

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 30, EMERGENCY SERVICES, ARTICLE II, ALARM SYSTEMS, SECTION 30-31, PENALTY, SECTION 30-32, FINDINGS, SECTION 30-33 DESIGNATION OF PERSONS AUTHORIZED TO DEACTIVATE ALARM; FAILURE TO DEACTIVATE ALARM, AND SECTION 30-34, FALSE ALARMS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Venice recognizes the significant burden placed on local emergency services responding to false alarm incidents; and

WHEREAS, the purpose of this ordinance is to update regulations and the enforcement process in order to reduce false alarm incidents within the City; and

WHEREAS, the City Council finds the proposed amendment is in the best interest of the health, safety, and welfare of the citizens of Venice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 30, Emergency Services, Article II, Alarm Systems, Section 30-31, Penalty, is hereby amended as follows:

ARTICLE II. – ALARM SYSTEMS

Sec. 30-31. – Penalty

Anyone ~~convicted of a~~ in violation of or ~~who failure fails~~ fails to comply with any of the provisions of this article shall be punished as provided in Section 1-14 or may be issued a citation in accordance with Section 2-333.

SECTION 3. Chapter 30, Emergency Services, Article II, Alarm Systems, Section 30-32, Findings, is hereby amended as follows:

Sec. 30-32. – Findings.

The city council hereby makes the following findings of fact:

- (1) Privately owned burglary alarm systems and fire alarm systems may cause ~~are causing~~ substantial misuse of manpower and resources of the city police department by causing them to respond to numerous false alarms; and

~~(2) Telephone alarm devices regulated or programmed to make connection with the police department will seize and hold the police department telephone lines to the exclusion of other calls; and~~

(2) Such false alarms create a threat to the safety of the people of the city.

~~(3) Such false alarms and the use of telephone alarm devices create a threat to the safety of the people of the city.~~

SECTION 4. Chapter 30, Emergency Services, Article II, Alarm Systems, Section 30-33, Designation of persons authorized to deactivate alarm; failure to deactivate alarm, is hereby amended as follows:

Sec. 30-33. Designation of persons authorized to deactivate alarm; failure to deactivate alarm.

Prior to the installation or use of any type of burglary alarm, the owner or manager of the premises shall furnish to the ~~city police department~~ burglary or monitoring company information regarding the full names, addresses, and telephone numbers of at least two people who can be reached at all times and who are authorized to enter the premises and deactivate the alarm system. If any such person shall fail to appear and turn off any such alarm within one hour after being notified by the police department to do so, then the owner or manager of the premises may be ~~charged a fee of \$25.00 for each such occurrence or,~~ issued a citation with a civil penalty in accordance with Section 2-333. ~~failing~~ Failure to pay such fee, any such civil penalty may result in written notification by the police department ~~shall be notified in writing by the police department~~ that the police department will not respond to any further alarms at that location.

SECTION 5. Chapter 30, Emergency Services, Article II, Alarm Systems, Section 30-34, False alarms, is hereby amended as follows:

Sec. 30-34. False alarms.

(a) No Change.

(b) ~~Fees~~ Civil penalty for police department responses. For a police department response to any false alarm, the city ~~clerk~~ shall charge and collect from the person having or maintaining such burglary alarm on premises owned or occupied by him ~~fees a civil penalty~~ as follows:

~~(1) First Response. For a response at which no other false alarm has occurred within the preceding six month period, referred to in this section as a "first response", no fee shall be charged, but the person having or maintaining such burglary alarm, shall within three working days after notice to do so, make a written report to the police chief on forms prescribed by him setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by an authorized serviceman,~~

~~and such other information as the police chief may reasonably require to determine the cause of such false alarm and corrective action necessary.~~

~~(1) First, second, and third response. For up to three false alarms within a twelve-month period, no penalty shall be charged.~~

~~(2) Second and third response. For a second and third response to premises within six months after a first response, no fee shall be charged, but a written report shall be required as for a first offense.~~

~~(2) Fourth and subsequent responses. After a third response, and for all succeeding responses within a twelve-month period, a citation with a civil penalty may be issued in accordance with Section 2-333.~~

~~(3) Fourth and subsequent responses. For a fourth response to premises within six months after such a third response, and for all succeeding responses within six months of the last response, a fee of \$25.00 shall be charged. If such fourth false alarm or any such succeeding false alarm is a result of failure to take necessary corrective action, the police chief may order the disconnection of such alarm system, and it shall be unlawful to reconnect such alarm system until such corrective action is taken; provided that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation.~~

(c) If a fourth false alarm or any such succeeding false alarm is a result of failure to take necessary corrective action, the police chief may order the disconnection of such alarm system, and it shall be unlawful to reconnect such alarm system until such corrective action is taken; provided that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation.

SECTION 6. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 7. If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 8. This ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 23RD DAY OF MAY 2023.

First Reading: May 9, 2023

Final Reading: May 23, 2023

Adoption: May 23, 2023

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 23rd day of May 2023, a quorum being present.

WITNESS my hand and the official seal of said City this 23rd day of May, 2023.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney