

**ORDINANCE NO. 150872**

**An ordinance of the City of Gainesville, Florida, amending Chapter 10, Article IV of the Code of Ordinances relating to false fire alarms; amending section 10-31 to update definitions; amending Sections 10-32, 10-33, 10-34 and 10-35 regarding alarm operator registration; amending Section 10-36 regarding response to fire alarm; amending Section 10-38 regarding fire alarm monitoring companies; amending Section 10-40 regarding fire alarm system contractors; amending Appendix A. Schedule of Fees, Rates and Charges related to fire alarm system contractors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, Article VIII, Section 2, Florida Constitution and Chapter 166, Florida Statutes, confers upon municipalities the authority to conduct municipal government and to enact legislation designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, Section 553.7931, Florida Statutes, was created by the Florida Legislature in Chapter 2016-129, Laws of Florida to prohibit alarm installation companies from being penalized for servicing or installing alarm systems which have not been registered with a municipality; and

**WHEREAS**, the City Fire Department desires to update the City Code consistent with Section 553.7931, Florida Statutes and to rename the annual registration requirements of fire alarm operators and companies from “permits” to “registrations” in order lessen the confusion of residents and staff between fire alarm and construction “permits”; and

**WHEREAS**, at least ten (10) days’ notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

1           **WHEREAS**, public hearings were held pursuant to the notice described above at which  
2 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

3           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** Section 10-31 of the Code of Ordinances is amended to read as follows:

6 **Sec. 10-31. - Definitions.**

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

9           *Automated dialing device* means a fire alarm system, which automatically sends, via  
10 telephone, a prerecorded voice message or coded signal indicating the existence of an emergency  
11 situation.

12           *Cancellation of fire alarm response* means the process by which a fire alarm company  
13 providing monitoring services verifies with the fire alarm operator or responsible party that there  
14 is not an existing situation at the fire alarm site requiring the fire department response and  
15 requests fire department officials to cancel the dispatch when such request occurs prior to the fire  
16 department's dispatch to the scene.

17           *Commercial premises* means any structure or area not otherwise defined in this section as  
18 governmental or residential premises.

19           *Conversion* means a transaction or process by which one fire alarm company begins  
20 monitoring and/or servicing either a previously unmonitored alarm system or a system  
21 previously monitored and/or serviced by another fire alarm company.

22           *Deactivated fire alarm* means a fire alarm system that has the primary and secondary power  
23 and the phone line disconnected at the fire alarm control panel.

24           *Deterrent system* means:

- 25           (1) Fire alarm pull station with associated audio alarm;
- 26           (2) Fire alarm pull station with associated ink identification;
- 27           (3) Fire alarm pull station with photo identification;
- 28           (4) Fire alarm pull station with associated video identification;
- 29           (5) Other fire alarm systems with malicious pull deterrent features approved as effective,  
30           after inspection by fire rescue department.
- 31           (6) Other fire alarm systems with malicious pull deterrent features, as described on the list  
32           of approved systems maintained by the fire rescue department.

33           *False fire alarm* means a fire alarm dispatch or other response by the fire department, when  
34 the responding unit(s) find no evidence of a fire or attempted fire offense after having completed  
35 an investigation of the site. Excluded from this definition are:

- 1 (1) Fire alarms occurring as a result of lightning, wind, or other meteorological event,  
2 where there is clear evidence of physical damage to the fire alarm system verified by an  
3 alarm technician; or
- 4 (2) Disruption of the telephone circuit beyond the control of the fire alarm operator or its  
5 agents, verified by written communication from the telephone company; or
- 6 (3) An electrical power disruption or failure in excess of four hours.
- 7 (4) Fire alarm activations on property through a ~~permitted~~ registered fire alarm pull station  
8 with two or more deterrent systems where one or more of the deterrent systems have  
9 been utilized.

10 *Fire alarm system* means any device that emits, transmits or relays a signal intended to  
11 summon, or that would reasonably be expected to summon, fire department services to the fire  
12 alarm site. Fire alarm system does not include:

- 13 (1) A device installed on a vehicle, unless the vehicle is permanently located on the site; or
- 14 (2) A device designed to alert only the inhabitants of the device site, and that is not audible  
15 or visible from the exterior of the structure; or
- 16 (3) A device designed for a purpose other than to alert for fire.

