

021198B

**GAINESVILLE FIRE RESCUE**  
**INTER-OFFICE COMMUNICATION**

**Date:** April 26, 2005  
**To:** Marion Radson, City Attorney  
**From:** Elmond D. Taylor, Assistant Fire Chief  
**Subject:** FAO - April 2005 Update

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On **January 13, 2005**, I met with Dr. William Properzio, Director of the Division of Environmental Health & Safety, regarding the proposed false fire alarm ordinance. During the course of the meeting, I shared the following points with Dr. Properzio:

- 1) The City plans to move forward with adoption of the ordinance and subsequent implementation.
- 2) The City is targeting July 1, 2005 as the implementation date to allow affected parties an opportunity to plan and budget for the impact
- 3) The ordinance establishes a user fee that all are subject to, including governmental subdivisions of the State:
  - a) both the City, County and others have been paying the Burglar alarm permit fees,
  - b) it would be illegal to carve out any entity as being exempt, and
  - c) we consider the provisions contained in the ordinance as payment for services rendered.
- 4) The University might consider exploring passing some of the cost on to its customers (i.e.: fraternities, sororities, Shands, etc.)
- 5) I shared with Dr. Properzio how we intend to implement the ordinance including:
  - a) each building will have its own permit,
  - b) there will be no sharing, transference, or banking of the freebies (i.e., 300 buildings have alarms in the year...cannot apply 300 'free' false alarms to other problematic buildings)
- 6) I shared with Dr. Properzio what might be the financial impact to the University.

Dr. Properzio shared the following points with me:

- 1) The University maintains its position that it is not subject to local ordinance,
- 2) The University is not concerned about the amount of money, rather the principle, and does not want to set a dangerous precedent,
- 3) He is still willing to implement the two suggestions stated in the last letter from Ed Poppell, Vice President for Finance and Administration, to the Mayor, and
- 4) He does not think the ordinance will provide the incentive to change behaviors.

On **March 16, 2005** the Interim City Manager transmitted a letter to Mr. Ed Poppell. . The letter contained these key points:

- 1) The City still intends to move forward with the ordinance,
- 2) The proposed ordinance is a user fee that all are subject to,
- 3) The FSU and FAMU schools pay a Fire Assessment Fee for services to the City of Tallahassee, and
- 4) Estimated cost to the University based upon 552 buildings.

Although the cost associated with our provision of services to the University of Florida has consistently been downplayed, and the clear and primary goal of this ordinance continues to be improved life safety. It is still relevant to note that in calendar year 2004, the City lost approximately \$19,000 in recoverable revenue as the result of Alachua County Fire Rescue's designated assistance responses to non-EMS incidents on campus. This figure includes both actual emergencies and false alarms, and is illustrative of two important points that have bearing on the false alarm ordinance: 1) there is a real and significant fiscal impact of such calls to the citizens of Gainesville – particularly false alarms in that they are the bulk of all UF non-EMS runs, and 2) the payment of user fees between

governmental entities is well-established, as here, where one entity (the City) is compensating another (the County) for services that it has provided within its jurisdiction (UF). Further, Gainesville, Alachua County, Alachua County School Board, and State of Florida entities all currently participate, (by paying permit fees and false alarm fines), in the locally adopted and highly successful False Burglar Alarm Reduction program. We have made every effort to communicate his message to Dr. Properzio and staff at the University of Florida by telephone prior to and in person at our January 2005 meeting, as well as via written correspondence directed out of the Fire Rescure Department and the City Manager's office. Based on the results of these interactions, I believe any further attempts to solicit UF's tacit buy-in of the ordinance meritless.

While we are not requesting direct compensation at this time for any service that we provide to the University, we are attempting, through the false alarm ordinance, to facilitate the installation of improved life safety equipment, encourage better maintenance practices, and diminish undue risk to citizens and GFR personnel, all of which will mean a significant savings to the taxpayers of Gainesville. Yet again, we stress that the potential revenue savings that may be associated with this ordinance are insignificant. Meaningful, however, are the evolutionary changes that will be precipitated citywide by adoption and enforcement of the false fire alarm ordinance. We believe its enactment will contribute to the salvation of both property and lives, for which no value may be accurately set.

