

**ORDINANCE NO. 10-13**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCES 06-28 AND 07-28 RELATING TO THE BURGLAR ALARM REGISTRATION FEE AND PERIOD; WAIVING ALARM REGISTRATION AND FALSE ALARM FEES UNTIL DECEMBER 31, 2010; REPEALING ORDINANCE 08-02; 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 recently purchased new software to ensure that alarm system registration is more efficient; and

**WHEREAS**, the Town Council desires to modify the alarm system registration period to coincide with a calendar year in order to facilitate the transition of this new software; and

**WHEREAS**, the Town Council finds that this Ordinance is in the best interest and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS<sup>1</sup>:**

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

**Section 2. Amendment to Burglar Ordinance.** The Town Council hereby amends Ordinance 06-28 and 07-28 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.

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<sup>1</sup> Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

(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.

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(d) *Annual Registration Fee.* Effective January 1, 2011~~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. Initial alarm registrations which are submitted after January shall pay a reduced initial alarm registration fee for the first year. The fee shall be reduced by two dollars (\$2.00) for each month after January. Upon renewal for registration periods beginning on or after January 1, 2011~~November 1, 2008~~, the fee will be as follows: (1) twenty-five dollars (\$25.00) 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 a False Alarm requiring police dispatch during the prior registration period. Renewal registration fees, if required, shall be paid by January 1 of each year. All existing alarm licenses scheduled to expire on October 31, 2010 shall be extended thru December 31, 2010 and shall be subject to renewal as required by this section.

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**Section 3. Waiver of Annual Registration and False Alarm Fees.** The annual alarm registration requirement and any associated fees shall be waived until December 31, 2010. All false alarm activity fees that are incurred from November 1, 2010 thru December 31, 2010 shall be waived.

**Section 4. Repeal of Ordinance 08-02.** Ordinance 08-02 is hereby repealed.

**Section 5. 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 6. 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 7. Inclusion in the Code.** It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

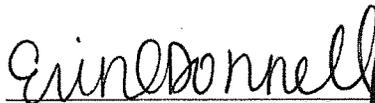
**Section 8. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 15<sup>th</sup> day of September, 2010.

PASSED AND ADOPTED on second reading this 22<sup>nd</sup> day of September, 2010.

  
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PAUL S. VROOMAN  
Mayor

Attest:

  
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ERIN O'DONNELL  
Interim Town Clerk



APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

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

Moved By: Vice Mayor MacDougall  
Seconded By: Councilmember Meerbott

FINAL VOTE AT ADOPTION:

Mayor Paul Vrooman YES

Vice Mayor Edward MacDougall YES

Council Member Timothy J. Meerbott YES

Council Member Ernest Sochin YES

Council Member Peggy Bell YES