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# MIAMI BEACH

OFFICE OF THE CITY MANAGER

## COMMITTEE MEMORANDUM

TO: Finance & Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 25, 2013

SUBJECT: **REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE – Discussion regarding Fine Schedules and Enforcement of the City of Miami Beach Code Provisions for Police and Fire False Alarms, Implementing Additional Fines for False Alarms, and Contracting with an Outside Entity for Billing and Collection Services for False Alarm Fees.**

### BACKGROUND

At the March 13, 2013 City of Miami Beach Commission Meeting, a discussion was referred to the Finance and Citywide Projects Committee regarding fines and enforcement of false alarm provisions for the Miami Beach Police and Fire Departments, including contracting of an outside entity for the purposes of billing and collection of these fees was referred to the Finance and Citywide Projects Committee.

The Miami Beach City Code outlines the regulations and enforcement of false alarms by the Miami Beach Police Department (MBPD). However, the MBPD and Miami Beach Fire Departments (MBFD) departments have identified the need for discussion and policy direction with regards to false alarm fees and their collection.

During the budget process for Fiscal Year 2012/13, MBPD presented an initiative to the City Commission to increase only commercial false burglar alarms; however, in proceeding with the required ordinance amendment, the City Attorney's Office opined that this would be considered discriminatory, unless a specific public safety need could be established.

As such, the increase in commercial false burglar alarms fees has not been implemented. In addition, due to the limited number of administrative support staff, the MBPD recommends outsourcing the billing and collection function for false alarm fees.

### Miami Beach Police Department

Under Division 3 of the City Code, regulations and a fee schedule already exist for false burglar alarms, which are under the purview of the MBPD. However, the MBPD has identified several issues with the administrative processes related to enforcing false alarms.

As a result of the department's experience, MBPD Command Staff has recommended amending the fee schedule and enforcement provisions to mirror the Miami-Dade County false alarm provisions, as well as contract an outside agency for the purposes of collection. This would involve amending the City of Miami Beach Code to mirror the false burglar alarm code in Miami-Dade County.

As it stands today, an alarm user is fined \$50.00 upon the 4th false alarm. Every alarm thereafter is an additional \$100.00 fine. Further, the code sets a \$10 per year registration permit. This fee is waived for alarm users who have not had any false alarms in the prior 12 month period.

The proposed fee schedule is depicted in the chart below:

	<b>Miami-Dade County</b>	<b>City of Hialeah</b>	<b>Current - Miami Beach</b>	<b>Proposed - Miami Beach</b>
Registration - 1 <sup>st</sup> violation	\$50	\$50	\$10	\$50
Registration - 2 <sup>nd</sup> violation and all subsequent	\$100	\$100	N/A	\$100
1 <sup>st</sup> false alarm	\$0	\$0	\$0	\$0
2 <sup>nd</sup> false alarm	\$0	\$0	\$0	\$0
3 <sup>rd</sup> false alarm	\$0	\$0	\$0	\$0
4 <sup>th</sup> false alarm	\$50	\$100	\$50	\$50
5 <sup>th</sup> false alarm	\$100	\$100	\$100	\$100
6 <sup>th</sup> false alarm and all subsequent in registration period	\$200	\$200	\$100	\$200
Violation of alarm verification call, cancelling false alarm subsections	\$100	\$100	N/A	N/A
Cap (in a 24-hour period)	\$200	\$200	\$200	\$200

Currently, fines and appeals for the false alarm section of the City Code are under the purview of the MBPD Chief. It is further recommended that these provisions be included in Chapter 30 of the City Code to provide jurisdiction to the Special Master.

Moreover, due to the reduction in administrative support personnel during the past few years, the MBPD is exploring the option of contracting an outside entity to provide billing and collection services for false burglar alarms. In conducting due diligence, MBPD personnel have contacted several billing and collections agencies, who serve other local law enforcement agencies for this purpose. Most agencies require that cities include lien provisions in their code of ordinances to ensure collection of outstanding fines.

Due to limited staffing, the MBPD has been completing the false alarm processing via overtime assignments. This personnel issue has caused backlogs in processing, and delays in collecting fees. Since 2008, the MBPD has seen a yearly decrease in the collection of false burglar alarm fees.

The chart below reflects fee collection over the last five (5) years:

YEAR	REVENUE
2008	\$13,610
2009	\$13,060
2010	\$10,950
2011	\$7,050
2012	\$2,800

For MBPD, false burglar alarms are an additional tool in helping keep our residents and businesses safe. Lack of enforcement in terms of burglar alarm registration as well as false alarms diverts public safety resources and impacts response time.