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Revised 04/28/05

Ordinance 021198  
0-04-97

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An ordinance of the City of Gainesville relating to false fire alarms; creating and adding a new Article IV to Chapter 10 to be titled False Fire Alarms; adding a short title; providing definitions; requiring permits for alarm operators; providing for fees and fines; providing for suspension, revocation and reinstatement of permits; providing for appeals; providing for response to fire alarms; proscribing deactivation of audible alarms; requiring annual registration of alarm monitoring companies; providing for alarm verification; requiring annual registration of alarm contracting companies; prohibiting certain alarm devices; requiring auxiliary power supply; providing for civil citation; providing for disposition of fees and fines; disclaimer of public duty; providing for confidential records; amending section 2-339, of the Gainesville Code of ordinances relating to applicable codes and ordinances subject to civil citation; amending Appendix A, Schedule of Fees, Rates and Charges of the Gainesville Code of Ordinances, by creating a new subject heading titled "Fire/Rescue" and establishing fire alarm related fees therein; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an effective date of July 1, 2005.

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**WHEREAS**, the city commission has determined that a high incidence of false alarms and/or malfunctions causes a significant misuse of the staffing and resources of the Fire Department by causing the dispatch of units to the scene of a false alarm or alarm malfunction which renders them out of service and unavailable to respond to legitimate emergency situations; and

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**WHEREAS**, the city commission has determined that the continued high incidence of false alarms and/or malfunctions are a threat to the health, safety and welfare of the citizens of Gainesville; and

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**WHEREAS**, the city commission has determined that establishing procedures and fees for multiple false alarms and alarm malfunctions would serve the public health, safety and welfare; and

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**WHEREAS**, the city commission has determined that because the true cost of a false fire alarm response is high, assessing the true cost would be counter-productive to encouraging the proper use and maintenance of fire alarm systems; and

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**WHEREAS**, the city commission has further determined that a tiered fee system based on a portion of the true cost of a false fire alarm rather than full value, would better help achieve the goal of proper use and maintenance of fire alarm systems;

**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

**WHEREAS**, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA;**

**Section 1.** A new Article IV consisting of Sections 10-30 through 10-46, inclusive, is created and added to Chapter 10 of the Code of Ordinances of the City of Gainesville, to read as follows:

**Sec. 10-30. Short title.**

This article shall be referred to as the “City of Gainesville False Fire Alarm Ordinance.”

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

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

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

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

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

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1 Conversion means a transaction or process by which one fire alarm company begins monitoring  
2 and/or servicing either a previously unmonitored alarm system or a system previously monitored  
3 and/or serviced by another fire alarm company.

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

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

- 11  
12 (1) Fire alarms occurring as a result of lightning, wind, or other meteorological event,  
13 where there is clear evidence of physical damage to the fire alarm system verified by  
14 an alarm technician; or  
15  
16 (2) Disruption of the telephone circuit beyond the control of the fire alarm operator or its  
17 agents, verified by written communication from the telephone company; or  
18  
19 (3) An electrical power disruption or failure in excess of four hours.

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

- 24  
25 (1) A device installed on a vehicle, unless the vehicle is permanently located on the site;  
26 or  
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28 (2) A device designed to alert only the inhabitants of the device site, and that is not  
29 audible or visible from the exterior of the structure; or  
30  
31 (3) A device designed for a purpose other than to alert for fire.

32  
33 Fire alarm system contractor means a person licensed under F.S. ch.489, as an electrical or fire  
34 alarm system contractor who installs, maintains, repairs, alters, services or monitors fire alarm  
35 systems for compensation.

36  
37 Fire alarm administrator means a person or persons designated by the city manager to  
38 administer, control and review fire alarm applications, permits and false fire alarm reduction  
39 efforts.

