

**RESOLUTION 11-05**

**A RESOLUTION ADOPTING MALFUNCTIONING FIRE ALARM FEES**

**A RESOLUTION OF THE DESTIN FIRE CONTROL DISTRICT, OKALOOSA COUNTY, FLORIDA, CREATING CONTROLS AND UTILIZATION FOR PRIVATELY OWNED FIRE ALARMS; PROVIDES FOR MULTIPLE MALFUNCTIONING ALARM FEE CHARGES; PROVISIONS FOR ALL FEES TO BE PAID TO THE CAPITAL IMPROVEMENT FUND; PROVIDES FOR ALARM SYSTEM DISCONNECT FOR CAUSE AND UNAUTHORIZED RECONNECT; PROVIDES FOR EXEMPTION TIMES; PROVIDES FOR ALARM SYSTEM OPERATIONS; PROVIDES FOR PENALTY FOR DELINQUENCY; PROVIDES FOR PENALTY PROVISIONS FOR SERVICEABILITY; PROVIDES FOR REPEAL; AND PROVIDES FOR AN EFFECTIVE DATE.**

**WHEREAS, THE DESTIN FIRE CONTROL DISTRICT BOARD OF FIRE COMMISSIONERS IS GIVEN THE POWER PURSUANT TO SECTION 191.009 (3)(d) OF FLORIDA STATUTES AND SECTION 9 (3)(d) OF CHAPTER 2000-417, LAWS OF FLORIDA TO ADOPT RULES AND REGULATIONS NOT INCONSISTENT WITH ANY PORTION OF THIS ACT AS IT MAY DEEM NECESSARY IN THE TRANSACTION OF ITS BUSINESS AND IN CARRYING OUT THE PROVISIONS OF THIS ACT, MAY PROMULGATE AND ENFORCE REASONABLE FIRE REGULATIONS BY RESOLUTION.**

**BE IT SO RESOLVED BY THE DESTIN FIRE CONTROL DISTRICT, OKALOOSA COUNTY, FLORIDA:**

**SECTION 1: DEFINITIONS**

As used in this regulation the following words and terms shall have the following meanings:

- a. **Alarm Systems:** Means any mechanical, electrical or radio controlled device which is designated to emit a sound or transmits a signal or message when activated by smoke, heat, or fire. Without limiting the generality of the forgoing, alarm systems shall be deemed to include audible alarms at the site of the installation of the detection device, proprietor alarms, automatic telephone direct dial devices or digital alarm communicator systems.
  
- b. **Alarm Malfunction:** Means the activation of an alarm system through mechanical failure, malfunction, improper installation or maintenance or because of negligent or intentional misuse of the system caused by the Owner, lessee, occupant, manager, or Technician of the premises where the alarm is installed or because of negligence or misuse of the system by an employee, servant or agent of such person or any other activation of the system not caused by fire, heat or smoke; provided, however, false alarms does not include alarms caused by acts of God or by external power failure, or those alarms intentionally activated by the Owner, lessee, occupant or manager of the premises who visually observed or heard suspicious circumstances which would cause a careful and prudent person to believe that a fire was in progress at the premises protected by the alarm system.

- c. **Test Alarm:** Means maintenance or testing of an alarm system where prior approval has been obtained from the enforcement official.
- d. **Fire Chief:** Means the Fire Chief or a designated representative.
- e. **Person:** Means individuals, associations, firms, partnerships, corporations, a company or organization of any kind.
- f. **Premises:** Means any building, structure, or combination buildings and structures which serve as dwelling units, single or multi-family. It also means any other area within a building, structure or combination thereof which is used for the purpose other than residential, wherein a fire alarm system is installed.
- g. **Fee:** Means the assessment of a monetary charge, as authorized pursuant to this Resolution.
- h. **Owner:** Means any person who owns the premises in which an alarm system is installed or the person or persons, who lease, operate, occupy, or manage the premises.
- i. **Required Operative Alarm System:** Means an alarm system which the Owner of the premises is required to maintain in an operative condition pursuant to statute, law, ordinance, rule or regulation of any governmental entity, or has been installed based on personal preference.
- j. **Technician:** Means any company, corporation, business or individual performing maintenance, testing, or installation of a fire alarm or fire sprinkler system.
- k. **Technician-Caused Malfunction:** Means any activation of the fire alarm system causing a Fire Department response in which the Technician did not properly notify the alarm system monitoring agency and Okaloosa County Central Dispatch.

