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ORDINANCE NO. 20-036

**AN ORDINANCE OF THE CITY OF BOYNTON BEACH,
FLORIDA, AMENDING CHAPTER 9, "FIRE PROTECTION
AND PREVENTION" TO UPDATE THE CITY CODE AS IS
REQUIRED BY FLORIDA STATUTE WHEN A NEW
EDITION OF THE FLORIDA FIRE PREVENTION CODE
HAS BEEN ADOPTED; PROVIDING FOR REPEAL OF
LAWS IN CONFLICT, SEVERABILITY, CODIFICATION
AND AN EFFECTIVE DATE.**

12 **WHEREAS**, Section 9 of the City Ordinances pertaining to fire prevention and control
13 must remain consistent with the latest edition of the Florida Fire Prevention Code which is
14 revised every three (3) years; and

15 **WHEREAS**, pursuant to Florida Statutes, local government is required to ensure that
16 they are consistent with the latest edition of the Florida Fire Prevention Code.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
18 **CITY OF BOYNTON BEACH, FLORIDA THAT:**

19 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed
20 as being true and correct, and are hereby incorporated herein and made a part hereof.

21 **Section 2.** Chapter 9 entitled "Fire Protection and Prevention" of the Code of
22 Ordinances is hereby amended to read as follows:

23 Chapter 9 FIRE PROTECTION AND PREVENTION

24
25 Art. I. General, §§ 9-1—9-4

26 Art. II. Fire Alarms and Automatic Fire Alarm Extinguishing Systems, §§ 9-5—9-10

27 Art. III. Fire Codes, §§ 9-11—9-18

28 Art. IV. Fire and Life Safety Division, §§ 9-19—9-133

29
30 ARTICLE I. GENERAL

31
32 Sec. 9-1. Boynton Beach Fire Code; fire codes adopted.

1 The Florida Fire Prevention Code 7th Edition-2020 consisting of, the Florida versions of
2 the NFPA 1 Fire Prevention Code, 2015-2018 Edition, and the NFPA 101 Life Safety
3 Code, 2015-2018 Edition, and any subsequent additions adopted by state statute, are
4 adopted as the fire prevention code of the city. These standards and codes are hereby
5 adopted and incorporated as fully as if set out at length in this section. Not less than one
6 (1) copy of the adopted issue of the NFPA Fire Prevention Code, 2015
7 2018 Edition, the NFPA 101 Life Safety Code, 2015-2018 Edition, and any subsequent
8 additions adopted by state statute shall be filed in the office of the City Clerk, and the
9 provisions thereof shall be controlling within the limits of the city, and within any
10 municipality which has entered into an interlocal agreement or contract for services
11 from Boynton Beach Fire Rescue unless otherwise provided for.

12
13 Sec. 9-2. Enforcement authority.

14 (a) All regulations issued by the State Fire Marshal under authority of F.S. Ch. 633
15 shall be enforceable by the Fire Chief and the Fire Marshal, or designee. The Fire
16 Marshal is hereby authorized to perform within the city any duties that may be imposed
17 upon by such law, or in accordance therewith, and to have such assistance, as needed,
18 from other officials of the city in the discharge of such duties.

19 (b) Periodic fire safety inspections.

20 (1) The Florida Fire Prevention Code and the Florida statutes provide that each
21 municipality, county, and special district with fire safety responsibilities is required to
22 enforce the Florida Fire Prevention Code. Such enforcement requires inspections of
23 each new structure or buildings whose occupancy type as defined by the state statute
24 and the Florida Fire Prevention Code. Fire safety annual inspections shall be conducted
25 on each existing structure or building as defined by the F.S. Ch. 633 and the Florida Fire
26 Prevention Code as adopted by the State Fire Marshal.

27 (2) No such building shall be occupied without the required fire safety
28 inspection. The frequency of the inspections shall be annually or as otherwise
29 determined by the Fire Marshal. A building occupied in violation of this section is
30 subject to a fine of five hundred dollars (\$500.00) per day. Each day constitutes a
31 separate and continuing offense. The city may enforce this provision of the code by
32 action before the Code Enforcement Board, by notice to appear for violation of a
33 municipal ordinance, or by action for injunctive relief. The fines provided herein are in
34 addition to the penalties authorized by F.S. § 205.053.