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

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2 Fire alarm operator means any owner, tenant or other person or entity that uses or is in control  
3 of a fire alarm system, including governmental entities.  
4

5 Fire alarm operator awareness class means a class conducted by the designated authority for the  
6 purpose of educating alarm users about the responsible use and operation of alarm systems and  
7 problems created by false alarms.  
8

9 Fire alarm review authority means the city manager or designee.

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

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13 Governmental premises means a structure or area owned and maintained by a government entity.  
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15 Local fire alarm system means a fire alarm system that emits a signal at a fixed fire alarm site  
16 that is audible or visible from the exterior of the alarmed structure.  
17

18 Panic alarm means an audible or silent alarm system signal generated by the manual activation  
19 of a device intended to signal a life threatening or emergency situation requiring law  
20 enforcement response.  
21

22 Permit year means the period starting from the date of issuance of a fire alarm permit and ending  
23 one year from that date. At the discretion of the city manager or designee, the permit year for the  
24 initial registration may be not less than 12 months nor more than 24 months.  
25

26 Residential premises means any structure serving as a home, residence, or sleeping place by one  
27 person or by two or more persons who maintain a common household.  
28

29 Response fee means a fee charged by the city manager or designee when a fire response is  
30 determined by city manager or designee to be false.  
31

32 Takeover means a transaction or process by which a fire alarm company takes over control of an  
33 existing fire alarm system previously controlled by another fire alarm company.  
34

35 Verify means an attempt by the fire alarm monitoring company or its representative to contact the  
36 alarm site by telephone to determine the validity of the alarm.  
37

38 **Sec. 10-32. Alarm permit and fee.**  
39

- 40 (a) Except as otherwise proved under the definition of "permit year," every fire alarm  
41 operator shall annually apply to the fire alarm administrator for a nontransferable fire  
42 alarm permit. The permit shall be valid for one permit year and then expire.

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- (b) In accordance with the fee schedule established at Appendix A, a fee shall accompany each application or renewal for fire alarms on residential, commercial or governmental premises. The fee shall be proportionately adjusted for those permits that have an initial period greater than one year. If an operator of a single family residential has a valid permit for a burglar system, and the burglar alarm system and fire alarm system are a single integrated unit, then no separate fire alarm permit fee is required. One single fee as established at Appendix A shall suffice for both systems. The alarm administrator shall provide permit application forms that shall encompass both burglar alarm and fire alarm systems.
- (c) The fire alarm operator shall provide the following information:
- (1) The name, address and telephone number of the applicant(s);
  - (2) The address of the fire alarm site;
  - (3) The classification of the fire alarm site as residential, commercial, governmental;
  - (4) The type of system(s), such as addressable; monitored; etc;
  - (5) The names, addresses and telephone numbers of two persons who have access to the premises, the ability to reset the alarm, and who, upon request of the fire department, will respond to the alarm site within 30 minutes of notification;
  - (6) The name, address, and telephone numbers of the fire alarm monitoring company, if any;
  - (7) The name, address, and telephone number of the installer and date of installation, if known;
  - (8) The name, address and telephone number of the commercial entity that last performed maintenance on the fire alarm system, if known;
  - (9) Any dangerous conditions present at the fire alarm site;
- (d) No permit will be issued when a fine or fees are outstanding, when a reason for a previous permit revocation has not been corrected, or if the applicant provides false information.

- (e) The fire alarm operator shall submit interim updated application information within 15 days of when the on-file information has changed. A permit may be revoked if it is found to contain inaccuracies.

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

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

Additional fees shall be assessed for false fire alarms from a non-permitted fire alarm system, or from a fire alarm system with a suspended or revoked permit, as established in Appendix A. Such fees will be reduced if an application of a fire alarm system is filed within ten days of the false fire alarm and the permit is issued within ten days thereafter.

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

**Sec. 10-34. Suspension, revocation, or reinstatement of alarm permit.**

- (a) In addition to the assessment of fees or levy of fines as provided for in this article, the eighth false fire alarm response in a permit year shall result in a suspension of the fire alarm permit.



