

LEGISLATIVE #

140495A

ORDINANCE NO. 140495

1
2
3 **An ordinance of the City of Gainesville, Florida, amending the Code of**
4 **Ordinances relating to fire prevention and protection; amending Section 2-**
5 **339 related to civil citations for fire prevention and protection; amending**
6 **Sections 10-9 through 10-13 to provide for local amendments to the Florida**
7 **Fire Prevention Code; amending Sections 10-15 through 10-18 to update**
8 **provisions related to emergency access to gated developments and restricted**
9 **access occupancies; amending Sections 10-36, 10-38, 10-40, and 10-41 to**
10 **update provisions related to false fire alarms; amending Sections 10-50 and**
11 **10-51 to update provisions related to assembly occupancy safety; amending**
12 **Sections 10-61, 10-63, 10-64, 10-66, and 10-68 to update provisions related to**
13 **open and outdoor burning; amending Appendix A. Schedule of Fees, Rates**
14 **and Charges related to Fire/Rescue; providing directions to the codifier;**
15 **providing a severability clause; providing a repealing clause; and providing**
16 **an immediate effective date.**

17
18 **WHEREAS**, Article VIII, Section 2, Florida Constitution and Chapter 166, Florida
19 Statutes, confers upon municipalities the authority to conduct municipal government and to enact
20 legislation designed to promote the public health, safety, and general welfare of its citizenry; and

21 **WHEREAS**, Chapter 633, Florida Statutes, was adopted by the Florida Legislature to
22 provide a mechanism for the State Fire Marshal to adopt a uniform, statewide *Florida Fire*
23 *Prevention Code*, which shall contain uniform firesafety standards, all firesafety laws and rules
24 that pertain to and govern the design, construction, erection, alteration, modification, repair, and
25 demolition of public and private buildings, structures, and facilities, and the enforcement of such
26 firesafety laws and rules; and

27 **WHEREAS**, Section 633.202, Florida Statutes, requires the State Fire Marshal to adopt
28 an updated *Florida Fire Prevention Code* every three years; and

29 **WHEREAS**, Section 633.202, Florida Statutes, allows municipalities to adopt local
30 amendments to the *Florida Fire Prevention Code* that provide a higher degree of lifesafety and
31 firesafety and that shall be effective only until the State Fire Marshal’s adoption every third year
32 of a new edition of the *Florida Fire Prevention Code*, at which time municipalities may readopt

1 local amendments; and

2 **WHEREAS**, the State Fire Marshal has filed with the Department of State for the
3 adoption of the 5th Edition of the *Florida Fire Prevention Code*, with an effective date of
4 December 31, 2014; and

5 **WHEREAS**, this ordinance adopts local amendments to and supplements the *Florida*
6 *Fire Prevention Code* by affording the citizens of Gainesville with a higher degree of lifesafety
7 and firesafety related to ensuring an adequate water supply for firefighting, fire alarm reduction,
8 open burning and assembly occupancy safety; and

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

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

15 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
16 **CITY OF GAINESVILLE, FLORIDA:**

17 **Section 1.** The portion of Section 2-339 of the City of Gainesville Code of Ordinances
18 that pertains to violations of Chapter 10 of the Code is amended as follows. Except as amended
19 herein, the remainder of Section 2-339 remains in full force and effect.

20 **Sec. 2-339. - Applicable codes and ordinances.**

21
22 The following ordinances are enforceable by the procedures described in this division:

Section	Description	Class	Penalty
Chapter 10	All adopted fire prevention & protection codes, except NFPA 101 Chapters 5, 6, 7 and SFPC Chapters 6, 8, 31 and 42 <u>All adopted fire</u>	II	\$250.00

	<u>prevention and protection codes inclusive of the Florida Fire Prevention Code.</u>		
10-38(a)	Failure to register—fire alarm contracting or monitoring company	III	\$125.00
10-38(d)	Failure to maintain records for one year	III	\$125.00
10-39	Fire alarm verification calls required	III	\$125.00
10-40(a)	Failure to register—fire alarm system contractor	III	\$125.00
10-40(b)	Fire alarm system contractor status required	III	\$125.00
10-40(e)	Identification cards required	I	\$50.00
10-40(d)	Failure to meet UL or NVPA 72 standards	III	\$125.00
10-40(e)	Activating or servicing unpermitted alarm system	III	\$125.00
10-70(b)	Failure to obtain burning permit — Residential	I	\$75.00
10-70(b)	Failure to obtain burning permit — Commercial	II	\$150.00
10-70(d)	Failure to obtain burning permit — Boiler	I	\$75.00
10-71	Failure to obtain burn permit — Pyrotechnic	II	150.00
Chapter 10	NFPA 101 Chapters 5, 6, 7 SFPC Chapters 6, 8, 31 and 42	IV	\$200.00

1

2 **Section 2.** Section 10-9 of the Code of Ordinances is amended as follows.

