



MEMORANDUM
Office of the City Attorney

Legistar No.: 021198

Phone: 334-5011/Fax 334-2229
Box 46

FIRST READING

TO: Mayor and Commissioners
FROM: Marion J. Radson, City Attorney
SUBJECT: **ORDINANCE NO.: 0-04-97**

DATE: May 9, 2005

FALSE FIRE ALARM

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.

RECOMMENDATION: The City Commission adopt the proposed ordinance.

On November 24, 2003, the City Commission voted to authorize the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance, however, before the ordinance came back for first reading, staff expressed some concerns about the effectiveness of the ordinance and requested more time to work out details.

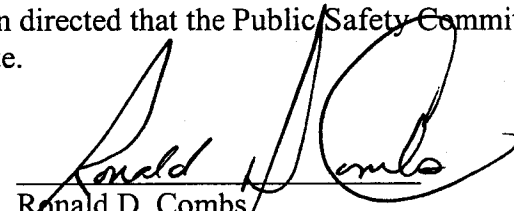
The above-proposed ordinance was resubmitted on October 11, 2004, and the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise the ordinance to reduce the number of false fire alarms the Fire Rescue Department responds to by implementing a system of registration, permitting, and fees for false alarms.

The City Commission also directed that communication with the University of Florida continue in an effort to address its concerns. Written correspondence between the City and the University are attached for your information. The City maintains that the University is subject to this user fee ordinance if the University chooses to utilize false fire alarm systems as defined in the ordinance. The University maintains that as "an instrumentality of the State of Florida, the University is not subject to local ordinances such as the proposed false fire alarm ordinance..."

The structure of the ordinance, with some minor language differences, now mirrors the structure of the false burglar alarm ordinance. The Alachua County Sheriff's Office has agreed to administer the ordinance as it does the false burglar alarm ordinance. For your information, Alachua County has adopted a similar ordinance with the same effective date of July 1, 2005.

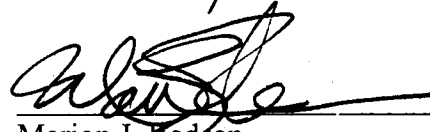
The City Commission directed that the Public Safety Committee review this ordinance one year after the effective date.

Prepared by:



Ronald D. Combs
Sr. Assistant City Attorney

Approved and Submitted by:



Marion J. Kadson
City Attorney

RDC/bs

INDEX TO COMMUNICATIONS

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- Letter from Mayor Hanrahan to U of F President Machen dated September 1, 2004
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- Letter from Ed Poppell, U of F Vice President for Finance & Administration, to Mayor Hanrahan dated October 15, 2004
- Letter from Barbara Lipscomb, Interim, City Manager, to Ed Poppell, U of F Vice President for Finance & Administration dated March 16, 2005
- Letter from Ed Poppell, U of F Vice President for Finance & Administration, to Barbara Lipscomb, Interim, City Manager dated April 26, 2005
- Memo from Edmond Taylor, Assistant Fire Chief, to Marion Radson, City Attorney, dated April 26, 2005



UNIVERSITY OF FLORIDA

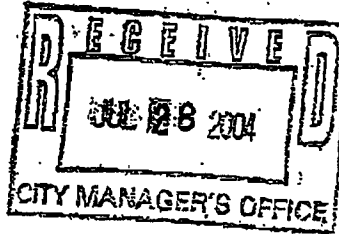
CITY OF GAINESVILLE
CITY COMMISSION

2004 JUL 27 AM 10:44

J. BERNARD MACHEN
President

July 23, 2004

226 Tigert Hall
PO Box 113150
Gainesville, FL 32611-3150
(352) 392-1311
jbmachen@ufl.edu



Mayor Pegeen Hanrahan
City of Gainesville - MS 19
P. O. Box 490
Gainesville, Florida 32602

Dear Pegeen:

I have recently been advised that the City of Gainesville is currently pursuing two issues that will significantly impact the University of Florida.