35 (3) The inspection or permitting of any building or plan under the requirements of
36 this code shall not be construed as a warranty of the physical condition of such building
37 or the adequacy of such plan. The city or its employees shall not be liable in tort for
38 damages for any defect or hazardous or illegal condition or inadequacy in such building
39 or plan, or for any failure of any component of such building, which may occur
40 subsequent to such inspection or permitting, pursuant to this code.

41 (4) Records of all system inspections, tests and maintenance required by the
42 referenced standards shall be maintained on the premises for a minimum of three (3)
43 years, and shall be provided to the fire district through a third-party inspection
44 reporting system,.

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Sec. 9-3. Examination of building permits.

(a) No building permit shall be issued by the Building Department for new construction, demolition, moving of existing buildings or renovation of existing structures normally requiring a building permit until a complete set of plans and/or specifications have been examined and approved by the Fire and Life Safety Division.

(b) No building that requires a certificate of occupancy (CO) from the Building Official shall be occupied for any purpose until a Fire Department fire final inspection has been approved.

(c) Nothing in this section shall apply to single-family or duplex residential units. Exceptions: fire sprinkler systems, generators, or gas installations.

(d) When work for which a permit is required by this chapter is started prior to issuance of a permit, the fees herein specified shall be four (4) times the original fees.

(e) The payment of such fees shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work, nor from any other penalties prescribed herein.

Sec. 9-4. Penalty for violations.

(a) Failure to comply with any provisions of this chapter shall be deemed a violation.

(b) Any person or entity violating any provision of this chapter shall be punishable as provided in the Florida Fire Prevention Code, section 1.16 ~~1-16~~ of NFPA 1, and as provided in the City of Boynton Beach Code of Ordinances.

(c) The application of a penalty for violation of this chapter shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE II. FIRE ALARMS AND AUTOMATIC FIRE EXTINGUISHING SYSTEMS

Sec. 9-5. Automatic fire protection systems.

Existing building or structure, for purposes of this section, means a building or structure for which an application for building permits is sought after the date of the adoption of this chapter.

(a) All automatic fire protection systems (i.e., sprinkler, standpipe, fire pump systems and other suppression systems) shall be maintained under a written service contract with service companies licensed by the State of Florida to provide such services, and which possess a current business tax receipt for the city, providing for regular maintenance and testing of the systems in accordance with all applicable codes and standards.

(1) The service company performing the maintenance and tests shall forward a written report to the Fire and Life Safety Division, indicating the nature of any repairs, modifications and/or corrections completed by the service company, the date and time of such tests and inspections, and any other information which may be required by the Fire Rescue Department. In addition, a copy of the service report must be maintained on the premises, and it shall be subject to inspection at any time.

1 (2) All fire alarm signal systems, automatic extinguishing and/or detection systems
2 shall be provided with an approved annunciator panel designed to indicate the floor
3 number and the section of the building reporting a fire alarm or fire condition. Each
4 alarm-initiating device shall indicate an individual location on such annunciator. The
5 alarm initiating device shall indicate its individual location to the monitoring central
6 station. The annunciator shall respond to either manual or automatic devices, and all
7 devices within the system shall be connected to the annunciator. The location of the
8 annunciator panel shall be designated by the Fire and Life Safety Division, and it shall be
9 so located as to be immediately available to the Fire Rescue Services Department at all
10 times. In a complex with multiple buildings, each building shall have its own transmitter
11 for alarm signal disposition to the central station.

12 ~~(3) All new buildings and structures more than three (3) stories or thirty-six (36)~~
13 ~~feet in height, or all buildings more than two (2) stories in height and more than thirty~~
14 ~~thousand (30,000) square feet per floor level, shall be equipped with approved Class 1~~
15 ~~standpipes to provide reasonable safety to persons and property.~~

16 (3) Approved automatic fire sprinkler systems, as hereinafter defined, shall be
17 installed throughout the following buildings and structures: buildings of an institutional
18 or educational character, hospitals, nursing homes, homes for the aged, convalescent
19 centers, rehabilitation facilities, day care centers for more than twelve (12) clients under
20 one (1) year of age, adult congregate living facilities, and all occupancies and uses of
21 similar nature to those herein stated, without regard to the type of construction or
22 height of the building involved.