3 **Sec. 10-9. – Florida Fire Prevention Code and Life Safety Code adopted.**

4

5 The Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshal,
6 which shall operate in conjunction with the Florida Building Code, are hereby adopted for the
7 purpose of prescribing regulations governing conditions hazardous to life and property from fire
8 and explosion, as fully as if set out at length herein. Except as modified in this chapter, the
9 provisions herein adopted shall be controlling within the corporate limits of the city. The
10 minimum fire safety codes shall not apply to buildings and structures subject to the uniform fire
11 safety standards under F.S. § 633.206022, and buildings and structures subject to the minimum
12 fire safety standards adopted pursuant to F.S. § 394.879.

13 **Section 3.** Section 10-10 of the Code of Ordinances is deleted and replaced as follows to

14 adopt a local amendment to the Florida Fire Prevention Code.

15 ~~**Sec. 10-10. – Amendments to NFPA 1 Section 13.1.3 of the Florida Fire Prevention Code.**~~

16

17 ~~NFPA 1 Section 13.1.3 is amended by adding the following:~~

18 ~~*Interfering with fire hydrants prohibited; exception.* It shall be unlawful for any person to~~
19 ~~interfere with the fire hydrants in the city by unscrewing the caps on same or by taking water~~

1 therefrom for private or personal use, except with the written consent of the fire chief.

2

3 **Sec. 10-10. - Amendments to NFPA 1 Section 13.1.3 of the Florida Fire Prevention Code.**

4

5 NFPA 1 Section 13.1.3 is amended by adding the following:

6 *Interfering with fire hydrants prohibited; exception.* It shall be unlawful for any person to
7 interfere with the fire hydrants in the city by unscrewing the caps on same or by taking water
8 therefrom for private or personal use, except with the written consent of the fire chief.

9 **Section 4.** Section 10-11 of the Code of Ordinances is deleted and replaced as follows to

10 adopt a local amendment to the Florida Fire Prevention Code.

11 **~~Sec. 10-11. - Amendments to NFPA 1 Section 18.3.3 of the Florida Fire Prevention Code.~~**

12

13 ~~NFPA 1 Section 18.3.3 is amended by adding the following:~~

14 ~~(1) — Every water supply for fire protection use shall be designed and installed in accordance~~
15 ~~with the Gainesville Regional Utilities' "Potable Water, Wastewater & Reclaimed Water~~
16 ~~Design Standards and Construction Details, and Material Standards Manual."~~

17 ~~(2) — The fire protection water supply for a building equipped with an automatic fire sprinkler~~
18 ~~system shall be designed and installed so as to provide an adequate fire flow in~~
19 ~~accordance with section 18.4 of the 2009 edition of NFPA 1. The fire protection water~~
20 ~~supply for a building not equipped with an automatic fire sprinkler system shall be~~
21 ~~designed and installed so as to provide an adequate fire flow in accordance with the~~
22 ~~greater requirement of either section 18.4 of the 2009 edition of NFPA 1, or the 2008~~
23 ~~edition of the Guide for Determination of Required Fire Flow, published by Insurance~~
24 ~~Service Office. One copy of the ISO guide and one copy of section 18.4 of the 2009~~
25 ~~edition of NFPA 1 have been deposited in the office of the city clerk and shall be kept in~~
26 ~~that office for public use, inspection and examination. The provisions of this subsection~~
27 ~~notwithstanding, the fire flow requirements may be varied at the discretion of the fire~~
28 ~~chief, or designee, if such official finds that adequate fire protection can be provided~~
29 ~~without such fire flow and/or the building is provided with a fully automatic fire~~
30 ~~extinguishing system.~~

31 ~~(3) — Where the fire protection water supply is not provided by the central water distribution~~
32 ~~system, it shall be separate and distinct from any domestic water supply provided by the~~
33 ~~central water distribution system.~~

34 ~~(4) — The installation of the fire protection water supply shall be coordinated with the~~
35 ~~installation of other underground utilities to be located on the property. A water supply~~
36 ~~for fire protection, either temporary or permanent, shall be made available as soon as~~
37 ~~combustible material accumulates. Where underground water mains and hydrants are to~~
38 ~~be provided, they shall be installed, completed, and in service prior to building~~
39 ~~construction work.~~