The first issue is an increase in the cost of water. It is my understanding that a 20% increase is proposed for October 1, 2004, and another 16% proposed for 2005. As you know, the University of Florida's water rates have been dictated by legislative language, which requires a direct correlation to the City's cost of water. While we appreciate that costs do increase, we believe the University, as your largest water customer, is somewhat unique and this should be reflected in the proposed increases. We are very conscious of conservation efforts and the need to preserve our water resources. The University represents 11% of your customer base for water. We believe some consideration should be given for our size and impact.

The second issue is the proposed "False Fire Alarm Ordinance" that may financially penalize the University for false fire alarms. The University, with thousands of residents living on campus, recognizes the need to limit the number of false alarms. We would propose working with City staff on corrective measures prior to going forward with this ordinance. Through this discussion, we may identify the areas of system weaknesses and areas of vulnerability and reduce the false alarms without the need for enacting this legislation.

Pegeen, I would ask that you review these two issues so we might discuss the impacts and have our collective staffs discuss mutually beneficial solutions.

Thanks.

Sincerely,

J. Bernard Machen

cc: CCAM
CITY MGR
GEN MGR

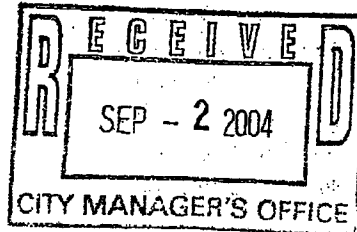


City of Gainesville

Pegeen Hanrahan, Mayor

September 1, 2004

J. Bernard Machen, President
University of Florida
P.O. Box 113150
Gainesville, FL 32611-3150



Dear President Machen:

Thank you for your letter of July 23, 2004 regarding possible adjustments to the cost of water to the University of Florida and the proposed False Fire Alarm Ordinance. Both of these issues are being analyzed at the staff level, and have not yet come before the City Commission for final consideration. I appreciate your willingness to raise concerns and provide the opportunity for us to find middle ground.

My understanding is that your Physical Plant staff and our utility staff had jointly realized that our earlier agreed-upon cost formula for water is in need of reassessment. Our utility staff has developed a proposal that, if accepted by the University, would provide for a substantially smaller increase to UF's water rates than previously provided to your staff. This readjustment is the result of conducting additional cost-of-service studies performed on the University's behalf. As a result, instead of a 20.5% increase to the usage charge, the University has been offered the opportunity for a 15.5% increase for on-campus usage and a 12.1% increase for off-campus usage. Please have your staff contact Ed Regan at 393-1260 to further discuss this amended proposal.

Under the City's agreement with the University, charges applicable to the University for water service exclude any transfer to the City's general fund. Distribution system costs are also excluded for water delivered to the main campus. Our staff has transmitted the appropriate studies to Mr. David O'Brien of your staff and a meeting is being scheduled to review them in detail. I am hopeful that this new proposal will better address our joint needs. It is worth sharing that UF did locate in Gainesville partly as a result of our clean, affordable and plentiful water supply, and we remain committed to providing the University excellent service. I've enclosed a graph that demonstrates that even with the proposed rate increase; Gainesville's water rates are among the lowest in Florida.

Regarding the fire alarm issue, The Gainesville Fire Rescue Department has been working on a proposed false-alarm ordinance for several years. The prospective ordinance is patterned after the highly successful false burglar alarm ordinance that is already in effect in both the City and Alachua County. The ordinance requires licensing of all alarm systems, performance of regular maintenance, and payment of a fee by property owners for all false alarms from the same system after the first false alarm. All buildings in the City, including governmental buildings, will be subject to the ordinance. This is not significantly different from requirements in many other communities and closely matches a national model ordinance recommended by the alarm industry.

President Machen
September 1, 2004
Page Two

The reasons to reduce false fire alarms are numerous and well known. Complacency, costs, and multiple risks are all increased by false fire alarms. In addition to the unnecessary waste of staff time, fuel, and risk of accidents while driving fire trucks urgently through traffic, false alarms also reduce the availability of our responders for real emergency situations. Also, when students, faculty and staff get used to frequent false alarms, they may be less vigilant about exiting buildings quickly and life and safety may be endangered.

By sharing the concerns and responsibilities that arise from false alarms between the city and alarm operators through fees, the proposed ordinance creates a financial incentive to reduce false alarms -- a needed change throughout our community. If it is as successful as the burglar alarm ordinance, then the risks and costs to our citizens will significantly decrease, as will the transferred costs to alarm owners.

