

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA AMENDING ARTICLE 5, FALSE ALARM REDUCTION, CHAPTER 111, MISCELLANEOUS PROVISIONS, GENERAL ORDINANCES, MARTIN COUNTY CODE REGARDING ALARM SYSTEM PERMITS, FEES AND FINES; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE; EFFECTIVE DATE; AND CODIFICATION

WHEREAS, the Board of County Commissioners of Martin County, Florida (Board) is authorized by Chapter 125, Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers; and

WHEREAS, the Martin County Sheriff's Office and the Martin County Tax Collector requested revisions to the False Alarm Reduction Ordinance for consistency with current practices and state law; and

WHEREAS, the Board has determined that it is in the public interest to implement this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

PART I. AMENDMENT OF ARTICLE 5, FALSE ALARM REDUCTION, CHAPTER 111, MISCELLANEOUS PROVISIONS, GENERAL ORDINANCES, MARTIN COUNTY CODE:

Article 5, False Alarm Reduction is hereby amended as follows:

ARTICLE 5. FALSE ALARM REDUCTION

Sec. 111.121. Short title.

This article will be known and cited as the "Martin County False Alarm Reduction Ordinance".

Sec. 111.122. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Alarm system monitoring company (monitoring company) means a person or entity performing the service of monitoring as defined in F.S. § 489.505, as may be amended from time to time, and having customers within the territorial jurisdiction of this article.

Alarm operator means any owner, tenant or other person or entity that uses or is in control of an alarm system.

Alarm site means the individual location of each alarm system.

Alarm system means any device that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, law enforcement services to the site of the alarm system. Alarm system does not include:

1. A device installed on a vehicle, unless the vehicle is permanently located at a site.
2. A device designed to alert only the inhabitants of the device site, and that is not audible or visible from the exterior of the structure.
3. A device designed for a purpose other than to alert for intrusion, burglary, or robbery, panic, or personal assistance.

Alarm system contractor means a person licensed under F.S. ch. 489, as an electrical or alarm system contractor.

Automated dialing device means an alarm system which automatically sends, via telephone, radio signal, or internet, a prerecorded voice message or coded signal indicating the existence of an emergency situation.

Commercial premises means any structure or area which is not defined in this section as governmental or residential premises, including, but not limited to, religious and not-for-profit organizations, hotels, motels, and educational institutions.

Deactivated alarm means an alarm system that has the primary and secondary power and the telephone line or other communication source disconnected at the alarm control panel.

False alarm means the activation of an alarm system for any reason other than a bona fide incident, such as a burglary or unauthorized entry, and a subsequent response by the Sheriff to that alarm site. A false alarm does not include:

1. An alarm caused by physical damage to the alarm system, or any part of the structure which has a direct relationship to the alarm system, as a result of lightning, wind, or other meteorological event, where there is clear evidence of physical damage to the alarm system or the structure.
2. An alarm caused by disconnection of a telephone circuit beyond the control of the alarm operator or his agents.
3. An alarm caused by continuous electrical power disruption in excess of four hours.

Governmental premises means a structure or area owned and operated by a government entity or which is leased for the use of a governmental entity.

Martin County Tax Collector's Office means the designated authority charged with the collection of any fees or fines. All fees or fines collected will be remitted to the Martin County Board of County Commissioners minus the costs associated with the collection of the permit fees and fines.

Permit holder means the person to whom the alarm permit is issued.

Permit year means the period starting from the date of issuance of a permit and ending 12 months from the date of issuance.

Residential premises means any structure serving as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household.

Sheriff means the Martin County Sheriff or his designee(s).

Sheriff's office means the designated authority charged with enforcement of the Martin County False Alarm Ordinance.

Verification means an attempt by the monitoring company or its representative to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this article, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Sec. 111.123. Alarm permit and fee.

111.123.A. New alarm operators are required to obtain an alarm permit before activation of an alarm system. All alarm operators will annually apply to the Martin County Tax Collector for a nontransferable alarm permit. The permit shall be valid for one permit year and then expire.