- 1 ~~(5) — Where the fire protection water supply is provided by an extension of the central water~~
2 ~~distribution system, the extension, if approved and accepted by GRU, shall be conveyed~~
3 ~~to the city, at no cost to the city, together with any necessary easements to permit city~~
4 ~~maintenance of the water supply.~~
- 5 ~~(6) — All costs associated with the construction and installation of a water distribution system~~
6 ~~extension, including the cost of inspection services performed by the city, shall be paid in~~
7 ~~full by the owner or developer prior to acceptance of the extension by the city.~~
- 8 ~~(7) — The number of fire hydrants required for a project will be determined based on the fire~~
9 ~~flow demand calculations identified in (2) above. One hydrant will be required for each~~
10 ~~1,000 GPM of demand, with at least one hydrant located within 500 feet of the most~~
11 ~~remote point of the building, as the fire truck drives. The remaining hydrants shall be~~
12 ~~located within 1,000 feet of the most remote point of the building, as the fire truck drives.~~
13 ~~All fire hydrants must meet the fire hydrant standards of this section and the Gainesville~~
14 ~~Regional Utilities' "Potable Water, Wastewater & Reclaimed Water Design Standards~~
15 ~~and Construction Details, and Material Standards Manual."~~
- 16 ~~(8) — The provisions in subsection (7) notwithstanding, the fire hydrant requirements may be~~
17 ~~varied at the discretion of the fire chief if such official or their designee finds that~~
18 ~~adequate fire protection can be provided from an approved fire hydrant which does not~~
19 ~~meet such requirements and/or a fully automatic fire extinguishing system.~~
- 20 ~~(9) — No hydrant shall be installed that is not capable of providing at minimum a 1,000 GPM~~
21 ~~or greater flow. The water distribution system supplying the hydrants must be capable of~~
22 ~~providing at minimum a 1,500 GPM or greater flow.~~
- 23 ~~(10) — Cost of reconstruction. Where a portion of the central water distribution system must be~~
24 ~~reconstructed to meet the requirements of this section, the owner or developer will be~~
25 ~~assessed any costs incurred by the city in accordance with section 27-99 of the City of~~
26 ~~Gainesville Code of Ordinances.~~
- 27 ~~(11) — Access during construction or alteration. During construction or alteration of any~~
28 ~~building, access to the building and any hydrant which serves any portion of the building~~
29 ~~shall be provided for fire protection purposes without interference or obstruction.~~
- 30 ~~(12) — Prohibitions. It shall be unlawful for any person to construct, or cause to be constructed,~~
31 ~~any building which does not meet the requirements of this section unless the~~
32 ~~requirements have been varied by the fire chief designated in this article as being~~
33 ~~authorized to vary such requirements. It shall also be unlawful to alter, cause to be~~
34 ~~altered, occupy or allow to be occupied any building constructed after August 10, 1981,~~
35 ~~which does not meet the requirements of this section unless the requirements have been~~
36 ~~varied as provided in this section.~~

37

38 **Sec. 10-11. - Amendments to NFPA 1 Sections 18.3, 18.4, and 18.5 of the Florida Fire**
39 **Prevention Code.**

40

41 NFPA 1 Sections 18.3, 18.4, and 18.5 are amended by adding the following:

- 1 (1) Every water supply for fire protection use shall be designed and installed in accordance
2 with the Gainesville Regional Utilities "Potable Water, Wastewater & Reclaimed Water
3 Design Standards and Construction Details, and Material Standards Manual."
- 4 (2) The fire protection water supply for a building equipped with an automatic fire sprinkler
5 system shall be designed and installed so as to provide an adequate fire flow in
6 accordance with Section 18.4 of the 2012 edition of NFPA 1. The fire protection water
7 supply for a building not equipped with an automatic fire sprinkler system shall be
8 designed and installed so as to provide an adequate fire flow in accordance with the
9 greater requirement of either Section 18.4 of the 2012 edition of NFPA 1, or the 2008
10 edition of the Guide for Determination of Required Fire Flow, published by Insurance
11 Service Office. One copy of the ISO guide and one copy of Section 18.4 of the 2012
12 edition of NFPA 1 shall be kept in the office of the City Clerk for public use, inspection
13 and examination. The provisions of this subsection notwithstanding, the fire flow
14 requirements may be varied at the discretion of the Fire Chief or designee if such official
15 finds that adequate fire protection can be provided without such fire flow and/or the
16 building is provided with a fully automatic fire extinguishing system.
- 17 (3) Where the fire protection water supply is not provided by the central water distribution
18 system, it shall be separate and distinct from any domestic water supply provided by the
19 central water distribution system.
- 20 (4) The installation of the fire protection water supply shall be coordinated with the
21 installation of other underground utilities to be located on the property. A water supply
22 for fire protection, either temporary or permanent, shall be made available as soon as
23 combustible material accumulates. Where underground water mains and hydrants are to
24 be provided, they shall be installed, completed, and in service prior to building
25 construction work.
- 26 (5) Where the fire protection water supply is provided by an extension of the central water
27 distribution system, the extension, if approved and accepted by GRU, shall be conveyed
28 to the city, at no cost to the city, together with any necessary easements to permit city
29 maintenance of the water supply.
- 30 (6) All costs associated with the construction and installation of a water distribution system
31 extension, including the cost of inspection services performed by the city, shall be paid in
32 full by the owner or developer prior to acceptance of the extension by the city.
- 33 (7) The number of fire hydrants required for a project will be determined based on the fire
34 flow demand calculations identified in (2) above. One hydrant will be required for each
35 1,000 GPM of demand, with at least one hydrant located within 500 feet of the most
36 remote point of the building, as the fire truck drives. The remaining hydrants shall be
37 located within 1,000 feet of the most remote point of the building, as the fire truck drives.
38 All fire hydrants shall meet the fire hydrant standards of this section and the Gainesville
39 Regional Utilities "Potable Water, Wastewater & Reclaimed Water Design Standards and
40 Construction Details, and Material Standards Manual."
- 41 (8) The provisions in subsection (7) notwithstanding, the fire hydrant requirements may be
42 varied at the discretion of the Fire Chief or designee if adequate fire protection can be