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2 (b) A fee or fine that remains unpaid in excess of 30 days shall result in a suspension of  
3 the fire alarm permit.  
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5 (c) A suspension shall remain in effect until such time as:  
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7 (1) The fire alarm operator has taken action to remedy the causes of the false fire  
8 alarms; and  
9  
10 (2) The fire alarm administrator has reinstated the permit  
11  
12 (d) During the period in which a permit is under suspension, the fee for all false alarm  
13 responses by the fire department will be in accordance with the fee prescribed in  
14 Appendix A.  
15  
16 (e) The fire alarm administrator may revoke a fire alarm permit if it is determined that:  
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18 (1) There is a false statement of a material matter in the permit application; or  
19  
20 (2) Ten or more false fire alarms have occurred from the fire alarm site within a  
21 permit year.  
22  
23 (f) A person whose fire alarm permit has been revoked may be issued a new permit if  
24 that person:  
25  
26 (1) Submits documentation from the fire alarm system contractor that services  
27 the fire alarm system that it is operating properly, or that the fire alarm  
28 operator has received training in the use of the system or both if applicable,  
29 written documentation from the alarm company is required; and  
30  
31 (2) Pays all fees assessed or fines issued to the person under this article; and  
32  
33 (3) Submits a new application, and pays a reinstatement fee in accordance with  
34 the fee schedule established in Appendix A.  
35  
36 (g) The fire alarm administrator shall give written notification to the fire alarm operator  
37 of a suspension, revocation, or reinstatement.  
38

39 **Sec. 10-35. Appeals of fees, suspensions, and revocations.**  
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- 41 (a) A fire alarm operator may appeal the assessment of a response fee, permit suspension,  
42 or permit revocation under this article. The fire alarm operator shall notify the fire

1 alarm administrator in writing within ten business days of receipt of notice of fine,  
2 suspension or revocation that such fine, suspension or revocation is being appealed.  
3 Proper notification shall stay the imposition of a fee, suspension or revocation, until a  
4 decision is made by the fire alarm review authority.

- 5  
6 (b) The fire alarm review authority shall conduct a hearing and consider evidence  
7 presented by the alarm operator and by other interested persons. The fire alarm  
8 review authority shall make a decision based on the preponderance of the evidence  
9 standard. The decision of the alarm review authority is the final administrative  
10 remedy for the city.

11  
12 **Sec. 10-36. Response to fire alarm.**

- 13  
14 (a) The fire alarm operator or an authorized responder listed on the alarm permit shall  
15 respond to the fire alarm site within 30 minutes from the time of notification by the  
16 fire department of the activation of the fire alarm, whether false or not. The failure to  
17 respond, when requested by the fire department, shall be deemed a violation by the  
18 fire alarm operator, and fee shall be assessed in accordance with the fee schedule  
19 established in Appendix A.  
20  
21 (b) Unless the fire alarm monitoring company has verified the false fire alarm and has  
22 notified the fire department prior to dispatch, it shall be unlawful for an activated fire  
23 alarm system to be reset by any person prior to the arrival of a member of the fire  
24 department and the department's determination of the apparent cause of the alarm  
25 activation. The resetting of an activated false alarm shall be assessed with a fine in  
26 accordance with the fee schedule established at Appendix A.

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28 **Sec. 10-37. Deactivation of audible alarms.**

29  
30 The fire alarm operator shall not deactivate the fire alarm until either a false alarm is verified or a  
31 fire is extinguished and conditions are determined by the fire department to be safe.

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

- 34  
35 (a) All fire alarm monitoring companies shall register annually with the fire alarm  
36 administrator. Each fire alarm monitoring company shall pay a fee in accordance  
37 with the fee schedule established at Appendix A unless it is regulated by the  
38 Department of Business and professional Regulation and has paid an occupational  
39 license tax for the current year to the county or municipality in the state where its  
40 permanent business location or branch office is maintained. Each registration shall be  
41 valid for 12 months. Failure to register, or pay a fee, if applicable, shall result in a  
42 fine levied in accordance with the fee schedule established at Appendix A.

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2 (b) The fire alarm monitoring company shall provide the following information:  
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4 (1) Name, street address and telephone number of the fire alarm monitoring  
5 company;  
6  
7 (2) The names, street addresses and telephone numbers of all fire alarm operators  
8 contracted with within the territorial jurisdiction of this article;  
9  
10 (3) The procedure used to verify the legitimacy of a fire alarm prior to  
11 notification to the fire department;  
12  
13 (4) The name, street address and telephone number of the qualifying agent.  
14  
15 (c) Upon registration, the fire alarm monitoring company shall be provided with a  
16 telephone number for use when reporting a fire alarm.  
17  
18 (d) Fire alarm monitoring companies shall maintain records relating to fire alarm  
19 notification for a period of at least two years, and shall provide such records to the  
20 fire alarm administrator upon request.  
21  
22 (e) Fire alarm monitoring companies shall monitor in accordance with the Florida Fire  
23 Prevention Code.  
24  
25 (f) Failure to comply with subsection a), b), d) or e) of this section shall result in a fine  
26 being levied in accordance with the schedule established at Appendix A.  
27