Miami Beach Fire Department

A false fire alarm is defined as a signal from a fire alarm system that elicits a response by the Fire Department when no actual or threatened fire-related emergency exists. Currently, the City of Miami Beach Code does not include provisions for enforcing false fire alarms or an accompanying fine schedule.

In order to promote compliance and improve overall safety, the MBFD Staff is recommending establishing a fee schedule for fire false alarms, as is in place in Miami-Dade County and neighboring cities. Below is a table that depicts the false fire alarm fees schedule for neighboring cities, as well as the proposed fee schedule for MBFD fire false alarms:

Miami-Dade County	City of Hialeah	City of Miami	City of Coral Gables	Proposed – City of Miami Beach
First two false alarms – no fine	First three false alarms – no fine	First two false fire alarms – no fine	First two false fire alarms – no fine	First two false alarms – no fine
3 <sup>rd</sup> false alarm \$500.00	4 <sup>th</sup> false alarm in one calendar year - \$50.00	3 <sup>rd</sup> and 4 <sup>th</sup> false fire alarms \$250.00 per incident	3 <sup>rd</sup> false fire alarm in calendar year - \$60.00	3 <sup>rd</sup> false alarm \$500.00
4 <sup>th</sup> and each additional false fire alarm in one calendar yr. - \$1,000.00	5 <sup>th</sup> false alarm in one calendar year - \$100.00	5 <sup>th</sup> and any subsequent false fire alarm – \$500.00 per incident	4 <sup>th</sup> false fire alarm in calendar year - \$110.00	4 <sup>th</sup> and each additional false fire alarm in one calendar yr. -\$1,000.00
	6 <sup>th</sup> false alarm in one calendar year - \$200.00	6 <sup>th</sup> or subsequent false fire alarm – cert. of occupancy could be revoked.	False fire alarm after 4 <sup>th</sup> incident in calendar year - \$210.00	
			\$25.00 past due fees after 41-60 days ; \$25.00 every 30 days.	

False fire alarms are predominantly generated by multi-family residential buildings. An analysis of false fire alarms in Fiscal Year 2011/2012 indicate a significant number of buildings citywide had 10 to 108 false fire alarms. The chart below represents the projected collection of fees based on the data from Fiscal Year 2011/2012:

# of Buildings	# of false alarms in FY 11/12	Potential fines for 3rd false alarm (\$500 x # of Buildings)	Assume compliance on 5th false alarm (\$2,000 x # of buildings)	Assume compliance on the 10th false alarm (\$5,000 x # of buildings)
15	10	\$7,500		
6	11	\$3,000	12,000	
8	12	\$4,000	\$16,000	
6	13	\$3,000		
1	14	\$500	\$2,000	
7	15	\$3,500	\$14,000	
2	16	\$1,000	\$4,000	\$10,000
6	17	\$3,000	\$12,000	
3	18	\$1,500		
5	20	\$2,500	\$10,000	
1	21	\$500	\$2,000	\$5,000
3	23	\$1,500		
2	25	\$1,000	\$4,000	\$10,000
1	28	\$500	\$0	
1	30	\$500	\$0	
1	31	\$500	\$2,000	\$5,000
2	32	\$1,000	\$4,000	
1	33	\$500	\$2,000	
2	34	\$1,000		
1	38	\$500	\$2,000	\$5,000
2	42	\$10,000	\$4,000	\$10,000
1	44	\$500	\$2,000	\$5,000
1	50	\$500	\$2,000	\$5,000
1	54	\$500	\$2,000	\$5,000
1	108	\$500	\$2,000	\$5,000
		\$49,000	\$98,000	\$65,000
			<b>Total Estimate of Fines first year</b>	<b>\$212,000</b>

**\*Note:** Total amount of fines is predicted to decrease year by year as buildings learn that proper maintenance of the system will avoid issuance of fines.

Due to the limited number of administrative support personnel, the MBFD proposes that an outside entity be contracted for fine collection which is consistent with the recommendations by the MBPD.

Every fire alarm call received requires at least one unit (engine or ladder) to respond. If the alarm turns out to be false, then valuable and limited resources are not available to respond to a legitimate alarm call. This would affect response time to legitimate calls. In addition, the occupants of these buildings become so accustomed to false alarms that they no longer take the alarms seriously, which could result in a tragedy.

### **Conclusion**

The Administration proposes that amendments to current false alarm regulations and fee schedules for both the Miami Beach Police and Fire departments be created and amended as proposed.