

ORDINANCE NO.2006-10

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, ADDING TO THE CODE OF ORDINANCES OF THE TOWN OF WINDERMERE, FLORIDA, CHAPTER 6, ARTICLE VI, SECTION 6.110 PROVIDING FOR REPORTS BY THE POLICE AND FIRE DEPARTMENTS FOR RESPONSES MADE TO ALARMS AND PROVIDING FOR ASSESSMENT OF FEES FOR FALSE ALARMS; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the police and fire departments are frequently caused to respond to false alarms; and

WHEREAS, the Town Council of the Town of Windermere recognizes that response to false alarms by the police and fire departments wastes valuable Town resources; and

WHEREAS, the owner, lessee or manager of property is in the best position to prevent false alarms; and

WHEREAS, the Town Council of the Town of Windermere desires to reduce the number of false alarms within the Town.

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Windermere, Florida, that:

SECTION 1. Chapter 6, Article VI is hereby added to the Code of Ordinances of the Town of Windermere, Florida and the following is added as Section 6.110 (strike through indicates deleted text, underline indicates added text):

6.110 Response to alarms; corrective actions; reports and service fees for false alarms.

(a) Report required. For each response by the police department or fire department to an alarm, the department will cause a report to be filed, classifying the alarm as one of the following:

- (1) False alarm (including system test with no notification);
- (2) Valid alarm for cause designated.

(b) Corrective action. Upon the reception of a third false alarm within six months, the police department or the fire department shall issue a warning notice to the owner or lessee or management of the premises involved. The owner, lessee or manager shall file a written report with the police department or the fire department within five working days indicating any and all measures taken to reduce false alarms.

(c) False Alarms. There shall be a service fee charged for false alarms according to the following schedule:

- (1) First response (none in last six months), no fee.
- (2) Second response within six months, no fee.
- (3) Third response within six months, warning.
- (4) Fourth response within six months, \$100.00.
- (5) Fifth response and up within six months, \$250.00.

(d) Inspection and repair of alarm. If, within ten days from the occurrence of a false alarm, the owner, lessee or manager can demonstrate to the satisfaction of the chief of the department which responded or the chief of police if both the police and fire departments responded, that the alarm system in question has actually been examined by a repair service authorized by the system manufacturer and either repaired, if the repaired malfunction was the cause of the false alarm, or certified that the system is in good working order, then providing the false alarm was not caused by employee error, the false alarm shall not be considered a false alarm for the purpose of subsection (c) of this section.

(e) Electrical outages and weather phenomena. A false alarm shown to the satisfaction of the chief of the department which responded, or the chief of police if both the police and fire departments responded, to have been caused by an electrical outage or weather phenomenon shall not be considered a false alarm for the purpose of subsection (c) of this section.

(f) Authority to disconnect. Upon failure of an owner or lessee or manager of a premises to pay a fee specified within ten days, the chief of police or the fire chief shall be authorized to disconnect or order the alarm system to be disconnected within five days. Failure to disconnect such alarm or reconnecting such alarm unless and until reconnection of the alarm system is authorized by the chief of police or fire chief shall be unlawful and result in an additional fine of \$50.00 for each day the alarm is unlawfully connected. No disconnection or deactivation shall be ordered or made as to any premises required by law to have an alarm system in operation. The owner, lessee or manager shall be responsible for all costs incurred in collecting the service fee, including attorney's fees.

SECTION 2. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof, which may be determined to be in conflict herewith, are hereby repealed.

SECTION 3. Severability. It is the intent of the Town Council of the Town of Windermere, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 4. Effective Date. This ordinance shall become effective upon adoption.

APPROVED AND ADOPTED by the Town Council of the Town of Windermere, Florida, on the _____ day of _____, 2006.

TOWN OF WINDERMERE, FLORIDA

BY: _____
Gary Bruhn, Mayor

ATTEST: Dorothy Burkhalter, Town Clerk

By: _____

Effective Date: _____

FIRST READING:
SECOND READING/PUBLIC HEARING
ADOPTION:

APPROVED AS TO FORM:

Clifford B. Shepard, Town Attorney