

CITY OF MARCO ISLAND

ORDINANCE # 01- 30

AN ORDINANCE AMENDING ORDINANCE #99-8; ESTABLISHING NEW STANDARDS, REGULATIONS AND FEES TO SUPERCEDE, REPLACE AND/OR SUPPLEMENT STANDARDS AND REGULATIONS FOUND IN THE CODE OF ORDINANCES CITY OF MARCO ISLAND SECTION 22-36 (b), (1), (2), (c), FEES FOR RESPONSE TO MALFUNCTIONING FIRE ALARM DETECTION AND SUPPRESSION SYSTEMS; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Marco Island City Council has previously approved Section 22-36 of the Code of Ordinances of the City of Marco Island; and

WHEREAS, Section 22-36, refers to the process and fee schedule for response to malfunctioning fire alarms, detection devices and systems and;

WHEREAS, the Fire-Rescue Department has reviewed and wishes to make appropriate changes to Section 22-36 of the Code of Ordinances City of Marco Island in order to provide for appropriate remedies and responsibilities on the part of owners to prevent needless response to malfunctioning, alarm, detection and suppression systems and;

WHEREAS, The Fire-Rescue Department wishes to provide an appropriate fee schedule which reflects a fee generated in line with expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MARCO ISLAND, FLORIDA that:

SECTION ONE: The City Council hereby declares that the amended Section 22-36 of the Code of Ordinances City of Marco Island, attached hereto and incorporated by reference herein as Exhibit A sets forth appropriate remedies and responsibilities on the part of the owner as well as reasonable fees to be assessed.

SECTION TWO: REPEAL OF CONFLICTS TO ORDINANCE 99-8

City of Marco Island Ordinance 99-8 is hereby amended.

SECTION THREE: EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption by the City Council of Marco Island.

EXHIBIT A

Sec. 22-36. Fees for response to malfunctioning fire alarm, detection and suppression systems.

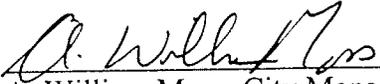
- (a) The fee rate schedule for malfunction of fire alarm, detection and suppression systems will be evaluated annually to make adjustments to keep the fee generated in line with expenses. This will be done at the time the city's normal budget progress is being considered. The city may change, delete or add to the listed fees by resolution.
- (b) There is a need for proper operation and maintenance of fire alarm, fire detection and fire suppression systems. The response of fire rescue district and other city personnel and equipment to structures with these systems that have malfunctioned causes an added burden on the resources of the city and endangers the lives of the public and employees.
 - (1) It shall be the responsibility of the owner/agent or occupant of the structure or premises having a system to have such systems maintained by a qualified contractor at all times. It is also the responsibility of the owner/agent or occupant to have a owner/manager or qualified contractor on site within 1 hour of a fire department request.
 - (2) Any continued malfunction, failure to make needed improvements, failure to protect against malicious activation, of a fire alarm, fire detection and/or fire suppression system ~~due to negligence to which the public safety department fire responds~~ emergency response is made will be handled in the following manner:
 - a. First malfunction response : No charge.
 - b. Second response malfunction (same station during the same calendar year): ~~A fee of \$25.00 will be charged.~~ No charge.
 - c. ~~Any additional malfunctions (of the same station during the same calendar year): A fee of \$100.00 will be charged.~~ Third response shall be \$250.00.
 - d. All Additional responses shall be \$500.00 per occurrence.
- (c) Fees are due immediately upon notice from the ~~public safety department~~ fire rescue department. Failure to pay the fee within 30 days will constitute a civil infraction in accordance with F.S. § 633.052 and with this article and as such will be enforceable in accordance with that statute and this article.
- (d) Any person found resetting or in any way interfering with the reporting of a fire alarm before arrival of fire personnel shall be in violation of F.S. § 806.10 and shall be guilty of a felony of the third degree.

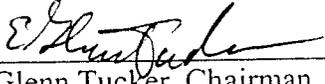
(Ord. No. 99-8, addendum C, 5-3-1999)

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 5th day of November, 2001.

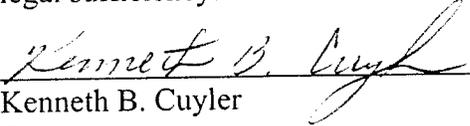
ATTEST:

CITY OF MARCO ISLAND, FLORIDA


A. William Moss, City Manager/Clerk

BY: 
E. Glenn Tucker, Chairman

Approved as to form and
legal sufficiency:


Kenneth B. Cuyler
City Attorney

