

ORDINANCE  
NUMBER 2025-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-5, ARTICLE VI, SECTIONS 2-5-141, 2-5-142, 2-5-145, AND 2-5-146 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA GOVERNING SECURITY ALARM SYSTEMS; AMENDING AND ADDING DEFINITIONS OF ALARMS, INCLUDING ALARM REVIEW AUTHORITY; AMENDING REGISTRATION OF SECURITY ALARM SYSTEMS, INCLUDING FEES; AMENDING PENALTIES; AMENDING RIGHT TO CONTEST BY OMITTING COURT REVIEW AND ALLOWING FOR APPEAL AUTHORITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

## RECITALS

WHEREAS, the Charlotte County Board of County Commissioners ("Board"), by Ordinance No. 98-059, enacted Chapter 2-5, Article VI of the Code of Laws and Ordinances of Charlotte County, Florida ("Charlotte County Code"), regulating privately owned security alarm systems for the purpose of reducing the substantial misuse of manpower and resources of the Office of the Sheriff of Charlotte County, which must respond to numerous false alarm notifications; and

WHEREAS, the Board, by Ordinance No. 2002-034, amended Chapter 2-5, Article VI, of the Charlotte County Code; and

WHEREAS, the Board, by Ordinance No. 2004-051, amended Chapter 2-5, Article VI, of the Charlotte County Code; and

WHEREAS, the Board, by Ordinance No. 2017-045, amended Chapter 2-5, Article VI, of the Charlotte County Code; and

WHEREAS, the administration of the security alarm system code by the Office of the Sheriff of Charlotte County has been effective in reducing the number of false alarms in Charlotte County; and

WHEREAS, implementation of the registration process and its amendments has revealed over time that additional amendments to the Article's definitions, registration, warning procedures, penalties, fees and methods of payment are warranted; and

WHEREAS, this Ordinance is not intended to amend, repeal or otherwise interfere with Chapter 2, Article II of the Charlotte County Code relating to Fire Alarm Systems; and

WHEREAS, the promotion of the purposes of the law without unduly burdening alarm users requires the ordinance be amended.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Charlotte County Code Chapter 2-5, Article VI, § 2-5-141, is hereby amended by adding the underlined language and by ~~deleting the stricken language~~ to provide as follows:

**Sec. 2-5-141. Definitions.**

When used in this article, the following words and terms shall have the meanings ascribed thereto:

*Alarm coordinator* means the person designated by the Office of the Sheriff to administer, control and review false alarm reduction efforts and administer the provisions of this article.

55        *Alarm installation company* means a person or entity whose business includes  
56        the selling, providing, maintaining, servicing, repairing, altering, replacing, moving or  
57        installing security alarm systems.

58        *Alarm monitoring company* means a person or entity whose business includes  
59        receiving signals from security alarm systems for the purpose of relaying related  
60        information to third parties, including law enforcement, for the purpose of initiating a  
61        response. Devices or systems installed by, or installed at the direction of, an alarm user  
62        and which transmit signals to an alarm monitoring company shall be subject to the  
63        provisions of this section.

64        *Alarm registration* means the registration issued by the alarm coordinator for the  
65        security alarm system at an alarm site.

66        *Alarm site* means the individual location of each alarm system, and may include  
67        a contiguous parcel or contiguous premises of an alarm user.

68        *Alarm user/operator* means the person or entity that registers uses or is in control  
69        of an ~~the~~ alarm system, including but not limited to an owner, tenant, or any person or  
70        entity deriving its possession or ownership of the alarm site through, under or by the  
71        owner or tenant. An alarm user includes any person that installs, or directs the  
72        installation of, an security alarm system for his or her own use. Any federal, state,  
73        county, municipal, school district, or other governmental unit shall not be considered an  
74        alarm user for purposes of this article.

75        *Alarm Review Authority* shall mean the Sheriff or his designee(s).

