

LEE COUNTY ORDINANCE NO. 16-11

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA; AMENDING LEE COUNTY ORDINANCE NOS. 03-09 AND 05-06, KNOWN AS THE LEE COUNTY FALSE ALARM ORDINANCE; AMENDING SUBSECTION B OF SECTION ELEVEN TO EXEMPT WIRELESS ALARM SYSTEMS FROM COUNTY PERMITTING REQUIREMENTS; INCLUDING MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; CONFLICT OF LAW; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida ("*Board*") is the governing body in and for Lee County, Florida, and

WHEREAS, the Board is authorized pursuant to Chapter 125, Florida Statutes, to enact Ordinances necessary in the exercise of its powers; and

WHEREAS, on March 11, 2003, the Board adopted Lee County Ordinance No. 03-09 known as the Lee County False Alarm Ordinance, for the installation and monitoring of alarm systems; and

WHEREAS, the Board amended certain permit requirement of that ordinance on May 10, 2005, in Ordinance No. 05-06; and

WHEREAS, the Board desires to amend the Lee County False Alarm Ordinance as a result of certain statutory changes adopted by the Florida Legislature affecting Florida Statutes Chapter 553 as it relates to certain permitting requirements contained in the Florida Building Code; and

WHEREAS, the statutory changes to the Florida Building Code necessitate an amendment of Lee County's False Alarm Ordinance.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that:

SECTION ONE: AMENDMENT

Lee County Ordinance No. 03-09, Section Eleven, Alarm Systems Contractor, Subsection B is amended to read as follows with underlined text identifying new language:

- B. No person shall install, maintain, repair, alter, service or monitor alarm systems for compensation without being a licensed alarm system contractor. Performance of alarm work without a license may result in a fine of \$125.00. Notwithstanding the foregoing, this provision shall not apply to a wireless alarm system as defined in Section 553.793, Florida Statutes, including any ancillary components or equipment attached to the system.

SECTION TWO: MODIFICATION

It is the intent of the Board of County Commissioners that the provision of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION THREE: 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 FOUR: CONFLICT OF LAW

In the event this Ordinance conflicts with any other Ordinance of Lee County or other applicable law, the more restrictive shall apply.

SECTION FIVE: 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 SIX: EFFECTIVE DATE

This Ordinance shall take effect immediately upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner John Manning made a motion to adopt the foregoing ordinance, seconded by Commissioner Brian Hamman. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 17th day of May, 2016.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Michelle M. Miller
Deputy Clerk

BY: Franklin B. Mann
Franklin B. Mann, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

BY: John Weagans
Lee County Attorney's Office



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 20, 2016

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Michelle Miller

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 16-11, which was filed in this office on May 19, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED

By mmmiller at 11:04 am, May 20, 2016