

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

First Reading Date: April 17, 2019

Second Reading Date: July 10, 2019

Presenter's Name and Title: Fire-Rescue Chief Robert Palmer & Eric Silva, Community & Economic Development Director

Temp. Ord. Number: 1706

Item Description: **SECOND READING** of Temp. Ord. No. 1706, amending the City's Code of Ordinances at Amending the City's Code of Ordinances at Chapter 9 "Fire Prevention and Protection," by creating Article IX "**Automated External Defibrillators and Stop the Bleed Kits.**" (*Fire-Rescue Chief Robert Palmer and Community & Economic Development Director Eric Silva*) (***Requested by Commissioner Maxwell B. Chambers***)

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☐ Public Hearing ☐

Instructions for the Office of the City Clerk:

Public Notice – As required by the Sec. _____ of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____ (fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____, Florida Statutes, approval of this item requires a _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes ☐ No ☒

REMARKS:



Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO1706**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM:  Vernon E. Hargray, City Manager 

BY: Eric Silva, Community & Development Director and Robert Palmer, Fire-Rescue Chief

DATE: July 3, 2019

RE: SECOND READING of Temp. Ord. No. 1706, Amending the City's Code of Ordinances at Chapter 9 "Fire Prevention and Protection," by creating Article IX "Automated External Defibrillators and Stop the Bleed Kits"

RECOMMENDATION: The City Manager recommends approval of Temp. Ord. No. 1706, amending the City's Code of Ordinances at Chapter 9 "Fire Prevention and Protection," by creating Article IX "Automated External Defibrillators and Stop the Bleed Kits."

ISSUE: City Commission approval is required to amend the City Code.

BACKGROUND: Each year, more than 250,000 Americans die from sudden cardiac arrest. According to medical experts, the key to survival is timely initiation of a "chain of survival," including CPR. The American Heart Association has noted that at least 20,000 lives could be saved annually by prompt use of an automated external defibrillator ("AED"). Trained non-medical personnel can use AEDs to treat a person in cardiac arrest. While emergency service personnel do have AEDs, which they bring with them when responding to emergencies, sometimes there are situations where there is not enough time to wait for emergency services personnel to arrive at the scene. In these situations, a person's life can be saved if the building they are located in has an AED.

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
MIRAMAR, FLORIDA, AMENDING THE CITY’S CODE OF
ORDINANCES AT CHAPTER 9 “FIRE PREVENTION AND
PROTECTION,” BY CREATING ARTICLE IX “AUTOMATED
EXTERNAL DEFIBRILLATORS AND STOP THE BLEED KITS”;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, each year, more than 250,000 Americans die from sudden cardiac arrest; and

WHEREAS, according to medical experts, the key to survival is timely initiation of a “chain of survival,” including CPR; and

WHEREAS, the American Heart Association has noted that at least 20,000 lives could be saved annually by prompt use of an automated external defibrillator (“AED”); and

WHEREAS, trained non-medical personnel can use AEDs to treat a person in cardiac arrest; and

WHEREAS, while emergency service personnel do have AEDs, which they bring with them when responding to emergencies, sometimes there are situations where there is not enough time to wait for emergency services personnel to arrive at the scene; and

WHEREAS, in these situations, a person’s life can be saved if the building they are located in has an AED; and

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WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to amend Chapter 9 “Fire Prevention and Protection”, by creating Article IX “Automated External Defibrillators and Stop the Bleed Kits.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: The foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: That Article IX “Automated External Defibrillators and Stop the Bleed Kits” of Chapter 9 “Fire Prevention and Protection” of the Code of the City of Miramar is hereby created to read as follows:

Chapter 9 – FIRE PREVENTION AND PROTECTION

* * *

Article IX. – AUTOMATED EXTERNAL DEFIBRILLATORS AND STOP THE BLEED KITS

* * *

Sec. 9-89. – 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:

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Automated external defibrillator ("AED") 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 defibrillation should be performed; and
- (3) Upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

Stop the Bleed kit ("SBK") is:

- (1) Capable of stopping severe bleeding through clotting, pressure, tourniquets, and other proven effective means of stopping blood loss; and
- (2) Upon a blood loss emergency, is able to stem blood loss rapidly to prevent massive blood loss.

