

## ARTICLE III. - FALSE FIRE ALARMS

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### **Sec. 121.50. - Short title.**

This article shall be referred to as the "Alachua County False Fire Alarm Ordinance."

(Ord. No. 05-05, § 1, 4-12-05)

### **Sec. 121.51. - 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.

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

*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.

*Fire alarm administrator* means a person or persons designated by the county 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 Alachua County.

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

*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 county manager or designee.

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

*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 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.

*Fire Department* means the Alachua County Fire/Rescue Services Department.

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

*Permit holder* means the person who applied for the permit, or the person(s) acting as agent, and is generally accepted as the responsible party.

*Permit year* means the period starting from the date of issuance of a fire alarm permit and ending one year from that date.

*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.

*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. 05-05, § 1, 4-12-05)

**Sec. 121.52. - Alarm permit and fee.**

(a) Every fire alarm operator shall annually apply to the fire alarm administrator for a non transferable fire alarm permit. Each permit shall be valid for one year and then expire. A fee of \$15.00 shall accompany each fire alarm application or renewal for residential, commercial or governmental premises. There will be an exception for a residential fire alarm permit, the fee will be waived if the alarm site has a current burglar alarm permit and both permits expire when the burglary alarm permit expires.

(b) Commercial or governmental premises are not exempt from permit requirements. Such permits shall be valid for one year and then expire.

(c) If an operator of a single family residence has a valid permit for a burglar system, and the burglar alarm system and fire alarm system are a single integrated unit, then only the burglar alarm permit fee is required. The alarm administrator shall provide permit application forms which shall encompass both burglar alarm and fire alarm systems.

(d) The fire alarm operator shall provide the following information:

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- (1) The name, address and telephone number of the applicant(s);
- (2) The address of the fire alarm site;
- (3) The classification of the fire alarm site as residential, commercial, governmental;
- (4) The type of system(s), such as addressable; monitored; etc;
- (5) The names, addresses and telephone numbers of two persons who have access to the premises, the ability to reset the alarm, and who, upon request of the fire department, will respond to the alarm site within 30 minutes of notification;
- (6) The name, address, and telephone numbers of the fire alarm monitoring company, if any;
- (7) The name, address, and telephone number of the installer and date of installation, if known;
- (8) The name, address and telephone number of the commercial entity that last performed maintenance on the fire alarm system, if known;
- (9) Any dangerous conditions present at the fire alarm site.

(e) No permit will be issued when a fine is outstanding, when a reason for a previous revocation has not been corrected, or if the applicant provides false information.

(f) 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 the information provided is incorrect or out of date.

(g) All permit information is confidential and exempt from disclosure in accordance with § 281.301, F.S.

(Ord. No. 05-05, § 1, 4-12-05)

**Sec. 121.53. - False fire alarm fees and fines.**

- (a) Responsibility for false fire alarms shall be borne by the permit holder.
- (b) The following fines shall be required for each false alarm per alarm system within one permit year:
  - (1) First and second false alarms: \$25.00 each; however, if the alarm operator has a valid alarm permit, then there is no fine for the first false alarm;
  - (2) Third and fourth false alarms: \$50.00 each;
  - (3) Fifth and sixth false alarms: \$100.00 each;
  - (4) Seventh and eighth false alarms: \$200.00 each;
  - (5) Ninth and above false alarms: \$400.00 each;
  - (6) The additional fine for false alarms from a non-permitted alarm system is \$200.00. The false alarm administrator may reduce this amount to \$50.00 if the alarm system is permitted within ten days of the false alarm.

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(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 fine per permit year. Only one fine for responses will be dropped for attending the class.

(d) After responding to a fire alarm, the fire department 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 fire officer's determination as to whether the fire alarm was false. If the fire department 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 post a notice at the alarm site that the system must be serviced or repaired, and shall provide a "Certification of Service or Repair" form which must be completed by the service or repair personnel and returned by the permit holder to the fire department within 15 business days. Provision of timely documentation of service or repair to the fire department shall cause the fine levied for the false alarm to be reduced to \$10.00.

(Ord. No. 05-05, § 1, 4-12-05)

**Sec. 121.54. - 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 60 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) When suspended, all responses by the fire department will be \$400.00 for each response after the eighth response.

