

ARTICLE I. IN GENERAL

Secs. 30-1—30-25. Reserved.

ARTICLE II. EMERGENCY PREPAREDNESS*

Sec. 30-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means a liquor, wine, beer or other intoxicating substance, containing more than 3.2 percent of alcohol by weight.

State of emergency means to consist of the actual existence or clear and present danger of the following to such an extent that extraordinary measures should or must be taken to protect the public health, safety and welfare:

- (1) Riot or other general public disorder;
- (2) Widespread disobedience of law, characterized by the use of force or violence or any threat to employ force or violence; or
- (3) Any natural disaster or manmade calamity, including but not limited to flood, conflagration, cyclone, tornado, earthquake and explosion, within or seriously affecting the city, and resulting in the death or injury of persons or the destruction of property.

(Code 1988, § 8-1; Ord. No. 12-28, § I, 6-14-12)

Cross reference—Definitions generally, § 1-2.

Sec. 30-27. Proclamation by city manager.

When, in the reasonable judgment of the city manager, a state of emergency, as defined in section 30-26, is deemed to exist or is deemed to have terminated, he shall forthwith proclaim in writing the existence or termination of the emergency and file a copy thereof with both the chief of police and the office of the city clerk. The city manager shall also give prompt notice thereof to

***State law references**—State emergency management act, F.S. § 252.31 et seq.; affrays, riots, states of emergency, F.S. § 870.01 et seq.

the city commissioners and all local press, radio and television news media for publication thereof. (Code 1988, § 8-2)

State law reference—Designation of local authority empowered to declare a state of emergency, F.S. § 870.043.

Sec. 30-28. Duration and termination of emergency.

Because of the imperative necessity for quick and official response, the state of emergency issued under this article shall commence immediately upon proclamation thereof by the city manager as set forth in section 30-27. The state of emergency shall terminate automatically at the end of a period of 72 consecutive hours, unless prior to the end of the 72-hour period the city manager shall have terminated such state of emergency upon similar and subsequent managerial proclamation. Any extension of the 72-hour time limit must be made pursuant to an appropriate resolution by the city commission. The findings of the city commission on all matters pertaining to this section shall be conclusive.

(Code 1988, § 8-3)

State law reference—Similar provisions, F.S. § 870.047.

Sec. 30-29. Automatic emergency measures.

Whenever the city manager declares that a state of emergency exists pursuant to F.S. § 870.043, the emergency measures contained in F.S. § 870.044, shall be effective throughout the city. (Code 1988, § 8-4; Ord. No. 12-28, § I, 6-14-12)

State law reference—Similar provisions, F.S. § 870.044.

Sec. 30-30. Discretionary emergency measures.

(a) Whenever the city manager or the city commission proclaims or finds that a state of emergency exists, as defined in section 30-26, the city manager may then or subsequently by further proclamation order and promulgate all or any of the emergency measures provided in this section, in whole or in part, with such limitations and conditions as he may deem appropriate, to be applicable to the whole or to any geographical area of the city and at such times as he believes advisable. Such measures shall be effective only

during the period of such state of emergency, and they shall be set forth by the proclamation in substantially the same manner as the following:

- (1) The establishment of curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing, and parking, except for the provision of designated essential services such as fire, police, and hospital services, including the transportation of patients thereto, utility emergency repairs, and emergency calls by physicians.
- (2) The prohibition of the sale or distribution of any alcoholic beverage, with or without the payment of a consideration therefor.
- (3) The prohibition of the possession on any person in a public place of any portable container containing any alcoholic beverage.
- (4) The closing of places of public assembly with designated exceptions.
- (5) The prohibition of the sale or other transfer of possession, with or without consideration, of gasoline or any other flammable or combustible liquid altogether or except by delivery into a tank properly affixed to an operable motor-driven vehicle, bike, scooter, boat, or airplane and necessary for the propulsion thereof.
- (6) The prohibition of the possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid.

(b) Any such emergency measure so ordered and promulgated shall be in effect during the period of the emergency in the area for which the emergency has been declared.

(Code 1988, § 8-5)

State law reference—Similar provisions, F.S. § 870.045.

Sec. 30-31. Reserved.

Editor's note—Ord. No. 08-02, § 2, adopted January 10, 2008, repealed § 30-31, which pertained to peacetime emergency plan adopted; conflicts and derived from § 8-6 of the 1988 Code.

Chapters 31—33

RESERVED

Chapter 34

EMERGENCY SERVICES*

Article I. In General

Secs. 34-1—34-25. Reserved.

Article II. Alarm Systems

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Sec. 34-73. Standby non-emergency services.

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***Cross references**—Businesses, ch. 22; civil emergencies, ch. 30; fire prevention and protection, ch. 46; offenses and miscellaneous provisions, ch. 50; traffic and vehicles, ch. 74.

ARTICLE I. IN GENERAL

Secs. 34-1—34-25. Reserved.

ARTICLE II. ALARM SYSTEMS

DIVISION 1. GENERALLY

Secs. 34-26—34-50. Reserved.

