

LEGISLATIVE #

140495A

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

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

Section	Description	Class	Penalty
2-67(b)	Declaration of water emergency imposing water use restrictions	I	\$50.00
4-4	Open consumption of and/or possession of an open container of alcoholic beverage	IV	\$200.00
4-52 4-53(a)(1) 4-53(a)(2) 4-53(c)(10)a	Underage prohibition in alcoholic beverage establishments	IV	\$500.00
Chapter 5 except as provided below	Animal control	I	\$250.00
5-2(c)	Animal molesting or biting pedestrian or bicyclist	IV	\$250.00
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 <u>All adopted fire prevention and protection codes inclusive of the Florida Fire Prevention Code.</u>	II	\$250.00
10-38(a)	Failure to register — fire alarm contracting or monitoring company	III	\$125.00
10-38(d)	Failure to maintain records for one year	III	\$125.00
10-39	Fire alarm verification calls required	III	\$125.00
10-40(a)	Failure to register — fire alarm system contractor	III	\$125.00
10-40(b)	Fire alarm system contractor status required	III	\$125.00
10-40(c)	Identification cards required	I	\$50.00
10-40(d)	Failure to meet UL or NVPA 72 standards	III	\$125.00
10-40(e)	Activating or servicing unpermitted alarm system	III	\$125.00

10-70(b)	Failure to obtain burning permit — Residential	I	\$75.00
10-70(b)	Failure to obtain burning permit — Commercial	II	\$150.00
10-70(d)	Failure to obtain burning permit — Boiler	I	\$75.00
10-71	Failure to obtain burn permit — Pyrotechnic	II	150.00
Chapter 10	NFPA 101 Chapters 5, 6, 7 SFPC Chapters 6, 8, 31 and 42	IV	\$200.00
11.5-1	Availability of potable water	I	\$50.00
11.5-41	Prohibition of smoking at Rosa Parks RTS Downtown Station	II	\$75.00
11.5-41.1	Prohibition of smoking at or within 20 feet of all RTS bus stops and bus shelters	II	\$75.00
Article III of Chapter 13	Commercial building code	II	\$250.00
13-171	Insects, outdoor storage, trash and yard maintenance	I	\$250.00
13-181	Hazardous conditions on residential property	I	\$250.00
Article II of Chapter 14.5	Merchandising of tobacco products	II	\$75.00
Article III of Chapter 14.5	Towing from or immobilizing vehicles on certain private property	II	\$125.00
14.5-1	Not having landlord permit	II	\$250.00
14.5-171	Violation of security and safety standards for convenience businesses	II	\$250.00
Chapter 15	Noise violations	I	\$250.00
16-19	Dangerous buildings/hazardous lands	I	[\$250.00]
17-2	Fliers on utility poles or other fixtures	I	\$250.00
17-8	Urinating in public	II	\$125.00
17-34	Knowingly rent or let a residence to a sexual offender or sexual predator to use as a temporary or permanent residence contrary to the Sexual Predator Ordinance	II	\$125.00
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	\$250.00
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	I	\$50.00

	soliciting		
19-96	Operation of mobile food cart in prohibited area	I	\$250.00
19-97	Violation of regulations on permitted mobile food cart	I	\$250.00
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	\$250.00
27-73	Solid waste violations except (4), (8) and (9)	I	\$250.00
27-76(b)(1)b	Improper use of cart	I	\$250.00
27-79(a) and (f)	Commercial franchise violations	IV	\$200.00
27-85(a)	Failure to separate designated recyclable materials, except for de minimus amounts, from solid waste loads	II	\$125.00
Chapter 28	Taxicab regulation	I	\$50.00
29-3	Registration of lobbyists	I	\$50.00
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	\$250.00
30-56(c)(5)	Violation of special event parking permit requirements	I	\$250.00
30-57(a)(3)	Residential leases—Over occupancy	II	\$250.00
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	\$250.00
30-315 et seq.	Violation of sign regulations	I	\$250.00
30-357	New business, expansion or change of use without zoning compliance permit	I	\$250.00

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.

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Chapter 10 - FIRE PREVENTION AND PROTECTION

ARTICLE II. FIRE PREVENTION CODES

ARTICLE II. FIRE PREVENTION CODES

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

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

Sec. 10-11. Amendments to NFPA 1 Sections 18.3, 18.4, 18.5 ~~3.3~~ of the Florida Fire Prevention Code. ^[SC1]

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

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

Sec. 10-14. Fire safety board of adjustment.

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

The Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshal, which shall operate in conjunction with the Florida Building Code, are hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, as fully as if set out at length herein. Except as modified in this chapter, the provisions herein adopted shall be controlling within the corporate limits of the city. The minimum fire safety codes shall not apply to buildings and structures subject to the uniform fire safety standards under F.S. § 633.022, and buildings and structures subject to the minimum fire safety standards adopted pursuant to F.S. § 394.879.