76        *Bar code* means the unique identification number assigned to a security alarm  
77        system or location served by a security alarm system.

78        *False alarm* means activation of an security alarm system, for a reason other  
79        than an actual unauthorized entry or exit or other illegal activity, which results in a law  
80        enforcement officer response to that alarm site. Included in this definition are alarms  
81        caused by negligence, those intentionally caused in non-emergency situations, and  
82        those responded to by the law enforcement officer when the law enforcement officer  
83        finds no evidence of a criminal offense or attempted criminal offense.

84        *Fire alarm systems* is defined in Chapter 2, Article II of this Code.

85        *Responder* means the owner, manager or individual (eighteen (18) years of age  
86        or older) designated by the alarm user on the alarm registration application as capable  
87        of responding to the alarm site within thirty (30) minutes after request, and authorized  
88        and able to enter the alarm site and deactivate or reset the security alarm system.

89        *Security Alarm system* means any device or system installed by an alarm user  
90        that emits, transmits, or relays a signal intended to summon, or that would reasonably  
91        be expected to summon, law enforcement services to the site of the alarm system. An  
92        alarm system may also be, ~~which is~~ designed to be used for the detection of  
93        unauthorized entry or exit or other illegal activity in a building, structure, or facility, that  
94        emits, transmits or relays a remote or local signal intended to summon, or that would  
95        reasonably be expected to summon, the services of a law enforcement officer. Excluded  
96        from this definition are (1) public utility alarms used to warn of equipment failure, such  
97        as those used at lift stations, and electric and telephone relay stations, (2) alarms  
98        installed in motor vehicles, boats, and aircraft, unless the vehicle, boat or aircraft is  
99        permanently located at the site or meant to be the primary alarm system for that site,  
100        and (3) portable personal safety alarms, (4) fire alarm systems as defined herein and

regulated pursuant to Chapter 2, Article II of this Code, or (5) a device designed for a purpose other than to alert for intrusion, burglary, or robbery. Fire alarm systems are exempt from the provisions of this Article.

Sheriff means the Sheriff of Charlotte County or his designee(s).

Sheriff's Office means the designated authority charged with administration and enforcement of the Charlotte County False Alarm Ordinance.

Section 2. Charlotte County Code Chapter 2-5, Article VI, § 2-5-142, is hereby amended by adding the underlined language and by ~~deleting the stricken language~~ to provide as follows:

**Sec. 2-5-142. Registration of security alarm systems.**

(a) *Registration required.* All ~~security~~ alarm systems must be registered, and no ~~security~~ alarm system may be operated unless it is identified in a current alarm registration. Each ~~security~~ alarm system located at an alarm site must be registered individually. Bar codes shall be assigned to each ~~security~~ alarm system. Where more than one (1) structure is served by a single ~~security~~ alarm system, each structure may be assigned a bar code. A new registration is required upon transfer of any alarm site by operation of law or upon change of any alarm user, including but not limited to transfer upon order of a court of competent jurisdiction.

(b) *Applications.* Applications for an ~~security~~ alarm system registration shall be made on the forms provided by the alarm coordinator. Completed applications must be submitted to the alarm coordinator within ten (10) days after the security alarm system is first placed in service. Applications for registration of

security alarm systems in use prior to November 1, 2002, the effective date of this article, shall be made no later than December 31, 2002. No permit shall be required for a deactivated alarm system.

(c) *Annual registration period.* ~~Security-a~~Alarm system registrations shall expire ~~one~~ twelve (12) year months from the date of issuance. The alarm coordinator shall notify each registered alarm user of the need to renew thirty (30) days prior to the expiration of the registration period.

(d) *Fees.* Fees must be paid in a form acceptable to the Office of the Sheriff.

Initial registration .....\$25.00

Renewals .....\$~~40~~25.00\*

\*Renewal fees will be waived if there have been no false alarms at the alarm site during the preceding registration period.