Sec. 9-90. – AEDs and SBKs required.

AEDs and SBKs required. At least one AED and SBK shall be installed in each of the following buildings, structures, or portions thereof located within the geographical boundaries of the city:

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- (1) Gymnasiums, fitness centers, athletic clubs and indoor recreational centers;
- (2) Assembly occupancies with an occupant load of 100 or greater, including places of worship;
- (3) All hotels, motels, and apartments and condominiums with capacity for 100 occupants or greater;
- (4) All medical facilities, to include assisted living facilities as defined by Florida Statutes, as amended, nursing homes, ambulatory health care facilities, dentists, urgent care medical centers, doctor's offices, adult day care facilities;
- (5) Office buildings with interior corridors and a square footage greater than 20,000 square feet; and
- (6) Commercial and retail spaces with a square footage greater than 30,000 square feet.

Sec. 9-91. - Installation and operation.

- (1) The fire chief, or designee, shall inspect all AEDs and SBKs for operation prior to being placed in service or available for use, and on an annual basis.

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(2) AEDs and SBKs shall be:

- i. Conspicuously located in plain view of the primary public entrance, with unobstructed access;
- ii. Housed in a cabinet with a clear window in the door, an audible alarm signaling the opening of a door, permanently affixed to a wall, and whose top is no more than 48 inches above the floor;
- iii. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons;
- iv. Placed near the elevator(s) on every floor of the building, if the building contains an elevator.. If the building does not have an elevator, the automated external defibrillator shall be placed in the area of the main entrance;
- v. AEDs shall be located on each floor such that the maximum length of travel measured from the most remote point on a floor to any automated external defibrillator, shall not exceed 250 feet;
- vi. AEDs shall be located on each floor such that the maximum length of travel between and two automated external defibrillators shall not exceed 500 feet;

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vii. AEDs shall be located below a visible sign having a minimum area of 70 square inches and containing the letters “AED” and the universally recognizable symbol; and

viii. SBKs shall be located below an SBK sticker, which shall be provided by the City. The SBK sticker may also be placed on the cabinet containing the SBK.

(3) AEDs shall contain two sets of adult pads and bandage scissors.

(4) SBKs, with the exception of large occupancy SBKs, shall minimally contain:

- a. Two (2) commercially manufactured tourniquets;
- b. Four (4) gloves;
- c. One (1) scissor;
- d. Two (2) three-inch gauze rolls;
- e. Two (2) gauze combine pads.

(5) Places of occupancy that hold five hundred (500) or more persons must have a large occupancy SBK, which minimally must contain:

- a. Eight (8) commercially manufactured tourniquets;
- b. Eight (8) gloves;
- c. Two (2) scissors;
- d. Eight (8) 3-inch gauze rolls;

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e. Eight (8) gauze combine pads.

(6) All AEDs and SBKs shall be used in accordance with the manufacturer's guidelines.

(7) It shall be the responsibility of the owner of the building to:

i. Install AEDs and SBKs.

ii. Maintain AEDs and SBKs in accordance with manufacturer's recommended maintenance requirements as required herein.

(8) If an AED or SBK is removed for repair, a replacement shall be provided immediately.

Sec. 9-92. - Fees.

Fees for AED and SBK permits and inspections shall be set by resolution, and will be included in the fee booklet.

Sec. 9-93. - Penalties.

It shall constitute a violation of the City Code, punishable as provided in section 1-13 of the Code, to intentionally or willfully:

(1) Render an AED inoperative except during such time as the AED is being serviced, tested, repaired, or recharged, except pursuant to court order;

(2) Obliterate the serial number on an AED for purposes of falsifying service records;

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- (3) Improperly service, recharge, repair, test, or inspect an AED;
- (4) Use the inspection certificate and allow another person to use said inspection certificate number; and
- (5) Hold an inspector certificate and allow another person to use said inspection certificate number.
- (6) Maintain an expired SBK.

Sec. 9-94. - Applicability.