1 provided from an approved fire hydrant that does not meet such requirements and/or a
2 fully automatic fire extinguishing system.

3 (9) No hydrant shall be installed that is not capable of providing at minimum a 1,000 GPM
4 or greater flow. The water distribution system supplying the hydrants must be capable of
5 providing at minimum a 1,500 GPM or greater flow.

6 (10) Cost of reconstruction. Where a portion of the central water distribution system must be
7 reconstructed to meet the requirements of this section, the owner or developer will be
8 assessed any costs incurred by the city in accordance with Section 27-99 of the City of
9 Gainesville Code of Ordinances.

10 (11) Access during construction or alteration. During construction or alteration of any
11 building, access to the building and any hydrant that serves any portion of the building
12 shall be provided for fire protection purposes without interference or obstruction.

13 (12) Prohibitions. It shall be unlawful for any person to construct, or cause to be constructed,
14 any building that does not meet the requirements of this section unless the requirements
15 have been varied by the Fire Chief designated in this article as being authorized to vary
16 such requirements. It shall also be unlawful to alter, cause to be altered, occupy or allow
17 to be occupied any building constructed after August 10, 1981, that does not meet the
18 requirements of this section unless the requirements have been varied as provided in this
19 section.

20 **Section 5.** Section 10-12 of the Code of Ordinances is deleted and replaced as follows to
21 adopt a local amendment to the Florida Fire Prevention Code.

22 **~~Sec. 10-12. – Amendments to NFPA 1 Section 18.3.6 of the Florida Fire Prevention Code.~~**

23 ~~NFPA 1 Section 18.3.6 is amended by adding the following:~~

24 ~~When required, protective posts shall meet the following minimum requirements:~~

- 25 ~~a. — Be a minimum of three inch diameter schedule 40 PVC or three inch diameter~~
- 26 ~~steel pipe set in 36 inches depth of concrete at least 15 inches in diameter. The~~
- 27 ~~inside of the pipe shall be filled with solid concrete.~~
- 28 ~~b. — Be located at least three feet from the fire hydrant.~~
- 29 ~~c. — Extend above ground to a minimum of fire hydrant height.~~
- 30 ~~d. — Be spaced a minimum of three linear feet to protect the fire hydrant.~~

32 **Sec. 10-12. – Amendments to NFPA 1 Section 18.5.5 of the Florida Fire Prevention Code.**

33 NFPA 1 Section 18.5.5 is amended by adding the following:

34 When required, protective posts shall meet the following minimum requirements:

- 1 a. Be a minimum of three-inch diameter schedule 40 PVC or three-inch diameter
- 2 steel pipe set in 36 inches depth of concrete at least 15 inches in diameter. The
- 3 inside of the pipe shall be filled with solid concrete;
- 4 b. Be located at least three feet from the fire hydrant;
- 5 c. Extend above ground to a minimum of fire hydrant height; and
- 6 d. Be spaced a minimum of three linear feet to protect the fire hydrant.

7 **Section 6.** Section 10-13 of the Code of Ordinances is deleted and replaced as follows to
 8 adopt a local amendment to the Florida Fire Prevention Code.

9 ~~**Sec. 10-13. – Amendments to NFPA 1 Section 18.4.5 of the Florida Fire Prevention Code.**~~

10 ~~NFPA 1 Section 18.4.5 is amended by adding the following:~~

11 ~~The Authority Having Jurisdiction (AHJ) reserves the right to establish needed fire flow for~~
 12 ~~structures not meeting the definition of a building in NFPA 1 Section 3.3.27 that based upon~~
 13 ~~stock, supplies, equipment, or content, presents a significant fire suppression load.~~

15 **Sec. 10-13. – Amendments to NFPA 1 Section 18.4.5 of the Florida Fire Prevention Code.**

16 NFPA 1 Section 18.4.5 is amended by adding the following:

17 The Authority Having Jurisdiction (AHJ) reserves the right to establish needed fire flow for
 18 structures not meeting the definition of a building in NFPA 1 Section 3.3.30 that based upon
 19 stock, supplies, equipment, or content, presents a significant fire suppression load.

