

ORDINANCE NO. 040-08-164

AN ORDINANCE OF THE CITY OF LAUDERHILL AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LICENSES AND BUSINESS REGULATIONS, CREATING ARTICLE XI, AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES; PROVIDING A DEFINITION; PROVIDING FOR INTENT; IDENTIFYING WHERE AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES ARE REQUIRED; PROVIDING FOR INSTALLATION AND OPERATION; PROVIDING FOR PERMIT FEES AND INSPECTIONS; PROVIDING PENALTIES; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY DEPUTY VICE MAYOR HOWARD BERGER)

WHEREAS, Automated External Defibrillators ("Defibrillators") can be helpful in providing emergency medical treatment for persons that may need assistance for cardiac arrest; and

WHEREAS, Florida Statutes, Section 768.1325(3) provides civil immunity to certain persons who attempt to utilize a defibrillator under certain circumstances; and

WHEREAS, the State Legislature recently enacted Senate Bill 1184 which provides civil immunity to condominium and community associations that provide automated defibrillator devices under certain circumstances; and

WHEREAS, various cities have recognized the benefit that may result from the availability of defibrillators in various locations; and

WHEREAS, the City Commission of the City of Lauderhill believe the location of Defibrillators in settings that particularly provide care for the elderly would be beneficial to assist in emergency medical treatment; and

WHEREAS, the City Commission of the City of Lauderhill believe it is in the best interest of the citizens of the City of Lauderhill that the following requirements to the regulations governing the general welfare, health and safety of the City residents be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That the City of Lauderhill Code of Ordinances, Chapter 12, Licenses and Business Regulations, is hereby amended to create Article XI, "Automated External Defibrillators", to read as follows:

ARTICLE XI. AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES**Sec. 12-184. Definitions.**

Automated External Defibrillator Device means a defibrillator device that: (1) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act, (2) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillations should be performed, and (3) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

Sec. 12-185. Intent.

It is the intent of the City and the purpose of this Article:

- (a) To promote the public health, safety, and general welfare by requiring the installation of Automated External Defibrillator Devices within certain buildings in the City; and
- (b) To provide for the permitting of each Automated External Defibrillator Device within the City prior to installation; and
- (c) To require written proof of training on the Automated External Defibrillator Device prior to being issued a permit; and
- (d) To provide for inspection of each Automated External Defibrillator Device prior to installation, and annually thereafter; and
- (e) To provide penalties for non-compliance with this Article.

Sec. 12-186. Automated External Defibrillator Devices Required.

Automated External Defibrillator Devices shall be installed in the following businesses located within the geographical boundaries of the City:

- (a) Nursing Homes and other Related Health Care Facilities that are required to be licensed under Florida Statutes, Chapter 400 and that have offices, facilities or operations within the City. This shall include, but not necessarily be limited to, Nursing Homes, Assisted Living Facilities, Adult Day Care Centers, and Health Care Clinics.

Sec. 12-187. Permit.

Each facility that is required to install an Automated External Defibrillator Device must first obtain a permit from the City. The Building Department

shall set the permit fee. Written proof certifying that the facility has had an employee or agent trained in the use of the Automated External Defibrillator Device shall be submitted to the City prior to the City issuing a permit.

Sec. 12-188. Installation and Operation.

(a) The City shall inspect all Automated External Defibrillator Devices for operation prior to being placed in service or available for use. Each facility shall be required to have a maintenance contract on the Automated External Defibrillator Device with an independent company that is qualified to maintain, inspect and certify such Devices, and the facility shall obtain written certification from that company annually indicating that the Device has been properly maintained and has passed a yearly certification inspection which confirms that the Device is in good working condition and passes the inspection of the Company. The City Fire Department will annually inspect the facility to ensure that the proper inspection and certification has been obtained by the facility from an independent company and that the Device is present on site in a proper location. The inspection fee for such service shall be set by the Fire Department.

(b) Automated External Defibrillator Devices shall be conspicuously located, but readily accessible and immediately available when needed, both for site employees and the general public if necessary. If a building contains an elevator, the Automated External Defibrillator Device shall be placed near such elevator in the first floor lobby of the building.

(c) All Automated External Defibrillator Devices shall be used in accordance with manufacturer guidelines.

(d) It shall be the responsibility of the owner of the business to properly maintain and test the Automated External Defibrillator Devices.

(e) It shall be the responsibility of the owner of the business to have an employee or agent obtain appropriate training in the use of the Automated External Defibrillator Device, and shall be required to submit written proof of such training to the City prior to being able to obtain a permit.

Sec. 12-189. Penalties.

It shall constitute a violation of City Code to intentionally or willfully:

(a) Render an Automated External Defibrillator Device inoperative, except during such time as the Automated External Defibrillator Device is being serviced, tested, repaired, or recharged;

(b) Obliterate or tamper with the serial number on an Automated External Defibrillator Device for purposes of falsifying records;

(c) Improperly service, test, repair, or recharge an Automated External Defibrillator device;

(d) Fail to have the Automated External Defibrillator Device inspected prior to operation, and annually thereafter;

(e) Use the permit of another person; or

(f) Hold a permit and allow another person to use said permit number.

Sec. 12-190. Applicability.

The owner of any business, entity or establishment that is currently operating within the City and that is required to have an Automated External Defibrillator Device shall comply with this Article within ninety (90) days of the effective date of this Ordinance. After the effective date of this Ordinance, the owner of any new business coming into the City that is required to have an Automated External Defibrillator device shall comply with this section.

SECTION 2. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lauderdale, Florida, and that the Sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 3. All Ordinances or parts of Ordinances, all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

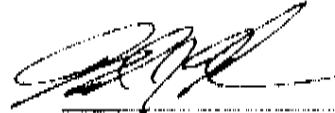
SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

DATED this 13th day of September, 2004.

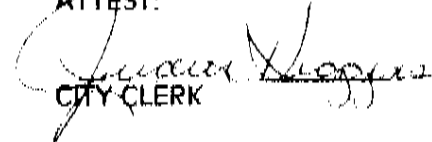
PASSED on first reading this 10th day of August, 2004.

PASSED AND ADOPTED on second reading this 13th day of September, 2004.



PRESIDING OFFICER

ATTEST:



CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

Holness
Mirsky

Holness
Bates

M. BATES
H. BERGER
D. HOLNESS
L. MIRSKY
R. KAPLAN

Yes
Yes
Yes
Yes
Yes

Yes
Yes
Yes
Yes
Yes