

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	City Attorney Ricardo J. Dopico
DATE:	June 26, 2024 10:10 a.m. Second Reading Public Hearing

**TITLE:** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF MIAMI BEACH, ENTITLED "EMERGENCY SERVICES," ARTICLE II, ENTITLED "ALARM SYSTEMS," DIVISION 3, ENTITLED "BURGLAR ALARMS," BY AMENDING SECTION 42-85 THEREOF, ENTITLED "REQUIRED EQUIPMENT IN AN INTRUSION ALARM," TO REQUIRE CALIBRATION OF MOTION DETECTORS THAT GENERATE OUTDOOR SOUNDS OR VERBAL RESPONSE AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **ANALYSIS**

At the request of the sponsor, Commissioner Kristen Rosen Gonzalez, this proposed ordinance is presented to the Mayor and City Commission for your consideration on first reading. The item was referred to the March 20, 2024 meeting of the Public Safety and Neighborhood Quality of Life Committee, where it was discussed in concept and sent back to the City Commission with a favorable recommendation and instruction to the City Attorney's Office to draft appropriate legislation.

Burglar alarms are utilized by many residents of the City of Miami Beach as part of the overall security for their homes and families. However, burglar alarms sometimes activate as false alarms when no intruder is present. Moreover, some burglar alarms also employ outdoor motion detectors that emit a loud sound or verbal response when the motion detector senses a potential intruder on the property. Some of these outdoor motion detectors are not calibrated by the alarm user to only activate and emit a loud sound or verbal response when an intruder is detected on the property, resulting in innocent passersby on the adjacent sidewalk, swale, or street being startled and frightened by the loud sound or verbal response blaring from the alarm system.

If adopted by the Mayor and City Commission, the proposed ordinance would amend Section 42-85 of the City's burglar alarm ordinance to mitigate this unintended consequence of uncalibrated motion sensors by requiring alarm users with outdoor motion detectors to calibrate the sensors to only activate a sound or verbal warning if a person, animal, or other animate object is actually sensed on the alarm user's property. If the alarm were to activate based on motion off-property, such as motion on the adjacent sidewalk, swale, or street, this activation would be treated as a false alarm and be punished in the same way as multiple false alarms.

False alarm fines are addressed in City Code Sections 42-89 to 42-91. In summary, an alarm user is not fined or otherwise punished for up to three false alarms per registration year. After the first three false alarms, further false alarms are subject to the following fine schedule pursuant to Section 42-91 (a):

- (1) For the fourth false burglar alarm in the user's registration period, by a fine of \$50.00.
- (2) For the fifth false burglar alarm in the user's registration period, by a fine of \$100.00.

(3) For the sixth and each additional false burglar alarm in the user's registration period, by a fine of \$200.00.

**FISCAL IMPACT STATEMENT**

N/A

**Does this Ordinance require a Business Impact Estimate?** No  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on June 7, 2024. See BIE at:  
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item,  
pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

City Attorney

**Sponsor(s)**

Commissioner Kristen Rosen Gonzalez

**Co-sponsor(s)**