

## **RESOLUTION NO. 2023-1417**

**A RESOLUTION OF THE ENGLEWOOD AREA FIRE CONTROL DISTRICT, AMENDING THE ENGLEWOOD AREA FIRE CONTROL DISTRICT ASSESSMENT OF FINES FOR EXCESSIVE FALSE ALARMS IN THE FIRE DISTRICT; STATING FINDINGS OF FACT CONCERNING FALSE ALARMS AND THEIR DETRIMENTAL EFFECT; PROVIDING DEFINITIONS; ASSESSING A SCHEDULE OF FINES; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING FOR AN ENFORCEMENT AND APPEAL PROCESS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE, PURSUANT TO RESOLUTION IF2013-1349 SUBSEQUENTLY AMENDED; CHANGED 1. DEFINITIONS, G. ENFORCEMENT OFFICIAL; REMOVED 4. FINES E) CONSTRUCTION AND ADDED TO 4. FINES, A) ACCIDENTAL ACTIVATION. PROVIDING SEVERABILITY OF PROVISIONS; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the Englewood Area Fire Control District that the fire protection services be readily available; and

WHEREAS, the Englewood Area Fire Control District Fire Commissioners (the "Board") shall establish reasonable fees and regulations as necessary for the provision of fire protection services, and

WHEREAS, thirty-eight (38) percent of the fire responses each year are related to malfunctions, accidental activations, and malicious activations of Fire Alarm Systems which unnecessarily utilize a significant number of fire apparatus and firefighters; and

WHEREAS, a high incidence of false alarms and/or malfunctions causes a significant misuse of firefighters and resources of the Fire District by causing the dispatch of units to the scene of a false alarms or alarm malfunctions, rendering them unavailable to respond to legitimate emergency situations; and

WHEREAS, the continued high incidence of false alarms and/or alarm malfunctions are a threat to the health, safety and welfare of the citizens of the Englewood Area Fire Control District; and

WHEREAS, it is hereby found and determined that these established procedures and fines for multiple false alarms and alarm malfunctions would serve the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED, BY the Board of Fire Commissioners of the Englewood Area Fire Control District, that:

## 1. DEFINITIONS:

- A. **Alarm Company** means a business employing registered technicians which sells, inspects, installs, maintains, repairs or monitors an Alarm System.
- B. **Alarm System** means any assembly of equipment arranged to sound a signal internally and/or externally and which may transmit to a Central Station the occurrence of a fire, hazard, or medical emergency requiring immediate attention and to which fire or medical units are required to respond. A Single Station Alarm Device (independent smoke detector) shall not be deemed to be an Alarm System under this Resolution.
- C. **Automatic Telephone Dialing Device or Digital Alarm Communicator System** means any alarm device which automatically sends a coded signal over regular telephone lines by direct connection or otherwise, indicating the existence of the emergency situation that the Alarm System is designed to detect.
- D. **Central Station** means a facility that houses the alarm receiving equipment, annunciators, recording equipment and associated test and power supplies; is staffed at all times by (a minimum of two) competent and experienced personnel who supervise the circuits and investigate signals; is Underwriters Laboratories (UL) listed.
- E. **Citation** means notice of violation of this Resolution to include assessment of a Fine pursuant to this Resolution.
- F. **Dispatch Center** means Sarasota County Public Safety Communications Center that receives emergency and/or general information from the public, and which dispatches police, fire, and emergency medical personnel.
- G. **Enforcement Official** means the Fire Marshal or his designated representative.
- H. **False Alarm** means the activation of any alarm which results in the notification of the Fire Department caused by the accidental, negligent or intentional misuse of the system which includes, but is not limited to, test transmission of alarm signals without prior notification.
- I. **Fine** means the penalty of a monetary charge payable to the Englewood Area Fire Control District, authorized pursuant to this Resolution.
- J. **Fire Alarm Malfunction** means the activation of any alarm which results in the response of the Fire Department caused by mechanical/electrical failure, improper installation or lack of proper maintenance, power fluctuation, weather related conditions, or when Fire personnel are unable to determine the apparent cause of the alarm activation.

- K. **Fire Alarm Technician** means any person who inspects, installs, repairs, or performs maintenance on Fire Alarm Systems and is licensed by the State of Florida or works under a State licensed alarm contractor as required by Florida Statute Statutes 489 and Chapter 633.
- L. **Key Holder** means any person authorized to enter the Premises who can silence, notify alarm company.
- M. **National Fire Protection Association 72 (NFPA 72 current edition)** means the standard for installation, maintenance and monitoring of the Fire Alarm Systems as adopted by the Florida State Fire Marshal.
- N. **Owner / Occupant** 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.
- O. **Placed into Operation** means an Alarm System put in service which has met all requirements of this Resolution.
- P. **Premises** means any structure or combination of structures within which a Fire Alarm System has been installed.
- Q. **Required Alarm System** means an Alarm System which the Owner / Occupant of a premises is required by law to install and maintain in an operative condition.
- R. **Reset** means to clear an Alarm System of all indicators and place the system back into normal operation.
- S. **Response** means notification of any officer / member of the Fire Department of the activation of a Fire Alarm System.
- T. **Serve** means hand-delivery by a representative of the Fire Department to the Owner / Occupant or Key holder who responded to the Premises. In the event the Owner / Occupant or Key holder fails to respond to the Premises within thirty (30) minutes. Serve shall mean placing the form or other matter in the United States mail; postage prepaid, addressed to the owner or authorized representative.
- U. **Silence** means deactivating all local audible alarms without resetting the system.
- V. **Single-Station Alarm Device** means an assembly incorporating the detector; control equipment and alarm-sounding device in one unit operated from a power supply either in the unit or obtained at the point of installation whose designed intent is not to alert the Fire Department.