111.123.B. A fee of \$20.00, which may be revised by resolution adopted by the Board of County Commissioners, shall accompany each application or renewal for alarms on residential, commercial, or governmental premises. Alarm operators who experience no false alarms during a permit year will have their alarm permit renewal fee reduced to \$10.00 for the following year provided that the permit is renewed prior to the expiration of the current permit. All fees will be paid to the Martin County Tax Collector's Office.

111.123.C. The owner or manager of any residential or commercial premises that are rented to others and which have alarm systems provided by the owner or manager shall:

1. Explain the operation of the alarm system to the alarm operator.
2. Explain the alarm operator's financial responsibilities for false alarms.
3. Obtain the alarm operator's signature on a form in which the alarm operator acknowledges having received and understood the information provided in 1. and 2. above.
4. Furnish a blank alarm permit application to the tenant. The Martin County Tax Collector shall provide the owner or manager with forms upon request.

111.123.D. No permit shall be required for a deactivated alarm system.

111.123.E. No permit will be issued when a fine is outstanding, when a reason for a previous revocation or suspension has not been corrected, or if the applicant provides false information.

111.123.F. The alarm operator shall submit interim updated application information within 15 days when the on-file information has changed. A permit may be revoked if it is found to contain inaccuracies.

Sec. 111.124. False alarm penalties.

111.124.A. Responsibility for false alarms shall be borne by the permit holder.

111.124.B. Excessive false alarms constitute a public nuisance and divert deputies from responding to calls for service or taking routine enforcement action. A false alarm penalty may be assessed to the permit holder by the Sheriff's Office for false alarms as follows:

1. First and second false alarm \$25.00 each; however, if the alarm operator has a valid alarm permit, then there is no fine for the first alarm.
2. Third and fourth false alarms \$50.00 each.
3. Fifth and sixth false alarms \$75.00 each.
4. Seventh and eighth false alarms \$100.00 each.
5. Ninth and above false alarms \$150.00 each.
6. The additional fine for false alarms from a nonpermitted alarm system or from an alarm system with a revoked permit is \$200.00. The Martin County Tax Collector may reduce this amount to \$50.00 if the alarm system is permitted within ~~ten~~ forty-five days of false alarm initial notice.

111.124.C. If a penalty is assessed, the Sheriff's Office shall issue a written notice of violation to the permit holder.

111.124.D. Governmental premises shall be exempt from false alarm fines. In lieu of being subject to fines for false alarms, a representative of the governmental premises, from which an alarm activation has been reported, must respond to the governmental premises within 30 minutes of notification that law enforcement has arrived at the governmental premises. The procedure for coordinating the representative's response, with the response to the governmental premises by law enforcement, will be developed by the Sheriff or his designee. When a governmental premises has in excess of ten false alarms in any 12-month period, the Sheriff or Sheriff's designee shall notify the appropriate government agency of the excessive false alarms in writing, and the government agency board shall be responsible for correcting and preventing false alarms in the future. Failure to correct and prevent false alarms may result in the revocation of the alarm permit for the governmental premises.

Sec. 111.125. Revocation and reinstatement of alarm permit.

111.125.A. The Sheriff or the Martin County Tax Collector may revoke an alarm permit if it is determined that:

1. There is a false statement of a material matter in the permit application.
2. Ten or more false alarms have been received by the Sheriff from the alarm site within a permit year.

3. There is a permit that has not been renewed or fines have not been paid at the time of renewal.
 4. A fee or fine is not paid within 45 days of the date on the issuance of the invoice.
- 111.125.B. An alarm operator whose alarm permit has been revoked or suspended may be issued a new permit if that alarm operator:
1. Submits an updated application and pays a \$50.00 reinstatement fee.
 2. Pays all fines issued to the alarm operator under this article.
- 111.125.C. The Martin County Tax Collector shall notify the alarm monitoring company and the alarm permit holder in writing of a revocation, suspension, or reinstatement.
- 111.125.D. Neither the alarm monitoring company, nor the alarm system contractor, shall notify the Martin County Sheriff's office of an alarm ~~by telephone~~ if an alarm permit has been revoked. ~~A \$100.00 fine may be assessed against the alarm monitoring company and/or the alarm system contractor for each violation of this section.~~

Sec. 111.126. Appeals of fines and revocations.