23 ~~(4) (b) All buildings having a fire sprinkler system shall have an~~ An approved audible
24 and visual waterflow alarm (horn/strobe) shall be provided on the exterior of the
25 building in an approved location, facing the street front of the building.

26 ~~(5) (c) All buildings having a fire alarm system shall have a~~ A weatherproof
27 horn/strobe or speaker/ strobe shall be installed directly above the key box at a height
28 easily seen upon approach to the area.

29 (b) Where a listed pressure regulating device and/or a pressure reducing valve is
30 required for the fire department standpipe hose connection it shall be a listed field
31 adjustable device and not factory set_[CK1]

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33 Sec. 9-6. Fire alarm system certification requirements.

34 (a) The applicant for a required fire alarm installation permit shall submit to Fire
35 Rescue Services Department plan review, along with the permit application,
36 documentation listing the NRTL central station for the alarm system, and provide
37 documentation of the Nationally Recognized Testing Laboratory (NRTL) certification at
38 time of acceptance testing of the fire alarm system or added components.

39 (b) The applicant must demonstrate that the fire alarm monitoring will be performed
40 by a NRTL certificated central station.

41 (c) All required NRTL certificated fire alarm systems must maintain NRTL compliance
42 and NRTL monitoring.

43

44 Sec. 9-7. False alarm signal service charge; collection.

1 (a) For response to excessive false alarm signals by the Fire Rescue Department, the
2 alarm user shall be charged a service fee by the city, as established by resolution of the
3 City Commission and on file in the City Clerk's office, for the first false alarm signal in
4 excess of three (3) false alarm signals in any twelve (12) month period, a service fee as
5 established by resolution of the City Commission for the second false alarm signal in
6 excess of three (3) in any in any twelve (12) month period, and a service fee as
7 established by resolution of the City Commission for the third and each successive false
8 alarm signal in excess of three (3) in any twelve (12) month period. The provisions of
9 this section shall not apply for a period of three (3) months from the date a permit is
10 issued by the city for the installation of an automatic fire detection system. The Fire
11 Marshal shall determine whether a false alarm signal has been transmitted and the
12 frequency of such false alarm signals, and the city shall notify alarm users of the amount
13 owed to the city and shall make demand thereof pursuant to the provisions of this
14 section.

15 (b) False alarms could also be defined as excessive public assist calls wherein no
16 medical services are provided.

17

18 Sec. 9-8. Alarm registration.

19 All required fire alarm systems must comply with the requirements of Chapter 2.5. of
20 the City of Boynton Beach Code of Ordinances.

21

22 Sec. 9-9. Fire protection water supply requirements.

23 - (a) In accordance with NFPA 24~~(2013)~~ (2016), Section 5.1.1, design of water-based
24 suppression systems that are not supplied by fire pumps, shall be based on drought
25 conditions of (forty-five (45) psi static pressure ~~as determined by the per the Boynton~~
26 Beach Utilities Department).

27 (b) New construction projects must provide the results of a hydrant flow test
28 performed by the Fire Rescue Department, indicating a fire flow not less than one
29 thousand five hundred (1,500) gpm @ twenty (20) psi above domestic use. This applies
30 to new or existing hydrants within the required ~~threetwo~~ hundred(300) (200) feet of
31 the facility.

32 ~~(c) The required fire flow for hydrants protecting high-rise buildings shall be three~~
33 ~~thousand (3,000) gpm @ twenty (20) psi above domestic use.~~

34 - (c) Hydrants not in service (no water available) shall be covered with a black plastic
35 bag so as not to be mistaken for active hydrants available for fire suppression.

36 (d) All exterior fire protection piping must be painted red or a contrasting color from the
37 building.

38 (e) Water meters are prohibited on fire sprinkler supply lines.

39

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41 Sec. 9-10. Fire hydrants and Fire Department connections.

42 (a) Reflective blue markers shall be placed to indicate the location of a hydrant.

1 (b) Reflective red markers shall be placed to indicate the location of Fire Department
2 connections to a sprinkler or standpipe system.