(Code 1960, § 13-1; Ord. No. 3113, § 1, 3-18-85; Ord. No. 3388, § 1, 12-21-87; Ord. No. 3723, § 1, 5-20-91; Ord. No. 3783, § 1, 6-15-92; Ord. No. 960200, § 1, 10-28-96; Ord. No. 002251, § 1, 9-9-02; Ord. No. 080841, § 2, 5-7-09)

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

NFPA 1 Section 13.1.3 is amended by adding the following:

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

(Code 1960, § 13-1; Ord. No. 3388, § 1, 12-21-87; Ord. No. 3723, § 2, 5-20-91; Ord. No. 980293, § 3, 2-8-99; Ord. No. 002251, § 1, 9-9-02; Ord. No. 080841, § 3, 5-7-09; Ord. No. 120051, § 1, 9-6-12)

Sec. 10-11. Amendments to NFPA 1 Sections 18.3, 18.4, 18.5 ~~3.3~~ ^[SC2] of the Florida Fire Prevention Code.

NFPA 1 Sections 18.3, 18.4, 18.5 ~~3.3~~ ^{isare} amended by adding the following:

- (1) Every water supply for fire protection use shall be designed and installed in accordance with the Gainesville Regional Utilities' "Potable Water, Wastewater & Reclaimed Water Design Standards and Construction Details, and Material Standards Manual."
- (2) The fire protection water supply for a building equipped with an automatic fire sprinkler system shall be designed and installed so as to provide an adequate fire flow in accordance with

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section 18.4 of the 20~~12~~¹²09 edition of NFPA 1. The fire protection water supply for a building not equipped with an automatic fire sprinkler system shall be designed and installed so as to provide an adequate fire flow in accordance with the greater requirement of either section 18.4 of the 20~~12~~¹²09 edition of NFPA 1, or the 2008 edition of the Guide for Determination of Required Fire Flow, published by Insurance Service Office. One copy of the ISO guide and one copy of section 18.4 of the 20~~12~~¹²09 edition of NFPA 1 have been deposited in the office of the city clerk and shall be kept in that office for public use, inspection and examination. The provisions of this subsection notwithstanding, the fire flow requirements may be varied at the discretion of the fire chief, or designee, if such official finds that adequate fire protection can be provided without such fire flow and/or the building is provided with a fully automatic fire extinguishing system.

- (3) Where the fire protection water supply is not provided by the central water distribution system, it shall be separate and distinct from any domestic water supply provided by the central water distribution system.
- (4) The installation of the fire protection water supply shall be coordinated with the installation of other underground utilities to be located on the property. A water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material accumulates. Where underground water mains and hydrants are to be provided, they shall be installed, completed, and in service prior to building construction work.
- (5) Where the fire protection water supply is provided by an extension of the central water distribution system, the extension, if approved and accepted by GRU, shall be conveyed to the city, at no cost to the city, together with any necessary easements to permit city maintenance of the water supply.
- (6) All costs associated with the construction and installation of a water distribution system extension, including the cost of inspection services performed by the city, shall be paid in full by the owner or developer prior to acceptance of the extension by the city.
- (7) The number of fire hydrants required for a project will be determined based on the fire flow demand calculations identified in (2) above. One hydrant will be required for each 1,000 GPM of demand, with at least one hydrant located within 500 feet of the most remote point of the building, as the fire truck drives. The remaining hydrants shall be located within 1,000 feet of the most remote point of the building, as the fire truck drives. All fire hydrants must meet the fire hydrant standards of this section and the Gainesville Regional Utilities' "Potable Water, Wastewater & Reclaimed Water Design Standards and Construction Details, and Material Standards Manual."
- (8) The provisions in subsection (7) notwithstanding, the fire hydrant requirements may be varied at the discretion of the fire chief if such official or their designee finds that adequate fire protection can be provided from an approved fire hydrant which does not meet such requirements and/or a fully automatic fire extinguishing system.
- (9) No hydrant shall be installed that is not capable of providing at minimum a 1,000 GPM or greater flow. The water distribution system supplying the hydrants must be capable of providing at minimum a 1,500 GPM or greater flow.
- (10) Cost of reconstruction. Where a portion of the central water distribution system must be reconstructed to meet the requirements of this section, the owner or developer will be assessed any costs incurred by the city in accordance with section 27-99 of the City of Gainesville Code of Ordinances.
- (11) Access during construction or alteration. During construction or alteration of any building, access to the building and any hydrant which serves any portion of the building shall be provided for fire protection purposes without interference or obstruction.

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(12) Prohibitions. It shall be unlawful for any person to construct, or cause to be constructed, any building which does not meet the requirements of this section unless the requirements have been varied by the fire chief designated in this article as being authorized to vary such requirements. It shall also be unlawful to alter, cause to be altered, occupy or allow to be occupied any building constructed after August 10, 1981, which does not meet the requirements of this section unless the requirements have been varied as provided in this section.

(Ord. No. 002251, § 1, 9-9-02; Ord. No. 080841, § 4, 5-7-09; Ord. No. 120051, § 2, 9-6-12)

Sec. 10-12. Amendments to NFPA 1 Section 18.5.5 3-6 [sc3] of the Florida Fire Prevention Code.