28 State law references: Business organizations, F.S. 489.511  
29

30 Sec. 10-39. Fire alarm verification calls required.  
31

32 All fire alarm systems that have central monitoring shall have a central monitoring verification  
33 call made to the fire alarm site, prior to fire alarm monitor personnel contacting a fire department  
34 for fire alarm dispatch, or a fee shall be levied in accordance with the fee schedule established at  
35 Appendix A. If, however, the fire alarm has properly operating visual or auditory sensors that  
36 enable the monitoring company to verify the fire alarm signal, verification calling is not required.  
37

38 State law references: Alarm verification, F.S. § 489.529  
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1 Sec. 10-40. Fire alarm system contractors.

- 2
- 3 (a) All fire alarm system contractors shall register annually with the fire alarm
- 4 administrator. Each fire alarm system contractor shall pay a fee in accordance with
- 5 the fee schedule established at Appendix A unless it is regulated by the Department of
- 6 Business and professional Regulation and has paid an occupational license tax for the
- 7 current year to the county or municipality in the state where it's permanent business
- 8 location or branch office is maintained. Each registration shall be valid for 12
- 9 months. Failure to register, or pay a fee if applicable, shall result in a fine levied in
- 10 accordance with the fee schedule established at Appendix A.
- 11
- 12 (b) No person shall install, maintain, repair, alter, service or monitor fire alarm systems
- 13 for compensation without being a fire alarm system contractor, or a fine shall be
- 14 levied as established at Appendix A.
- 15
- 16 (c) All fire alarm system contractors shall furnish each of its agents with identification
- 17 cards in accordance with F.S. § 489, or a fine shall be levied for each violation in
- 18 accordance with the fee schedule established at Appendix A.
- 19
- 20 (d) Fire alarm system contractors shall install systems or equipment and use methods of
- 21 installation that meet or exceed minimum Underwriters Laboratories or National Fire
- 22 Protection Association 72 requirements for the appropriate installation and use
- 23 control panels tested for conformance to the Security Industry Association's Control
- 24 Panel Standard, or a fine shall be levied for each violation, in accordance with the fee
- 25 schedule established at Appendix A.
- 26
- 27 (e) Fire alarm system contractors shall not activate or service an alarm system unless it is
- 28 permitted, or a fine shall be levied in accordance with the fee schedule established at
- 29 Appendix A.
- 30
- 31 (f) Fire alarm contractors shall not cause a false alarm during the servicing, repairing,
- 32 testing or inspection of an alarm system. The fire alarm operator shall not be charged
- 33 with such false alarms.
- 34
- 35 (g) Fire alarm contractors shall provide all fire alarm operators with an alarm permit
- 36 application, whenever installing, maintaining, repairing, altering or servicing a fire
- 37 alarm system, unless the fire alarm contractor reasonably believes that the fire alarm
- 38 operator already holds a valid permit.
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1 **Sec. 10-41. Prohibited fire alarm devices.**

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3 It is unlawful for a person to operate a fire alarm system equipped with an automatic dialing  
4 device programmed to connect directly to the fire department or public safety combined  
5 communications center. All automatic dialing systems shall communicate fire alarm  
6 notifications to a person who has accepted the responsibility of relaying the fire alarm or to a  
7 business licensed by the State of Florida to engage in the relaying of fire alarm notifications. A  
8 fine shall be levied in accordance with the fee schedule established at Appendix A for violation  
9 of this subsection.

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11 **Sec. 10-42 Auxiliary power supply.**

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13 A fire alarm operator shall not operate a fire alarm system which does not have a minimum  
14 twenty four (24)-hour auxiliary power supply, or a fine in accordance with the fee schedule  
15 established at Appendix A shall be levied for noncompliance.