## **2. Installation of Fire Alarm System.**

- A. Prior to a Fire Alarm System being placed into service / operation, the Alarm Company that installed the system shall provide the system owner a copy of this Resolution.

## **3. Lockbox (Knox Box).**

Prior to the Alarm System being placed into operation, the system owner shall install a lock box (Knox Box) on the structure. The occupant of the premises shall be solely responsible for contacting the Englewood Area Fire Control District Business Office to update emergency access key(s) to the premises.

Upon notification by the Sarasota County Public Safety Communication Center or an officer/member of the Englewood Area Fire Control District, a Key Holder shall report to the premises within a reasonable time so as to disable/reset the system.

## **4. Fines.**

- a) **Accidental Activation/Construction:** For purposes of this Resolution, an accidental activation of the system as a result of activity on the premises that does not require a permit, i.e., alarm and sprinkler maintenance or building maintenance.

(1) **First Activation:** An Englewood Area Fire Control District office/member will conduct an investigation and provide the system owner of premises occupant with a written warning.

(2) **Second Activation (within one calendar year):** \$250.00

(3) **Each additional activation (within one calendar year):** \$500.00

- b) **Alarm Malfunctions:** For purposes of this Resolution, “malfunction” is defined as an automatic activation of the System without a true fire-related cause.

(1) **First Malfunction:** An Englewood Area Fire Control District officer/member will conduct an evaluation to assist in determining the cause of the malfunction, and shall provide the system owner or premises occupant with a copy of this Resolution. The system owner or premises occupant shall complete all necessary repairs to the system within twenty-four (24) hours of the evaluation inspection (residential / institutional) or within 72 hours of the evaluation inspection (commercial). Additional malfunctions within the repair periods shall not be assessed a fine. The owner / occupant must return the affidavit of repair to the District within 30 days.

- (2) **Second Malfunction (within one calendar year):** \$100.00
- (3) **Third Malfunction (within one calendar year):** \$250.00
- (4) **Each Additional Malfunction (within the calendar year):** \$500.00

c) **Malicious Activation:** For purposes of this Resolution, “malicious activation” is defined as any activation, which is malicious or mischievous in nature. The system owner shall be responsible for all incurred fees.

(1) **First Activation:** An Englewood Area Fire Control District officer/member will conduct an evaluation to assist in determining the cause of such activations. Englewood Area Fire Control District officer’s/member’s recommendations shall be in writing and compliance with modifications shall be on a voluntary basis. The Englewood Area Fire Control District officer/member shall provide the system owner or premises occupant with a copy of this Resolution.

(2) **Second Activation (within one calendar year):** \$250.00

(3) **Each Additional Activation (within the calendar year):** \$500.00

d) **Permitted Work Activation and Construction:** For purposes of this Resolution, “Permitted Work Activation” is defined as an activation of the Fire Alarm System caused by work which requires a permit. It shall be the responsibility of the permitted contractor or designee to identify the cause of the activation and to advise the Englewood Area Fire Control District officer / member upon arrival of the scene.

**5. Force Majeure.**

Fines shall be waived upon a showing that severe weather, power outages, transmission line malfunctions, or other circumstances beyond the control of the responsible party have caused the Fire Alarm System activation.

**6. Payment of Fines / Enforcement.**

Payment of any assessed fines is due and payable within thirty (30) calendar days of receipt on an invoice reflecting the date of occurrence and total charges. Failure to pay the fines shall be deemed a violation of this Resolution and shall be punishable in any manner allowed by law.

**7. Effective Date.**

This Resolution shall take effect March 1, 2023 and shall remain in effect until modified or repealed by subsequent Board Resolution.

PASSED AND DULY ADOPTED BY THE BOARD OF FIRE COMMISSIONERS OF THE ENGLEWOOD AREA FIRE CONTROL DISTRICT, ENGLEWOOD, FLORIDA, THIS 22 DAY OF February, 2023.

BOARD OF FIRE COMMISSIONERS  
OF THE ENGLEWOOD AREA FIRE  
CONTROL DISTRICT, ENGLEWOOD,  
FLORIDA

By: Ronald Cain  
(Chair)

By: Ronald F. Smith  
(Vice Chair)

By: William Smith  
(Secretary/Treasurer)

By: E. Adam ...  
(Commissioner)

By: \_\_\_\_\_  
(Commissioner)

Attorney for the Englewood Area Fire  
Control District

Lori Wellbaum Emery  
Lori Wellbaum Emery, Esquire

ATTEST:

By: [Signature]  
Clerk