Here are some figures on the total false fire alarms in the City along with a breakdown of those alarms associated with the University of Florida:

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004 YTD</u>
Total False Alarms	1327	1476	1415	927
University of Florida	225	237	284	114
Percentage of Total:	17%	16%	20%	12%

The City has involved interested parties in the development of the proposed ordinance throughout the process. We welcome participation from your staff in crafting an ordinance that reaches our intended goal. We are most eager to help the University pro-actively reduce false alarms and we want to craft a program that works for all parties. However, the time for considering amendments is limited. This process has been ongoing for several years, during which time there have been steady increases in the numbers of false alarms. Staff hopes to start making reductions in these as soon as the ordinance can be implemented. Please have your staff contact Assistant Fire Chief Tony Taylor at 334-5078 to work on our joint interests in this regard.

Again, I am grateful for your willingness to bring your concerns to my attention, and hope that you will encourage your staff to engage actively in finding solutions that work for all of us. Please feel free to call me if you have any questions or remaining concerns.

Sincerely,



Pegeen Hanrahan
Mayor

PH/dsh
enclosure



UNIVERSITY OF
FLORIDA

CITY OF GAINESVILLE
CITY COMMISSION

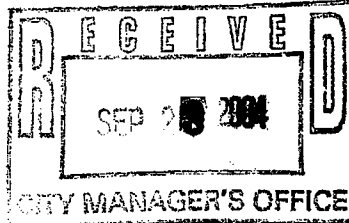
9/29 re WKS
EOT

J. BERNARD MACHEN
President

2004 SEP 23 AM 10:27

226 Tigert Hall
PO Box 113150
Gainesville, FL 32611-3150
(352) 392-1311
jbmachen@ufl.edu

September 21, 2004



Pegeen Hanrahan, Mayor
City of Gainesville
P. O. Box 490
Gainesville, FL 32602-0490

Dear Pegeen:

Thank you for your September 1, 2004 response addressing two significant issues for the University.

Our Physical Plant staff has reviewed the water rate proposal based on the cost of service studies. They also had an opportunity to meet with the GRU staff to ask questions and ensure complete understanding of the studies and their conclusions. We are appreciative of the new proposed rates and accept the 15.5% rate increase for on-campus usage and the 12.1% increase for off-campus usage.

The University is committed to the protection of our people and buildings from the threat of fire. I feel that we do a conscientious job in the maintenance and upgrading of our alarm systems to provide state of the art performance. I agree that a monetary penalty system may create an incentive for improvement for institutions that are negligent in the training of their personnel or maintenance of their alarm systems, but this is not an effective tool in our case. All of our alarm systems are maintained by trained and appropriately certified technicians. We conduct fire drills to test the alarm systems and the response of building occupants. In cases where false alarms are caused by human malicious behavior, every effort is made to identify the offender and take action to implement the appropriate adjudication.

I have asked Dr. William Properzio, Director of Environmental Health and Safety, to contact Assistant Fire Chief Tony Taylor to investigate alternate cooperative efforts that the University and GFR might undertake to further improve our fire alarm performance.

Again, we appreciate the open dialogue and the cooperation of the City to address issues of mutual interest that hopefully will culminate in results benefiting the City of Gainesville and the University of Florida.

Sincerely yours,

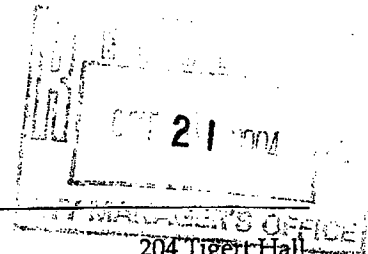
J. Bernard Machen

cc: GOUA
CITY MGR - FYE
GEN MGR - FYE



UNIVERSITY OF
FLORIDA

CITY OF GAINESVILLE
CITY COMMISSION



2004 OCT 21 AM 9:55

Finance and Administration
Office of the Vice President

October 15, 2004

204 Tigert Hall
PO Box 113100
Gainesville, FL 32611-3100
(352) 392-1336
Fax (352) 392-6278

Via U.S. Mail

Honorable Pegeen Hanrahan
Mayor, City of Gainesville
PO Box 490
Gainesville, FL 32602-0490

*Memo to
Richard
cc Mayor*

RE: Proposed False Fire Alarm Ordinance

Dear Pegeen:

Pursuant to our conversation, I am writing to you to convey the University's comments with regard to the proposed City of Gainesville False Fire Alarm Ordinance.

