

## **ORDINANCE 2022-12**

**AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA, CREATING ARTICLE III – FALSE FIRE ALARMS AND ARTICLE IV – REPORTING REQUIREMENTS TO CHAPTER 30 – FIRE PREVENTION AND PROTECTION OF THE CODE OF ORDINANCES OF THE CITY OF OLDSMAR TO PROVIDE FOR DEFINITIONS, RESTRICTIONS, PENALTY, ENFORCEMENT, APPEAL PROVISIONS WITH REGARD TO FALSE FIRE ALARMS AND REPORTING REQUIREMENTS FOR FIRE PROTECTION SYSTEMS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City of Oldsmar has seen a recent rise in the instance of false fire alarms; and

**WHEREAS**, in order to encourage fire alarm users to maintain reliability and the proper use of fire alarm systems so as to limit unnecessary police, fire and emergency medical responses to false alarms and alarm malfunctions it is necessary to revise the code of ordinances to address false fire alarms; and

**WHEREAS**, City staff has reviewed the current provisions of Chapter 30 of the Code of Ordinance for the City of Oldsmar and has recommended that provisions for false fire alarms be added thereto; and

**WEHREAS**, the recommendations of City staff have been found meritorious by the City Council; and

**WHEREAS**, the City Council has received input from the public at two public hearings.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Chapter 30 – Fire Prevention and Protection of the Code of Ordinances of the City of Oldsmar, Florida, be amended to create Article III – False Fire Alarms that shall read as follows:

### **ARTICLE III – FALSE FIRE ALARMS**

#### **Sec. 30-50. – Definitions.**

*Atmospheric disturbances* mean lightning, thunder, tornadoes or storms which occur at the time of the activation of an alarm system.

*Automatic dialing device* means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

*False alarm* means a signal from a fire alarm system that elicits a response by the fire department when no actual or threatened fire-related emergency exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in nonemergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a fire alarm is false if personnel responding from the Fire Department do not discover any evidence of fire or other emergency after following normal Fire Department operating procedures in investigating the incident. An alarm is not false if the alarm user proves that (1) an individual activated the alarm based upon a reasonable belief that a fire-related emergency existed; (2) the alarm system was activated by atmospheric disturbances; (3) an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system; or (4) the alarm was activated by vandals.

*False alarm response* means the appearance of any police officer, firefighter or paramedic at any property from which a false alarm originates, when such person is properly dispatched thereto, or otherwise learns of the activation of the alarm system at such property.

*Fire alarm system* means a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices to initiate the appropriate response to those signals or any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related

emergency requiring urgent attention and to which fire department personnel may reasonably be expected to respond, but does not include household alarms installed in one or two family dwellings and household fire alarm systems with the individual living units of multi-family dwellings.

*Responsible party* means every person who is the owner, tenant or party in lawful possession of any real property having any alarm system, whether or not such person is present on said property at the time of the activation of said alarm system.

*Vandal(s)* means a person or persons who willfully cause damage to a fire alarm system which results in the activation of a fire alarm.

#### **Sec. 30-51.- False Fire Alarms-Prohibited.**

No fire alarm user shall cause, allow, or permit its fire alarm system to signal three or more false alarms in any three month period.

#### **Sec. 30-52. - Penalties.**

Each violation of Section 30-51 shall be punished as follows:

- (a) For a first violation, by a fine of \$150.00.
- (b) For a second violation, by a fine of \$300.00.
- (c) For the third and each additional false fire alarm, by a fine of \$500.00.

#### **Sec. 30-53 – Enforcement.**

This Article shall be enforced by the code enforcement provisions of Chapter 2, Article IV of the Code of Ordinance.

#### **Sec. 30-54 – Appeals.**

- (a) The responsible person may request a hearing within 30 days of the date of issuance of any notice of false fire alarm or fine assessment to contest the validity of any notice of false alarm or fine assessment. The request for hearing shall be in writing and directed to the Fire Chief of the City of Oldsmar.
- (b) The Fire Chief shall immediately schedule the hearing to occur on the next available Code Enforcement Board hearing date. If the requesting party cancels or requests to continue the hearing with less than three business days' notice, a \$25.00 fee will be assessed unless the reason for cancellation is that the fine has been paid. The requester shall be

given notice of the hearing and shall have the opportunity to present evidence, cross-examine any witness, and to be represented by an attorney. The formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Within 10 days of the hearing, the Code Enforcement Board shall issue a written determination affirming or denying the determination that a false fire alarm existed and advising the responsible person of the actions required. If the Code Enforcement Board affirms the violation, \$50.00 in costs will be assessed in addition to the fine. The written determination shall be final and conclusive, subject to judicial review by common law certiorari in the circuit court of Pinellas County.

**Section 2.** That Chapter 30 – Fire Prevention and Protection of the Code of Ordinances of the City of Oldsmar, Florida, be amended to create Article IV – Reporting Requirements that shall read as follows:

#### **ARTICLE IV – REPORTING REQUIREMENTS**

##### **Sec. 30-70. – Third Party Reporting Requirements for All Fire Protection Systems.**

All reports related to the inspection, testing, and maintenance of any fire alarm system, fire sprinkler system, fixed fire protection system, and any other fire protection system required to be submitted to the fire-rescue department in accordance with the Florida Fire Prevention Code (FFPC) and its referenced standards shall be submitted electronically through a web-based software system approved by the City of Oldsmar.

**Section 3.** All ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

**Section 5.** This Ordinance shall become effective immediately upon its final passage and adoption.

PASSED ON FIRST READING:

**November 15, 2022**.

PASSED ON SECOND READING AND ADOPTED:

**December 6, 2022**.

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**Daniel M. Saracki, Mayor  
City of Oldsmar**

ATTEST:

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**Ann Nixon, City Clerk, MMC  
City of Oldsmar**

APPROVED AS TO FORM:

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**Thomas J. Trask, B.C.S.  
City Attorney, City of Oldsmar**