NFPA 1 Section 18.5.5 3-6 is amended by adding the following:

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

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

(Ord. No. 002251, § 1, 9-9-02; Ord. No. 080841, § 5, 5-7-09; Ord. No. 120051, § 3, 9-6-12)

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

NFPA 1 Section 18.4.5 is amended by adding the following:

The Authority Having Jurisdiction (AHJ) reserves the right to establish needed fire flow for structures not meeting the definition of a building in NFPA 1 Section 3.3.3027 [sc4] that based upon stock, supplies, equipment, or content, presents a significant fire suppression load.

(Ord. No. 002251, § 1, 9-9-02; Ord. No. 080841, § 6, 5-7-09; Ord. No. 120051, § 4, 9-6-12)

Sec. 10-14. Fire safety board of adjustment.

- (a) *Fire safety board of adjustment to serve as appeals board.* The fire safety board of adjustment, consisting of five members who, to the greatest extent possible are qualified by training and experience in building construction and fire safety standards, is hereby authorized to hear appeals and to vary the application of any provision of this code and the building code when this code and the building code are in conflict. The board is appointed by the city commission. Each member shall be appointed for a term of three years and shall hold office until his/her successor has been appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. Terms shall expire November first of such year the term expires.
- (b) *Chair.* A majority of the board shall elect a chair who shall serve in that capacity for a two-year term.
- (c) *Meetings.* The board shall meet at least quarterly but may, by rule, increase the frequency of meetings.

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- (d) *Secretary.* The fire official, or his/her authorized representative, shall act as secretary of the board as regards the aforementioned appeals.
- (e) *Decisions.*
- (1) Every decision of the board shall be final and binding on all persons, subject, however, to the authority of the state fire marshal pursuant to F.S. § 633.161 and to such remedy as any aggrieved party might have at law or in equity. All decisions of the local building official and local fire official and all decisions of the board shall be in writing and decisions by the board shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the fire official and shall be open to public inspection; a certified copy shall be sent to appellant and a copy shall be kept in the office of the fire official for two weeks after filing. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection by the public during normal business hours.
 - (2) The board shall, in every case, reach a decision without unreasonably or unnecessary delay. The fire official and building official shall immediately take action in accordance with such decision.
 - (3) If a decision of the board reverses or modifies a refusal, order, or disallowance of the fire official or varies the application of any provision of this code, the fire official shall immediately take action in accordance with such decision.
- (f) *Appeal.*
- (1) *Fire code only.* Whenever it is claimed that the provisions of this code do not apply, or the fire official shall reject an alternate material or method of construction, or when it is claimed that the true intent and meaning of this code has been misinterpreted, the owner or his/her duly authorized agent may appeal the decision of the fire official to the board. Notice of appeal shall be in writing stating the reasons why relief is sought and what decision the person feels should be forthcoming. Appeal must be filed within 15 days after the decision is rendered by the fire official in such form as prescribed by the board.
 - (2) *Fire code/building code conflict.* If the applicable minimum building code conflicts with the applicable minimum fire safety code, the conflict shall be resolved by agreement between the building code enforcement official and the fire code enforcement official in favor of the requirement of the code which offers the greatest degree of life safety or alternatives which would provide an equivalent degree of life safety and an equivalent method of construction. Any decision made by the fire official and the building official may be appealed to the board. Notice of appeal shall be in writing and filed within 15 days after the decision to be appealed is rendered. If the decision of the fire official and the building official is to apply the provisions of either the applicable minimum building code or the applicable minimum fire safety code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the fire official and the building official is to adopt an alternative to the codes, the board shall give due regard to the decision rendered by the officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the board adopts alternatives to the decision rendered by the fire official and the building official, such alternatives shall provide an equivalent method of construction as the decision rendered by the officials.
- If the building official and the fire official are unable to agree on a resolution of the conflict between the building code and the fire code, the board shall resolve the conflict in favor of the code which offers the greatest degree of life safety or alternatives which would provide an equivalent degree of life safety and an equivalent method of construction.

(Ord. No. 002251, § 1, 9-9-02)

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ARTICLE III. EMERGENCY ACCESS TO GATED DEVELOPMENTS AND RESTRICTED ACCESS OCCUPANCIES

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Sec. 10-15. Definitions.

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

Sec. 10-17. Emergency access system.

Sec. 10-18. Time for compliance.

Sec. 10-19. Approval, maintenance and inspections.

Sec. 10-20. Minimum access.

Secs. 10-21—10-29. Reserved.

Sec. 10-15 thru 10-20. Amendments to NFPA 1 Section 18.2.2 [sc1]

Sec. 10-15. Definitions.

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

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

Emergency vehicle access system means Opticom and compatible technology, or other emergency access technology approved by Gainesville Fire Rescue. [sc2]

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

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

Restricted access occupancy means any multiple residential occupancy with interior corridors for access to the individual residential units and restricted access which prevent the general public from accessing the interior corridors.

