

## ARTICLE IV. - FALSE ALARMS

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### **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.

*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;

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- (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.

*Fire alarm operator awareness class* means a class conducted by the designated authority for the

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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;

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- (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.

(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.
- (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.

(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.

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

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(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

**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 fire alarm system contractor, or a fine shall be levied as established at Appendix A.

(c) All 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.

(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.

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(g) Fire alarm contractors shall provide all fire alarm operators with an 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.

(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 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 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.**