A late fee of five dollars (\$5.00) per month, or portion thereof, shall be assessed, up to a maximum of ~~twenty-five~~ fifty dollars (\$~~50~~25.00), if the renewal application is received more than thirty (30) days after the expiration of the prior registration period. In addition to the above-described fees, checks returned for insufficient funds shall result in the imposition of an "NSF fee" and which shall be paid before any initial registration or renewal may be processed by the alarm coordinator.

All fees are non-refundable, and all registrations are non-transferable.

Fees are payable in a form acceptable to the sheriff's office and shall be used to defray the cost associated with the registration of security alarm systems, the false alarm prevention program and the tracking of violations.

(e) Rental Units. 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 user; and
- (2) Explain the alarm user's financial responsibilities for false alarms; and
- (3) Obtain the alarm user's signature on a form in which the alarm user acknowledges having received and understood the information in (1) and (2) above; and
- (4) Furnish the name of the alarm user and the dates of the rental to the Sheriff's alarm coordinator. If a new alarm application is required, the alarm coordinator shall furnish a new application to the alarm user or the owner or manager of the premises.

(f) Automatic dialing devices prohibited. The alarm user 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 for each automatic dialing incident.

(g) 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. By registering the alarm system, the alarm user acknowledges that law enforcement response may be based on

factors such as: availability of law enforcement units, priority calls, weather conditions, traffic conditions, emergency conditions, and staffing levels.

Section 3. Charlotte County Code Chapter 2-5, Article VI, § 2-5-145, is hereby amended by adding the underlined language and by ~~deleting the stricken language~~ to provide as follows:

**Sec. 2-5-145. Penalties.**

(a) If a law enforcement officer responds to a false alarm, the alarm user shall be assessed a fine or given a warning as provided in this section.

(b) Violations of any provision of this article, including a response to a false alarm, shall be subject to the following penalties:

First ~~or second~~ violation ..... ~~Warning~~ \$25.00 each; however, if the alarm user has a valid alarm registration, then there is no fine for the first violation.

~~Second violation ..... Warning~~

Third and fourth violations ..... ~~\$45~~50.00 each fine

~~Fourth~~ Fifth and sixth violations ..... ~~\$70~~100.00 each  
fine

~~Fifth~~ Seventh and eighth violation ..... ~~\$95~~200.00 each fine

~~Sixth~~ Ninth and subsequent violations ..... \$400.00 each

~~Notice to appear and a fine of \$100.00 to \$500.00 and/or imprisonment in the county jail not to exceed 60 days.~~

An administrative fee of ten dollars (\$10.00) is hereby authorized and is included within the above-described fines.



(c) Warnings and fines are determined by the number of violations assigned to the bar code. Violations are cumulative, that is, the violator shall pay the next highest fine for the next violation at that bar code without regard to the time that has elapsed since the previous violation, except that:

- (1) If ~~one~~ twelve (12) year months passes without a violation at the alarm site of that bar code, a "clean slate" status shall be granted to the alarm site of that bar code and the next violation shall be considered a first violation, or
- (2) If a new ~~security~~ alarm system is installed at the alarm site, upon notification to the alarm coordinator by an alarm system installation company or alarm monitoring company and the payment of all unpaid penalties and registration fees (including late fees), the ~~security~~ alarm system shall be considered a new system with no prior violations.

(d) A false alarm violation may be waived by the alarm coordinator in the event the false alarm resulted from any of the following. The burden of showing that a false alarm was due to one (1) of the following shall rest on the alarm user.

- (1) Electrical storms, hurricanes, tornadoes and acts of God, where there is clear evidence of physical damage to the ~~security~~ alarm system;
- (2) Disruption of the telephone circuits beyond the control of the alarm user, responder, alarm installation company or alarm monitoring company;
- (3) Electrical power disruption or failure in excess of two (2) hours;
- (4) Alarms caused by the failure of the equipment of the alarm monitoring company provided written verification is provided by the alarm monitoring company;

(5) Malicious causes beyond the control of the alarm user or responder.

