

ORDINANCE NO. 2023-1162

An ordinance of the City of Gainesville, Florida; making it mandatory for fire protection contractors to submit documents required by the Florida Fire Protection Code and referenced standards to the City of Gainesville using a third-party internet-based geographic information system program; amending Article III, "Emergency Access to Gated Developments and Restricted Access Occupancies"; revising Article IV "False Alarms" of Chapter 10, Code of Ordinances; providing for civil citations; amending the "Fire/Rescue" section of Appendix A; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, on or January 4, 2024, the City Commission directed the City Attorney's Office to draft an ordinance mandating third party fire protection system inspection reporting; and

WHEREAS, Opticom technology that enables Gainesville Fire Rescue to access gated developments has become obsolete; therefore, removing this reference in the ordinances is appropriate, and

WHEREAS, certain changes to Article VI, False Alarms were made in order to achieve consistency among the enforcement mechanisms referenced in the ordinance with Appendix A and the civil citation table; and

WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE

1 **CITY OF GAINESVILLE, FLORIDA:**

2 **Section 1.** The Code of Ordinances of Gainesville, Florida is hereby amended by adding
3 a section, to be numbered 10-7.5, to Article I, Chapter 10, which section reads as follows:

4 **Chapter 10 – Fire Prevention and Protection**

5 **ARTICLE I. - GENERAL**

6 **Sec. 10-7.5 . – Mandatory third party fire protection system inspection reporting.**

7 All inspection, installation, testing and maintenance reports required pursuant to the Florida
8 Fire Prevention Code, including all referenced standards, for identified fire protection systems,
9 equipment, or devices shall be reported to the City of Gainesville Fire Rescue through the internet-
10 based fire inspection reporting system designated by the City of Gainesville. Any report not
11 submitted through the City's designated internet-based reporting system will not be
12 accepted. Completed records shall be submitted no later than fifteen (15) days following the
13 applicable installation, inspection, testing or maintenance. Violations shall be subject to penalties
14 designated in section 2-339 of this Code. Each violation shall be considered a separate offense,
15 which can be prosecuted separately.

16 **Section 2.** Sections 10-15 and 10-17, of Article IV, Chapter 10 of the Code of Ordinances
17 of Gainesville, Florida are hereby amended to read as follows:

18 **Sec. 10-15. - Definitions.**

19 [The following words, terms and phrases, when used in this article, shall have the meanings
20 ascribed to them in this section, except where the context clearly indicates a different
21 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, or city regional utility vehicles.

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

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 that prevents the general public from accessing the interior corridors.

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 and containing a key to the building, that shall be affixed to the building in a location approved by the fire official; or

(2) ~~Opticom and compatible technology or other e~~Emergency access technology approved by Gainesville Fire Rescue.

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

Section 3. Sections 10-32 to 10-43, of Article IV, Chapter 10, of the Code of Ordinances of Gainesville, Florida are hereby amended to read as follows:

1 **Sec. 10-32. Alarm operator registration and fee.**

2 (a) Except as otherwise provided under the definition of "registration year," every fire alarm
3 operator shall annually apply to the fire alarm administrator for a nontransferable fire alarm
4 operator registration. The operator registration shall be valid for one registration year and
5 then expire.

6 (b) In accordance with the fee schedule established at Appendix A, a fee shall accompany each
7 application or renewal for fire alarms on residential, commercial or governmental premises.
8 The fee shall be proportionately adjusted for those operator registrations that have an initial
9 period greater than one year. If an operator of a single-family residential has a valid permit
10 for a burglar system, and the burglar alarm system and fire alarm system are a single
11 integrated unit, then no separate fire alarm operator registration fee is required. One single
12 fee as established at Appendix A shall suffice for both systems. The fire alarm administrator
13 shall provide operator registration application forms that shall encompass both burglar
14 alarm and fire alarm systems.