As I mentioned, our legal counsel has advised me that as an instrumentality of the State of Florida, the University is not subject to local ordinances such as the proposed false fire alarm ordinance, particularly those provisions which would impose a fine or penalty on the University. You may recall this issue was addressed approximately two years ago with respect to the Alachua County/City of Gainesville false burglar alarm ordinances. We developed a workable alternative and I would hope we can address this proposed ordinance in a similar fashion.

The University is sincerely interested in actions that improve fire safety. A key element in achieving this goal is the support which has been provided by Gainesville Fire Rescue (GFR) and the positive working relationship that exists between GFR and the University.

In reviewing the statistical data contained in your letter of September 1st to President Machen; it does not appear that the 550 separate fire alarm systems installed in our campus buildings are a significant contributor to the City's false alarm experience. I would suspect that the vast majority of the fire alarm systems in the City are not subjected to the rigorous standards employed by the University with its systems. All of our systems are maintained by trained and appropriately certified technicians. Moreover, as part of the State, our systems are inspected by the State Fire Marshall and problems or violations are promptly corrected. We routinely conduct fire drills to train building occupants and test the operational status of our systems. When false alarms are caused by malicious behavior every effort is made to identify the offender(s) and implement appropriate discipline.

Honorable Pegeen Hanrahan
October 15, 2004
Page 2

As I mentioned previously, we recognize that a cooperative working relationship with the City in relation to campus fire safety is mutually beneficial. To this end, I would propose two actions to further this goal. ~~First we establish a jointly maintained data base to track false alarms emanating from University alarm systems.~~ Individual alarm performance would be tracked by both UF and GFR. In turn, this would allow us to investigate and track the cause of all alarm activations and identify specific problems that may need attention. ~~Second we would develop a training program jointly with GFR to provide fire safety information to building occupants.~~

Again, please accept our willingness to cooperate with the City in this regard and please feel free to call me to discuss this matter further.

Sincerely,



Ed Poppell
Vice President for
Finance and Administration

cc: ccom
CITY MGR



CITY OF GAINESVILLE

Office of the City Manager

March 16, 2005

Mr. Ed Poppell
Vice President for Finance and Administration
University of Florida
P. O. Box 113100
Gainesville, FL 32611-3100

RE: Proposed False Fire Alarm Ordinance

Dear Mr. Poppell:

The City is in receipt of your letter dated October 15, 2004, where you expressed concerns regarding the proposed false fire alarm ordinance. Subsequently, Assistant Fire Chief Elmond Taylor met with Dr. William Properzio, UF Director of the Division of Environmental Health & Safety, on January 13, 2005, at which time he detailed the City's continuing intent to implement a false fire alarm ordinance on July 1, 2005. He explained to Dr. Properzio that the ordinance establishes a user fee versus a tax and that, as such, all entities, including those considered non-taxable, would be held subject to it. As an example of a similar fee, he noted to Dr. Properzio that other governmental subdivisions, including local, state and federal units, were currently paying a countywide Burglar Alarm permitting fee, which is viewed as payment for direct services rendered, and not as a general tax.

There are many reasons for reducing false fire alarms in the city, but as presented to the City Commission they are: improved safety, reduced risk to our citizens and firefighters, and reduced financial liability for those risks. A false alarm is any electronic activation that causes a dispatch of our fire department when no fire has occurred. Just as proper engineering and maintenance of systems provides timely notification, the same methods can be applied to prevent continuous false activations.

The proposed ordinance is patterned for an already highly successful burglar alarm ordinance in the city and county. It creates a permit as a means of identifying the alarm-system based-users of our service. The permit fee is a small and reasonable charge for maintaining the information to identify the alarm operator and record activations. Dual-purpose alarm systems, registered through the burglar alarm ordinance, require no additional fee.

