

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20050502

1. ACTION REQUESTED/PURPOSE:

Conduct a Public Hearing to amend County Ordinance 03-09, False Alarm Ordinance.

2. WHAT ACTION ACCOMPLISHES:

Board must formally adopt Ordinance at a scheduled, advertised Public Hearing.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category:

5:00 #4

5. Meeting Date:

05-10-2005

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input type="checkbox"/> Consent	<input type="checkbox"/> Statute
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Ordinance <u>03-09</u>
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Other
<input type="checkbox"/> Walk-On	

Commissioner	
Department	<u>County Attorney</u>
Division	<u>General Services</u>
By:	<u>Scott S. Covert</u> Assistant County Attorney

9. Background:

The Lee County Sheriff's Office is requesting that the Lee County False Alarm Ordinance 03-09 be amended. The current Ordinance requires alarm operators to annually apply and pay \$25.00 for an alarm permit. The proposed amendment to the Ordinance will require alarm operators to apply and pay a "one-time" fee for an alarm permit. The permit will be valid indefinitely so long as the operator uses or controls the alarm system at the property in the alarm permit.

Attachment: Proposed Amendment to Lee County Ordinance No. 03-09
Financial & Administrative Impact Statement
Notice of Intent to Enact a County Ordinance

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>		<i>4/12/05</i>	<i>4/12/05</i>	<i>4/13/05</i>	<i>4/13/05</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
4/13/05

RECEIVED BY
COUNTY ADMIN: *[Signature]*
4-13-05
11:00 am
COUNTY ADMIN
FORWARDED TO: *[Signature]*
4-14-05
2pm

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 03-09 RELATING TO THE LEE COUNTY FALSE ALARM ORDINANCE; AMENDING SECTION TWO PROVIDING FOR DEFINITIONS; AMENDING SECTION THREE PROVIDING FOR ALARM PERMIT AND FEE; AND PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County; and,

WHEREAS, the Lee County Board of County Commissioners had previously adopted Ordinance No. 03-09, known as the Lee County False Alarm Ordinance; and,

WHEREAS, the Board of County Commissioners now desires to amend Lee County Ordinance No. 03-09 to no longer require alarm operators to annually apply for alarm permits and to extend such permits indefinitely so long as the operator uses or controls the alarm system at the property identified in the alarm permit.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

SECTION ONE: AMENDMENT TO FALSE ALARM ORDINANCE SECTION TWO

Lee County False Alarm Ordinance 03-09, Section Two, Subsection L is amended to read as follows with strike-through identifying deleted language and underline identifying new language.

- L. Permit Year means the period starting from the date of issuance of a permit ~~and ending twelve (12) months from date of issuance.~~

SECTION TWO: AMENDMENT TO FALSE ALARM ORDINANCE SECTION THREE

Lee County False Alarm Ordinance 03-09, Section Three, Subsection A is amended to read as follows with strike-throughs identifying deleted language and underline identifying new language.

- A. ~~Except as otherwise provided under the definition of permit year, every alarm operator shall annually apply to the Sheriff for a nontransferable alarm permit. The permit shall be valid for one permit year and then expire.~~
Every alarm operator shall apply through the Lee County Sheriff's Department for a non-transferable alarm permit. The permit shall be valid for so long as the operator uses or controls the alarm system at the property identified in the alarm permit. In the event the alarm operator sells, relocates from, or in any other no way longer uses or controls the alarm at the property identified in the alarm permit, then the alarm permit shall be deemed to be terminated, invalid and in no further force or effect. The alarm operator shall notify the Lee County Sheriff's Department with any change that will affect the validity of the alarm permit within fifteen (15) days of the change(s) taking place. If, for any reason, an alarm permit becomes invalid or is revoked then the alarm operator of the alarm system shall be responsible for applying for a new, non-transferable permit.