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

- 16 (1) The name, address and telephone number of the applicant(s);
17 (2) The address of the fire alarm site;
18 (3) The classification of the fire alarm site as residential, commercial, governmental;
19 (4) The type of system(s), such as addressable; monitored; etc.;
20 (5) The names, addresses and telephone numbers of two persons who have access to the
21 premises, the ability to reset the alarm, and who, upon request of the fire department,
22 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 operator registration will be issued when a fine or fees are outstanding, when a reason for a previous operator registration 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. An operator registration may be revoked if it is found to contain inaccuracies.

(f) Violations of subsections (a), (c) and (e) shall be subject to the penalties designated in section 2-339 of this Code. Each violation shall be considered a separate offense, which can be prosecuted separately.

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

(a) Responsibility for false fire alarms shall be borne by the alarm operator.

(b) (1) 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 registration year. Only ~~fees~~ fines for responses will be dropped for attending the class.

1 (2) Additional fees shall be assessed for false fire alarms from a fire alarm system which
2 has not been registered with the fire alarm administrator, or from a fire alarm system with a
3 revoked operator registration, as established in Appendix A. ~~Such fees~~ The most recent fee
4 will be reduced if acceptable arrangements are made for paying all assessed fees and an
5 application to register the fire alarm system is filed within twenty (20) days of invoice
6 issuance. ~~an application of a fire alarm system is filed within ten days of the false fire alarm~~
7 ~~and an operator registration is issued within ten days thereafter.~~

8 (c) The fire alarm administrator will offer an alarm awareness class to fire alarm operators. Fire
9 alarm operators may attend the class in lieu of paying one fee per registration year.

10 (d) After responding to a fire alarm, the city manager or designee shall leave written notice at
11 the fire alarm site that the fire department has responded to a fire alarm. The notice shall
12 include the identity of the fire officer, time of event, and the officer's determination as to
13 whether the fire alarm was false. If the city manager or designee ascertains that the false fire
14 alarm appears to be the result of an alarm system malfunction, the fire department, prior to
15 leaving the premises, may issue a notification to the operator that the system must be
16 serviced or repaired, and shall provide the operator with "Certification of Service/Repair"
17 form which must be filled out by the service or repair personnel and returned by the
18 occupant to within 15 business days. Failure to obtain and provide such documentation
19 within the specified time period shall result in a civil citation as designated in section 2-339
20 of this Code. Each violation shall be considered a separate offense, which can be
21 prosecuted separately. ~~the assessment of a fee in accordance with the fee schedule~~
22 ~~established at Appendix A.~~ Provision of timely documentation of service/repair shall cause
23 the fee assessed for the false alarm to be reduced as provided in Appendix A.

1 **Sec. 10-34. Suspension, revocation, or reinstatement of alarm operator registration.**

2 (a) In addition to the assessment of fees ~~or levy of fines~~ as provided for in this article, the

3 eighth false fire alarm response in a registration year shall result in a suspension of the fire
4 alarm operator registration.

5 (b) A fee or fine that remains unpaid in excess of 30 days shall result in a suspension of the fire
6 alarm operator registration.

7 (c) A suspension shall remain in effect until such time as:

8 (1) The fire alarm operator has taken action to remedy the causes of the false fire alarms;
9 and

10 (2) The fire alarm administrator has reinstated the operator registration.

11 (d) During the period in which an operator registration is under suspension, the fee for all false
12 alarm responses by the fire department will be in accordance with the fee prescribed in
13 Appendix A.

14 (e) The fire alarm administrator may revoke a fire alarm operator registration if it is determined
15 that:

16 (1) There is a false statement of a material matter in the operator registration application;
17 or

18 (2) Ten or more false fire alarms have occurred from the fire alarm site within a permit
19 year.

20 (f) A person whose fire alarm operator registration has been revoked may be issued a new
21 operator registration if that person:

22 (1) Submits documentation from the fire alarm system contractor that services the fire
23 alarm system that it is operating properly, or that the fire alarm operator has received

1 training in the use of the system or both if applicable, written documentation from
2 the alarm company is required; and

3 (2) Pays all fees assessed or fines issued to the person under this article; and

4 (3) Submits a new application, and pays a reinstatement fee in accordance with the fee
5 schedule established in Appendix A.