(6) Information acceptable to the alarm coordinator provided no later than thirty (30) days after the false alarm.

(e) The alarm coordinator may grant, in lieu of a fine as described in section 2-5-145(b), a ~~third~~ second warning during the registration period to alarm users upon successful completion of an educational program for the prevention of false alarms. Warnings or citations issued under this section do not abate the renewal fee due pursuant to section 2-5-142(d).

(f) Each violation of this article shall constitute a separate offense. In addition to the fines ~~and criminal sanctions~~ contained herein, violators may be subject to other legal action, including emergency injunctive action, to enforce the provisions of this article.

(g) The Sheriff shall be responsible for the administration and enforcement of this Ordinance. The Sheriff has the authority to compromise assessments of fines. The Sheriff may use any legal means to collect unpaid fees or violation fines.  
~~The Clerk of the Circuit Court shall collect the fines established in this section and shall remit the same to the Charlotte County Sheriff's Office monthly, less five (5) percent, which is to be retained as fee income of the office of the Clerk of the Circuit Court.~~

Section 4. Charlotte County Code Chapter 2-5, Article VI, § 2-5-146, is hereby amended by adding the underlined language and by ~~deleting the stricken language~~ to provide as follows:

**Sec. 2-5-146. Right to contest.**

(a) A person or entity found in violation of this article may appeal a fine under this Ordinance. The alarm user shall notify the Sheriff in writing within ten (10) calendar days of receipt of the notice of fine or revocation. Proper notification of the Sheriff shall stay the imposition of a fine until adjudication by the Alarm Review Authority. ~~contest a citation and request a hearing before the county court. Requests for hearing shall be made in writing or by telephone to the clerk of the circuit court within thirty (30) days of the citation. Persons contesting the citation may, upon a finding of violation, be subject to a fine up to the maximum civil penalty of five hundred dollars (\$500.00), plus court costs.~~

(b) The Alarm Review Authority shall conduct a hearing and consider evidence presented by the alarm user and by other interested persons. The Alarm Review Authority shall make a decision based on the preponderance of evidence standard and shall not raise the fine amount higher than the already issued fine. The decision of the Alarm Review Authority is the final administrative remedy to Charlotte County.

~~Upon notification by the sheriff's office to do so, the clerk of the circuit court is authorized to dismiss any action on a citation issued pursuant to this article.~~

Section 5. Codification and Scrivener's Errors. It is the intention of the Board and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code and Laws and Ordinances of Charlotte County, Florida, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions. The Ordinance may be renumbered or re-lettered, and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with

the authorization of the County Administrator and the County Attorney, or his/her designee. In the event this Ordinance conflicts with any provisions of the Charlotte County Code, the provisions of this Ordinance shall control to the extent of any such conflict.

Section 6. Conflicts of Law. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

Section 7. Severability. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remainder of this Ordinance.

Section 8. Effective Date. A certified copy of this Ordinance shall be filed with the Department of State of the State of Florida within 10 days of enactment and shall take effect upon filing with said department.

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284 PASSED AND DULY ADOPTED this 25<sup>th</sup> day of March, 2025.

285 BOARD OF COUNTY COMMISSIONERS  
286 OF CHARLOTTE COUNTY, FLORIDA  
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289  
290 By: \_\_\_\_\_  
291 Joseph M. Tiseo, Chairman  
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293 ATTEST:  
294 Rodger D. Eaton, Clerk of the Circuit Court  
295 And Ex-Officio Clerk of the Board  
296 Of County Commissioners.  
297

298  
299  
300 By: \_\_\_\_\_  
301 Deputy Clerk  
302

303 APPROVED AS TO FORM  
304 AND LEGAL SUFFICIENCY:  
305

306 By: \_\_\_\_\_  
307 Janette S. Knowlton, County Attorney  
308 LR24-0899 