17 *Fire alarm system contractor* means a person licensed under F.S. ch. 489, as an electrical or  
18 fire alarm system contractor who installs, maintains, repairs, alters, services or monitors fire  
19 alarm systems for compensation.

20 *Fire alarm administrator* means a person or persons designated by the city manager to  
21 administer, control and review fire alarm applications, ~~permits~~ registrations and false fire alarm  
22 reduction efforts.

23 *Fire alarm monitoring company* means a person or entity performing the service of  
24 monitoring as defined in F.S. ch 489, for fire alarms, and having customers within the City of  
25 Gainesville.

26 *Fire alarm operator* means any owner, tenant or other person or entity that uses or is in  
27 control of a fire alarm system, including governmental entities.

28 *Fire alarm operator awareness class* means a class conducted by the designated authority  
29 for the purpose of educating alarm users about the responsible use and operation of alarm  
30 systems and problems created by false alarms.

31 *Fire alarm review authority* means the city manager or designee.

32 *Fire alarm site* means the individual location of each fire alarm system.

33 *Governmental premises* means a structure or area owned and maintained by a government  
34 entity.

35 *Local fire alarm system* means a fire alarm system that emits a signal at a fixed fire alarm  
36 site that is audible or visible from the exterior of the alarmed structure.

37 *Panic alarm* means an audible or silent alarm system signal generated by the manual  
38 activation of a device intended to signal a life threatening or emergency situation requiring law  
39 enforcement response.

1 Permit Registration year means the period starting from the date of issuance of a fire alarm  
2 ~~permit registration~~ and ending one year from that date. At the discretion of the city manager or  
3 designee, the ~~permit registration~~ year for the initial registration period may be not less than 12  
4 months nor more than 24 months.

5 Residential premises means any structure serving as a home, residence, or sleeping place by  
6 one person or by two or more persons who maintain a common household.

7 Response fee means a fee charged by the city manager or designee when a fire response is  
8 determined by city manager or designee to be false.

9 Takeover means a transaction or process by which a fire alarm company takes over control  
10 of an existing fire alarm system previously controlled by another fire alarm company.

11 Verify means an attempt by the fire alarm monitoring company or its representative to  
12 contact the alarm site by telephone to determine the validity of the alarm.

13 **Section 2.** Section 10-32 of the Code of Ordinances is amended to read as follows:

14 **Sec. 10-32. - Alarm permit operator registration and fee.**

15 (a) Except as otherwise proved under the definition of "~~permit registration~~ year," every fire  
16 alarm operator shall annually apply to the fire alarm administrator for a nontransferable fire  
17 alarm operator registration permit. The permit operator registration shall be valid for one  
18 ~~permit registration~~ year and then expire.

19 (b) In accordance with the fee schedule established at Appendix A, a fee shall accompany each  
20 application or renewal for fire alarms on residential, commercial or governmental premises.  
21 The fee shall be proportionately adjusted for those operator registrations permits that have  
22 an initial period greater than one year. If an operator of a single-family residential has a  
23 valid permit for a burglar system, and the burglar alarm system and fire alarm system are a  
24 single integrated unit, then no separate fire alarm permit operator registration fee is required.  
25 One single fee as established at Appendix A shall suffice for both systems. The fire alarm  
26 administrator shall provide permit operator registration application forms that shall  
27 encompass both burglar alarm and fire alarm systems.

28 (c) The fire alarm operator shall provide the following information:

29 (1) The name, address and telephone number of the applicant(s);

30 (2) The address of the fire alarm site;

31 (3) The classification of the fire alarm site as residential, commercial, governmental;

32 (4) The type of system(s), such as addressable; monitored; etc;

33 (5) The names, addresses and telephone numbers of two persons who have access to the  
34 premises, the ability to reset the alarm, and who, upon request of the fire department,  
35 will respond to the alarm site within 30 minutes of notification;

36 (6) The name, address, and telephone numbers of the fire alarm monitoring company, if  
37 any;

- 1 (7) The name, address, and telephone number of the installer and date of installation, if  
2 known;
- 3 (8) The name, address and telephone number of the commercial entity that last performed  
4 maintenance on the fire alarm system, if known;
- 5 (9) Any dangerous conditions present at the fire alarm site;
- 6 (d) No operator registration permit will be issued when a fine or fees are outstanding, when a  
7 reason for a previous operator registration permit revocation has not been corrected, or if the  
8 applicant provides false information.
- 9 (e) The fire alarm operator shall submit interim updated application information within 15 days  
10 of when the on-file information has changed. An operator registration permit may be  
11 revoked if it is found to contain inaccuracies.