The proposed false fire alarm ordinance creates a user fee for all buildings, including government buildings (Gainesville, Alachua County, Alachua County Schools, Tacachale and other state facilities; the Federal Courthouse, etc.). The City plans a first and second reading of the ordinance in the next few months. The proposed effective date will be July 1, 2005. This date was selected to allow time for government agencies to appropriately budget both for the fees and any programs they may wish to implement to reduce false alarms, i.e. a comprehensive alarm study by a fire-protection engineering firm. Our delayed implementation will also allow Alachua County to adopt the same ordinance countywide, on the same effective date, with the same fees, and, of course, for the same purposes.

In response to Dr. Properzio's position that the University is not subject to the fee to reduce false alarms, please be informed that the City of Tallahassee levies a fire assessment fee city-wide since October 1, 1999 to pay the full cost of fire suppression services. In contrast, the City of Gainesville only seeks to impose a small user fee to reduce the number of false fire alarms and unnecessary calls for service.

Florida State University pays approximately \$700,000 per year to the City of Tallahassee for fire suppression service, and Florida A & M University pays approximately \$282,000 per year. There is also an existing false alarm ordinance in place, with a Bureau investigator who is responsible for the monitoring of all false fire alarm citations issued and ensuring compliance. To obtain more information about Tallahassee's fire assessment fee, you may contact Farr Miller, Tallahassee Office of Budget and Policy, 850-891-8153, and for specific details on the false fire alarm ordinance, Chief Tim Shealy may be reached at Tallahassee Fire's Bureau of Investigations, (850) 891-6610.

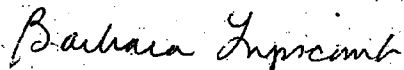
The City estimates that the *actual cost* of the proposed ordinance to the University is very modest. Based on 552 buildings with fire alarm systems – the number provided to them by UF staff, and assuming a permit is required for each alarm-equipped building, the City estimates the following impact:

\$15.75/ Permit X 552 buildings	\$ 8,694
1 st False Alarm per building	\$ 0
2 nd False Alarm X 100 buildings	\$ 2,500
3 rd False Alarm X 100 buildings	\$ 5,000
	<hr/>
	\$16,194

We appreciate the University of Florida's offer to both establish a joint database and conduct joint training with the City's fire rescue department. We are glad to participate in every opportunity to reduce the impacts of false alarms community-wide. However, the proposed false fire alarm ordinance, a user-based fee, will be applicable city-wide to all public and private institutions who use a fire alarm system, including the University of Florida.

In summary, we expect to undertake many cooperative efforts with all our customers in helping to reduce the false alarm problems – yet none of our customers will be exempt from the requirements of the ordinance. Obviously, if the program can be made more successful or less costly in future years, the ordinance can be amended to accomplish that – but the program cannot be fragmented. It must, for legal and equitable reasons, apply equally and fairly – imposing the same requirements, conditions, and costs, on each user based upon activations. The best way to eliminate the costs – and this has been our experience with our own buildings – is to devote significant attention to behavior and system design. We are ready to assist in those efforts.

Sincerely,



Barbara Lipscomb
Interim City Manager

xc: Honorable Mayor and Members of the City Commission
City Attorney Marion Radson
Interim Fire Chief William K. Northcutt
Assistant Fire Chief Elmond D. Taylor
Dr. William Properzio



UNIVERSITY OF
FLORIDA

Finance and Administration
Office of the Vice President

April 26, 2005

204 Tigert Hall
PO. Box 113100
Gainesville, FL 32611-3100
(352) 392-1336
Fax (352) 392-6278

Barbara Lipscomb
Interim City Manager
City of Gainesville
P.O. Box 490
Gainesville, FL 32602-0490

Dear Barbara:

This will acknowledge receipt of your letter to me dated March 16, 2005 regarding the proposed false alarm ordinance. I requested and have received legal advice from our Office of the General Counsel regarding the legal opinion presented in your letter. They have advised that the monetary structure proposed in the ordinance would be considered a tax and not fees and that the University as an instrumentality of the state, would be immune from taxation from a local authority.

