

ORDINANCE NO. 07-28

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL
OF THE TOWN OF CUTLER BAY, FLORIDA AMENDING
ORDINANCE 06-28 RELATING TO BURGLAR ALARM
FEES AND REGISTRATION; PROVIDING FOR
CONFLICTS; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on November 15, 2006, the Town Council of the Town of Cutler Bay (the "Town") adopted an ordinance requiring registration of burglar alarms systems within the Town; and

WHEREAS, the Town currently requires the annual registration of burglar alarm systems as well as an annual registration fee; and

WHEREAS, the Town Council has determined that there should be a registration renewal fee of twenty-five dollars (\$25.00) if the burglar alarm system has had a false alarm requiring police dispatch during the prior registration period; and

WHEREAS, the Town Council has further determined that there should be no registration renewal fee for a burglar alarm system if there was not a false alarm requiring police dispatch during the prior registration period; and

WHEREAS, the Town Council finds these changes to be in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AS FOLLOWS:

Section 1. Findings. The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Amendment to Ordinance 06-28. The Town Council hereby amends Ordinance 06-28 as follows:

Burglar Alarms.

(1) **Purpose of regulations.** The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false burglar alarms.

(3) **Permits required for installation or modification of Burglar Alarm Systems.** All Alarm Companies installing or modifying Burglar

Alarm Systems which shall operate at any Premises located within the Town shall obtain a Burglar Alarm Permit from the Town ~~Building Department~~. Only Alarm Companies may apply for, be issued, and perform the work authorized under the Burglar Alarm Permit.

(4) Registration of alarm system and fee.

(a) *Registration of Burglar Alarm Systems.* All Burglar Alarm Systems which operate at any Premises located within the Town shall be registered with the Town by the Alarm User. The Alarm User shall complete and submit to the Town an annual registration for each Burglar Alarm System together with the appropriate fee. A new registration fee shall be necessary upon a change in the Alarm User. Failure to register a Burglar Alarm System shall constitute a violation of this Ordinance.

(d) *Annual Registration Fee.* Effective November 1, 2006, there shall be an annual registration fee of twenty-five dollars (\$25.00) for all alarm registrations. Each separate alarm system shall require a separate registration. The registration period will be for one year. Upon renewal for registration periods beginning on or after November 1, 2007, the fee will be as follows: (1) reduced to fifteen twenty-five dollars (\$125.00) if the Burglar Alarm System has had a False Alarm requiring police dispatch during the prior registration period; or (2) there shall be no fee if the Burglar Alarm System has not had no a False Alarms requiring police dispatch during the prior registration period. ~~For the registration period beginning November 1, 2006, the registration deadline shall be extended until January 1, 2007 provided however that the registration period shall still be deemed to run from November 1, 2006 to November 1, 2007.~~

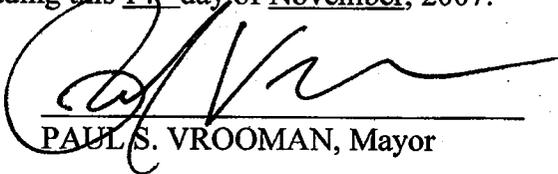
Section 3. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 17th day of October, 2007.

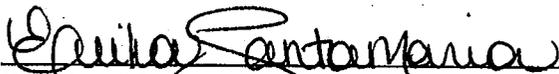
PASSED AND ADOPTED on second reading this 14th day of November, 2007.



PAUL S. VROOMAN, Mayor



Attest:



ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF CUTLER BAY ONLY:



WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE, P.L.
Town Attorney

Moved By: Councilmember Bell
Seconded By: Councilmember Meerbott

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman	<u>YES</u>
Vice Mayor Edward P. MacDougall	<u>YES</u>
Councilmember Peggy R. Bell	<u>YES</u>
Councilmember Timothy J. Meerbott	<u>YES</u>
Councilmember Ernest N. Sochin	<u>YES</u>