12 **Section 3.** Section 10-33 of the Code of Ordinances is amended to read as follows:

13 **Sec. 10-33. - False fire alarm fees and fines.**

- 14 (a) Responsibility for false fire alarms shall be borne by the alarm operator.
- 15 (b) In accordance with the fee schedule established at Appendix A, fees shall be assessed or  
16 fines shall be levied for each false fire alarm per fire alarm site within one registration  
17 permit year. Only fines for responses will be dropped for attending the class.

18 Additional fees shall be assessed for false fire alarms from a ~~non-permitted~~ fire alarm  
19 system which has not been registered with the fire alarm administrator, or from a fire alarm  
20 system with a suspended or revoked operator registration permit, as established in Appendix A.  
21 Such fees will be reduced if an application of a fire alarm system is filed within ten days of the  
22 false fire alarm and an operator registration ~~the permit~~ is issued within ten days thereafter.

- 23 (c) The fire alarm administrator will offer an alarm awareness class to fire alarm operators. Fire  
24 alarm operators may attend the class in lieu of paying one fee per ~~permit~~ registration year.
- 25 (d) After responding to a fire alarm, the city manager or designee shall leave written notice at  
26 the fire alarm site that the fire department has responded to a fire alarm. The notice shall  
27 include the identity of the fire officer, time of event, and the officer's determination as to  
28 whether the fire alarm was false. If the city manager or designee ascertains that the false fire  
29 alarm appears to be the result of an alarm system malfunction, the fire department, prior to  
30 leaving the premises, may issue a notification to the operator that the system must be  
31 serviced or repaired, and shall provide the operator with "Certification of Service/Repair"  
32 form which must be filled out by the service or repair personnel and returned by the  
33 occupant to within 15 business days. Failure to obtain and provide such documentation  
34 within the specified time period shall result in the assessment of a fee in accordance with the  
35 fee schedule established at Appendix A. Provision of timely documentation of service/repair  
36 shall cause the fee assessed for the false alarm to be reduced as provided in Appendix A.

37 **Section 4.** Section 10- 34 of the Code of Ordinances is amended to read as follows:

38 **Sec. 10-34. - Suspension, revocation, or reinstatement of alarm operator registration**  
39 **permit.**

- 1 (a) In addition to the assessment of fees or levy of fines as provided for in this article, the eighth  
2 false fire alarm response in a ~~permit~~ registration year shall result in a suspension of the fire  
3 alarm operator registration ~~permit~~.
- 4 (b) A fee or fine that remains unpaid in excess of 30 days shall result in a suspension of the fire  
5 alarm operator registration ~~permit~~.
- 6 (c) A suspension shall remain in effect until such time as:
- 7 (1) The fire alarm operator has taken action to remedy the causes of the false fire alarms;  
8 and
- 9 (2) The fire alarm administrator has reinstated the operator registration ~~permit~~.
- 10 (d) During the period in which an operator registration ~~permit~~ is under suspension, the fee for  
11 all false alarm responses by the fire department will be in accordance with the fee prescribed  
12 in Appendix A.
- 13 (e) The fire alarm administrator may revoke a fire alarm operator registration ~~permit~~ if it is  
14 determined that:
- 15 (1) There is a false statement of a material matter in the operator registration ~~permit~~  
16 application; or
- 17 (2) Ten or more false fire alarms have occurred from the fire alarm site within a permit  
18 year.
- 19 (f) A person whose fire alarm operator registration ~~permit~~ has been revoked may be issued a  
20 new operator registration ~~permit~~ if that person:
- 21 (1) Submits documentation from the fire alarm system contractor that services the fire  
22 alarm system that it is operating properly, or that the fire alarm operator has received  
23 training in the use of the system or both if applicable, written documentation from the  
24 alarm company is required; and
- 25 (2) Pays all fees assessed or fines issued to the person under this article; and
- 26 (3) Submits a new application, and pays a reinstatement fee in accordance with the fee  
27 schedule established in Appendix A.
- 28 (g) The fire alarm administrator shall give written notification to the fire alarm operator of a  
29 suspension, revocation, or reinstatement of the operator registration.