The owner or, if leased, the tenant, of any existing building, structure, or portion thereof required to have an AED and SBK shall comply with this section within 36 months of the effective date of the ordinance from which this section is derived. After the effective date of this Article, the owner of any new building constructed required to have an AED and SBK shall comply with this Article.

Sec. 9-95. - Requirements and procedures.

The following shall be the requirements and procedures for use, training, and data collection of the AED and SBK programs:

- (7) The implementation of an AED or SBK shall occur only after a written notification is made to the fire chief or designee by the individual, entity, organization, or company acquiring an AED and SBK. The written

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notification must contain the facility or business name, street address, specific location of the AED or SBK, the number of employees at the facility or business, the total number of persons trained or to be trained in the use of the AEDs and SBKs, the name of manufacturer for the AED, and model number of each AED.

It is required that prior to implementation of an AED or SBK, the individual, organization or company must provide training for appropriate use, and maintain proof of training for review on premises. The training for the AED shall consist of a class provided by a nationally-recognized organization, including, but not limited to, the American Heart Association, the American Red Cross, Emergency Care and Safety Institute and the National Safety Council, and shall follow a standardized curriculum. The standardized curriculum shall include, at a minimum: 1) signs and symptoms of sudden cardiac arrest; 2) cardiopulmonary resuscitation; and 3) proper use, maintenance, and inspection of AEDs. The training for the SBK shall consist of a class provided by a nationally recognized organization. The standardized curriculum shall include, at a minimum: 1) tourniquet application and use; and 2) dressing application and use.

- (8) Recertification of users, maintenance, and inspection of the AED and SBK is the responsibility of the occupant and shall be done on a periodic basis, as prescribed by the manufacturer and/or certifying agency. Recertification of users shall consist of a class, which will review the techniques for using the AED and SBK; and follow a standardized curriculum. Recertification training shall be provided as in paragraph (2) above. Maintenance of the AED device and SBK shall be in accordance with the manufacturer's recommendations.
- (9) Any person who uses an AED is required to contact the city fire rescue department by calling 9-1-1 immediately prior to, or immediately upon use of the AED (F.S. § 401.2915).
- (10) The city fire rescue department shall conduct a quality assurance review after use of an AED or SBK, which includes gathering clinical data and information from the person that used the AED or SBK and from the AED itself.
- (11) The owner and user of the AED or SBK shall not withhold consent for a quality assurance review by the city fire rescue department after the use of an AED or to the retrieval of clinical data from the device itself.

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- (12) The city fire rescue department shall verify the presence of the AED and SBK, and may inspect any maintenance records and documentation of training to ensure compliance with the community AED program and SBK.
- (13) The city is not liable for any damages experienced by the AED and by the SBK, or any person or entity arising as a result of: (a) Business's use or misuse of the equipment or supplies; (b) Business's failure to provide services pertaining to the equipment or supplies; or (c) any defects in the equipment or supplies.

Sec. 9-96. - Violations.

Violations of this article shall be subject to the imposition of penalties applicable generally to municipal ordinance violations, and in addition, persons and entities violating the provisions of this article shall be subject to the jurisdiction of the code enforcement board established by ordinance.

Sec. 9-97. - Immunity from civil liability provisions.

The provisions of F.S. § 768.1325, and specifically the immunity from civil liability for any harm resulting from the use or attempted use of an AED as found in F.S. § 768.1325(3), as may be amended from time to time are hereby adopted and incorporated into this section for all purposes.

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Section 3: Each and every section and subsection of Chapter 9 of the City of Miramar Code of Ordinances not revised herein shall remain in full force and effect as previously adopted.

Section 4: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 5: The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, Section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

Section 6: It is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7: The appropriate City officials are authorized to do all things necessary and expedient to carry out the intent and purpose of this Ordinance.

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Section 8: This Ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: April 17, 2019_____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Alexandra P. Davis

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney
Weiss Serota Helfman
Cole & Bierman, P. L.

<u>Requested by Comm. Chambers</u>	<u>Voted</u>
Commissioner Winston F. Barnes	_____
Commissioner Maxwell B. Chambers	_____
Commissioner Yvette Colbourne	_____
Vice Mayor Alexandra P. Davis	_____
Mayor Wayne M. Messam	_____

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