- 111.126.A. Appeals of a fine, suspension or revocation under this article shall be to the Martin County Code Enforcement Special Magistrate by notifying the Sheriff in writing within 20 days of service of the notice of fine, suspension, or revocation. Proper notification shall stay the imposition of a fine, suspension, or revocation until the decision of the Special Magistrate is issued.
- 111.126.B. The Sheriff shall facilitate ~~set~~ a hearing before the Special Magistrate and notify the appellant in writing of such hearing with at least ten business days' notice from the date the appeal is filed with the Sheriff.
- 111.126.C. The Special Magistrate shall conduct a hearing and consider evidence presented by the appellant, the Sheriff's Office, and other interested parties before issuing a written decision. Such decision shall be reduced to writing and issued within 30 days. Appeal from such decision shall be as provided by general law or court rules.
- 111.126.D. Faulty or overly sensitive equipment, user error, or failure to renew the alarm permit shall not be sufficient basis to grant an appeal.

Sec. 111.127. Response to alarm.

The alarm operator or a responder listed on the alarm permit shall respond to the alarm site within 30 minutes from the time of notification by the Sheriff of the activation of the alarm, whether false or not. The failure to respond, when directed by the Sheriff, may be deemed a violation by the alarm operator, and a \$50.00 fine may be assessed by the Sheriff's office.

Sec. 111.128. Deactivation of audible alarms.

The alarm operator shall deactivate the alarm within 15 minutes of the activation of the alarm, or adjust the alarm to automatically deactivate within 15 minutes of activation pursuant to F.S. § 489.530, Audible Alarms.

Sec. 111.129. Alarm System monitoring companies.

111.129.A. The alarm system monitoring companies shall register with the Martin County Tax Collector. Alarm monitoring companies must thereafter register annually with the Martin County Tax Collector. Failure to register annually with the Martin County Tax Collector may result in a \$125.00 fine and/or any other administrative action against the alarm monitoring company. Each registration shall be valid for 12 months. The alarm monitoring company shall provide the following information:

1. The name, telephone number, and current mailing address of the alarm monitoring company, to include forwarding addresses necessary to receive correspondence.
2. Names, street address, and telephone numbers of all alarm operators contracted within the territorial jurisdiction of this article.
3. The procedure used to verify the legitimacy of an alarm prior to notification of the Sheriff.
4. Name, street address, and telephone number of the qualifying agent of the alarm monitoring company.

111.129.B. Monitoring companies shall maintain, for a period of at least one year, records relating to alarm notification and shall provide such records to the Sheriff within three business days when requested by the Sheriff's office. Failure to maintain such records may result in a \$125.00 fine.

111.129.C. Monitoring companies shall ensure that their databases of contracted alarm operators reflect current, accurate names, street addresses, telephone numbers, and operational status. If an alarm systems contractor provides notice of disconnection to a monitoring company, the monitoring company shall modify its database within five calendar days of notification. ~~The monitoring company may be fined \$125.00 if the Sheriff is notified by telephone of an alarm after a disconnection notice is received.~~

111.129.D. Monitoring companies that install monitored alarm systems shall provide written notice, on paper or electronically, to an owner, lessee, or occupant, or other authorized representative before activating or reactivating an alarm system that the alarm system must be registered with the Martin County Tax Collector. Failure of the alarm system contractor to ~~the~~ notify the owner, lessee, or occupant, or an authorized representative about the registration of the alarm system may result in a fine of \$125.00.

111.129.D. Monitoring companies that activate an alarm installed by an owner, lessee, or occupant, or an authorized representative thereof, shall provide verbal notice to the owner, lessee, or occupant, or an authorized representative thereof, that the alarm system must be registered with the Martin County Tax Collector before activating or reactivating an alarm system.

Sec. 111.130. Alarm verification calls required.

