure, or facility either privately owned or commercially owned.

(b) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire, an illegal entry or any other occurrence requiring urgent attention and to which a law enforcement agency, fire agency, emergency medical agency or other emergency response agency is expected to respond.

(c) "Alarm user" means the person, firm, partnership, association, corporation, company, organization, state, county, municipality or other governmental agency or entity in control of any building, structure, or facility wherein an alarm system is maintained.

(d) "Automatic dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

(e) "Burglary alarm system" means an alarm system signaling an entry or attempted entry into the area protected by the system.

(f) "Robbery alarm system" means an alarm system signaling a robbery or attempted robbery.

(g) "Fire alarm system" means an alarm system signaling fire or smoke in the area protected by the system.

(h) "Emergency medical system" means an alarm system signaling the need for emergency medical attention.

(i) "Other emergency alarm system" means an alarm system signaling that other emergency services are required.

(j) "False alarm" means an alarm signal transmitted for robbery, fire, emergency medical or other emergency situation that is reasonably expected to elicit a response by a law enforcement agency, a fire agency, an emergency medical agency or other emergency response agency, when a situation requiring such response does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably contemplated by the alarm user nor subject to control by the alarm business operator or alarm user.

(k) "Interconnect" means to connect an alarm system (including an automatic dialing device) to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon activation of the alarm system.

(l) "Primary trunk line" means a public telephone line serving the County, the Sheriff or the Sheriff's Communications Center that is designated to receive calls for service from the public.

(m) "Sheriff" means the Sheriff of St. Johns County or his designated representatives.

(n) "County" means the County of St. Johns and the officials and employees thereof.

SECTION III: Automatic dialing device - Certain interconnections prohibited.

(a) It is unlawful for any business, user or person to program or interconnect an automatic dialing device to select a primary trunk line of the County, of the Sheriff, of the Sheriff's Communications Center, or of a fire department located in the unincorporated area of the County, and it is unlawful for an alarm business or user to fail to disconnect or reprogram an automatic dialing device which is programmed to select such primary trunk line within twelve (12) hours of receipt of written notice from the Sheriff that it is so programmed.

(b) Within sixty (60) days after the effective date of this Ordinance, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.

SECTION IV: Termination of alarm systems prohibited at certain locations. No commercial or private alarm system may be terminated in the St. Johns County Communications Center except that the Sheriff

... at his discretion allow the termination of governmental alarm systems or certain alarm systems originating at Federally Insured Banking or Savings institutions and other high risk areas as he may deem appropriate.

SECTION V: Requirement to register alarm systems. Prior to the installation or use of any type robbery, burglar, fire, emergency medical or other emergency response alarm, within the unincorporated areas of St. Johns County, Florida, the alarm user shall furnish to the St. Johns County Sheriff's Department his name, address and telephone number and information regarding the full names, addresses and telephone numbers of at least two people who can be reached at all times and who are authorized to enter the premises and deactivate the alarm system. If any such person shall fail to appear and turn off any such alarm system within one hour after being notified by the Sheriff's office to do so, then the alarm user of the premises shall be automatically charged a fee of twenty-five dollars (\$25.00) for each such occurrence. In the event the alarm user shall fail to pay such fee when due, he shall be notified in writing by the Sheriff's office that there will be no further response to alarms at that location.

SECTION VI: Procedures and fees for false alarms.

(a) For a response by the Sheriff's office, a County fire department, an emergency medical agency or any other County funded emergency response agency to any false alarm within St. Johns County the Sheriff shall charge the alarm user, fees as follows:

- (1) For a response to premises at which no other false alarm has occurred within the preceding six month period, hereinafter referred to as a "first response," no fee shall be charged, but the alarm user shall, within three working days after notice to do so, make a written report to the Sheriff on forms prescribed by him setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by an authorized serviceman, and such other information as the Sheriff may reasonably require to determine the cause of such false alarm and the corrective action taken.