## **SECTION 2: NOTICE OF EXISTENCE OF ALARM SYSTEM**

Every person who owns, leases, possesses or operates any alarm system within the boundaries of the Destin Fire Control District, shall notify the Fire Chief of the existence of the alarm system and be responsible for training to ensure proper operation of the alarm system. Notice shall include the following information:

- a. The name, address, business and home telephone numbers of the Owner, lessee, operator, manager or person in possession of the premises wherein the alarm system is installed.
- b. The name, address, and telephone number of at least two (2) persons who are to be notified by the Fire Chief in the event of the activation of the alarm system, who shall be authorized to enter the premises and deactivate an alarm system.
- c. The date in which the alarm system is to be installed.

**SECTION 3: RESPONSIBILITIES FOR FIRE ALARM MALFUNCTION RESPONSE AND CORRECTIVE ACTION:**

- a. For the purpose of this regulation, the responsibility of a fire alarm system malfunction shall be that of the Owner, as defined herein, of the premises in which the alarm system is installed. A response to an Alarm Malfunction shall result when a member of the Fire Department is dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system, by any means whatsoever, and responds thereto by traveling to that premises.
- b. After responding to a fire alarm system malfunction, the Fire Chief shall notify any person identified in the notice required pursuant to Section 2.b, hereof, of the activation of the alarm system and such person shall there upon travel to the premises to deactivate the alarm system. Should the person notified fail to appear at the premises to deactivate the alarm system within thirty (30) minutes after being notified to do so, the Destin Fire Control District shall charge the Owner of the premises a fee of fifty dollars (\$50.00).
- c. In addition to the above, the Fire Chief shall require the Owner of the premises to make a written report within seven (7) days of the receipt of notice from the Fire Chief, on forms prescribed and provided by the Fire Chief, setting forth the cause of the false alarm, the corrective action taken, and the name, address, and telephone number of any maintenance, repair or service personnel who inspected or repaired the alarm system following the false alarm, as well as such other information as the Fire Chief may deem is reasonably necessary to determine the cause of the false alarm, the corrective action taken or required to correct the cause of the same.
- d. The burden of proof shall be with the Owner to show that a fire alarm was not an Alarm Malfunction as defined in Section 1 (b).

**SECTION 4: FEE CHARGE – MULTIPLE ALARM MALFUNCTIONS**

- a. Commencing with the calendar quarter, beginning, January 1, 2012 and continuing with each succeeding quarter thereafter, should a Fire Chief as defined herein respond to more than one (1) Alarm Malfunction at one premises within the calendar quarter, the Destin Fire Control District shall charge the Owner the sum of \$200.00 per Alarm Malfunction.
- b. Each activation of the fire alarm system causing a Fire Department response in which the Technician did not properly notify the alarm system monitoring agency and Okaloosa County Central Dispatch, the Destin Fire Control District shall charge the Technician as defined herein the sum of \$100.00 per fire alarm activation.

**SECTION 5: FEES INTO CAPITAL IMPROVEMENT ACCOUNT**

All revenue derived from fees imposed under this regulation shall be deposited into the Capital Improvement fund.

## **SECTION 6: DISCONNECTION OF ALARM SYSTEMS**

- a. Except for a premises protected by a required operative alarm system, the Fire Chief is authorized to order the disconnection or deactivation of any alarm system, by written notice to the Owner of a premises wherein an alarm system is installed, for any of the following reasons:
- (1) Failure to pay the fee provided for in Section 3b or Section 4 within ten (10) days of the charging of the fee; or
  - (2) In the event that the fourth Alarm Malfunction or any succeeding Alarm Malfunction at the premises for which a fee is charged in pursuant to Section 4, hereof, is the result of the failure of the Owner to take corrective action to eliminate the cause of the Alarm Malfunction, or
  - (3) Because of the failure of a person notified pursuant to Section 3b, hereof, to appear within thirty (30) minutes after being notified to deactivate an alarm system, if such failure to timely appear occurs two or more times within the calendar quarter.
- b. The written notice to the Owner of the premises shall specify the date on which the Owner shall be required to disconnect or deactivate the alarm system; this date shall be at least fourteen (14) days following the date of notice. The Owner may appeal the order of the Fire Chief pursuant to Section 7, hereof.