All burglary or intrusion alarm systems that have central monitoring shall have central monitoring verification calls made to the alarm site prior to alarm monitoring personnel contacting

a law enforcement agency for alarm dispatch in accordance with the following procedure. Failure by the alarm system contractor or alarm monitoring company to make the verification calls may result in a \$125.00 fine.

111.130.A. *Extended time.* The time permitted for enhanced verification of noncertificated systems may be extended beyond the time constraints imposed for certificated systems defined in UL Standard 827 as appropriate under the facts known by monitoring center personnel.

111.130.B. *Procedure.* For alarm signals received from noncertificated commercial burglar alarm systems or any residential alarm system signal, such as a burglar, duress, or panic, the following procedures shall be followed:

1. *Call 1.* The monitoring facility shall attempt telephone verification to the protected premises after receipt of alarm signal.
2. *Call 2.* If a monitoring facility operator gets a busy signal or no answer on the first call to the protected premises, a second call or calls shall be made to an alternate phone number, such as cellular, work, or second number at the protected premises.
3. *Answering machines.* If the first or second call reaches an answering machine, a message should be left clearly stating that it is the alarm company calling and leaving necessary information for the alarm user to promptly contact the monitoring facility.
4. *Person on premises without proper code.* If the operator reaches the protected premises on the first or second call and the person answering the phone does not have the proper pass code, then the operator shall attempt to make a three-way call with the premises person retained as a party to the call. The three-way call shall attempt to reach others on the call list to verify the authenticity of the person on the protected premises. If this process fails to resolve the issue, then the operator should proceed to notify dispatch authorities.
5. *Scheduled events.* If an alarm signal is received in connection with a scheduled opening or closing event, additional numbers shall be called on the call list in order to determine whether an opening or closing error caused the alarm signal.
6. *Verified false.* If the alarm is verified as being false during the first, second, or succeeding call as a result of getting a valid pass code, the operator shall suspend activities relating to the specific signal being worked.
7. *Notification call.* Call to law enforcement authorities, such as 911.
8. *Call lists and priority.* Following notification of law enforcement authorities, attention shall be placed on completing the entire emergency call list with priority to achieve a cancellation of the dispatch if it is verified that no emergency exists. Subsequent to dispatch of a sworn officer, the priority of notification calls to phone numbers in the customer's database shall be first to numbers where there is a high probability of reaching an alarm user. The succeeding calls shall be made next to neighbors, then to non-premises people, such as relatives or secondary key holders.

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9. *Verification phone accessibility guideline.* Care shall be taken to verify that the emergency call list phone numbers are to phones without "Call Waiting", or alternately that "*70" is programmed in front of the monitoring center phone number in the electronic digital communicator. The verification phones at the monitored premises shall be accessible after normal business hours (not locked up in an office), such as in the vicinity of commonly used entrances. The verification phones shall not direct callers to voice mail so that employees and cleaning people who are working after normal business hours may hear and answer the phone.

111.130.C. *Additional methods.* Audio verification, video verification, or cross zoning shall be permitted in place of, or in addition to, the second verification call and shall be considered in compliance with this enhanced verification standard.

Sec. 111.131. Alarm system contractors.

111.131.A. All alarm system contractors shall register with the Martin County Tax Collector within 30 days of the adoption of this article. Alarm system contractors must thereafter register annually with the Martin County Tax Collector. Failure to register annually may result in a \$125.00 fine and/or any other administrative action against the alarm system contractor. Each registration shall be valid for 12 months. The alarm system contractors shall provide the following information:

1. The name, telephone number, and current mailing address of the alarm system contractor, to include any forwarding addresses necessary to receive correspondence.
2. Names, street addresses, and telephone numbers of all alarm operators contracted within the territorial jurisdiction of this article.
3. Name, street address, and telephone number of the qualifying agent for the alarm system contractor.

111.131.B. No person shall install, maintain, repair, alter, service, or monitor alarm systems for compensation without being a licensed alarm system contractor in accordance with F.S. ch. 489. Performance of alarm work without a license may result in a fine of \$125.00.