SECTION THREE: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most

restrictive requirements shall apply.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provision of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS

The Lee County Board of County Commissioners intends that this Ordinance will be made part of the Lee County Code; and that sections of this Ordinance can be renumbered or relettered and the word "Ordinance" can be changed to "Section," "Article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for public hearing.

SECTION SIX: EFFECTIVE DATE

This Ordinance will take effect on July 1, 2005, upon receipt of official acknowledgment from the Secretary of the Florida Department of State that it has been filed with that office.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to vote, the vote was as follows:

BOB JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
TAMMY HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2005.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM:

BY: _____
Office of the County Attorney

LEE COUNTY, FLORIDA

FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT

PROPOSED COUNTY ORDINANCE:

NAME OF ORDINANCE: AMENDMENT TO LEE COUNTY
FALSE ALARM ORDINANCE NO. 03-09

A. Statement of Purpose

Alarm operators pay \$25.00 annually for an alarm permit. The annual alarm operator renewal fee will no longer be required.

B. Narrative Summary of Ordinance (Several Sentence Summary)

Presently, alarm operators pay annually \$25.00 for an alarm permit. The proposed amendment to the ordinance will require alarm operators to apply and pay a "one-time" fee for an alarm permit. The permit will be valid indefinitely so long as the operator uses or controls the alarm system at the property in the alarm permit.

C. Principal Division(s) or Department(s) Affected (List)

Lee County Sheriff's Office

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE:**

Amendment to the False Alarm Ordinance

II. Fiscal Impact on County Agencies/County Funds.

A. What is estimated Demand? (Develop Indicators) N/A

B. What is estimated Workload? (Develop Indicators) N/A

C. What are estimated costs?

	<u>1st Year \$'s</u>		<u>2nd Year \$'s</u>	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel				
Fringe		See Below		
Operating				
Capital Outlay				
Total				

D. List the anticipated revenues to cover costs identified in II, C, above. If a fee is to be charged, answer the following:

1. What is the basis (rationale) for the fee? See Below
2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered?

Yes

E. Give a brief narrative analysis of the information contained in II. A through D, above.

The Sheriff's Dept. currently collects new and renewal burglar alarm permit fee revenue as well as false alarm fine revenue. All burglar alarm revenues may only be used to cover the administration/operation of the Burglar Alarm program.

For FY 03-04, approximately \$780,000 was collected in fees and fines: \$35,000 of that amount stemmed from new permits, \$450,000 from permit renewals, and \$295,000 from fines.

The annual cost to administer the Alarm Reduction Unit of the Sheriff's Department is \$150,000 (covers two employees, postage, etc.)

There is clearly an excess of revenue to cover expenses. The removal of renewal permit fees will still result in excess revenues to provide adequate funding of operations and will not jeopardize the main purpose of the permit – which is to register the alarm system with the Sheriff's Dept.

LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 10th day of May 2005, at 5:00 o'clock p.m., in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Ordinance pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 03-09 RELATING TO THE LEE COUNTY FALSE ALARM ORDINANCE; AMENDING SECTION TWO PROVIDING FOR DEFINITIONS; AMENDING SECTION THREE PROVIDING FOR ALARM PERMIT AND FEE; AND PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS AND EFFECTIVE DATE.

1. Copies of this Notice and the proposed Ordinance are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the proposed Ordinance during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.
2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Ordinance.
3. Anyone wishing to appeal the decision(s) made by the Board with respect to

any matter considered at this meeting, will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

4. The Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State, or as may be otherwise prescribed in the Ordinance.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

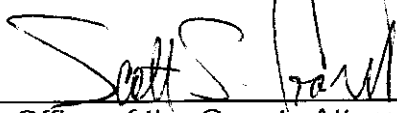
PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 125.66, Florida Statutes (2004), and other relevant sections of Florida law.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By:  _____
Office of the County Attorney

Ad Size: 2 x 5

Publishing Dates: April 25, 2005 & May 2, 2005