3 (c) Fire hydrants shall be painted red in accordance with specifications approved by
4 the Fire Chief.

5 (d) A fire hydrant shall be located within one hundred (100) feet of the Fire
6 Department connection, along access roadways with all-weather driving surfaces,
7 distance measured as the fire truck travels.

8 (e) Fire Hydrants shall be located at the main entrance to any development and every five
9 hundred (500) feet thereafter for one- and two-story family dwellings and every three hundred
10 (300) feet thereafter for all other buildings.

13 ARTICLE III. FIRE CODES

15 Sec. 9-11. Open fires.

16 (a) Defined. Open fires are defined as any outdoor fire or open combustion of
17 material, except barbecuing. Charcoal and propane fires, contained within a
18 manufactured hibachi, grill, smoker or gas grill for food preparation, do not constitute
19 open burning.

20 (b) Prohibited generally. It shall be unlawful to have any open fires within the city
21 limits on public or private property, except for fire training purposes or recreational or
22 ceremonial occasions for which written permits from the Fire Rescue Department are
23 required.

24 (C) Listed electric portable, tabletop grills, not to exceed 200 square inches of cooking
25 surface, or other similar apparatus shall be permitted, as long as the balcony is not
26 enclosed.

28 Sec. 9-12. Roadway security gates and emergency access.

29 (a) All security gates across roadways used by emergency response vehicles must be
30 provided with an authorized key box or key switch to operate the gate, in addition to any
31 other devices specified by the Fire Chief. Information on where authorized key security,
32 boxes can be obtained is available from the Fire and Life Safety Division.

33 (b) In case of power failure, any electronic gate shall open automatically and remain
34 open until power is restored.

35 (c) In the event that emergency personnel are unable to gain rapid entry with the
36 methods above, forcible entry methods to gain entry may be used. The city and/or the
37 Fire Rescue Department shall not be responsible for, nor incur any costs as a result of
38 gaining access to a specific area.

39 (d) Trees with branches over areas accessible to fire apparatus must maintain sixteen
40 (16) feet of vertical clearance. Vegetation shall not intrude into the roadway such that
41 would limit the free passage of emergency vehicles.

42 (e) Fire lanes shall be established and maintained on private property where the public has the
43 right to travel by motor vehicle, or where the public is permitted by invitation or by license to

1 travel by motor vehicle, to the extent that any such lane is necessary for access to buildings by fire
2 trucks or other firefighting apparatus, as determined by the Fire Chief and/or the Fire Marshal,
3 or designee.

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6 Sec. 9-13. Key boxes/entry systems.

7 In all new and existing buildings, except individual residential dwelling units of any
8 kind, there shall be installed a key box for such areas or buildings, when the Fire
9 Marshal, determines that access to or within a structure or an area is unduly difficult
10 because of secured doors and windows, security gates, or where immediate access is
11 necessary for all life-saving or firefighting purposes. The key box shall be a type
12 approved by the Fire Marshal, and shall contain:

- 13 (a) Keys to locked points of egress, whether in common areas or on the interior or
14 exterior of such buildings;
- 15 (b) Keys to locked mechanical equipment rooms;
- 16 (c) Keys to fire alarm control panels;
- 17 (d) Keys to suppression system components;
- 18 (e) Keys to locked electrical rooms;
- 19 (f) Keys to elevator controls; and
- 20 (g) Keys to other areas where fire rescue personnel may need emergency access as
21 directed by the Fire Marshal. The Fire Marshal shall approve the location of the lock
22 box.

23
24 Sec. 9-14. Control of automatic elevators; emergency use.

25 (a) Emergency auxiliary power required.

26 (1) Emergency auxiliary electrical power shall be provided for all elevators
27 equipped with the key switch service for Fire Rescue Services Department
28 personnel. The auxiliary power supply shall be capable of supplying power to the
29 elevators for a period of at least twenty-four (24) hours. The auxiliary power supply
30 shall be approved by the Fire Rescue Services Department.

31 (2) Emergency auxiliary power shall remain on for the car in use by firefighters
32 regardless of selection switch devices, which may also be installed to rotate emergency
33 power to other cars in the building.