DIVISION 2. BURGLAR AND FIRE ALARMS

Sec. 34-51. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm means a signal, audio or visual, recorded or live, transmitted to the police department or fire department indicating a predetermined condition. The alarm is received either via:

- (1) Telephone line to a designated position on an alarm panel.
- (2) A private alarm service company relayed to the police or fire department telephone.
- (3) An automated telephone alarm system, playing a recorded message when received on the police or fire department telephone.
- (4) Audible alarm or any alarm transmitted by any means and received by the police or fire department by way of telephone, radio or personally.

False alarm means the activation of an alarm by any means, which does not represent the designed condition.

(Code 1988, § 3.5-1)

Cross reference—Definitions generally, § 1-2.

Sec. 34-52. Response to alarms; corrective actions; reports and service fees for false alarms.

(a) *Report required.* For each response by the police department or fire department to an alarm, the department will cause a report to be filed, classifying the alarm as one of the following:

- (1) False alarm or system test with no notification.

- (2) Valid alarm for cause designated.

(b) *Corrective action.* Upon the reception of a third false alarm within six months, the police department or the fire department shall issue a warning notice to the owner or lessee or management of the premises involved. The owner or lessee or manager shall file a written report with the police department or the fire department within five working days indicating any and all measures taken to reduce false alarms.

(c) *False alarms.* There shall be a service fee charged for false alarms according to the following schedule:

- (1) First response (none in last six months), no fee.
- (2) Second response within six months, no fee.
- (3) Third response within six months, warning.
- (4) Fourth response within six months, \$100.00.
- (5) Fifth response and up within six months, \$250.00.

(d) *Valid excuse for false alarm.* If, within ten days from the occurrence of a false alarm, the owner or lessee or manager can demonstrate to the satisfaction of the chief of the department which responded that the alarm system in question has actually been examined by a repair service authorized by the system manufacturer and either repaired, if the repaired malfunction was the cause of the false alarm, or certified that the system is in good working order, then providing the false alarm was not caused by employee error, the false alarm shall not be considered a false alarm for the purpose of subsection (c) of this section, providing for the assessment of a service fee.

(e) *Authority to disconnect.* Upon failure of an owner or lessee or manager of a premises to pay a fee specified within ten days, the chief of police or the fire chief shall be authorized to disconnect or order the disconnection of the alarm system, and it shall be unlawful to reconnect or fail to disconnect such alarm system unless and until appropriate action has been taken and such

connection of an alarm system is authorized by the chief of police or the fire chief. No disconnection or deactivation shall be ordered or made as to any premises required by law to have an alarm system in operation. The owner or lessee or manager shall be responsible for all costs incurred in collecting the service fee, including attorney's fees.

(Code 1988, § 3.5-2)

Sec. 34-53. Appeals.

Any party aggrieved by any action of the city pursuant to this division shall have the right to appeal the action to the city commission within 30 days of the date of the action to be grieved. The failure to file an application with the city clerk within 30 days from the date of the action to be appealed shall be deemed a waiver of any objection thereof. The filing of any appeal under this section shall not stay any administrative actions of the city pursuant to this division.

(Code 1988, § 3.5-3)

Secs. 34-54—34-68. Reserved.

ARTICLE III. EMERGENCY MEDICAL RESPONSE

Sec. 34-69. Definitions.

The following words, terms, and phrases, when used in this article III, emergency medical response, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Winter Garden, Florida.

Emergency management plan means a current emergency management plan duly adopted pursuant to F.S. ch. 252, which plan is applicable to the city.

Emergency medical response and transport means and collectively refers to emergency medical response and medical ground ambulance transport services.

Fire chief means the individual appointed and serving as the Chief of the City of Winter Garden Fire Department, or if such individual is

incapacitated or unavailable, such other person who is serving in such capacity pursuant to appointment, designation, regulation, law, ordinance, or applicable plan of succession.

Fire department means the Winter Garden Fire Rescue Department as operated by the city or any successor organization thereto.

Mutual aid agreement means an agreement between the city and one or more other entities for the provision of mutual aid, mutual assistance, or other emergency medical services within the jurisdictional boundaries of the city, which agreement is currently in effect and has been duly adopted by the city and any other necessary parties thereto.

Standby non-emergency services refers to standby non-emergency medical monitoring, response, and ground transport services provided in support of or in connection with private or public events or gatherings whereby the sustained and continuous presence of fire department personnel, equipment, and/or vehicles is required or desired to be in attendance for the purpose of providing first-aid, emergency response, and/or ground transport services on an as-needed basis.

Qualified provider means and refers to the city's fire department or a provider of emergency medical response or emergency ground transport services, which provider has a mutual aid agreement with the city to provide such services within the jurisdictional boundaries of the city. (Ord. No. 21-39, § 2, 11-11-21)

Sec. 34-70. Fire department as the primary agency.

(a) The fire department is hereby confirmed and recognized as the primary and sole agency responsible for fire suppression, fire prevention, and emergency medical response and transport within the corporate limits of the city, except as otherwise may be permitted or required by a mutual aid agreement, emergency management plan, or applicable law, regulation, rule, or ordinance.

(b) Regardless of anything set forth in this article III to the contrary, nothing herein may operate to prohibit other licensed emergency