

R5 A 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.

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)

ORDINANCE NO. _____

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.

WHEREAS, burglar alarms are utilized by many residents of the City of Miami Beach as part of the overall security for their homes and families; and

WHEREAS, burglar alarms sometimes activate as false alarms when no intruder is present; and

WHEREAS, 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; and

WHEREAS, 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 street or sidewalk being startled and frightened by the loud sound or verbal response; and

WHEREAS, the Mayor and City Commission desire to amend the City's burglar alarm regulations to mitigate this unintended consequence of uncalibrated motion sensors as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Sections 42-85 of the City Code shall be created as follows, and as hereinafter set forth below:

CHAPTER 42

EMERGENCY SERVICES

* * *

DIVISION 3. – BURGLAR ALARMS

* * *

Sec. 42-85. - Required equipment in an intrusion alarm.

(a) An intrusion alarm user shall not use an intrusion alarm system unless that intrusion alarm system is equipped with:

- (1) A backup power supply that will automatically be activated in the event of power failure or outage; and
- (2) A device that automatically silences the alarm within 15 minutes after activation.

Within 18 months from April 12, 1997, alarm users shall be responsible to ensure that all existing intrusion alarm systems are brought into compliance with subsections (1) and (2) of this section. Intrusion alarms installed after April 2, 1997, shall comply with the requirements of subsections (1) and (2) of this section before they can be activated in the city.

(b) A residential intrusion alarm user shall not use an intrusion alarm system that utilizes an outdoor motion sensor to activate an outdoor sound or verbal response to the presence of intruders unless the motion sensor is calibrated to activate only if a person, animal or animate object is detected on the property covered by the intrusion alarm, but not to activate by passersby on the adjacent street, swale or sidewalk. The use of a motion sensor initiated sound or verbal response that is activated by a person not on the property shall be treated in the same manner as a violation of Section 42-86 (false alarms) and subject to the provisions of Sections 42-89, 42-90 and 42-91 of this division.

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2024.

PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

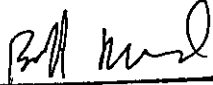
Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

Underline denotes additions
Strikethrough denotes deletions

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3/27/24

Date