



GREATER NAPLES FIRE RESCUE DISTRICT

FALSE FIRE ALARM

RESOLUTION 2015-12

A RESOLUTION OF THE GREATER NAPLES FIRE RESCUE DISTRICT OF COLLIER COUNTY, FLORIDA; PROVIDING FOR THE COLLECTION OF FALSE ALARM FEES, PROVIDING A SCHEDULE OF FEES AND AN EFFECTIVE DATE.

WHEREAS, fire alarm systems convey alarm signals to indicate an apparent fire at a premises;

WHEREAS, persons responsible for the prevention of the false fire alarms oftentimes fail in their responsibilities to prevent false fire alarms resulting in unnecessary District responses to such false fire alarms, which negatively impacts District resources;

WHEREAS, Section 191.009(3)(c), Florida Statutes, authorizes independent special fire control and rescue districts to provide a reasonable schedule of charges for responding to false fire alarms; and

WHEREAS, Article V of Section 4 of Chapter 2014-240, Laws of Florida, authorizes the District to charge user fees or service charges in accordance with Chapter 191, Florida Statutes.

NOW THEREFORE BE IT RESOLVED BY THE GREATER NAPLES FIRE RESCUE DISTRICT that,

Section 1. Incorporation of Recitals.

The recitals set forth above are true and correct and are incorporated into this Resolution.

Section 2. Definitions.

Enforcement Official shall mean the Fire Chief of the Greater Naples Rescue District or designee of the Fire Chief.

False fire alarm means activation of a fire alarm system caused by something other than an actual fire or emergency condition at the protected premises, and by which activation results in an official response. There shall be a rebuttable presumption a fire alarm activation is a false fire alarm whenever a firefighter determines that the fire alarm was triggered by a cause other than a fire or emergency condition or by an intentional activation based upon a good faith reaction to the reasonable belief of the existence of a fire or emergency condition.

Protected premises means either a residential or commercial premises that is equipped with a remote alarm system.

Section 3. Responsibility.

Each owner of a Protected Premises is the responsible party for false fire alarms at the Protected Premises. Owners may by lease or other written agreement assign that responsibility to persons or entities that occupy the Protected Premises or to managers of the Protected Premises. Notwithstanding, assignment of this responsibility by the Protected Premises owner does not alleviate owner's responsibility and such owner shall be responsible for any false fire alarms and resulting user fees if the non-owner fails to fully comply with this Resolution.

The owner of each Protected Premises shall (1) equip such property with a lock box purchased from the Greater Naples Fire Rescue District; (2) install the lock box in a location as approved by the Greater Naples Fire Rescue District; and (3) provide the Greater Naples Fire Rescue District keys to gain access to the fire alarm panel.

Section 4. Held Harmless.

The Greater Naples Fire Rescue District shall be held harmless for any damage to the Protected Premises' fire alarm system and for any resulting property damage or loss of life, which may be caused by the termination or resetting of the fire alarm system at a vacant Protected Premises.

Section 5. Establishment of Schedule of Fee.

The Board of Fire Commissioners finds it is necessary to charge user fees in the manner set below and that these user fees set forth fair and reasonable sums to be assessed to those who receive the benefits of those activities and services required by Florida Statutes and the Greater Naples Fire Rescue District. When there is a violation of this Resolution for the first time, a written warning for the first false fire alarm at the Protected Premises shall be issued and mailed to the owner, or if such responsibility has been assigned, to the non-owner responsible party and the owner. If there is a violation of this Resolution for a second or subsequent times within a 90 day period following the date and time of the false fire alarm that resulted in the written warning at the Protected Premises, the owner, or if such responsibility has been assigned, the non-owner responsible party, shall receive a written notice and be charged a false fire alarm fee. The owner, or if such responsibility has been assigned, the non-owner responsible party shall, within thirty (30) days of the date of the false fire alarm, as provided by the written notice, pay to the Greater Naples Fire Rescue District any user fees for responding to the false fire alarm as follows:

Number of False Fire Alarms within a 90 Day Period

<u>Number of False Fire Alarms</u>	<u>User Fee per False Alarm</u>
First Response	No Charge; Must file False Alarm Report
Second Response	\$100.00 Charge; Must file False Alarm Report
Third Response	\$250.00 Charge; Must file False Alarm Report

Fourth/and each additional Response \$500.00 Charge; Must file False Alarm Report

A Protected Premise that goes ninety (90) days without a false fire alarm shall result in a reset in which a new false fire alarm shall restart with a written warning as a first false fire alarm. A new fire alarm installation at the Protected Premises shall cause a reset to the ninety (90) days upon written notification to the Greater Naples Fire Rescue District and upon all prior false fire alarm user fees being paid.

Section 6. Enforcement/Lines.


Enforcement of this Resolution and collection of user fees assessed hereunder may be by civil action, criminal prosecution, and/or any manner authorized by law, including filing liens against the protected premises.

Section 7. Severability.

In the event this Resolution conflicts with any other applicable resolution or ordinance of the Greater Naples Fire Rescue District or other applicable law, the more restrictive shall apply. If any phrase or portion of this Resolution is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

BE IT FURTHER RESOLVED that this Resolution and the included user fees shall be recorded as part of the official minutes of this Board and Resolution 2015-12 is hereby adopted. This Resolution and its fees shall become effective on 11th day of September, 2015.

PASSED AND DULY ADOPTED by the Greater Naples Fire Rescue District Board of Fire Commissioners of Collier County, Florida, this 11th day of August, 2015.



Chairman Jeff Page

absent

Commissioner Charles Cottiers



Commissioner Kevin Gerrity



Commissioner Chuck McMahon

Commissioner Rob Boyer



Commissioner Brian Cross

Commissioner Steve Hemping



Commissioner David Stedman