

**ORDINANCE 408 – 2009**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CHAPTER 1 GENERAL PROVISIONS, SECTION 1-10 ORGANIZATION OF CODE ENFORCEMENT BOARD; APPOINTMENT OF SPECIAL MASTER; ADDING CHAPTER 11 OFFENSES – MISCELLANEOUS, SECTION 11-4 FIRE ALARMS AND SECTION 11-5 BURGLAR ALARMS; REPEALING ANY CONFLICTING OR INCONSISTENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Commission desires to protect the safety of all citizens and maximize the efficiency and effectiveness of fire and police personnel; and

**WHEREAS**, the City Commission recognizes the increasing number of false fire and burglar alarms; and

**WHEREAS**, the City Commission desires to place responsibility on the alarm users to prevent false alarms; and

**WHEREAS**, the City Commission desires to establish service charges for alarm users whose systems repeatedly result in false alarms.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF KEY COLONY BEACH, FLORIDA**, as follows (Additions to the ordinance are underlined; deletions are ~~crossed-out~~):

**CHAPTER 1. GENERAL PROVISIONS.**

**Section 1-10.** Organization of code enforcement board; appointment of special master.  
**SCHEDULE OF VIOLATIONS AND PENALTIES**

City Code Section	Item in Violation	Penalty
4-6	Animals running at large	\$ 25.00
4-8	Noisy animals	25.00
4-9	Vicious, dangerous animals	25.00
4-10	Removal of animal defecation	10.00
5-1	Prohibited vessel operations	100.00
5-4	Vessels as commercial establishments	250.00
5-5	Anchoring limitations	100.00
5-6	Rafting of vessels	50.00
5-7	Discharge into waters	500.00
5-9	Fishing on Sadowski Bridge	25.00

City Code Section	Item in Violation	Penalty
<del>5-10</del>	<del>Gillnetting prohibited</del>	<del>100.00</del>
5-15	Living aboard vessels	250.00
5-80	Boat and trailer parking	25.00
5-82	Boats and trailers parked in city right-of-way	25.00
6-6	Working without building permit	75.00
6-10	Permitted working days and hours	75.00
6-50	Display street numbers on buildings	25.00
6-56	Building and property maintenance	50.00
7-2	Garbage and trash accumulation	50.00
7-5	Use garbage cans	25.00
7-6	Garbage can specifications	25.00
7-12	Dumping and littering	250.00
<del>8-5</del>	<del>Ignoring notices of a nuisance</del>	<del>50.00</del>
8-6	Lots maintained in mowable condition	100.00
9-4	Doing business without a license	250.00
10-2	Loud or disturbing noise	100.00
11-2	Camping prohibited	100.00
11-4	False fire alarm, posting, inspections – 1 <sup>st</sup> violation	Warning
11-4	False fire alarm, posting requirements, inspections	250.00
11-5	False burglar alarm – 1 <sup>st</sup> violation	Warning
11-5	False burglar alarm – 2 <sup>nd</sup> violation	50.00
11-5	False burglar alarm – 3 <sup>rd</sup> violation	100.00
11-5	False burglar alarm – 4 <sup>th</sup> and additional violation	250.00
12-9	City park open hours	250.00
14-4	Damaging sewer facilities	250.00
14-10	Prohibited discharges--Sewer and storm drains	250.00
101-26(8)	Nuisance lighting	50.00
101-31	Garage sales	25.00
101-32(3)	Burning of refuge	100.00
101-34	Home occupations	250.00
101-35	Inoperative vehicles	100.00
101-55	Illegal parking--Commercial and recreation vehicles	100.00
101-67	Landscape maintenance	50.00
101-131	Prohibited signs	50.00
101-136	Temporary signs	50.00
101-37	Sign maintenance	50.00
F.S. § 316-1955.57	Parking in handicap space	250.00

## **CHAPTER 11. OFFENSES – MISCELLANEOUS**

### **Section 11-4. Fire alarms.**

**(a) Purpose of regulation.** The purpose of this section is to place responsibility on alarm users to prevent, by use of appropriate mechanical, electrical, or other means, false fire alarms.

(b) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm user means the person or other entity that owns, possesses, controls, occupies, or manages any premises as defined in this section.

False fire alarm means a signal from a fire alarm system that elicits a response by the fire department when no actual or threatened fire-related emergency exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in nonemergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a fire alarm is false if personnel responding from the fire department do not discover any evidence of fire or other emergency after following normal fire department operating procedures in investigating the incident. An alarm is not false if the alarm user proves that:

- (1) An individual activated the alarm based upon a reasonable belief that a fire-related emergency existed;
- (2) The alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system; or
- (3) The alarm was activated by vandals.

Fire alarm system means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related emergency requiring urgent attention and to which fire department personnel may reasonably be expected to respond.

Premises means the building or structure or portion of a building or structure upon which is installed or maintained a fire alarm system.

(c) Fire alarms: posting requirements. A fire alarm user shall conspicuously post at the main entrance to the alarm user's premises a notice stating:

- (1) The name of an individual or alarm company able and authorized to enter the premises and deactivate the alarm.
- (2) Emergency telephone numbers by which those individuals can be reached at all times.
- (3) The name and address of the alarm user. The information must be kept current, and failure to update this information within 48 hours of any change constitutes a violation of this section.
- (4) A standard fire alarm tag, complying with division of state Fire Marshal uniform fire safety rules and standards.