34 (3) No more than ten (10) seconds shall be required for the auxiliary power to be in
35 full operation and the operation of the emergency power supply shall automatically
36 transfer to the firefighters' service car.

37 (4) A maintenance schedule shall be maintained in the generator equipment room to
38 record all tests and operation of such auxiliary power equipment. The records shall be
39 posted and available to the Fire Rescue Services Department at all times.

40 (5) All auxiliary power equipment and automatic transfer apparatus shall be tested
41 weekly.

42 (6) For all buildings designed and constructed having separate towers, each tower
43 shall be treated as though it were a separate building.

1 (b) In all buildings equipped with automatic elevators, at least one (1) designated
2 elevator servicing all floors of the structure shall be arranged for emergency use
3 (firefighters' service) by Fire Department personnel. The control of automatic elevators
4 shall meet the requirements as set forth under the state elevator code and ASME/ANSI,
5 A17.1.

6 - (1e) Emergency use elevator to be identified by a sign at least 3 inches by 2 inches
7 high.

8 ~~-(2) Fire fighter emergency elevators shall have a platform with dimensions of at least 6 feet~~
9 ~~deep by 5 feet, 5 inches wide.~~

10 (3) Fire fighter emergency elevators doors to fire fighter emergency elevators shall be at least 6
11 feet, 8 inches high by 3 feet wide.

12 (4) Fire fighter emergency elevators shall have a weight capacity of at least 3,500 pounds.

13 (d) A standard emergency access door key shall be provided for all elevators in the
14 city.

15
16 Sec. 9-15. Fireworks.

17 (a) The term fireworks shall mean and include any combustible or explosive
18 composition, or any substance or combination of substances, or article prepared for the
19 purpose of producing a visible or an audible effect by combustion, explosion,
20 deflagration or detonation, as defined by F.S. Ch. 791.

21 (b) The Fire Marshal may adopt reasonable rules and regulations for the granting of
22 permits for supervised displays of fireworks by the city, fair associations, civic groups,
23 and other organizations or groups of individuals. Prior to any outdoor use of fireworks,
24 pyrotechnic special effects, flame effects, or any other item listed in subsection (a) or (b)
25 of this section, a permit shall be obtained from the City Manager, or designee, after
26 submission of an application for such permit and payment of an application fee. Such
27 outdoor use shall be in accordance with NFPA Code 1123 and NFPA Code 1124. The City
28 Manager, or designee, may include such conditions in such permit as deemed necessary
29 to ensure compliance with all applicable requirements and protect the public health,
30 welfare and safety, including, but not limited to, payment of inspection fees. No permit
31 granted hereunder shall be transferable.

32 (c) Before the issuance of a permit for a display of fireworks, the applicant shall
33 furnish proof of financial responsibility, in the form of liability insurance with a
34 minimum of one million dollars (\$1,000,000.00) coverage for each occurrence to satisfy
35 claims for damages to property or personal injuries arising out of any act or omission on
36 the part of the applicant, or any agent of employee thereof, in such amount, character
37 and form as the Fire Marshal determines to be necessary for the protection of the public.

38 (d) No permit shall be issued under the provisions of this section to an applicant not
39 having an established place of business within the state for conduct of a display of
40 fireworks until the applicant has fulfilled the legal requirements for service of process
41 upon the person or entity seeking a permit. In the case of a corporation, proof of
42 registration, with the Secretary of State, as a nonresident corporation shall be required.

43 (e) During times of water shortages or water shortage emergencies, as determined by
44 the South Florida Water Management District and/or the city and defined in Chapter

1 40E-21, Florida Administrative Code, as it may be amended from time to time; the
2 possession, use, or sale of consumer fireworks, including sparklers as defined in F.S. §
3 791.01(8), is prohibited within the city limits without a permit as discussed above.

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5 Sec. 9-16. Fees for fire code inspections and other fire code inspection-related services.

6 Fees shall be charged to the user/consumer for new construction permits, inspections
7 and yearly fire prevention code inspections and re-inspections performed on structures
8 or buildings by the Fire Rescue Department, as set forth in a resolution adopted by the
9 City Commission. Fees for other fire code inspection-related services, including, but not
10 limited to, fire pump tests, hydrant tests, and preliminary plans review, shall be charged
11 to the user/consumer as set forth in a resolution adopted by the City Commission.