20 **Section 7.** Section 10-15 of the Code of Ordinances is amended as follows.

21 **Sec. 10-15. - Definitions.**

22
 23 [The following words, terms and phrases, when used in this article, shall have the meanings
 24 ascribed to them in this section, except where the context clearly indicates a different meaning.]

25 *Emergency vehicle* means any marked or unmarked police cars or vans, fire trucks, fire
 26 rescue vehicle, emergency rescue vehicles, fire staff vehicles, ambulances and ambulance staff
 27 vehicles, or city regional utility vehicles.

28 *Emergency vehicle access system* means Opticom and compatible technology, or other
 29 emergency access technology approved by Gainesville Fire Rescue.

30 *Gated development* means any residential or commercial development that may be fenced
 31 and has a secured gate at the roadway entrance to the facility preventing free access by the
 32 public.

1 *Residential development* does not include individual homes or one- and two-family
2 occupancies with individual gates.

3 *Restricted access occupancy* means any multiple residential occupancy with interior
4 corridors for access to the individual residential units and restricted access ~~that~~which prevents
5 the general public from accessing the interior corridors.

6 **Section 8.** Section 10-16 of the Code of Ordinances is amended as follows.

7 **Sec. 10-16. - Uniform emergency access to gated developments and restricted access**
8 **occupancies.**

- 9
- 10 (a) Each new or existing residential or commercial development, ~~or business occupancy, that~~
11 has access to ~~which is~~ limited by any security gates or gates ~~that~~which are not attended on
12 a 24-hour basis; shall install an emergency vehicle access system as herein designated.
- 13 (b) Each new or existing restricted access occupancy, ~~which that~~ does not have a person on
14 premises 24 hours a day to provide access; shall install ~~an emergency access system as~~
15 ~~herein designated.~~ a Knox Box keyed with the City of Gainesville system code.

16 **Section 9.** Section 10-17 of the Code of Ordinances is amended as follows.

17 **Sec. 10-17. – Emergency access system.**

- 18 (a) *Equipment.* An emergency access system shall consist of:
- 19 (1) An alarmed ~~lock box~~ Knox Box, keyed with the City of Gainesville system code
20 and containing which contains a key to the building, that shall be affixed to the
21 building in a location approved by the fire official; or
- 22 (2) ~~Opticom technology or~~ and compatible technology or other emergency access
23 technology approved by Gainesville Fire Rescue.
- 24 (b) *Personnel.* The fire official shall develop and administer procedures to assure the security
25 of the emergency access system.

26 **Section 10.** Section 10-18 of the Code of Ordinances is deleted in its entirety as follows,

27 and Sections 10-19 and 10-20 shall be renumbered accordingly.

28 **Sec. 10-18. — Time for compliance.**

- 29 ~~(a) — An existing gated development shall install an emergency vehicle access system on or~~
30 ~~before October 1, 2004. Gated developments that are completed after October 1, 2002,~~
31 ~~shall install an emergency vehicle access system prior to or concurrent with the~~
32 ~~installation of a security gate.~~
- 33 ~~(b) — An existing restricted access occupancy shall install an emergency lock box access~~
34 ~~system on or before October 1, 2003. Restricted access occupancy that is completed after~~

1 ~~October 1, 2002, shall install an emergency lock box access system prior to or concurrent~~
 2 ~~with installation of the restricted access device.~~

3 ~~(e) For purposes of this article, a gated development or restricted access occupancy shall be~~
 4 ~~considered an existing development or building if it has obtained "final site plan~~
 5 ~~approval" as defined in chapter 30 of this Code, prior to September 10, 2002.~~

6 **Section 11.** Section 10-36 of the Code of Ordinances is amended as follows.

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

8 (a) The fire alarm operator or an authorized responder listed on the alarm permit shall
 9 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
 11 respond, when requested by the fire department, shall be deemed a violation by the fire
 12 alarm operator, and fee shall be assessed in accordance with the fee schedule established
 13 in Appendix A. The fire alarm operator shall repair a fire alarm system that is not
 14 operating properly and shall establish a fire watch until repairs are completed and
 15 confirmed by the authority having jurisdiction.

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

23 **Section 12.** Section 10-38 of the Code of Ordinances is amended as follows.

