

## Sec. 42-81. - Definitions.

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

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

*False intrusion alarm system* means a signal from an intrusion alarm system that elicits a response by the police when no emergency or actual 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 nonemergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that an intrusion alarm is false if the responding police officer does not discover any evidence of unauthorized entry, criminal activity or other emergency after following normal police 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, thunderstorms, severe weather conditions or an electrical surge that caused physical damage to the system, as evidenced by testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system.

*Intrusion 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 system is connected to an intrusion 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.

*Premises* means the building or structure or portion thereof upon which an intrusion alarm system is installed or maintained.

(Ord. No. 97-3078, § 2(25-39.1(2)), 4-2-97)

**Cross reference**— Definitions generally, § 1-2.

## Sec. 42-82. - Purpose of division.

The purpose of this division is to place the responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical or other means, false burglary and robbery alarms.

(Ord. No. 97-3078, § 2(25-39.1(1)), 4-2-97)

Sec. 42-83. - Enforcement of division.

This division shall be enforced by the **police department of the city.**

(Ord. No. 97-3078, § 2(25-39.1(12)), 4-2-97)

Sec. 42-84. - Alarm registration and permit renewal.

- (a) Permits shall be renewed annually during the month of January. The fee for renewal will be as set forth in appendix A of this Code. Failure to pay the permit renewal fee shall result in the termination of police response to intrusion alarms. The renewal fee will be waived for all alarm users who have had no false intrusion alarms during the past 12 months.
- (b) Before police response to any alarm is terminated under this section, the police department will notify the alarm user and the alarm monitoring company by certified mail, return receipt requested. The notification will inform the alarm user and the alarm monitoring company that the alarm is being operated in violation of this section and that police response to alarms will be terminated in 30 days unless the alarm is registered and the renewal fee is paid. The alarm company that installs an alarm system, or the user of an alarm system not installed by a company, shall file the following information with the city police department false alarm section within 48 hours of such installation, excluding weekends and holidays. For alarms existing before October 8, 1997, alarm users must, within 60 days of October 8, 1997, file a completed alarm registration/permit form with the police department, providing the following information:
  - (1) The names of individuals 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 telephone number of the alarm company that is 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.
  - (5) The name and address of the alarm user. The alarm company or, where there is no alarm company, the user must make certain that the information filed with the police department is current. Failure to update this information within five working days of any change, excluding weekends and holidays, constitutes a violation of this section.
  - (6) Whether the alarm is equipped with a backup power supply that will automatically be activated in the event of a power failure.
  - (7) **Whether the alarm is equipped with a device that automatically silences the alarm within 15 minutes after activation.**

(Ord. No. 97-3078, § 2(25-39.1(3)), 4-2-97; Ord. No. 97-3098, § 1, 10-8-97)

Sec. 42-85. - Required equipment in an intrusion alarm.

An intrusion alarm user shall not use an intrusion alarm system unless that intrusion alarm system is equipped with:

- (1) A backup power supply that will automatically be activated in the event of power failure or outage; and
- (2) A device that automatically silences the alarm within 15 minutes after activation.

Within 18 months from April 12, 1997, alarm users shall be responsible to ensure that all existing intrusion alarm systems are brought into compliance with subsections (1) and (2) of this section.

Intrusion alarms installed after April 2, 1997, shall comply with the requirements of subsections (1) and (2) of this section before they can be activated in the city.

(Ord. No. 97-3078, § 2(25-39.1(4)), 4-2-97)

Sec. 42-86. - False alarms.

No alarm user shall cause, allow or permit the intrusion alarm system to give four or more false intrusion alarms in any registered period.

(Ord. No. 97-3078, § 2(25-39.1(6)), 4-2-97; Ord. No. 2014-3830, § 1, 1-15-14)

Sec. 42-87. - Cancelling false intrusion alarm calls.

Alarm monitoring companies shall in all cases attempt to verify that any activated alarm is not false. They shall, within ten minutes of the alarm activation, notify the city police department to cancel a police response to alarm calls that they have determined false as defined in section 42-81. The police department will cancel the police response only under the following conditions:

- (1) The police department received notification prior to the officer's arrival at the alarm location.
- (2) The alarm is not a panic alarm.

(Ord. No. 97-3078, § 2(25-39.1(5)), 4-2-97)

Sec. 42-88. - Limitation to police response.

(a) Police are not required to respond to:

- (1) Intrusion alarms at locations where seven or more substantial false alarms occurred in a dynamic 12-month period unless the provisions of section 42-91 are complied with.
- (2)

Intrusion alarms at locations where an intrusion alarm fine was not paid within 60 days of a notice of violation unless the provisions of section 42-91 are complied with.

- (3) Locations where required alarm registration information was not filed within 60 days of a notice of violation for failure to file alarm information.
- (b) Nothing in this section shall:
- (1) Preclude the police department from responding to panic or ambush alarm signals, calls describing emergencies or crimes in progress or routine calls for service.
  - (2) Limit the police department from issuing a notice of violation for alarms in violation of this division.
  - (3) Be construed to create a duty to respond in any circumstances where such a duty does not exist pursuant to the statutory or common law of the state.
- (c) A notice that police response will be discontinued, for any of the reasons set forth in this section, will accompany a notice of violation and will be posted at the affected location, or be sent to the user by certified mail, return receipt requested, at least 30 days prior to discontinuing service.
- (d) Police response will continue while an appeal is pending under section 42-91.
- (e) In order to restore police response to burglar alarms at terminated locations, the alarm user:
- (1) When police response had been discontinued pursuant to subsection (a)(1) of this section, must submit a letter or written report from a licensed alarm company certifying that the alarm system is working properly, and pay all outstanding fines pursuant to this division.
  - (2) When police response had been discontinued pursuant to subsection (a)(2) of this section, must pay all outstanding fines pursuant to this division.
  - (3) When police response has been discontinued pursuant to subsection (a)(3) of this section, must submit completed alarm registration information to the police department and pay all outstanding fines pursuant to this division.

(Ord. No. 97-3078, § 2(25-39.1(11)), 4-2-97)

#### Sec. 42-89. - Enforcement.

The Miami Beach Police Department shall enforce the provisions of this section. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section, and all applicable laws. If an enforcing officer finds a violation of this section, the officer may issue a notice of violation to the violator. The notice of violation must inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within ten days after service of the notice of violation, and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a waiver of the right to a hearing.

(Ord. No. 97-3078, § 2(25-39.1(10)), 4-2-97; Ord. No. 2014-3830, § 1, 1-15-14)