16  
17 **Sec. 10-43 Civil citation; collection of fees.**

- 18  
19 (a) The fire officials and code enforcement officers may issue a civil citation for  
20 violations of sections 10-33(b)(6); 10-38(a) & (d); 10-39; 10-40(b) through (e); 10-41  
21 and 10-42 of this article. The citation shall be issued in accordance with Chapter 2,  
22 Article V, Division 6, Civil Citations, of the City of Gainesville Code of Ordinances  
23 and F.S. § 162.21.  
24  
25 (b) In addition to other available remedies, any fee assessed or fines levied pursuant to  
26 this article that remains unpaid may be collected in accordance with the city policies  
27 regarding delinquent accounts.

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29 **Sec. 10-44. Disposition of fees and fines.**

30  
31 Fees and fines collected by the fire alarm review authority pursuant to this article shall first be  
32 applied to the administration of this article and then to the cost of responding to false fire alarms  
33 and for no other purpose.

34  
35 **Sec. 10-45. No special public duty.**

36  
37 The permitting of an alarm system is not intended to, nor will it create a contract, duty or  
38 obligation either expressed or implied, of response. Any and all liability and consequential  
39 damage resulting from the failure to respond to a notification is hereby disclaimed and  
40 governmental immunity as provided by law is retained. By registering the alarm system, the  
41 alarm operator acknowledges that fire department response may be based on factors such as

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1 availability of fire units, priority of calls, weather conditions, traffic conditions, emergency  
2 conditions and staffing levels.

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4 **Sec. 10-46. Records.**

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6 All information received by the city pursuant to this article is confidential and exempt from F.S.  
7 §§ 119.07(01) and 286.011 and other laws and rules requiring public access to records.

8  
9 **Section 2.** Section 2-339 of the Code of Ordinances of the City of Gainesville is  
10 amended to read as follows:

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

12 The following ordinances are enforceable by the procedures described in this  
13 division:  
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Section	Description	Class	Penalty
2-67(b)	Declaration of water emergency imposing water use restrictions	I	\$50.00
Chapter 5 except as provided below	Animal control	I	\$50.00
5-2(c)	Animal molesting or biting pedestrian or bicyclist	IV	\$200.00
6-3	104.1.1 of adopted Standard Building Code, as amended Building, electrical, plumbing, gas, and/or mechanical work within a required permit	II	\$75.00
6-183(1)	False advertising	III	\$125.00
6-185	Acting as a contractor without a valid contractor certificate	IV	\$200.00
6-186(b)(2)	No journeyman or certified craftsman on the job site	II	\$75.00
Article IX of Chapter 6	Downtown minimum property standards	I	\$50.00
Chapter 10	All adopted fire prevention & protection codes, except NFPA 101 Chapters 5, 6, 7 and SFPC Chapters 6, 8, 31 and 42	II	\$75.00
Chapter 10	NFPA 101 Chapters 5, 6, 7 SFPC Chapters 6, 8, 31 and 42	IV	\$200.00
10-38(a)	<u>Failure to register – fire alarm contracting or monitoring company</u>	III	\$125.00