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

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

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

35 (1) Name, street address and telephone number of the fire alarm monitoring
 36 company;

37 (2) The names, street addresses and telephone numbers of all fire alarm operators
 38 contracted with within the territorial jurisdiction of this article;

- 1 (3) The procedure used to verify the legitimacy of a fire alarm prior to notification to
2 the fire department;
- 3 (4) The name, street address and telephone number of the qualifying agent; and
- 4 (5) Updated customers' telephone numbers for responsible key holder. Must meet
5 the thirty (30) minute response time as provided in Section 10-36.
- 6 (c) Upon registration, the fire alarm monitoring company shall be provided with a telephone
7 number for use when reporting a fire alarm.
- 8 (d) Fire alarm monitoring companies shall maintain records relating to fire alarm notification
9 for a period of at least two years, and shall provide such records to the fire alarm
10 administrator upon request.
- 11 (e) Fire alarm monitoring companies shall monitor in accordance with the Florida Fire
12 Prevention Code.
- 13 (f) Failure to comply with subsection (a), (b), (d) or (e) of this section shall result in a fine
14 being levied in accordance with the schedule established at Appendix A.

15 **Section 13.** Section 10-40 of the Code of Ordinances is amended as follows.

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

- 17
- 18 (a) All fire alarm system contractors shall register annually with the fire alarm administrator.
19 Each fire alarm system contractor shall pay a fee in accordance with the fee schedule
20 established at Appendix A unless it is regulated by the department of business and
21 professional regulation and has paid a local business tax for the current year to the county
22 or municipality in the state where it's permanent business location or branch office is
23 maintained. Each registration shall be valid for 12 months. Failure to register, or pay a fee
24 if applicable, shall result in a fine levied in accordance with the fee schedule established
25 at Appendix A.
- 26 (b) No person shall install, maintain, repair, alter, service or monitor fire alarm systems for
27 compensation without being a licensed fire alarm system contractor in the State of
28 Florida, or a fine shall be levied as established at Appendix A.
- 29 (c) All licensed fire alarm system contractors shall furnish each of its agents with
30 identification cards in accordance with F.S. § Chapter 489, or a fine shall be levied for
31 each violation in accordance with the fee schedule established at Appendix A.
- 32 (d) Fire alarm system contractors shall install systems or equipment and use methods of
33 installation that meet or exceed minimum Underwriters Laboratories or National Fire
34 Protection Association 72 requirements for the appropriate installation and use control
35 panels tested for conformance to the Security Industry Association's Control Panel
36 Standard, or a fine shall be levied for each violation, in accordance with the fee schedule
37 established at Appendix A.
- 38 (e) Fire alarm system contractors shall not activate or service an 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 ~~an~~ a valid alarm permit
 5 ~~application~~, whenever installing, maintaining, repairing, altering or servicing a fire alarm
 6 system, ~~unless the fire alarm contractor reasonably believes that the fire alarm operator~~
 7 ~~already holds a valid permit.~~

8 **Section 14.** Section 10-41 of the Code of Ordinances is amended as follows.

9 **Sec. 10-41. – Prohibited fire alarm devices.**

10 It is unlawful for a person to operate a fire alarm system equipped with an automatic dialing
 11 device programmed to connect directly to the fire department or public safety combined
 12 communications center. All automatic dialing systems and radio systems shall communicate fire
 13 alarm notifications to a person who has accepted the responsibility of relaying the fire alarm or to
 14 a business licensed by the State of Florida to engage in the relaying of fire alarm notifications. A
 15 fine shall be levied in accordance with the fee schedule established at Appendix A for violation
 16 of this subsection.

17 **Section 15.** Section 10-50 of the Code of Ordinances is amended as follows.

18 **Sec. 10-50. – Definitions.**

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

21 *Assembly occupancy owner* shall refer to the owner of the business providing direct
 22 services relating to the activities that occur within the building, and shall refer to the owner of the
 23 property that may have leased the structure to the individual owning the business.

24 *Crowd manager*, as required by section 20.1.5.6, NFPA 1, means an individual who has
 25 successfully completed a crowd manager program, approved by the Gainesville Fire Rescue
 26 Department, and has obtained an official identification card.

27 ~~*Emergency evacuation alert network* means an automated system to alert patrons to an~~
 28 ~~emergency, adequate to be heard and effective by a person of normal sensitivity, especially in~~
 29 ~~relation to the level of noise and distraction accompanying the event.~~

30 *Fire department connection* means a connection to the automatic sprinkler system or
 31 standpipe system of a structure that is utilized by fire rescue to provide additional water pressure
 32 for the system to work at capacity due to hose streams or inadequate supply.

33 **Section 16.** Section 10-51 of the Code of Ordinances is amended as follows.