(Ord. No. 000863, § 1, 9-9-02)

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

(a) Each new or existing ~~residential—residential development~~, or commercial development~~business occupancy~~, access to which is limited by security gates or gates which are not attended on a 24-hour basis, shall install an emergency vehicle access system as herein designated.

(b) Each new or existing restricted access occupancy, which does not have a person on premises 24 hours a day to provide access, shall install an emergency access Knox Box keyed with the City of Gainesville system code # PS-31-0128-04-90~~system as herein designated~~.

(Ord. No. 000863, § 1, 9-9-02)

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ARTICLE III. EMERGENCY ACCESS TO GATED DEVELOPMENTS AND RESTRICTED ACCESS OCCUPANCIES

Sec. 10-17. Emergency access system.

(a) *Equipment.* An emergency access system shall consist of:

- (1) An alarmed Knox Box keyed with the City of Gainesville system code # PS-31-0128-04-90, lock box which contains a key to the building, shall be affixed to the building in a location approved by the fire official; or
- (2) Opticom-Opticom and compatible technology, or other emergency access technology approved by Gainesville Fire Rescue technology or compatible technology.

(b) *Personnel.* The fire official shall develop and administer procedures to assure the security of the emergency access system.

(Ord. No. 000863, § 1, 9-9-02)

Sec. 10-18. Time for compliance.

(a) An existing gated development shall install an emergency vehicle access system on or before October 1, 2004. Gated developments that are completed after October 1, 2002, shall install an emergency vehicle access system prior to or concurrent with the installation of a security gate.

(b) An existing restricted access occupancy shall install an emergency Knox Box lock-box access system on or before October 1, 2003. Restricted access occupancy that is completed after October 1, 2002, shall install an emergency Knox Box lock-box access system prior to or concurrent with installation of the restricted access device.

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

(Ord. No. 000863, § 1, 9-9-02)

Sec. 10-19. Approval, maintenance and inspections.

No security gate required to incorporate an emergency access system shall be installed prior to, or maintained absent, obtaining written certification from the fire official that it meets the requirements of this article. Each emergency vehicle access system shall be maintained in working condition at all times so that timely access by emergency vehicles is provided during an emergency. Authorized emergency personnel may conduct inspections at any reasonable time to insure reliable operation of a system.

(Ord. No. 000863, § 1, 9-9-02)

Sec. 10-20. Minimum access.

The provisions of this article are intended to insure a minimum level of access for emergency vehicles and personnel during emergencies and shall not be construed to warrant or guarantee the safety of a gated development or restricted access occupancy during an emergency.

(Ord. No. 000863, § 1, 9-9-02)

Secs. 10-21—10-29. Reserved.

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ARTICLE IV. FALSE ALARMS

ARTICLE IV. FALSE ALARMS

Sec. 10-30. Short title.

Sec. 10-31. Definitions.

Sec. 10-32. Alarm permit and fee.

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

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

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

Sec. 10-36. Response to fire alarm.

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

10-38. Fire alarm monitoring companies. Sec.

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

10-40. Fire alarm system contractors.

Sec. 10-41. Prohibited fire alarm devices.

Sec. 10-42 Auxiliary power supply.

Sec. 10-43. Civil citation; collection of fees.

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

Secs. 10-45—10-49. Reserved.

Sec. 10-30. Short title.

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

(Ord. No. 021198, § 1, 5-23-05)

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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ARTICLE IV. FALSE ALARMS

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

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

Deterrent system means:

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

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

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

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

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

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

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

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

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

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

Fire alarm review authority means the city manager or designee.

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

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

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

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

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

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

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

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

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

(Ord. No. 021198, § 1, 5-23-05; Ord. No. 090529, § 1, 1-7-10)

Sec. 10-32. Alarm permit and fee.

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

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- (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.

(Ord. No. 021198, § 1, 5-23-05)

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.

(Ord. No. 021198, § 1, 5-23-05)

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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- (b) A fee or fine that remains unpaid in excess of 30 days shall result in a suspension of the fire alarm permit.
- (c) A suspension shall remain in effect until such time as:
 - (1) The fire alarm operator has taken action to remedy the causes of the false fire alarms; and
 - (2) The fire alarm administrator has reinstated the permit.
- (d) During the period in which a permit is under suspension, the fee for all false alarm responses by the fire department will be in accordance with the fee prescribed in Appendix A.
- (e) The fire alarm administrator may revoke a fire alarm permit if it is determined that:
 - (1) There is a false statement of a material matter in the permit application; or
 - (2) Ten or more false fire alarms have occurred from the fire alarm site within a permit year.
- (f) A person whose fire alarm permit has been revoked may be issued a new permit if that person:
 - (1) Submits documentation from the fire alarm system contractor that services the fire alarm system that it is operating properly, or that the fire alarm operator has received training in the use of the system or both if applicable, written documentation from the alarm company is required; and
 - (2) Pays all fees assessed or fines issued to the person under this article; and
 - (3) Submits a new application, and pays a reinstatement fee in accordance with the fee schedule established in Appendix A.
- (g) The fire alarm administrator shall give written notification to the fire alarm operator of a suspension, revocation, or reinstatement.