I would also like to point out that the University responds to fire alarms in a manner that differs from most other entities in this community. All of our alarms initially report to the University Police Department. When an alarm is received an officer is immediately dispatched to the building to investigate the status of the alarm. If the officer is unable to determine that the alarm is false and the alarm will not reset, the police will notify Gainesville Fire Rescue. A similar protocol has been proposed by the City of Tampa Fire Department and has been implemented at the University of South Florida. The procedure will minimize the need for the fire department to respond to obvious false alarms, in turn accomplishing the goal of the proposed ordinance.

The University appreciates the positive working relationship that has been established with Gainesville Fire Rescue. Their actions provide a critical life safety service to the community and the University.

Should you need more information or would like to have our attorneys confer on the legal issues, please contact me.

Sincerely,

Ed Poppell
Vice President
for Finance and Administration

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

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 Rescue 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.

D R A F T

Revised 04/28/05

1 Ordinance 021198
2 0-04-97

3 An ordinance of the City of Gainesville relating to false fire alarms;
4 creating and adding a new Article IV to Chapter 10 to be titled False Fire
5 Alarms; adding a short title; providing definitions; requiring permits for
6 alarm operators; providing for fees and fines; providing for suspension,
7 revocation and reinstatement of permits; providing for appeals; providing
8 for response to fire alarms; proscribing deactivation of audible alarms;
9 requiring annual registration of alarm monitoring companies; providing
10 for alarm verification; requiring annual registration of alarm contracting
11 companies; prohibiting certain alarm devices; requiring auxiliary power
12 supply; providing for civil citation; providing for disposition of fees and
13 fines; disclaimer of public duty; providing for confidential records;
14 amending section 2-339, of the Gainesville Code of ordinances relating to
15 applicable codes and ordinances subject to civil citation; amending
16 Appendix A, Schedule of Fees, Rates and Charges of the Gainesville Code
17 of Ordinances, by creating a new subject heading titled "Fire/Rescue" and
18 establishing fire alarm related fees therein; providing directions to the
19 codifier; providing a severability clause; providing a repealing clause and
20 providing an effective date of July 1, 2005.
21

22 **WHEREAS**, the city commission has determined that a high incidence of false alarms
23 and/or malfunctions causes a significant misuse of the staffing and resources of the Fire
24 Department by causing the dispatch of units to the scene of a false alarm or alarm malfunction
25 which renders them out of service and unavailable to respond to legitimate emergency situations;
26 and
27

28 **WHEREAS**, the city commission has determined that the continued high incidence of
29 false alarms and/or malfunctions are a threat to the health, safety and welfare of the citizens of
30 Gainesville; and
31

32 **WHEREAS**, the city commission has determined that establishing procedures and fees
33 for multiple false alarms and alarm malfunctions would serve the public health, safety and
34 welfare; and
35

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

1
2 **WHEREAS**, the city commission has further determined that a tiered fee system based
3 on a portion of the true cost of a false fire alarm rather than full value, would better help achieve
4 the goal of proper use and maintenance of fire alarm systems;

5
6 **WHEREAS**, at least 10 days notice has been given once by publication in a newspaper
7 of general circulation notifying the public of this proposed ordinance and of a Public Hearing in
8 the City Commission Auditorium in City Hall, City of Gainesville; and

9
10 **WHEREAS**, a Public Hearing was held pursuant to the published notice described at
11 which hearing the parties in interest and all others had an opportunity to be and were, in fact,
12 heard;

13
14 **NOW THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE
15 CITY OF GAINESVILLE, FLORIDA;

16
17 **Section 1.** A new Article IV consisting of Sections 10-30 through 10-46, inclusive, is
18 created and added to Chapter 10 of the Code of Ordinances of the City of Gainesville, to read as
19 follows:

20
21 **Sec. 10-30. Short title.**

22
23 This article shall be referred to as the “City of Gainesville False Fire Alarm Ordinance.”

24
25 **Sec. 10-31. Definitions.**

26
27 The following words, terms and phrases, when used in this article, shall have the meanings
28 ascribed to them in this article, except where the context clearly indicates a different meaning:

29
30 *Automated dialing device* means a fire alarm system, which automatically sends, via telephone, a
31 prerecorded voice message or coded signal indicating the existence of an emergency situation.