34 **Sec. 10-51. – Requirements for assembly occupancy owners and crowd managers.**

- 1 (a) Each assembly occupancy owner shall ensure: that a credentialed crowd manager is on
 2 duty when 50 or more for every 250 individuals are present within ~~their~~ a facility or
 3 special permitted area ~~(unless exempt)~~, and that an additional crowd manager(s) is on
 4 duty when an occupancy reaches 250 and for every additional 250 thereafter. Each
 5 assembly occupancy owner shall ensure that all crowd managers are ~~and the crowd~~
 6 ~~manager~~ is equipped with the supplies listed within subsections (b) and (c) of this section,
 7 and shall ensure that the crowd manager(s) is ensuring compliance with subsections (d),
 8 (e), and (f) of this section.
- 9 (b) Each crowd manager on duty ~~shall must~~ have a valid GFR Risk Reduction Bureau issued
 10 crowd manager identification card available on premises and a counting device for
 11 keeping track of the occupant load.
- 12 (c) Each crowd manager, designated by the assembly owner, shall ensure an accurate count
 13 of occupant load is maintained at all times the business is open to the public, for the
 14 purpose of preventing overcrowding.
- 15 (d) Each crowd manager, designated by the assembly owner, shall ensure all exits are open
 16 and free of obstruction.
- 17 (e) Each crowd manager, designated by the assembly owner, shall ensure a mechanism for
 18 alerting the crowd and providing evacuation instructions are operational and available for
 19 use.
- 20 (f) Each crowd manager, designated by the assembly owner, shall ~~ensure, based upon~~
 21 ~~maintaining~~ an accurate crowd count; to ensure that overcrowding ~~is avoided~~ does not
 22 occur.

23 **Section 17.** Section 10-61 of the Code of Ordinances is amended as follows.

24 **Sec. 10-61. – Applicability; exceptions.**

25 This article applies to all outdoor burning and open burning within the City of Gainesville,
 26 except the following:

- 27 (a) Grilling or cooking food using charcoal, wood, propane or natural gas in cooking or
 28 grilling appliances.
- 29 (b) The use of propane, acetylene, natural gas, gasoline or kerosene in a device that is third
 30 party tested and intended for heating, construction or maintenance activities.

31 **Section 18.** Section 10-63 of the Code of Ordinances is amended as follows.

32 **Sec. 10-63. – General prohibition on outdoor burning and open burning.**

33 Open burning and outdoor burning are prohibited in the City of Gainesville unless otherwise
 34 specifically permitted as provided by this article. Open burning of the following materials is
 35 expressly prohibited and shall not be permitted:

- 1 (a) ~~Open burning of~~ Refuse and/or household garbage. ~~Open burning of the following~~
 2 ~~materials is prohibited.~~
- 3 (b~~1~~) Construction and demolition waste.
- 4 (c~~2~~) Hazardous substances including but not limited to batteries, household chemicals,
 5 pesticides, used oil, gasoline, paints, varnishes, and solvents.
- 6 (d~~3~~) Furniture and appliances.
- 7 (e~~4~~) Tires.
- 8 (f~~5~~) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or
 9 urethane foam, and synthetic fabrics, plastic films and plastic containers.
- 10 (g~~6~~) Newspaper.
- 11 (h~~7~~) Corrugated cardboard, container board, boxes, books, magazines, printed materials, or
 12 office paper.
- 13 (i~~8~~) Treated or painted wood including but not limited to plywood, composite wood products
 14 or other wood products that are painted, varnished or treated with preservatives.

15 **Section 19.** Section 10-64 of the Code of Ordinances is amended as follows.

16 **Sec. 10-64. – Burning of trees, logs, brush, stumps, leaves, and grass clippings.**

17 Except as may be authorized by F.S. Ch. 590 and Rule 51-2, Florida Administrative Code, open
 18 burning of trees, logs, brush, stumps, leaves, and grass clippings is prohibited, except that
 19 commercial land clearing debris burning is permitted if, prior to the burn, an application is
 20 submitted with the appropriate fee and the Risk Reduction Bureau inspects the site and issues a
 21 burn permit with any necessary conditions. ~~with the use of an open pit, air curtain and~~
 22 ~~availability of heavy equipment provided a permit with a site visit is applied for and issued for~~
 23 ~~each incident.~~ A permit may be terminated for noncompliance upon notice to the holder of the
 24 permit.

25 **Section 20.** Section 10-66 of the Code of Ordinances is amended as follows.

26 **Sec. 10-66. – Prescribed burning.**

27 Fires set for forest, prairie, and wildlife ~~habitat~~ habitat management are allowed only if
 28 conducted in accordance with F.S. §590.125 and Rule 51-2, Florida Administrative Code.

29 **Section 21.** Section 10-68 of the Code of Ordinances is amended as follows.

30 **Sec. 10-68. – Patio wood-burning units.**

31 A patio wood-burning unit may be installed and used in the City of Gainesville only in
 32 accordance with ~~all~~ of the following provisions:

- 33 (a) The patio wood-burning unit shall not be used to burn refuse.

- 1 (b) The patio wood-burning unit shall burn only clean wood or a commercially prepared log
- 2 product designed for outdoor burning.
- 3 (c) The patio wood-burning unit shall be located at least 25 feet from the nearest structure
- 4 ~~that~~which is not on the same property as the patio wood-burning unit.
- 5 (d) The patio wood-burning unit shall not cause a hazard or otherwise create a nuisance to
- 6 neighboring property.
- 7 (e) Commercially prepared log product shall be used in accordance with the manufacturer's
- 8 recommendation.