(Ord. No. 021198, § 1, 5-23-05)

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

- (a) A fire alarm operator may appeal the assessment of a response fee, permit suspension, or permit revocation under this article. The fire alarm operator shall notify the fire alarm administrator in writing within ten business days of receipt of notice of fine, suspension or revocation that such fine, suspension or revocation is being appealed. Proper notification shall stay the imposition of a fee, suspension or revocation, until a decision is made by the fire alarm review authority.
- (b) The fire alarm review authority shall conduct a hearing and consider evidence presented by the alarm operator and by other interested persons. The fire alarm review authority shall make a decision based on the preponderance of the evidence standard. The decision of the alarm review authority is the final administrative remedy for the city.

(Ord. No. 021198, § 1, 5-23-05)

Sec. 10-36. Response to fire alarm.

- (a) The fire alarm operator or an authorized responder listed on the alarm permit shall respond to the fire alarm site within 30 minutes from the time of notification by the fire department of the activation of the fire alarm, whether false or not. The failure to respond, when requested by the fire department, shall be deemed a violation by the fire alarm operator, and fee shall be assessed in accordance with the fee schedule established in Appendix A. The listed responder shall notify the alarm company for repair if there is any problem with resetting panel or the panel is down. Appropriate fire watch shall be established until repairs are confirmed by the AHJ and completed.

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

(Ord. No. 021198, § 1, 5-23-05)

Sec. 10-37. Deactivation of audible alarms.

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

(Ord. No. 021198, § 1, 5-23-05)

Sec. 10-38. Fire alarm monitoring companies.

- (a) All fire alarm monitoring companies shall register annually with the fire alarm administrator. Each fire alarm monitoring company shall pay a fee in accordance with the fee schedule established at Appendix A unless it is regulated by the department of business and professional regulation and has paid a local business tax for the current year to the county or municipality in the state where its permanent business location or branch office is maintained. Each registration shall be valid for 12 months. Failure to register, or pay a fee, if applicable, shall result in a fine levied in accordance with the fee schedule established at Appendix A.
- (b) The fire alarm monitoring company shall provide the following information:
- (1) Name, street address and telephone number of the fire alarm monitoring company;
 - (2) The names, street addresses and telephone numbers of all fire alarm operators contracted with within the territorial jurisdiction of this article;
 - (3) The procedure used to verify the legitimacy of a fire alarm prior to notification to the fire department;
 - (4) The name, street address and telephone number of the qualifying agent.
 - (5) Update customers telephone numbers,for responsible key holder . Must meet the 30 mintue response time.
- (c) Upon registration, the fire alarm monitoring company shall be provided with a telephone number for use when reporting a fire alarm.
- (d) Fire alarm monitoring companies shall maintain records relating to fire alarm notification for a period of at least two years, and shall provide such records to the fire alarm administrator upon request.
- (e) Fire alarm monitoring companies shall monitor in accordance with the Florida Fire Prevention Code.
- (f) Failure to comply with subsection (a), (b), (d) or (e) of this section shall result in a fine being levied in accordance with the schedule established at Appendix A.

(Ord. No. 021198, § 1, 5-23-05; Ord. No. 070022, § 3, 6-25-07)

State law reference— Business organizations, F.S. § 489.511

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

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

(Ord. No. 021198, § 1, 5-23-05; Ord. No. 090529, § 2, 1-7-10)

Sec. 10-40. Fire alarm system contractors.

- (a) All fire alarm system contractors shall register annually with the fire alarm administrator. Each fire alarm system contractor shall pay a fee in accordance with the fee schedule established at Appendix A unless it is regulated by the department of business and professional regulation and has paid a local business tax for the current year to the county or municipality in the state where its permanent business location or branch office is maintained. Each registration shall be valid for 12 months. Failure to register, or pay a fee if applicable, shall result in a fine levied in accordance with the fee schedule established at Appendix A.
- (b) No person shall install, maintain, repair, alter, service or monitor fire alarm systems for compensation without being a licensed fire alarm system contractor in the State of Florida, or a fine shall be levied as established at Appendix A.
- (c) All licensed fire alarm system contractors shall furnish each of its agents with identification cards in accordance with F.S. § 489, or a fine shall be levied for each violation in accordance with the fee schedule established at Appendix A.
- (d) Fire alarm system contractors shall install systems or equipment and use methods of installation that meet or exceed minimum Underwriters Laboratories or National Fire Protection Association 72 requirements for the appropriate installation and use control panels tested for conformance to the Security Industry Association's Control Panel Standard, or a fine shall be levied for each violation, in accordance with the fee schedule established at Appendix A. The original set of plans shall be located in the fire alarm book.
- (e) Fire alarm system contractors shall not activate or service an alarm system unless it is permitted, or a fine shall be levied in accordance with the fee schedule established at Appendix A.
- (f) Fire alarm contractors shall not cause a false alarm during the servicing, repairing, testing or inspection of an alarm system. The fire alarm operator shall not be charged with such false alarms.
- (g) Fire alarm contractors shall ~~__provide__~~ all fire alarm operators ~~with a~~ with a valid alarm permit ~~application,~~ whenever installing, maintaining, repairing, altering or servicing a fire alarm system, ~~unless the fire alarm contractor reasonably believes that the fire alarm operator already holds a valid permit. The permit shall be located in fire alarm book.~~