- (2) For a second response to premises within six months after a first response, no fee shall be charged but a written report shall be required as for a first response.
- (3) For a third response to premises within six months after such first response, a fee of twenty-five dollars (\$25.00) shall be charged the alarm user, and if such third false alarm or any such succeeding false alarm is a result of failure to take necessary corrective action, said Sheriff may order the disconnection of such alarm system and it shall be unlawful to reconnect such alarm system until such corrective action is taken; provided, that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation.
- (4) In those instances where the alarm user is required by law to have an alarm system in operation, thereby prohibiting the disconnection for repeated failure to take necessary corrective action, the false alarm fee charged the alarm user shall be one hundred dollars (\$100.00) for each such false alarm in excess of two within the six month period.
- (b) Robbery alarms. The same procedures as outlined above for false alarms shall apply to robbery alarms, except that owners or managers of premises protected by robbery alarms must additionally include in any written report submitted to the Sheriff an outline of such corrective measures as may have been taken to prevent future accidental triggering of the alarm system by employees.
- (c) The Sheriff shall notify the alarm user of the amount of fee due under Section V and/or subparagraphs (a)(3) or (a)(4) above. The notification shall be delivered by mailing same by certified mail return receipt requested addressed to the alarm user's address provided pursuant to Section V above, or by such other means of delivery that would reasonably notify the alarm user of the fee charged and due.

(c) All fees due under the provisions of this ordinance shall be paid directly to the Clerk of Courts, St. Johns County, Florida. Fees shall be due and payable five (5) working days after notification as provided pursuant to paragraph (c) above.

SECTION VII: Implementation Procedures.

(a) The Sheriff shall establish procedures governing the implementation of this Ordinance, including but not limited to:

- (1) Registration procedures and forms
- (2) Processing of false alarm reports submitted by alarm users
- (3) Collection of fees
- (4) Alarm deactivation procedures
- (5) Appeal processes by alarm users
- (6) Record keeping systems
- (7) Alarm response procedures
- (8) Notification procedures

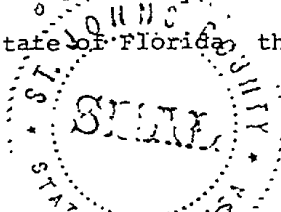
(b) These procedures shall be reviewed periodically by the Sheriff and changes may be made as deemed necessary.

SECTION VIII: Enforcement and penalties. Anyone convicted of a violation of or failure to comply with any of the provisions of this ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the St. Johns County jail for a term not to exceed sixty (60) days, or both such fine and imprisonment.

SECTION IX: Severability. If any portion of this ordinance, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid portion or application, and to this end the portions hereof are declared to be severable.

SECTION X. Effective date. This ordinance shall become effective on AUGUST 15, 1978.

Passed by the Board of County Commissioners of St. Johns County, State of Florida, this 8th day of August, 1978.



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY:

[Signature]
Its Chairman

ATTESTS

[Signature: Marie Spaulding]

COPY OF ADVERTISEMENT

The St. Augustine Record
PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA. }
COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Robert E. James who on oath says that he is
Advertising Manager of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement, being a Legal Notice
Board of County Commissioners Meeting
_____ in the matter of _____
Emergency Alarm System
_____ in the _____ Court,
was published in said newspaper in the issues of _____
July 12, 1978

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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.

Sworn to and subscribed before me
this Second day of August
A.D. 19 78
Notary Public
Notary Public

Notary Public
My Commission Expires Oct. 2, 1980
Bonded by _____

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON AUGUST 8, 1978 AT 1:55 O'CLOCK P.M., IN THE COUNTY COMMISSIONERS ROOM, ST. JOHNS COUNTY COURTHOUSE, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA PERTAINING TO FIRE, ROBBERY, BURGLARY, MEDICAL AND OTHER EMERGENCY ALARM SYSTEMS WITHIN ST. JOHNS COUNTY, PROVIDING THE PURPOSE OF SAID ORDINANCE; PROVIDING FOR DEFINITIONS, PROVIDING FOR THE PROHIBITION OF CERTAIN ALARMS AT CERTAIN LOCATIONS; PROVIDING FOR THE REGISTRATION OF CERTAIN ALARM SYSTEMS; PROVIDING FOR PROCEDURES, PENALTIES AND FEES FOR FALSE ALARMS; PROVIDING FOR IMPLEMENTATION PROCEDURES, PROVIDING FOR ENFORCEMENT AND PENALTIES, PROVIDING AN EFFECTIVE DATE AND PROHIBITING CERTAIN TELEPHONE CONNECTED ALARM SYSTEMS; PROVIDING FOR SEVERABILITY.
The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Courthouse, and may be examined by parties interested prior to said public hearing.
All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.
Dated this 17th day of July, 1978.
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
By: OLIVER LAWTON
Clerk
JY19-L782Adv.