9 **Section 22.** Appendix A. - Schedule of Fees, Rates and Charges is amended as
 10 follows. Except as amended herein, the remainder of Appendix A. – Schedule of Fees, Rates and
 11 Charges remains in full force and effect.

12 FIRE/RESCUE:

- 13 (1) *Fire alarm operators:*
- 14 Application for fire alarm or annual renewal application17.25
- 15 Application for fire alarm or annual renewal for integrated fire and burglar alarm
- 16 system0.00
- 17 (Note: proportionately adjusted for initial periods exceeding one year (section 10-
- 18 32))
- 19 (2) *False alarms:*
- 20 First with valid permit0.00
- 21 First without valid permit, or second with valid permit, each129.75
- 22 Third and fourth, each129.75
- 23 Fifth, sixth and seventh, each297.75
- 24 Eighth and above, each749.75
- 25 (Note: reduced to \$11.50 if false fire alarm caused by system malfunction and
- 26 proof of timely service/repair is submitted to the False Alarm Reduction Unit ~~fire~~
- 27 ~~department~~ (section 10-33(d))
- 28 Non-permitted system, additional fee243.00
- 29 (Note: reduced to \$61.00 if application filed within 10 days (section 10-33))
- 30 Fire alarm permit reinstatement fee after revocation (section 10-34)61.00
- 31 Failure to respond when requested by the fire department (section 10-36)61.00
- 32 Resetting of an activated fire alarm prior to receiving approval from the fire

1 ~~department arrival of fire department and approval for resetting~~152.00

2 ~~Failure to deactivate fire alarm within 15 minutes (section 10-37~~152.00

3

4 (3) *Prohibited devices:*

5 Automatic dialing device (section 10-41 (a))152.00

6 Auxiliary power supply less than four-hour minimum (section 10-42)152.00

7

8 (4) *Fire alarm monitoring companies:*

9 Annual registration fee (section 10-38)121.50

10 Failure to register or to maintain records for two years (section 10-38(d))
11152.00

12 Failure to monitor in accordance with the Florida Fire Prevention Code (section
13 10-38)152.00

14 Failure to verify alarm (section 10-39)152.00

15

16 (5) *Fire alarm system contractors:*

17 Annual registration fee (section 10-40(a))121.50

18 Failure to register annually (section 10-40(a)); failure to meet UL or NFPA 72
19 standards (section 10-40(d)); activation of unpermitted fire alarm (section 10-
20 40(e))152.00

21 Causing false fire alarm during servicing or inspection—each violation (section
22 10-40(f))152.00

23 Installation, maintenance, repair, alteration or servicing by unregistered
24 contractor, each violation (section 10-40(b))152.00

25 Failure to furnish agents with identification cards, each violation (section 10-
26 40(c))61.00

27 Failure to provide fire alarm operators with permit applications, each violation
28 (section 10-40(g))61.00

29

30 (6) *Fire inspection (Chapter 10)*

31 square footage of inspected structure:

32 0—3,00066.25

33 Over 3,000—5,00077.25

34 Over 5,000—10,00088.25

35 Over 10,000—50,00099.25

- 1 Over 50,000—100,000110.25
- 2 Over 100,000—150,000121.25
- 3 Over 150,000—200,000132.25
- 4 Over 200,000165.50

5

6 (7) Burning leaves, brush, clean wood or other vegetative debris § 10-70

- 7 Residential, per event55.25
- 8 Commercial, per event110.25

9

10 (8) Annual burning permit for each burn barrel and/or outdoor wood-fired boiler § (section

11 10-70)55.25

12

13 (9) Pyrotechnic display § (section 10-70)110.25

14 **Section 23.** It is the intention of the City Commission that the provisions of Sections 1

15 through 22 of this ordinance shall become and be made a part of the Code of Ordinances of the

16 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be

17 renumbered or relettered in order to accomplish such intentions.

18 **Section 24.** If any word, phrase, clause, paragraph, section or provision of this ordinance

19 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

20 finding shall not affect the other provisions or applications of this ordinance that can be given

21 effect without the invalid or unconstitutional provision or application, and to this end the

22 provisions of this ordinance are declared severable.

23 **Section 25.** All ordinances or parts of ordinances in conflict herewith are to the extent of

24 such conflict hereby repealed.

25 **Section 26.** This ordinance shall become effective immediately upon adoption.

26

27

1 **PASSED AND ADOPTED** this _____ day of _____, 2015.

2

3

4

5

EDWARD B. BRADDY
MAYOR

6

7

8

9 Attest:

Approved as to form and legality:

10

11

12

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

13

14

15

16 This ordinance passed on first reading this _____ day of _____, 2015.

17

18 This ordinance passed on second reading this _____ day of _____, 2015.