



Legislation Text

File #: 2024-0097, **Version:** 1

Submitted By: Tye Chighizola

Presentation By: Tye Chighizola

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready):

Adopt Ordinance 2024-5 amending Chapter 30, Article II Alarms Systems concerning definitions, enforcement, and collection process (COD23-45373)

OCALA'S RELEVANT STRATEGIC GOALS:

Operational Excellence, Fiscally Sustainable

PROOF OF PUBLICATION:

Ocala Gazette - October 6, 2023

BACKGROUND: Staff is proposing to amend sections of Chapter 30, Article II Alarm Systems, concerning definitions, enforcement, and the collection process. The existing code is outdated, does not provide desired detail and is not aligned with current resources.

The proposed changes will define the process from mailing the initial notice/invoice to sending the late fees after 90 days to a collection agency. After one year of nonpayment, staff will take the late fees to a hearing with the Special Magistrate concerning the placement of a lien on the property in question.

FINDINGS AND CONCLUSIONS: The proposed changes will clarify each department's role (Fire, Police, Finance, and Code Enforcement) in the process. Staff recommends approval.

FISCAL IMPACT: The revised process will facilitate collection of approximately \$20,000 per year in late fees.

PROCUREMENT REVIEW: N/A

LEGAL REVIEW: The ordinance is pending review by the City Attorney, William E. Sexton.

ALTERNATIVE:

- Approve with changes

- Deny
- Table

ORDINANCE 2024-5

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, AMENDING CHAPTER 30, ARTICLE II, ALARM SYSTEMS; AMENDING SECTION 30-31 BY ADDING A DEFINITION OF COLLECTION AGENCY AND DELETING THE DEFINITION OF BUILDING OFFICIAL; AMENDING SECTION 30-32 BY REVISING THE ENFORCEMENT PROCESS TO COLLECT FALSE ALARM FEES; AMENDING SECTION 30-35 BY REVISING THE PROCEDURES TO COLLECT FALSE ALARM FEES; PROVIDING DIRECTION TO STAFF; REPEALING INCONSISTENT AND/OR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING FOR MODIFICATIONS ARISING FROM CONSIDERATION AT A PUBLIC HEARING; PROVIDING DIRECTION TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session, as follows:

Section 1. That Section 30-31, Code of Ordinances, City of Ocala, Florida is hereby amended by deleting the definition of Building official and adding the following definition which shall be codified such that all definitions in such section are in alphabetical order:

Sec. 30-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Collection agency means a company hired to collect false alarm fees in violation of this article on behalf of the city.

Section 2. That Section 30-32 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 30-32. Enforcement.

Violations of this article, including failure to pay fees as specified in section 30-35, shall be referred to a collection agency. If not collected within one year of the violation, the code enforcement division will schedule a hearing with the Special Magistrate concerning the placement of a lien on the property after providing at least 30 days' notice by posting the property or by certified mail. If the Special Magistrate signs an order to record a lien in the public records of the county, the code

enforcement division will provide notice of when the lien was recorded. The lien shall take precedence over any other lien against the property, except for liens for taxes, mechanics' liens, and purchase money liens. The liens may be foreclosed after proper notice against the real and personal property by the city at any time within 10 years after the date of assessment of the fee.

Section 3. That Section 30-35 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 30-35. Assessment of false alarm fee.

The owner or lessee of the premises within which an alarm device is installed shall be assessed a fee of \$75.00 for each false alarm. The owner or lessee shall be allowed one false alarm per calendar year (January 1 through December 31) for which no fee will be assessed. If the premises are leased, the owner and lessee shall be jointly and severally liable for any fee assessed. At the time of the false alarm, the police or fire shall provide notice to the owner, operator, or agent of the premises or, in such person's absence, left at a conspicuous location on the premises, notifying the owner or agent that the police or fire responded to the location for a false alarm and that a follow-up false alarm notice will be sent via mail, setting forth the requirements of this article concerning false alarm fees. The Finance Department will mail a notice that will include an invoice that will indicate when the false alarm occurred, the total amount of fees owed, a 30-day timeframe to pay any fees owed, payment options. Any fees not paid within 30 days will receive a second notice and invoice by mail from the Code Enforcement Division. After a total of 90 days of no payments, the city will send delinquent fees to collections.

Section 4. Direction to Staff.

The City Council of the City of Ocala, Florida directs staff to take any and all steps necessary to effectuate the adoption and implementation of this ordinance; and all other matters as provided for above and herein as well as to ensure the orderly and effective administration and implementation of the intent of this ordinance and the specific matters outlined herein.

Section 5. Repealing Inconsistent and/or Conflicting Provisions.

The City Council of the City of Ocala, Florida hereby specifically repeals, to the extent of any such conflict, any and all ordinances, resolutions, policies, procedures, and/or other articles which are conflicting and/or inconsistent with this ordinance and the intent and direction provided by the City Council herein.

Section 6. Severability of Ordinance Provisions.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the City Council of the City of Ocala, Florida that (1) such portion shall be deemed a separate, distinct and independent provision; (2) such holding shall not affect the validity of the remaining portions hereof; and (3) this ordinance be adopted as though any such provision was not included herein.

Section 7. Modifications Arising from Consideration at a Public Hearing.

It is the intention of the City Council of the City of Ocala, Florida that (1) the provisions of this

ordinance may be modified as a result of its consideration by the City Council of matters that may arise during the public hearing(s) at which this ordinance is considered; and (2) any such modifications shall be incorporated into the final version of this ordinance.

Section 8. Direction to the Codifier.

It is the intention of the City Council of the City of Ocala, Florida that (1) this ordinance shall become and be made a part of the *Code of Ordinances, City of Ocala, Florida*, (2) the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish said intention; (3) terms or headings not affecting the intent of this ordinance may be changed to further accomplish said intention; and (4) any scrivener's error(s) contained herein which do not affect the intent of this ordinance be corrected with the authorization of the City Manager or their designee and without the need for additional public hearings or consideration by the City Council.

Section 9. Effective Date of Ordinance.

This ordinance shall become effective immediately upon approval by the Mayor or becoming law without such approval.

PASSED AND ADOPTED, in a regular session with a quorum present and voting, by the City Council of the City of Ocala, Florida this ____ day of October 2023.

ATTEST:

CITY OF OCALA

By:
Angel B. Jacobs
City Clerk

By:
James P. Hilty Sr.
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2023.

By: _____
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: _____
William E. Sexton
City Attorney

Ordinance No: 2024-5
Introduced: Click or tap to enter a date.
Adopted: Click or tap to enter a date.
Legal Ad No: Ocala Gazette - October 6, 2023 - IXqQepnLtuYxMWvHEEDS