



*Diane Hobley-Burney, Chief of Police*

To: Robert J. Bradshaw, City Manager  
From: Diane Hobley-Burney, Chief of Police  
Date: July 8, 2015  
Subject: Alarm Ordinance

*DB*

As you are aware, at the request of the 911 Board of Governors, a county wide Alarm Committee was formed in July of 2013. This committee was comprised of the Fort Pierce Police Department, Port Saint Lucie Police Department, Saint Lucie County Sheriff's Department, Saint Lucie County Fire District, and the Saint Lucie County Public Safety Department.

During the last year the committee has selected a third party vendor (Attachment 1) to provide alarm billing and tracking services, as well as, crafted a county wide ordinance which was recently approved by the St. Lucie County Commission (Attachment 2). It is the committee's recommendation that the ordinance be adopted county wide by all applicable governing bodies. We have already forwarded the proposed ordinance to City Attorney Robert Schwerer and received his review memorandum (Attachment 3) dated June 15, 2015. Mr. Schwerer stated the ordinance was technically correct. However, he pointed out several concerns that he has:

1. He asked the Chief to confirm that the county has adopted the new ordinance and that they (County) are asking the City of Fort Pierce to make it applicable within our jurisdiction. In response to this I offer Attachment 2 which is a copy of the County's registered ordinance. I am currently waiting on a document from the County's Attorney stating that the County wants us to adopt the ordinance.
2. There is no appeal process contained within the County's ordinance. As Mr. Schwerer points out, the County and PSL are working through this issue now. This is clearly a legal issue that needs to be resolved by our City Attorney. I talked to Mrs. Emerson (City Attorney) and she stated that they were working with PSL on the language to resolve this issue. I agree that there does need to be an appeal process and that it should mirror other appeal processes within the City.
3. The fine structure within the new ordinance has increased "substantially" from our current ordinance (Attachment 4). He advises that this a policy decision for the Commission and Management to make. I talked to Mrs. Emerson about this as well and she stated that it is Mr. Schwerer's intent that we discuss this specific issue with the Commission and Management during a conference agenda meeting. Further, I agree with Mr. Schwerer in that the fines are substantial and add that they appear punitive in nature. I brought this up to the committee during two of our meetings and was over ruled by a

majority of its members. It was the majority's opinion that the fees/fines be punitive in nature so that the owner of the alarm would fix the underlying issue with the alarm.

It is my personal opinion that the fee/fine amount should be assessed based on the approximate (it is very difficult to derive an exact cost figure) cost of our response to include all administrative costs. This was calculated in 2006 by the Police Department to be approximately \$90 per response. Therefore, \$100 a response is not an unreasonable amount to charge.

The following is an overview of the proposed alarm ordinance changes in reference to the fee structure:

- There is no permit fee (a permit is still required) required. The current ordinance requires a permit fee of \$10 for a three year term.
- A third party vendor (Cry-Wolf) will facilitate and administer the requirements of the alarm ordinance. The current ordinance requires the Tax Collector's Office to coordinate this now.
- Alarm companies operating in the City are required to pay a registration fee of \$100. There is no requirement in the current ordinance for this.
- A \$50 fine (in addition to any other fines) will be assessed for responses to non-permitted alarms. This fine will be waived if permitted within 15 days. The current ordinance has no additional fine for response to non-permitted alarms.
- A "service fee" for false alarm responses will be charged. This is similar to our current ordinance. However, the fee charged and the number of excused false alarms has changed. The following represents the old and new fees.

Alarm Within 12 months	Current	Proposed
First	\$0	\$0
Second	\$0	\$100
Third	\$0	\$200
Fourth	\$50	\$400
Fifth	\$75	\$500
Sixth & Subsequent	\$100	\$500

4. Mr. Schwerer recommends that we prepare something to demonstrate the need for the increased fines. To that end, I offer this memo and its attachments.