12
13 Sec. 9-17. Requirements for high-rise buildings.

14 The following life safety features shall be provided and maintained in working order
15 by the property owner in accordance with approved plans and specifications, and shall
16 be tested, certified and proved to be in proper working condition, at the owner's cost, to
17 the satisfaction of the Fire Marshal, before issuance of the certificate of compliance.

18 (a) Equipment storage rooms. Equipment rooms or areas, ~~as described in the Fire~~
19 ~~Department Design Guide~~, for purpose of storing equipment for Fire Department use
20 shall be provided.

21
22 Sec. 9-18. Public safety radio communication system.

23 In all new buildings, minimum radio signal strength for public radio signals shall be
24 required within the building. In buildings that cause reduction of public safety, radio
25 signals below the acceptable level for reliable communications, a bi-directional amplifier
26 (BDA) shall be required. In buildings where phone jacks are required as part of an alarm
27 system, a BDA shall be installed and maintained by the building owner, in lieu of the
28 phone jacks. Installation and signal strength shall be the minimum requirements per
29 NFPA 1, ~~Annex O (In-Building Public Safety Radio Enhancement Systems)~~, or NFPA 72
30 edition, or as specified by the AHJ.

31 (a) A preliminary survey test shall be completed to determine the available signal
32 strength referencing NFPA 72

33 (b) If a radio system is required based upon the initial survey test, the engineer shall
34 submit a complete set of drawings that identifies all critical and noncritical areas.
35 The final Drawing will be approved and used as the minimum design
36 requirements for obtaining a fire installation permit.

37 (c) A final radio signal test report shall be provided prior to the final fire inspection
38 and all updated drawings

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40 ARTICLE IV. FIRE AND LIFE SAFETY DIVISION

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42 Sec. 9-19. Inspection complaint; order to remedy danger; evacuation of occupied
43 buildings or structures.

1 (a) The Chief of the Fire Rescue Services Department, the Fire Marshal, or Fire
2 Inspector of the Fire and Life Safety Division may order the immediate cessation of any
3 activity, operation or process, when such operation, activity, or process is deemed to
4 constitute a severe and immediate hazard to persons or property.

5 (b) It is unlawful for any person who, after being served with either a verbal or
6 written order to cease such severe and immediate hazardous activity, operation or
7 process, to fail or refuse to comply with such an order.

8 (c) The Fire Marshal, or designee, may order the immediate evacuation of any
9 occupied building or structure or assembly area when such building, structure or
10 assembly area is deemed hazardous due to fire hazard, obstruction to exits,
11 overcrowding of the premises, or any other hazard or potential which presents
12 immediate danger to the occupants. The premises, or any portion thereof, may not be
13 reoccupied until it has been examined and deemed free of the hazard or potential which
14 caused the evacuation to be ordered. Persons refusing to obey either a verbal or written
15 order of the Fire Marshal, or designee, shall be subject to immediate arrest.

16
17 Sec. 9-20. Authority to require employment of standby emergency services personnel
18 for events held within the city.

19 (a) The Fire Marshal, or designee, is hereby authorized to require the employment of
20 one (1) or more standby city emergency services personnel, by any owner, lessee, agent
21 or promoter, when in the Fire Marshal's opinion it is essential that such personnel be on
22 duty in any place of public assembly or any other place where people congregate. The
23 determination that standby emergency services personnel are required shall be based
24 upon the number of persons in attendance and the nature of the performance,
25 exhibition, display, contest, event or activity. While so employed, such personnel shall
26 be subject to the Fire Chief's orders at all times, and shall be in uniform and remain on
27 duty during the times such places or events are open to the public, or when the activity
28 is being conducted. Paramedics or EMTs shall not be required or permitted, while on
29 duty, to perform any other duties than those specified in this article.

30 (b) Standby emergency services shall be provided exclusively through the City Fire
31 Rescue Department. The Fire Rescue Department is authorized to charge for services
32 rendered under this section, based upon the Fire Rescue Department's cost to provide
33 the required level of emergency services, including any administrative expenses. The
34 Fire Chief may reduce or waive fees if deemed appropriate.