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

8 **Sec. 10-35. Appeals of fees/fines, suspensions, and revocations.**

9 (a) A fire alarm operator may appeal the assessment of a response fee, fine, an operator
10 registration suspension, or operator revocation under this article. The fire alarm operator
11 shall notify the fire alarm administrator in writing within ten business days of receipt of
12 notice of a fee, fine, suspension, or revocation, that such fee, fine, suspension, or revocation
13 is being appealed. Proper notification shall stay the imposition of a fee, fine, suspension, or
14 revocation, until a decision is made by the fire alarm review authority.

15 (b) The fire alarm review authority shall conduct a hearing and consider evidence presented by
16 the alarm operator and by other interested persons. The fire alarm review authority shall
17 make a decision based on the preponderance of the evidence standard. The decision of the
18 alarm review authority is the final administrative remedy for the city.

19 **Sec. 10-36. Response to fire alarm.**

20 (a) The fire alarm operator or an authorized responder listed on the alarm registration shall
21 respond to the fire alarm site within 30 minutes from the time of notification by the fire
22 department of the activation of the fire alarm, whether false or not. The failure to respond,
23 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. shall be subject to the penalties designated in section 2-339 of this Code. Each
violation shall be considered a separate offense, which can be prosecuted separately. The
fire alarm operator shall repair a fire alarm system that is not operating properly and shall
establish a fire watch until repairs are completed and confirmed by the authority having
jurisdiction.

(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~~ prior to afore-mentioned verification shall be subject to the
penalties designated in section 2-339 of this Code. Each violation shall be considered a
separate offense, which can be prosecuted separately.

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. Violations of
this Section shall be subject to the penalties designated in section 2-339 of this Code. Each
violation shall be considered a separate offense, which can be prosecuted separately.

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

1 and professional regulation and has paid a local business tax for the current year to the
2 county or municipality in the state where its permanent business location or branch office
3 is maintained. Each monitoring company registration shall be valid for 12 months. Failure
4 to register, or pay a fee, if applicable, shall result in a fine levied in accordance with the
5 fee schedule established at Appendix A.

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

7 (1) Name, street address and telephone number of the fire alarm monitoring company;

8 (2) The names, street addresses and telephone numbers of all fire alarm operators
9 contracted with within the territorial jurisdiction of this article;

10 (3) The procedure used to verify the legitimacy of a fire alarm prior to notification to the
11 fire department;

12 (4) The name, street address and telephone number of the qualifying agent; and

13 (5) Updated customers' telephone numbers for responsible key holder. Must meet the 30-
14 minute response time as provided in section 10-36.

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

17 (d) Fire alarm monitoring companies shall maintain records relating to fire alarm notification
18 for a period of at least two years, and shall provide such records to the fire alarm
19 administrator upon request.

20 (e) Fire alarm monitoring companies shall monitor in accordance with the Florida Fire
21 Prevention Code.

22 (f) Failure to comply with ~~subsection (a), (b), (d) or (e) of this s~~Section shall result in a fine
23 being levied in accordance with the schedule established at Appendix A.

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~~ fine 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.

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 it's 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. Ch. 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 notify fire alarm operators of the need to register an unpermitted fire alarm upon installing, activating, reactivating, maintaining, repairing, altering or servicing an unregistered alarm system.
- (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. Violation of this subsection shall result in a fine being levied in accordance with the schedule established at Appendix A.
- (g) As an alternative to a fine being levied in accordance with the schedule in Appendix A, violations of subsections (b), (c), (d), and (f) may be subject to the penalties designated in section 2-339 of this Code. Each violation shall be considered a separate offense, which can be prosecuted separately.

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 Florida to engage in the relaying of fire alarm

1 notifications. A fine shall be levied in accordance with the fee schedule established at
2 Appendix A for violation of this subsection.