30

31 **Section 5.** Section 10-35 of the Code of Ordinances is amended to read as follows.

32 **Sec. 10-35. - Appeals of fees, suspensions, and revocations.**

- 33 (a) A fire alarm operator may appeal the assessment of a response fee, ~~permit~~ an operator  
34 registration suspension, or ~~permit~~ revocation under this article. The fire alarm operator shall  
35 notify the fire alarm administrator in writing within ten business days of receipt of notice of  
36 fine, suspension or revocation that such fine, suspension or revocation is being appealed.  
37 Proper notification shall stay the imposition of a fee, suspension or revocation, until a  
38 decision is made by the fire alarm review authority.

1 (b) The fire alarm review authority shall conduct a hearing and consider evidence presented by  
2 the alarm operator and by other interested persons. The fire alarm review authority shall  
3 make a decision based on the preponderance of the evidence standard. The decision of the  
4 alarm review authority is the final administrative remedy for the city.

5  
6 **Section 6.** Section 10-36 of the Code of Ordinances is amended to read as follows:

7 **Sec. 10-36. - Response to fire alarm.**

8 (a) The fire alarm operator or an authorized responder listed on the alarm registration ~~permit~~  
9 shall respond to the fire alarm site within 30 minutes from the time of notification by the fire  
10 department of the activation of the fire alarm, whether false or not. The failure to respond,  
11 when requested by the fire department, shall be deemed a violation by the fire alarm  
12 operator, and fee shall be assessed in accordance with the fee schedule established in  
13 Appendix A. The fire alarm operator shall repair a fire alarm system that is not operating  
14 properly and shall establish a fire watch until repairs are completed and confirmed by the  
15 authority having jurisdiction.

16 (b) Unless the fire alarm monitoring company has verified the false fire alarm and has notified  
17 the fire department prior to dispatch, it shall be unlawful for an activated fire alarm system  
18 to be reset by any person prior to the arrival of a member of the fire department and the  
19 department's determination of the apparent cause of the alarm activation. The resetting of an  
20 activated false alarm shall be assessed with a fine in accordance with the fee schedule  
21 established at Appendix A.

22  
23 **Section 7.** Section 10-38 of the Code of Ordinances is amended to read as follows:

24 **Sec. 10-38. - Fire alarm monitoring companies.**

25 (a) All fire alarm monitoring companies shall register annually with the fire alarm administrator.  
26 Each fire alarm monitoring company shall pay a fee in accordance with the fee schedule  
27 established at Appendix A unless it is regulated by the department of business and  
28 professional regulation and has paid a local business tax for the current year to the county or  
29 municipality in the state where its permanent business location or branch office is  
30 maintained. Each monitoring company registration shall be valid for 12 months. Failure to  
31 register, or pay a fee, if applicable, shall result in a fine levied in accordance with the fee  
32 schedule established at Appendix A.

33 (b) The fire alarm monitoring company shall provide the following information:

- 34 (1) Name, street address and telephone number of the fire alarm monitoring company;  
35 (2) The names, street addresses and telephone numbers of all fire alarm operators contracted  
36 with within the territorial jurisdiction of this article;  
37 (3) The procedure used to verify the legitimacy of a fire alarm prior to notification to the fire  
38 department;  
39 (4) The name, street address and telephone number of the qualifying agent; and

1 (5) Updated customers' telephone numbers for responsible key holder. Must meet the 30-  
2 minute response time as provided in section 10-36.

3 (c) Upon registration, the fire alarm monitoring company shall be provided with a telephone  
4 number for use when reporting a fire alarm.

5 (d) Fire alarm monitoring companies shall maintain records relating to fire alarm notification for  
6 a period of at least two years, and shall provide such records to the fire alarm administrator  
7 upon request.

8 (e) Fire alarm monitoring companies shall monitor in accordance with the Florida Fire  
9 Prevention Code.

10 (f) Failure to comply with subsection (a), (b), (d) or (e) of this section shall result in a fine being  
11 levied in accordance with the schedule established at Appendix A.