## **SECTION 7: APPEAL**

An Owner who receives a notice to disconnect or deactivate an alarm system, pursuant to Section 6, shall be entitled to appeal the order of the Fire Chief to the Chair of the Board of Fire Commissioners. An appeal must be in writing, stating the reason or reasons why the order to disconnect or deactivate should be withdrawn, and shall be made within ten (10) days of receipt of the notice to disconnect. The Chair shall review the facts and circumstances and shall determine whether the Owner has shown good cause why the order should be withdrawn. Upon making a decision on the matter, the Chair shall notify the Owner of the decision in writing. If the Chair affirms the order to disconnect or deactivate an alarm system, the Owner shall have three (3) days following receipt of the written decision of the Chair within which to comply with the order. The appeal of an order to disconnect or deactivate shall suspend the effective date of the order until the appeal has been acted upon by the Chair.

## **SECTION 8: FAILURE TO DISCONNECT OR UNAUTHORIZED RECONNECTION OF ALARM SYSTEM**

It shall be unlawful for any person to fail to disconnect or deactivate an alarm system which has been ordered disconnected or deactivated pursuant to Section 6, or following the disposition of an appeal pursuant to Section 7, if the Chair affirmed the order to disconnect or deactivate. It shall also be unlawful for any person to reconnect an alarm system, which has been disconnected or deactivated pursuant to the order of the Fire Chief unless the reconnection of the alarm system is authorized pursuant to Section 9, hereof.

## **SECTION 9: RECONNECTION OF ALARM SYSTEMS**

Any order to disconnect or deactivate an alarm system may be rescinded by the Fire Chief upon a finding by the Fire Chief that the Owner of the premises has taken corrective action which it is reasonable to conclude will remedy the cause of the false alarms at the premises. In making a request for such recession, the Owner shall have the burden to show what corrective action has been taken and that the same is sufficient to support a finding that the cause of the false alarms has been remedied. The Fire Chief shall have the right to inspect the alarm system and test the system prior to rescinding the order to disconnect or deactivate. The Fire Chief shall not rescind an order to disconnect or deactivate if the Owner has failed to pay any fee charged the Owner pursuant to Section 3 or Section 4.

## **SECTION 10: EXEMPTION TIMES**

- a. Newly Installed or Expanded Alarm Systems: The provisions of the Regulation shall not apply to any newly installed alarm system or the expansion of an old system for a period of three months from the date of the installation of the alarm system. When an expansion of an old system has been completed, only the new portions to the expansion system and not the entire system shall be exempt from the provisions of this regulation for a period of three months. The time limit provided for this section shall be measured from the date shown on the notice required by section 2, hereof. The initial exemption period shall not apply to any alarm system or expansion to the alarm system that has been in operation for more than three months prior to the effective date of this regulation.
- b. Repaired, Modified or Replaced Alarm System: Any existing alarm system which is modified, replaced or repaired shall be exempt from the provisions of this regulation for a period of fourteen (14) days upon compliance with the provisions of Section 2, commencing with the date shown on the notice. This exemption period shall not apply to an alarm systems which have been repaired, modified, or replaced for more than two weeks prior to the effective date of this regulation.

## **SECTION 11: ALARM SYSTEM OPERATIONS**

The Destin Fire Control District, its officers, employees, and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned alarm system, such duties or responsibilities being solely those of the Owner of the premises. Additionally, it shall be solely the responsibility of the Owner of the premises to silence an activated alarm and thereafter to reset the system. However, any alarm activation that initiates a response by the Fire Department shall not be silenced and/or otherwise deactivated or reset until the on scene commander of the Destin Fire Control District officially declares the emergency terminated or otherwise gives an all clear order.


**SECTION 12: EFFECTIVE DATE**

THE CHARGES ALLOWED HEREUNDER WILL BECOME EFFECTIVE January 1, 2012.

DULY ADOPTED ON THIS 8<sup>th</sup> DAY OF November, 2011.

DESTIN FIRE CONTROL DISTRICT  
Board of Commissioners

ATTEST:

  
J. Thomas Green, Chair

  
Kathryn L. Wagner, District Clerk