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

4 A fire alarm operator shall not operate a fire alarm system which does not have a minimum 24-
5 hour auxiliary power supply, or a fine in accordance with the fee schedule established at
6 Appendix A shall be levied for noncompliance. Alternatively, violations of this Section shall be
7 subject to the penalties designated in section 2-339 of this Code. Each violation shall be
8 considered a separate offense, which can be prosecuted separately.

9 **Sec. 10-43. Penalties; ~~C~~civil citation; collection of fees.**

10 (a) The fire officials and code enforcement officers may issue a civil citation for violations of
11 subsections 10-32 (a), (c), (e); 10-33(b)(6)(d); 10-36 (a), (b); 10-37; 10-38(a) and (d); 10-
12 39; 10-40(b) through (ed), (f); 10-41 and 10-42. The citation shall be issued in accordance
13 with chapter 2, article V, division 6, of this Code and F.S. § 162.21.

14 (b) In addition to other available remedies, any fee assessed or fines levied pursuant to this
15 article that remains unpaid may be collected in accordance with the city policies regarding
16 delinquent accounts.

17 **Section 4.** The following portions of the Fire/Rescue section of Appendix A of the Code
18 of Ordinances are amended to read as follows:

19 **FIRE/RESCUE:**

20

21 (2) False alarms:

22 a. Registered systems (including suspended systems):

23 i. First with valid registration\$0.00

1 ii. Second with valid registration\$182.50

2 iii. Third and fourth, each\$243.00

3 iv. Fifth, sixth and seventh, each\$486.25

4 v. Eighth and above, each\$972.25

5 Note: Reduced to \$13.25 if false fire alarm caused by system malfunction and proof of timely
6 service/repair is submitted to the False Alarm Reduction Unit (§ 10-33(d)).

7 b. False alarm that occurs in an unregistered or revoked system, per false alarm
8 \$1,000.00

9 (Note: if payment is outstanding for more than one false alarm violation, the most recent
10 violation shall be reduced to \$100.00 if acceptable arrangements are made for paying all
11 assessed fees and a registration application is submitted within twenty (20) days of invoice
12 issuance (§ 10-33).)

13 c. Fire alarm registration reinstatement fee after revocation (§ 10-34)\$77.75

14 ~~d. Failure to respond when requested by the fire department (§ 10-36)\$74.00~~

15 ~~e. Resetting of an activated fire alarm prior to receiving approval from the fire
16 department\$184.75~~

17 (4) Fire alarm monitoring companies:

18 Annual registration fee (§ 10-38).....\$155.25

19 Failure to register, provide required information, or to maintain records for two years (§ 10-
20 38(a), (b), (c), (d))\$194.00

21 Failure to monitor in accordance with the Florida Fire Prevention Code (§ 10-38(e)).....\$194.00

22 Failure to verify alarm (§ 10-39)\$194.00

23

Section 5. It is the intention of the City Commission that the provisions of Section 1, 2, 3, and 4 of this ordinance will become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 6. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 7. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 8. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED this 4th day of April, 2024.


HARVEY L. WARD, JR.
MAYOR

Attest:

Approved as to form and legality:


KRISTEN J. BRYANT
CITY CLERK

 4/5/24
FOR: DANIEL M. NEE
CITY ATTORNEY

This ordinance passed on first reading this 21st day of March, 2024.

This ordinance passed on second reading this 4th day of April, 2024.

City of Gainesville



Kristen J. Bryant
Interim City Clerk

Office of the City Clerk

PO Box 490,
Station 18
Gainesville, Florida 32627

BryantK1@gainesvillefl.gov

Office 352 334 5016 | Direct 352 393 8441

STATE OF FLORIDA

COUNTY OF ALACHUA

I, Kristen J. Bryant, the duly appointed and qualified City Clerk of the City of Gainesville, Florida, a municipal corporation, do hereby certify that a true record of this Ordinance was made by me in Ordinance No. 2023-1162. The Ordinance was duly and regularly adopted by the City Commission of Gainesville, Florida at a City Commission meeting on April 4, 2024.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Gainesville, Florida this 4th day of April A.D., 2024

Kristen J. Bryant

City Clerk