(Ord. No. 021198, § 1, 5-23-05; Ord. No. 070022, § 3, 6-25-07)

Sec. 10-41. Prohibited fire alarm devices.

It is unlawful for a person to operate a fire alarm system equipped with an automatic dialing device programmed to connect directly to the fire department or public safety combined communications center. All automatic dialing systems and radio systems shall communicate fire alarm notifications to a person who has accepted the responsibility of relaying the fire alarm or to a business licensed by the State of

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Florida to engage in the relaying of fire alarm notifications. A fine shall be levied in accordance with the fee schedule established at Appendix A for violation of this subsection.

(Ord. No. 021198, § 1, 5-23-05)

Sec. 10-42 Auxiliary power supply.

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

(Ord. No. 021198, § 1, 5-23-05)

Sec. 10-43. Civil citation; collection of fees.

- (a) The fire officials and code enforcement officers may issue a civil citation for violations of subsections 10-33(b)(6); 10-38(a) and (d); 10-39; 10-40(b) through (e); 10-41 and 10-42. The citation shall be issued in accordance with chapter 2, article V, division 6, of this Code and F.S. § 162.21.
- (b) In addition to other available remedies, any fee assessed or fines levied pursuant to this article that remains unpaid may be collected in accordance with the city policies regarding delinquent accounts.

(Ord. No. 021198, § 1, 5-23-05)

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

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

(Ord. No. 021198, § 1, 5-23-05)

Secs. 10-45—10-49. Reserved.

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ARTICLE V. ASSEMBLY OCCUPANCY SAFETY

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Sec. 10-50. Definitions.

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

Sec. 10-52. Fire department connections.

Sec. 10-53. Penalties.

Secs. 10-54—10-59. Reserved.

Sec. 10-50. Definitions.

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

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

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

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

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

(Ord. No. 080841, § 7, 5-7-09; Ord. No. 120051, § 5, 9-6-12)

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

:

- (a) ~~Each assembly occupancy owner shall ensure: that a credentialed crowd manager is on duty for every 250 individuals within their facility or special permitted area. Beginning at an occupancy of 50, each assembly owner shall ensure a credentialed Crowd Manager is on duty. When an occupancy reaches 251, and for every additional 250 thereafter, an additional Crowd Manager is required~~ (unless exempt), and the crowd manager(s) is/are equipped with the supplies listed within subsections (b) and (c) of this section, and the crowd manager(s) is/are ensuring compliance with subsections (d), (e), and (f) of this section.
- (b) Each crowd manager on duty must have a valid GFR Risk Reduction Bureau issued crowd manager identification card available on premises and a counting device for keeping track of the occupant load.

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- (c) Each crowd manager, designated by the assembly owner, shall ensure an accurate count of occupant load is maintained at all times the business is open to the public, for the purpose of preventing overcrowding.
- (d) Each crowd manager, designated by the assembly owner, shall ensure all exits are ~~open-unlocked~~ and free of obstruction.
- (e) Each crowd manager, designated by the assembly owner, shall ensure a mechanism for alerting the crowd and providing evacuation instructions are operational and available for use.
- (f) Each crowd manager, designated by the assembly owner, shall ~~ensure, based upon~~ maintaining an accurate crowd count ~~to ensure that,~~ that overcrowding ~~is avoided~~ does not occur.

(Ord. No. 080841, § 7, 5-7-09; Ord. No. 120051, § 6, 9-6-12)

Sec. 10-52. Fire department connections.

Assembly occupancies shall ensure the security of all fire department connections, utilizing an approved fire department connection securing device that prevents tampering, prevents debris from entering the sprinkler or standpipe system, and prevents the caps from theft.

(Ord. No. 080841, § 7, 5-7-09; Ord. No. 120051, § 7, 9-6-12)

Sec. 10-53. Penalties.

Any person who violates any provisions of this article shall be subject to punishment as provided in section 1-9 of this Code.

(Ord. No. 080841, § 7, 5-7-09)

Secs. 10-54—10-59. Reserved.

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ARTICLE VI. OPEN AND OUTDOOR BURNING

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Sec. 10-60. Purpose.

Sec. 10-61. Applicability; exceptions.

Sec. 10-62. Definitions.

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

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

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Sec. 10-71. Pyrotechnic displays.

Sec. 10-72. Liability.

Sec. 10-73. Right of entry and inspection.

Sec. 10-74. Enforcement and penalties.