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10-38(d)	<u>Failure to maintain records for one year</u>	<u>III</u>	<u>\$125.00</u>
10-39	<u>Fire alarm verification calls required</u>	<u>III</u>	<u>\$125.00</u>
10-40(a)	<u>Failure to register – fire alarm system contractor</u>	<u>III</u>	<u>\$125.00</u>
10-40(b)	<u>Fire alarm system contractor status required</u>	<u>III</u>	<u>\$125.00</u>
10-40(c)	<u>Identification cards required</u>	<u>I</u>	<u>\$50.00</u>
10-40(d)	<u>Failure to meet UL or NFPA 72 standards</u>	<u>III</u>	<u>\$125.00</u>
10-40(e)	<u>Activating or servicing unpermitted alarm system</u>	<u>III</u>	<u>\$125.00</u>
11.5-1	Availability of potable water	<u>I</u>	<u>\$50.00</u>
Article III of Chapter 13	Commercial building code	<u>II</u>	<u>\$75.00</u>
13-171	Insects, storage, trash and yard maintenance	<u>I</u>	<u>\$125.00</u>
13-181	Hazardous conditions on residential property	<u>I</u>	<u>\$125.00</u>
Article II of Chapter 14.5	Merchandising of tobacco products	<u>II</u>	<u>\$75.00</u>
Article III of Chapter 14.5	Towing from certain private property	<u>II</u>	<u>\$125.00</u>
14.5-1	Not having landlord permit	<u>II</u>	<u>\$125.00</u>
Chapter 15	Noise violations	<u>I</u>	<u>\$125.00</u>
16-19	Dangerous buildings/hazardous lands	<u>I</u>	<u>\$125.00</u>
17-2	Fliers on utility poles or other fixtures	<u>I</u>	<u>\$50.00</u>
19-2	Violation of regulations for peddling in Downtown Plaza	<u>I</u>	<u>\$50.00</u>
19-34	Violation of permit requirements for commercial peddlers, solicitors, or canvassers	<u>I</u>	<u>\$50.00</u>
19-52	Unauthorized solicitation of alms or financial assistance	<u>I</u>	<u>\$50.00</u>
19-53	Unauthorized sale or transfer of goods and services; religious and charitable organizations soliciting for contributions without a permit	<u>I</u>	<u>\$50.00</u>
19-55	Violation of restrictions and requirements for permitted soliciting	<u>I</u>	<u>\$50.00</u>
19-96	Operation of mobile food cart in prohibited area	<u>I</u>	<u>\$50.00</u>

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19-97	Violation of regulations on permitted mobile food cart	I	\$50.00
Chapter 5 except as provided below	Animal control	I	\$50.00
19-112	Unauthorized soliciting of funds	I	\$50.00
19-127	Violation of prohibition on throwing or distributing handbills upon property displaying a "No Handbills" sign	I	\$125.00
21-53(b)(6)	Non-permitted, revoked or suspended alarm system	IV	\$200.00
21-58(a)	Failure to register alarm monitoring company	II	\$125.00
21-58(c)	Failure to maintain records	II	\$125.00
21-59	Failure to make alarm verified call	II	\$125.00
21-60(a)	Failure to register--Alarm system contractors	II	\$125.00
21-60(b)	Maintenance, repair, alter or service of system for compensation by noncontractor	II	\$125.00
21-60(c)	Failure to issue ID	I	\$50.00
21-60(d)	Use of equipment or methods below minimum standards	II	\$125.00
21-60(e)	Activation/servicing non-permitted alarm	II	\$125.00
21-60(f)	Causing false alarm during servicing	II	\$125.00
21-60(g)	Failure to provide blank alarm permit application	I	\$50.00
21-61(a)	Operating automatic dialing device	II	\$125.00
21-61(b) 21-61(c)	Failure to remove non-permitted features	I	\$50.00
21-62	Operating alarm system without auxiliary power	II	\$125.00
Chapter 22	Secondhand Goods Secondhand Dealers	III	\$125.00
26-137	Abandoned vehicles	I	\$125.00
27-73	Solid waste violations except (4), (8) and (9)	I	\$125.00
27-76(b)(1)b	Improper use of cart	I	\$50.00
27-79(a) and (f)	Commercial franchise violations	IV	\$200.00
Chapter 28	Taxicab regulation	I	\$50.00



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30-45	Prohibited use in zoning district	I	\$125.00
30-51(c)	Permitted uses in single family districts	II	\$125.00
30-56(b) and (c)	Residential parking	I	\$125.00
30-59(c)	Permitted uses in office districts	I	\$50.00
30-61(c)	Permitted uses in general business district	I	\$50.00
30-62(c)	Permitted uses in automotive oriented business district	I	\$50.00
30-63(c)	Permitted uses in tourist-oriented business district	I	\$50.00
30-64(e)	Permitted uses in mixed use low intensity district	I	\$50.00
30-65(c)	Permitted uses in mixed use medium intensity district	I	\$50.00
30-66(c)	Permitted uses in central city district	I	\$50.00
30-67(g)	Illegal outdoor storage and sales	I	\$50.00
30-68(c)	Permitted uses in warehousing and wholesaling district	I	\$50.00
30-69(c)	Permitted uses in limited industrial district	I	\$50.00
30-70(c)	Permitted uses in general industrial district	I	\$50.00
30-86	Use, parking, storage and keeping of recreational vehicles	I	\$50.00
30-315 et seq.	Violation of sign regulations	I	\$50.00
30-357	New business, expansion or change of use without zoning compliance permit	I	\$50.00

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Second violation of the same Class I or Class II offense shall be double the amount shown on the penalty schedule.

