

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2013-12

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AMENDMENT OF ARTICLE II OF CHAPTER 42, ST. PETE BEACH CITY CODE RELATED TO ALARM SYSTEMS; UPDATING THE CITY CODE TO RECOGNIZE THAT SECURITY ALARM SYSTEMS AS DESCRIBED IN PINELLAS COUNTY CODE ARE NOT REGULATED BY THIS ARTICLE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to update the City's regulations pertaining to fire alarms; and

WHEREAS, the City Commission has found this Ordinance to be in the best interest of the City of St. Pete Beach;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section 1.

Article II of Chapter 42, St Pete Beach City Code, is amended to read:

Article II. Alarms Systems

Sec. 42-26. – 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 system means any mechanical or electrical or radio-controlled device which is designed to be used for the detection of flames, smoke, heat or water flow in a building, structure or facility which emits a sound or transmits a signal or message when activated. Alarm systems include but are not limited to direct dial devices, audible alarms and proprietor alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible, visible or perceptible in or from any motor vehicle or auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service.

Automatic dialing devices means an alarm system which automatically sends over regular telephone lines, by direct connection, wireless or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

Commercial premises means any structure or area which is not defined in this section as a residential premise.

False alarm means the activation of an alarm system through the mechanical failure, malfunction, improper installation, or the neglect or intentional misuse by the owner or lessee of an alarm system or by his employees, servants or agents or by any other activation of the alarm system not caused by or because of an actual fire. Such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms intentionally activated by an owner or lessee of an alarm system by his servants, or other agents who visually observed or heard suspicious circumstances which would cause a careful and prudent person to believe that an actual fire or hazardous condition existed at the premises protected by the alarm system.

False alarm response exists when a firefighter is dispatched to or otherwise learns of the activation of an alarm system which is subsequently found to be a false alarm.

Fee means an assessment of costs imposed pursuant to this article to defray the expense of responding to a false alarm.

Fire official means any respective municipal firefighter or their designated representative.

Newly installed fire alarm system means a system that has been installed and operating for a period of less than thirty-one (31) days.

Residential premises means any structure or combination of structures which serves as a dwelling unit, including single-family and multi-family units.

Responsible party means the person occupying or controlling the premises on which the alarm is located.

Security alarm means an alarm system subject to the provisions of Section 54-2 Pinellas County Code or its successor and not regulated by this Article.

Sec. 42-27. – Notification

Every person who shall own, operate or lease any fire alarm system within the City, whether existing or to be installed in the future, shall notify the Fire Department on forms to be provided of the following:

1. The type, make model of the alarm system,
2. Whether installed in a residential or commercial premises,
3. The name, address, business or home phone number of the owner or lessee of the fire alarm system and
4. The names, addresses and telephone numbers of no less than two persons to be notified of alarm activation.

Sec. 42-28. – Response to false alarms; required reports; corrective action penalties; disconnection.

- (a) For the purpose of this article, responsibility for a false alarm shall be borne by the person occupying or controlling the premises on which the alarm is located.
- (b) The following shall be required by each person who owns, operates or controls any commercial or residential premises for each incident of a response to a false alarm.
 - (1) For each of the first (1st), second (2nd) and third (3rd) false alarm response to a premise within a calendar year, the responsible party shall within ten (10) days file with the Fire Department a written report detailing the cause of the false alarm and the corrective action taken. A licensed contractor's service receipt detailing the service performed and corrective action taken will suffice as a written report.
 - (2) For a fourth (4th) or any succeeding false alarm response to a premise within a calendar year, a fee shall be charged. The fee shall be established by resolution of the City Commission and is listed in appendix A to this code. If such fourth (4th) or any succeeding false alarm response is a result of failure to take corrective action, the Fire Department may order the disconnection of the alarm system and may order a mandatory fire watch for the premises, as such fire watch may be authorized by the fire code as adopted by the City or applicable to the City. Additionally, it shall be a violation of this article not to disconnect or to reconnect such alarm system without the permission of the Fire Department, provide that no disconnection shall be ordered on any premises required by law to have an alarm system in operation. Any order for disconnection shall be rescinded by the Fire Department upon presentation of demonstrative evidence of corrective action and subsequent inspection by the Fire Department and a finding that adequate corrective action has been taken.
 - (3)

The provisions of this section shall not apply to any newly installed fire alarm system for a period of thirty (30) days from the date of installation.

(4)

Testing alarms systems. Notwithstanding any other provision of this chapter, it shall not be a violation of this section to test an alarm system pursuant to the testing procedures of the contracted alarm monitoring provider, or in the absence of such provider, under the following conditions:

(1) Where there is no visual, audio, electronic or other indication of the alarm which can be seen, heard, or received beyond the boundaries of the property upon which the test is occurring; or

(2) Where there is a visual, audio, electronic, or other indication of the alarm which can be seen, heard, or received beyond the boundaries of the property upon which the test is occurring, and one of the following two precautions are observed:

(a) Adequate measures are taken to ensure that anyone seeing, hearing, or receiving the indication of an alarm will not report it either directly or indirectly to the Fire Department as an alarm requiring assistance of the Fire Department or

(b) The Fire Department is notified that the test is to occur and is instructed not to respond by the responsible party.

Sec. 42-29. – Failure to report to premises after notification by the Fire Department.

Every person who owns operates or leases an alarm system and shall knowingly or purposefully fail to respond to his premises or facility after notification by the Fire Department of the activation of any alarm system, whether false or not, within one hour of notification shall be deemed in violation of this article.

Sec. 42-30. – Automatic dialing devices.

It shall be a violation of this article for any person to install, maintain, own, possess or operate any automatic dialing device alarm system regulated or programmed to make connection with any telephone number installed in any City facility.

Sec. 42-31. – Administrative hearing.

Any person who shall be notified of the assessment of any penalty for multiple false alarms or an order to disconnection of any alarm system shall be entitled to an administrative hearing before the Fire Department to show cause why such assessment or disconnection should not be made.

Sec. 42-32. – Disposition of fees.

Fees will be collected by the City's Finance Department for deposit in the general revenue fund.

Sec. 42-33. – Security alarms.

Security alarm systems, as described by Section 54-2, Pinellas County Code, or its successor are regulated by the provisions by the Pinellas County Code and not by this Article. Enforcement of such regulation is by the Pinellas County Sheriff.

Every person who owns operates or leases a security alarm system shall register his/her alarm system with the Pinellas County Sherriff's Office SHARP alarm registration program.

Section 2.

All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

Section 3.

If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 4.

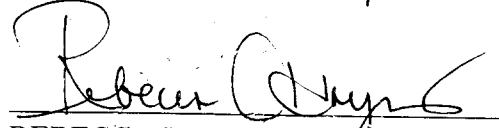
This Ordinance shall become effective upon adoption.



STEVE MCFARLIN, MAYOR

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this

14th day of May, 2013.



REBECCA HAYNES, CITY CLERK