111.131.C. All alarm system contractors shall ensure that each of its agents are in compliance with F.S. § 489.518.

~~111.131.D. Alarm system contractors shall provide initial/new installation registration information and collect fees to the Martin County Tax Collector in a computerized format specified by the Tax Collector.~~

111.131.~~D~~E. Alarm system contractors shall not install new systems or equipment or use methods of installation that do not meet or exceed minimum Underwriters Laboratories or American National Standards Institute requirements for the appropriate installation and which do not use control panels tested for conformance to the Security Industry Association's Control Panel Standard, C.P.-01 (or equivalent listing), or a fine of \$125.00 may be assessed.

111.131.~~E~~F. Alarm system contractors shall not cause a false alarm during the servicing, repairing, testing, or inspection of an alarm system, or a fine of \$125.00 may be assessed. The alarm operator shall not be charged with such false alarms.

111.131.FG. Alarm system contractors that install monitored alarm systems shall provide written notice, on paper or electronically, to an owner, lessee, or occupant, or other authorized representative before activating or reactivating an alarm system that the alarm system must be registered with — complete the application and , collect the registration fees must be submitted to , and forward the application to the Martin County Tax Collector, whenever installing, maintaining, repairing, altering, or servicing an alarm system, unless the alarm system contractor reasonably believes that the system is permitted. Failure of the alarm system contractor to provide the notify the owner, lessee, or occupant, or an authorized representative about the registration of the alarm system application and registration fees to the Martin County Tax Collector may result in a fine of \$125.00.

Sec. 111.132. Automatic dialing devices prohibited.

The alarm operator shall not operate an alarm system equipped with an automatic dialing device programmed to connect directly to the Sheriff, or a fine of \$125.00 may be assessed.

Sec. 111.133. Modification of existing alarm systems.

Whenever an existing alarm system is serviced, modified, or inspected, the following features shall be removed or adjusted by the alarm system contractor, or a fine of \$50.00 may be assessed against the alarm system contractor:

111.133.A. Single-action, nonrecessed switches that activate a panic alarm.

111.133.B. Duress or Aone-plus programming that activates a panic alarm.

111.133.C. Swinger shutdown will be set no higher than two.

Sec. 111.134. Auxiliary power supply.

An alarm operator shall not operate an alarm system that does not have a minimum four-hour auxiliary power supply, or a fine of \$125.00 may be assessed against the alarm operator.

Sec. 111.135. No public duty.

The permitting of an alarm system is not intended to, nor will it create, a contract, duty, or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. Nothing herein is intended to waive or abrogate the entitlement of the Tax Collector or the Sheriff's Office to sovereign immunity as provided by state law.

Sec. 111.136. Administration and enforcement.

The Sheriff shall be responsible for the enforcement of this article. The Martin County Tax Collector is responsible for the registration of alarms, collection of all fees and fines.

111.136.A. Payment of all fines assessed under this article shall be due within 45 days of the date of the initial notice ~~violation~~.

111.136.B. The Sheriff may use any legal means to collect unpaid fees or fines.

Sec. 111.137. Disposition of fees and fines.

Fees and fines collected by the Martin County Tax Collector pursuant to this article shall be deposited into an agency fund and be remitted to the Martin County Board of County Commissioners on a monthly basis.

Sec. 111.138. Annual audit.

These monies will be audited in compliance with F.S. ch. 219.

Secs. 111.139—111.144. Reserved.

PART II. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan.

PART III. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If the ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

PART IV. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable throughout the unincorporated area of Martin County.

PART V. FILING WITH DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART VI. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Office of Secretary of State.

PART VII. CODIFICATION.

Provisions of this ordinance shall be incorporated into the General Ordinances, Martin County Code, except that Parts II through VII shall not be codified. The word “ordinance” may be changed to “article,” “section,” or other word, and the sections of this ordinance may be renumbered or re-lettered.

DULY PASSED AND ADOPTED THIS __ DAY OF _____, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

SARAH HEARD, CHAIR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY

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