Sec. 10-60. Purpose.

This article is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Gainesville by regulating the air pollution and fire hazards of open burning and outdoor burning.

(Ord. No. 090326, § 1, 10-1-09)

Sec. 10-61. Applicability; exceptions.

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

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

(Ord. No. 090326, § 1, 10-1-09)

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Sec. 10-62. Definitions.

Clean wood means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

Construction and demolition waste means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, demolition operations on a house, commercial or industrial building, or other structure, remodeling, repair, and

Fire chief means the Chief of Gainesville Fire Rescue or other person designated by the fire chief.

Municipality means the City of Gainesville, Florida.

Open burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

Outdoor burning means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

Outdoor wood-fired boiler means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

Patio wood-burning unit means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

Prescribed burning means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels.

Prescription means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

Refuse means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

(Ord. No. 090326, § 1, 10-1-09; Ord. No. 100840, § 1, 5-19-11)

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

Open burning and outdoor burning are prohibited in the City of Gainesville unless otherwise specifically permitted as provided by this article.

- (a) Open burning of refuse. Open burning of the following materials is prohibited.
- (1) Construction and demolition waste.
 - (2) Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
 - (3) Furniture and appliances.
 - (4) Tires.
 - (5) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (6) Newspaper.

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- (7) Corrugated cardboard, container board, boxes, books, magazines, printed materials, or office paper.
- (8) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(9) Household garbage

(Ord. No. 090326, § 1, 10-1-09; Ord. No. 100840, § 2, 5-19-11)

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

Except as may be authorized by F.S. Ch. 590 and Rule 51-2, Florida Administrative Code, open burning of trees, logs, brush, stumps, leaves, and grass clippings is prohibited, except that commercial land clearing debris burning is permitted, application for burn permit is required to be filled out and submitted to the Risk Reduction Bureau with an approved site inspection prior to burn. All requirements outlined on the burn permit must be met prior to any approval for burning, with the use of an open pit, air curtain and availability of heavy equipment provided a permit with a site visit is applied for and issued for each incident. Fee shall be submitted with permit application. A permit may be terminated for noncompliance and citizen complaints upon notice to the holder of the permit.

(Ord. No. 090326, § 1, 10-1-09)

Sec. 10-65. Agricultural burning.

Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this article. Determination will be made on a daily basis by calling the Risk Reduction Bureau and speaking to the person that issued the permit.

(Ord. No. 090326, § 1, 10-1-09)

Sec. 10-66. Prescribed burning.

Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with F.S. § 590.125 and Rule 51-2, Florida Administrative Code. Contact the DOF for requirements for approval. (352) 955-2010

(Ord. No. 090326, § 1, 10-1-09)

Sec. 10-67. Outdoor wood-fired boilers.

An outdoor wood-fired boiler may be installed and used in the City of Gainesville only in accordance with all of the following provisions:

- (a) The owner of the outdoor wood-fired boiler shall obtain an annual permit from the fire chief in accordance with section 10-70(d) of this article provided the boiler is located at least 1,000 feet from the property line.
- (b) The outdoor wood-fired boiler shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
- (c) The outdoor wood-fired boiler shall be installed and used only in an area zoned for agricultural use.
- (d) The outdoor wood-fired boiler shall not be used to burn refuse.

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- (e) The outdoor wood-fired boiler shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 ft, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The fire chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a hazard or otherwise create a nuisance for neighboring property.

(Ord. No. 090326, § 1, 10-1-09)

Sec. 10-68. Patio wood-burning units.

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

- (a) The patio wood-burning unit shall not be used to burn refuse.
- (b) The patio wood-burning unit shall burn only clean wood or a commercially prepared log product designed for outdoor burning.
- (c) The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- (d) The patio wood-burning unit shall not cause a hazard or otherwise create a nuisance to neighboring property.

(E) Commercially prepared log product shall be used in accordance to the manufactures recommendation.

(Ord. No. 090326, § 1, 10-1-09; Ord. No. 100840, § 3, 5-19-11)

Sec. 10-69. Fire suppression training.

Notwithstanding section 10-63 of this article, structures and other materials may be burned for fire suppression training only in accordance with all of the following provisions.

- (a) The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.
- (b) Any standing structure that will be used in a fire suppression training must be inspected and should be inspected by a licensed asbestos inspector. A notification of this inspection must be submitted to the state department of environmental protection, air quality division, at least ten business days prior to burning a standing structure. The notification must be submitted using form "Notification of Intent to Renovate/Demolish."
- (c) All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.
- (d) All ash shall be disposed of in an approved landfill or at an alternate location approved by the state department of environmental protection.
- (e) Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the fire chief determines that they are necessary for the fire practice.
- (f) At least 48 hours before a planned practice burn, residents within 1,000 feet of the site of the proposed burn shall be notified.

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- (g) All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

(Ord. No. 090326, § 1, 10-1-09)

Sec. 10-70. Burning permits.