(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 company 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 or fines issued to the person under this article; and
- (3) Submits a new application, and pays a \$50.00 permit fee.

(f) The fire alarm administrator shall give written notification to the fire alarm operator of a suspension, revocation, or reinstatement.

(Ord. No. 05-05, § 1, 4-12-05)

**Sec. 121.55. - Appeals of fees, suspensions, and revocations.**

(a) A permit holder 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 as to the county.

(Ord. No. 05-05, § 1, 4-12-05)

**Sec. 121.56. - Response to fire alarm.**

The fire alarm operator or a responder listed on the alarm permit shall respond to the fire alarm site within 30 minutes from the time of notification of the activation of the fire alarm, whether false or not.

(Ord. No. 05-05, § 1, 4-12-05)

**Sec. 121.57. - 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. 05-05, § 1, 4-12-05)

**Sec. 121.58. - Fire alarm monitoring companies.**

(a) All fire alarm monitoring companies shall register annually with the fire alarm administrator and pay a fee, unless it is regulated by the Florida Department of Business and Professional Regulation and has paid an occupational license 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.

(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 are 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.

(d) Fire alarm monitoring companies shall maintain records relating to fire alarm notification for a

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period of at least one year, 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.

(Ord. No. 05-05, § 1, 4-12-05)

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

**Sec. 121.59. - Fire alarm verification calls required.**

All fire alarm systems that have central monitoring are required to have a central monitoring verification call made to the combined communications center for a dispatch first, prior to calling the fire alarm site. 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. 05-05, § 1, 4-12-05)

**State law reference—** Alarm verification, F.S. ch 489.

**Sec. 121.60. - 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 unless it is regulated by the Florida Department of Business and Professional Regulation and has paid an occupational license 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.

(b) No person shall install, maintain, repair, alter, service or monitor fire alarm systems for compensation without being a fire alarm system contractor.

(c) All fire alarm system contractors shall furnish each of its agents with identification cards which must be constantly displayed while servicing onsite in accordance with F.S. § 489.

(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.

(e) Fire alarm system contractors shall not activate or service an alarm system unless it is permitted.

(f) Alarm system contractors shall not cause a false alarm during the servicing, repairing, testing or inspection of an alarm system. The alarm operator shall not be charged with such false alarms.

(g) Alarm system contractors shall provide all alarm operators with a blank alarm permit application, whenever installing, maintaining, repairing, altering or servicing an alarm system, unless the alarm system contractor reasonably believes that the system is permitted.

(Ord. No. 05-05, § 1, 4-12-05)

**Sec. 121.61. - Prohibited fire alarm devices.**

It is unlawful for a person to operate a fire alarm system equipped with an automatic dialing device

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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.

(Ord. No. 05-05, § 1, 4-12-05)

**Sec. 121.62. - Auxiliary power supply.**

A fire alarm system shall only be operated with an auxiliary power supply rated no less than 24 hours.

(Ord. No. 05-05, § 1, 4-12-05)

**Sec. 121.63. - Administration and enforcement.**

(a) The false alarm administrator shall be responsible for the administration and enforcement of this article.

(b) Unless otherwise stated in this article, fines for violations of any section of this article shall be equal to those amounts set forth in section 24.14, Alachua County Code of Ordinances. The false alarm administrator has the authority to compromise assessments of fines.

(c) The false alarm administrator may issue a civil citation for any violation of this article. The citation shall be issued in accordance with section 24.14, Alachua County Code of Ordinances and §162.21, Florida Statutes.

(d) The false alarm administrator may use any legal means to collect unpaid fees or fines. The costs of collection may be added to total amount owed.

(e) The false alarm administrator may enter into agreements with governmental entities to provide for the implementation of this article.

(Ord. No. 05-05, § 1, 4-12-05)

**Sec. 121.64. - Disposition of fees and fines.**

Fees and fines collected by the fire alarm review authority pursuant to this ordinance shall first be applied to the administration of this ordinance.

(Ord. No. 05-05, § 1, 4-12-05)

**Sec. 121.65. - No special public duty.**

The permitting of an alarm system is not intended to, nor will it create a contract, duty or obligation either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering the alarm system, the alarm operator acknowledges that fire department response may be based on factors such as availability of fire units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.

(Ord. No. 05-05, § 1, 4-12-05)