12  
13 **Section 8.** Section 10-40 of the Code of Ordinances is amended to read as follows:

14 **Sec. 10-40. - Fire alarm system contractors.**

15  
16 (a) All fire alarm system contractors shall register annually with the fire alarm administrator.  
17 Each fire alarm system contractor shall pay a fee in accordance with the fee schedule  
18 established at Appendix A unless it is regulated by the department of business and  
19 professional regulation and has paid a local business tax for the current year to the county  
20 or municipality in the state where it's permanent business location or branch office is  
21 maintained. Each registration shall be valid for 12 months. Failure to register, or pay a fee  
22 if applicable, shall result in a fine levied in accordance with the fee schedule established  
23 at Appendix A.

24 (b) No person shall install, maintain, repair, alter, service or monitor fire alarm systems for  
25 compensation without being a licensed fire alarm system contractor in the State of  
26 Florida, or a fine shall be levied as established at Appendix A.

27 (c) All licensed fire alarm system contractors shall furnish each of its agents with  
28 identification cards in accordance with F.S. Chapter 489, or a fine shall be levied for each  
29 violation in accordance with the fee schedule established at Appendix A.

30 (d) Fire alarm system contractors shall install systems or equipment and use methods of  
31 installation that meet or exceed minimum Underwriters Laboratories or National Fire  
32 Protection Association 72 requirements for the appropriate installation and use control  
33 panels tested for conformance to the Security Industry Association's Control Panel  
34 Standard, or a fine shall be levied for each violation, in accordance with the fee schedule  
35 established at Appendix A.

36 (e) Fire alarm system contractors shall notify fire alarm operators of the need to register an  
37 unpermitted fire alarm upon installing, activating, reactivating, maintaining, repairing,  
38 altering or servicing ~~activate or service~~ an unregistered alarm system, ~~unless it is~~  
39 ~~permitted, or a fine shall be levied in accordance with the fee schedule established at~~  
40 ~~Appendix A.~~



- 1 (f) Fire alarm contractors shall not cause a false alarm during the servicing, repairing, testing  
 2 or inspection of an alarm system. The fire alarm operator shall not be charged with such  
 3 false alarms.
- 4 ~~(g) Fire alarm contractors shall provide all fire alarm operators with a valid alarm permit~~  
 5 ~~whenever installing, maintaining, repairing, altering or servicing a fire alarm system.~~

6

7 **Section 9.** Subsection (5) titled “Fire alarm system contractors” within the  
 8 Fire/Rescue portion of Appendix A. - Schedule of Fees, Rates and Charges is amended as  
 9 follows. Except as amended herein, the remainder of Appendix A. – Schedule of Fees, Rates and  
 10 Charges remains in full force and effect.

11 FIRE/RESCUE:

- 12 (5) *Fire alarm system contractors:*
- 13 Annual registration fee (section 10-40(a)) .....121.50
- 14 Failure to register annually (section 10-40(a)); failure to meet UL or NFPA 72  
 15 standards (section 10-40(d)); ~~activation of unpermitted fire alarm (section 10-~~  
 16 ~~40(e))~~.....152.00
- 17 Causing false fire alarm during servicing or inspection—each violation (section  
 18 10-40(f)) .....152.00
- 19 Installation, maintenance, repair, alteration or servicing by unregistered  
 20 contractor, each violation (section 10-40(b)) .....152.00
- 21 Failure to furnish agents with identification cards, each violation (section 10-  
 22 40(c)) .....61.00
- 23 ~~Failure to provide fire alarm operators with permit applications, each violation~~  
 24 ~~(section 10-40(g))~~ .....61.00

25

26 **Section 10.** It is the intention of the City Commission that the provisions of Sections 1  
 27 through 9 of this ordinance shall become and be made a part of the Code of Ordinances of the  
 28 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be  
 29 renumbered or relettered in order to accomplish such intentions.

1           **Section 11.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
2 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
3 finding shall not affect the other provisions or applications of this ordinance that can be given  
4 effect without the invalid or unconstitutional provision or application, and to this end the  
5 provisions of this ordinance are declared severable.

6           **Section 12.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
7 such conflict hereby repealed.

8           **Section 13.** This ordinance shall become effective immediately upon adoption.

9


10           **PASSED AND ADOPTED** this 4<sup>th</sup> day of May, 2017.


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\_\_\_\_\_  
LAUREN POE  
MAYOR

18    Attest:

Approved as to form and legality:

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21  
22  
23  
  
\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

  
\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

24

25    This ordinance passed on first reading this 20<sup>th</sup> day of April, 2017.

26  
27    This ordinance passed on second reading this 4<sup>th</sup> day of May, 2017.