- (a) Except for burns conducted pursuant to valid authorization under F.S. Ch. 590 and Rule 5I-2, Florida Administrative Code, no person shall start or maintain any outdoor burning or open burning regulated under this article without a burning permit issued by the risk reduction bureau of the city fire rescue.
- (b) Any person responsible for residential or commercial burning leaves, brush, clean wood or other vegetative debris under section 10-64 of this article shall obtain a one-time burning permit before starting the fire. The fee for each one-time burning permit shall be as set out in Appendix A, Schedule of Fees, Rates and Charges.
- (c) The owner or occupant of the property shall obtain a burning permit for an outdoor wood-fired boiler before using the outdoor wood-fired boiler. The fee for each annual burning permit shall be as set out in Appendix A, Schedule of Fees, Rates and Charges.
- (d) When weather conditions warrant, the fire chief or his designee may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open and outdoor burning.
- (e) A burning permit issued under this section shall require compliance with all applicable provisions of this article and any additional special restrictions deemed necessary to protect public health and safety.
- (f) Any violation of the conditions of a burning permit shall be deemed a violation of this article. Any violation of this article or the burning permit shall void the permit.
- (1) Any person who is notified that a burning permit has been voided may within five business days request a review by the fire chief, or designee, and present any information which demonstrates that this article or the terms of the permit were not violated.
- (2) The fire chief, or designee, shall send notice of the determination by regular U.S. mail within three business days as to whether the voided permit has been reinstated.

(Ord. No. 090326, § 1, 10-1-09; Ord. No. 100840, § 4, 5-19-11)

Sec. 10-71. Pyrotechnic displays.

Any person, business or group that engages in any pyrotechnic display shall require a one-time permit. The cost of the permit shall be as set out in Appendix A, Schedule of Fees, Rates and Charges.

(Ord. No. 090326, § 1, 10-1-09)

Sec. 10-72. Liability.

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(Ord. No. 090326, § 1, 10-1-09)

PART II - CODE OF ORDINANCES
Chapter 10 - FIRE PREVENTION AND PROTECTION

ARTICLE VI. OPEN AND OUTDOOR BURNING

Sec. 10-73. Right of entry and inspection.

The fire chief or any authorized officer, agent, employee or representative of the city fire rescue department who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article.

(Ord. No. 090326, § 1, 10-1-09)

Sec. 10-74. Enforcement and penalties.

- (a) The fire chief and/or his or her designee, and any law enforcement officer with the city police department, are authorized to enforce the provisions of this article.
- (b) It is unlawful for any person, firm, association, partnership, corporation, or governmental entity to engage open and/or outdoor burning without compliance with requirements of this article.
- (c) Penalties. Violations of any section of this article may be enforced as provided in section 1-9 of this Code, or by civil citation as provided in sections 2-336 through 2-339 of this Code. Any person not in compliance with any section of this article shall be subject to the penalties designated in sections 1-9 or 2-339 of this Code. Each violation shall be considered a separate offense, which can be prosecuted separately.

(Ord. No. 090326, § 1, 10-1-09; Ord. No. 100840, § 5, 5-19-11)

APPENDIX A – SCHEDULE OF FEES, RATES AND CHANGES

FIRE/RESCUE:

(1) *Fire alarm operators:*

Application for fire alarm or annual renewal application17.25

Application for fire alarm or annual renewal for integrated fire and burglar alarm system0.00

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

(2) *False alarms:*

First with valid permit0.00

First without valid permit, or second with valid permit, each129.75

Third and fourth, each129.75

Fifth, sixth and seventh, each297.75

Eighth and above, each749.75

(Note: reduced to \$11.50 if false fire alarm caused by system malfunction and proof of timely service/repair is submitted to the fire department (section 10-33(d))

Non-permitted system, additional fee243.00

(Note: reduced to \$61.00 if application filed within 10 days (section 10-33))

Fire alarm permit reinstatement fee after revocation (section 10-34)61.00

~~Failure to respond when requested by the fire department (section 10-36)61.00~~

~~Resetting of an activated fire alarm prior to arrival of fire department and approval for resetting152.00~~

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

(3) *Prohibited devices:*

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

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

(4) *Fire alarm monitoring companies:*

Annual registration fee (section 10-38)121.50

Failure to register or to maintain records for two years (section 10-38(d))152.00

Failure to monitor in accordance with the Florida Fire Prevention Code (section

10-38)152.00

Failure to verify alarm (section 10-39)152.00

(5) *Fire alarm system contractors:*

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

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

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

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

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

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

(6) *Fire inspection* (Chapter 10)

square footage of inspected structure:

0—3,00066.25

Over 3,000—5,00077.25

Over 5,000—10,00088.25

Over 10,000—50,00099.25

Over 50,000—100,000110.25

Over 100,000—150,000121.25

Over 150,000—200,000132.25

Over 200,000165.50

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

Residential, per event55.25

Commercial, per event110.25

(8) Annual burning permit for each burn barrel and/or outdoor wood-fired boiler § 10-70
.....55.25

(9) Pyrotechnic display § 10-70110.25