32
33 *Cancellation of fire alarm response* means the process by which a fire alarm company providing
34 monitoring services verifies with the fire alarm operator or responsible party that there is not an
35 existing situation at the fire alarm site requiring the fire department response and requests fire
36 department officials to cancel the dispatch when such request occurs prior to the fire
37 department’s dispatch to the scene.

38
39 *Commercial premises* means any structure or area not otherwise defined in this section as
40 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.

4
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.

7
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.

20
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
27
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.

40
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.

1
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
11 Fire alarm site means the individual location of each fire alarm system.
12

13 Governmental premises means a structure or area owned and maintained by a government entity.
14

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.

- 1
- 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.
- 4
- 5 (c) A suspension shall remain in effect until such time as:
- 6
- 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:
- 17
- 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.**

- 40
- 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.

27
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.

32
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.

1
2 (b) The fire alarm monitoring company shall provide the following information:

3
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

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.
- 39
- 40

1 **Sec. 10-41. Prohibited fire alarm devices.**

2
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.

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

12
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.

28
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.

3
4 **Sec. 10-46. Records.**

5
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:
14
15

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	II	\$75.00
13-171	Insects, storage, trash and yard maintenance	I	\$125.00
13-181	Hazardous conditions on residential property	I	\$125.00
Article II of Chapter 14.5	Merchandising of tobacco products	II	\$75.00
Article III of Chapter 14.5	Towing from certain private property	II	\$125.00
14.5-1	Not having landlord permit	II	\$125.00
Chapter 15	Noise violations	I	\$125.00
16-19	Dangerous buildings/hazardous lands	I	\$125.00
17-2	Fliers on utility poles or other fixtures	I	\$50.00
19-2	Violation of regulations for peddling in Downtown Plaza	I	\$50.00
19-34	Violation of permit requirements for commercial peddlers, solicitors, or canvassers	I	\$50.00
19-52	Unauthorized solicitation of alms or financial assistance	I	\$50.00
19-53	Unauthorized sale or transfer of goods and services; religious and charitable organizations soliciting for contributions without a permit	I	\$50.00
19-55	Violation of restrictions and requirements for permitted soliciting	I	\$50.00
19-96	Operation of mobile food cart in prohibited area	I	\$50.00

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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

- 1
- 2 Second violation of the same Class I or Class II offense shall be double the amount
- 3 shown on the penalty schedule.
- 4 Third and subsequent violations of the same Class I or II offense shall require a
- 5 mandatory court appearance.
- 6 Second and subsequent violations of the same Class III or Class IV offense shall require a
- 7 mandatory court appearance.

8
9 **Section 3.** Appendix A, Schedule of Fees, Rates and Charges of the Gainesville Code of
10 Ordinances is amended by creating a new subject heading titled "Fire/Rescue" to read as follows:
11

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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
- (Note: proportionately adjusted for initial periods exceeding one year (Sec. 10-32))

False Alarms:

- First with valid permit.....0.00
- First without valid permit, or second with valid permit, each25.00
- Third and fourth, each.....50.00
- Fifth and sixth, each.....100.00
- Seventh and eighth, each.....200.00
- Nine and above, each400.00
- (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))
- Non-permitted system, additional fee200.00
- (Note: reduced to \$50.00 if application filed within 10 days (Sec. 10-33)
- 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

D R A F T

Revised 04/28/05

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.

15
16
17
18
19

PEGEEN HANRAHAN
MAYOR

20 ATTEST

APPROVED AS TO FORM AND LEGALITY

21
22

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

26 This Ordinance passed on first reading this ____ day of May, 2005.
27

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

**ADVERTISEMENT
NOTICE OF PROPOSED
ENACTMENT OF ORDINANCE BY CITY COMMISSION, GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 9th day of May, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 23rd day of May, 2005, at the City Commission meeting. The meetings begin at 6:00 p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard, with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE
Ordinance 921198
0-04-97**

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.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

April 29, 2005
Publish Date

Clerk of the Commission