(d) False fire alarms prohibited. No fire alarm user shall cause, allow, or permit its fire alarm system to give a false fire alarm.

(e) Inspection requirements. After the first and each additional false fire alarm in one (1) calendar year, the alarm user must within 30 days file a written certificate with the Building

Official's office from a licensed fire alarm system contractor stating that the fire alarm system has been inspected since the last false fire alarm and is functioning properly.

(f) Penalties. Each violation of this section shall be punished as follows:

- (1) For a first violation of the posting requirements in Subsection (c) of this section, a written warning to be issued.
- (2) For a second and each additional violation of the posting requirements in Subsection (c) of this section, by a fine of \$250.00.
- (3) For the second and each additional false fire alarm in one (1) calendar year, by a fine of \$250.00.
- (4) For a first violation of the inspection requirements in Subsection (e) of this section, a written warning to be issued.
- (5) For a second and each additional violation of the inspection requirements in Subsection (e) of this section, by a fine of \$250.00.

(g) Enforcement. The provisions of this section shall be enforced by the Building Official, Code Enforcement Officer or Police Officer or designed official. The Code Enforcement Board shall hear cases resulting from violations of this ordinance.

### **Section 11-5. Burglar Alarms.**

(a) 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 user means the person or other entity that owns, possesses, controls, occupies or manages any premises as defined in this section.

Burglar/robbery 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 Department may reasonably be expected to respond, but does not include fire alarms or alarms installed in motor vehicles. If a fire alarm is connected to a burglar alarm system, this section shall not apply to false alarms that the alarm user proves were generated by the fire alarm portion of the system.

False burglar/robbery alarm means a signal from a burglar/robbery alarm system that elicits a response by the Police Department when no emergency or threatened criminal activity requiring immediate response exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in non-emergency situations; and signals for which the actual causes of activation are unknown. It is rebuttable presumption that a burglar alarm is false if personnel responding from the Police Department do not discover any evidence of unauthorized entry, criminal activity, or other emergency after following a normal police operating procedures in investigating the incident. An alarm is not false if the alarm user proves that:

- (1) An individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed; or

- (2) The alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system.

Premises means the building or structure or portion of a building or structure upon which is installed or maintained a burglar/robbery alarm system.

(b) Filing of alarm information.

A burglar/robbery alarm user shall file the following information with the Police Department:

- (1) The names of individuals able to and authorized to enter the premises and deactivate the alarm;
- (2) Emergency telephone numbers by which those individuals can be reached at all times;
- (3) The name and telephone number of the alarm company monitoring the alarm system, if applicable;
- (4) The name and telephone number of the alarm company that installed the system, if different from the monitoring entity; and
- (5) The name and address of the alarm user.

This information must be kept current, and failure to update this information within 48 hours of any change constitutes a violation of this section.

(c) Required equipment in a burglar/robbery alarm.

A burglar/robbery alarm user shall not install or use a burglar or robbery alarm system unless it is equipped with:

- (1) 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;
- (2) A device that automatically silences the alarm within 30 minutes after activation;  
and
- (3) A frequency other than those assigned to any police department.

(d) False burglar/robbery alarms prohibited, payment of service charge.

No burglar/robbery alarm user shall cause, allow or permit its burglar alarm system to give a false alarm. All service charges imposed by the city for false alarms must be paid within 30 days of receipt of the invoice.

(e) Service charge.

The city shall not levy a service charge for a violation of Subsection (d) when responding to the first false burglar or robbery alarm at a premises in a calendar year. For the second and all other false burglar or robbery alarms in that calendar year, the city shall impose a service charge per false burglar or robbery alarm, to wit:

- (1) For the second false burglar alarm in one (1) calendar year, by a service charge of \$50.00.

(2) For the third false burglar alarm in one (1) calendar year, by a service charge of \$100.00.

(3) For the fourth and each additional false alarm in one (1) calendar year, by a service charge of \$250.00.

(f) Notification of false alarms.

The city shall send, by certified mail return receipt requested, to the burglar or robbery alarm user, an invoice for each false burglar or robbery alarm for which a service charge is due. The alarm user shall be responsible for paying the service charge to the city within 30 days of the user's receipt of the invoice. The employment by the alarm user of an alarm installation, monitoring or maintenance firm or a security firm shall not relieve the alarm user of the responsibility for the payment of false alarm service charges. Violations of Subsection (d) for failure to pay service charges shall be referred to the Code Enforcement Board.

**Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Inclusion in the Code.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Key Colony Beach; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

**Effective Date.** This Ordinance shall be effective immediately after final passage as provided by law.

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Ronald A. Sutton, Mayor

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Attest: Vickie L. Bollinger, City Clerk

Approved as to form and legal sufficiency:

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Thomas D. Wright, City Attorney

March 12, 2009      First Reading  
March 14, 2009      Date of Notice, Florida Keys Keynoter  
March 26, 2009      Second Reading