35
36 Sec. 9-21. Definitions; authority and responsibility; cost recovery for special operations
37 and cleanup of hazardous materials.

38 (a) For the purpose of this section, the following words and phrases shall have the
39 meanings given herein:

40 (1) Costs. Those necessary and reasonable costs incurred by the city in connection
41 with investigating, mitigating, minimizing, removing or abating discharges of hazardous
42 substances, or in connection with costs incurred by any activity of the special or tactical
43 operations unit, including, but not limited to, actual labor costs of city personnel or its
44 authorized agents; costs of equipment operation and rental; costs of expendable items,

1 including, but not limited to, firefighting foam, chemical extinguishing agents, absorbent
2 material, sand, recovery drums, acid suits, acid gloves, goggles and protective clothing.

3 (2) Discharge. Any intentional or unintentional action or omission resulting in the
4 releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous
5 substance upon public or private property located within the corporate limits of the city.

6 (3) Hazardous substances. Any substances or materials in a quantity or form which,
7 in the determination of the Fire Department, pose an unreasonable and imminent risk to
8 the life, health, safety of welfare of persons or property within the city, and shall include,
9 but not be limited to, those substances listed in the NFPA guide on hazardous materials,
10 the EPA's list of extremely hazardous substances, or the Florida substance list
11 promulgated by the State Department of Labor and Employment Security.

12 (b) The Fire Rescue Department is hereby authorized to take such steps as necessary
13 to clean up, remove or abate the effects of any hazardous substances discharged upon or
14 into public or private property or facilities located within the corporate limits of the city,
15 and is authorized to use its special or tactical operations unit to effectively deal with
16 specific emergencies, including, but not limited to, high-angle, confined-space, and other
17 forms of vertical rescue.

18 (c) Any person responsible for causing or allowing an unauthorized discharge of
19 hazardous substances which requires action by the Fire Rescue Department, or its
20 authorized agents, in order to protect the public health, safety or welfare, shall
21 reimburse the city for the full amount of all costs associated with the investigating,
22 mitigating, minimizing, removing and abating any such discharge, or otherwise
23 providing relief to a life-threatening situation involving special and tactical
24 operations. Reimbursement shall be made within thirty (30) days after receipt of an
25 itemized bill for such costs from the city.

26 (d) When responding to the emergency caused by the unauthorized discharge of
27 hazardous substances, or to an emergency requiring the use of the special or tactical
28 operations unit, the Fire Rescue Department shall keep a detailed record of the costs
29 attributable thereto.

30 (e) The authority to recover costs under this section shall not include costs incurred
31 for actual fire suppression services, which are normally or usually provided by the Fire
32 Department or its authorized agents.

33 (f) Any person responsible for causing or allowing an unauthorized discharge of
34 hazardous substances, or responsible for an emergency requiring the use of the special
35 operations and tactical unit, and who fails to reimburse the city within the, time set forth
36 herein, shall be subject to a late fee in the amount of ten percent (10%) of the total
37 amount of the bill for each additional day that the bill for such costs remains unpaid.

38 (g) The remedy provided for in this section shall be supplemental to and in addition
39 to all other available remedies by law and equity.

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42 **Section 3.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions

1 in conflict herewith be and the same are hereby repealed to the extent of such conflict.

2 **Section 4.** If any clause, section, or other part or application of this Ordinance shall be
3 held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional
4 or invalid part or application shall be considered as eliminated and so not affecting the validity of
5 the remaining portions or applications remaining in full force and effect.

6 **Section 5.** This Ordinance shall become effective on passage.

7 **FIRST READING** this 20th day of October, 2020.

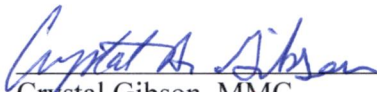
8
9 **SECOND, FINAL READING AND PASSAGE** this 4 day of November 2020.

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CITY OF BOYNTON BEACH, FLORIDA

	YES	NO
Mayor – Steven B. Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice-Mayor – Ty Penserga	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner – Justin Katz	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner – Woodrow L. Hay	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner – Christina L. Romelus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VOTE	<u>5-0</u>	

ATTEST:


Crystal Gibson, MMC
City Clerk

(Corporate Seal)