Third and subsequent violations of the same Class I or II offense shall require a mandatory court appearance.

Second and subsequent violations of the same Class III or Class IV offense shall require a mandatory court appearance.

**Section 3.** Appendix A, Schedule of Fees, Rates and Charges of the Gainesville Code of Ordinances is amended by creating a new subject heading titled "Fire/Rescue" to read as follows:

**FIRE/RESCUE:**

*Fire Alarm Operators:*

Application for fire alarm or annual renewal application.....	15.00
Application for fire alarm or annual renewal for integrated fire and burglar alarm system.....	0.00
<i>(Note: proportionately adjusted for initial periods exceeding one year (Sec. 10-32))</i>	

*False Alarms:*

First with valid permit.....	0.00
First without valid permit, or second with valid permit, each.....	25.00
Third and fourth, each.....	50.00
Fifth and sixth, each.....	100.00
Seventh and eighth, each.....	200.00
Nine and above, each.....	400.00
<i>(Note: reduced to \$10.00 if false fire alarm caused by system malfunction and proof of timely service/repair is submitted to the fire department (Sec 10-33(d))</i>	
Non-permitted system, additional fee.....	200.00
<i>(Note: reduced to \$50.00 if application filed within 10 days (Sec. 10-33))</i>	
Fire alarm permit reinstatement fee after revocation (Sec. 10-34).....	50.00
Failure to respond when requested by the fire department (Sec 10-36).....	50.00
Resetting of an activated fire alarm prior to arrival of fire department and approval for resetting.....	125.00
Failure to deactivate fire alarm within 15 minutes (Sec. 10-37).....	125.00

*Prohibited Devices:*

Automatic dialing device (Sec. 10-41 (a)).....	125.00
One Plus Panic Alarm or single-action switch (Sec. 10-41(b) and (c)).....	50.00
Auxiliary power supply less that four-hour minimum (Sec. 10-42).....	125.00

*Fire Alarm Monitoring Companies:*

Annual registration fee (Sec 10-38).....	100.00
Failure to register or to maintain records for one year (Sec 10-42).....	125.00
Failure to monitor in accordance with the Florida Fire Prevention Code (Sec 10-38).....	125.00
Failure to verify alarm (Sec. 10-39).....	125.00

*Fire Alarm System Contractors*

Annual registration fee (Sec. 10-40(a)).....	100.00
Failure to register annually (Sec.10-40(a)); failure to meet UL or NFPA72 standards (Sec. 10-40(d)); activation of unpermitted fire alarm (Sec. 10-40(e)).....	125.00
Causing false fire alarm during servicing or inspection---each violation (Sec. 10-60(f)).....	125.00
Installation, maintenance, repair, alteration or servicing by unregistered contractor, each violation (Sec.21-40(b)).....	125.00

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1 Failure to furnish agents with identification cards, each violation (Sec. 10-40(c)).....50.00  
2 Failure to provide fire alarm operators with permit applications, each violation (Sec. 10-40(g)) ...50.00  
3

4 **Section 4.** It is the intention of the City Commission that Section 1 through Section 3 of this  
5 ordinance shall become and be made a part of the Gainesville Code of Ordinance, of the City of  
6 Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be renumbered or  
7 relettered in order to accomplish such intentions.

8 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or  
9 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the  
10 validity of the remaining portions of this ordinance.

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

13 **Section 7.** This ordinance shall take effect on July 1, 2005.

14 **PASSED AND ADOPTED** this \_\_\_\_ day of May, 2005.

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\_\_\_\_\_  
PEGEEN HANRAHAN  
MAYOR

ATTEST

APPROVED AS TO FORM AND LEGALITY

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\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

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26 This Ordinance passed on first reading this \_\_\_\_ day of May, 2005.

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28 This Ordinance passed on second reading this \_\_\_\_ day of May, 2005.