

LEE COUNTY ORDINANCE NO. 05-06

**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 Judah, who moved its adoption. The motion was seconded by Commissioner Albion and, being put to vote, the vote was as follows:

BOB JANES	<u>Absent</u>
DOUGLAS ST. CERNY	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
TAMMY HALL	<u>Absent</u>
JOHN E. ALBION	<u>Aye</u>

DULY PASSED AND ADOPTED THIS 10th day of May, 2005.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Michele G. Cooper  
Deputy Clerk

BY: [Signature]  
Chairman

APPROVED AS TO FORM:

BY: [Signature]  
Office of the County Attorney



05-06 Amended False Alarm Ordinance.SSC

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FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

May 19, 2005

Honorable Charlie Green  
Clerk of Circuit Court  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Michelle G. Cooper, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 16, 2005 and certified copies of Lee County Ordinance Nos. 05-05 and 05-06, which were filed in this office on May 17, 2005.

Sincerely,

A handwritten signature in cursive that reads "Liz Cloud" with a small "vm" below it.

Liz Cloud  
Program Administrator

LC/kcs