

**ORDINANCE NO. 11-2003**

**AN ORDINANCE OF THE CITY OF CAPE CANAVERAL, FLORIDA, AMENDING SECTION 38-2 OF THE CODE OF ORDINANCES, RELATING TO FIRE PERMIT FEES; PROVIDING FOR INDEPENDENT PLAN REVIEW; PROVIDING FOR THE REPEAL OF PRIOR CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, in accordance with Section 633.0215, Florida Statutes 2002, the State Fire Marshal has adopted the Florida Fire Prevention Code, which includes the adoption of the National Fire Protection Association's Standard 1, Fire Prevention Code ("NFPA 1"); and

**WHEREAS**, the NFPA 1 provides the city with the authority to require plan review and the issuance of permits prior to construction, modification, or rehabilitation of buildings and structures within its jurisdictional limits (Sections 1-16.16 & 1-18, NFPA 1); and

**WHEREAS**, the City is further authorized to require a review of submitted plans by an independent third party with expertise in the matter to be reviewed at the applicant's expense (Section 1-18.6, NFPA 1); and

**WHEREAS**, the City Council of the City of Cape Canaveral, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Cape Canaveral.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL HEREBY ORDAINS, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings and the intent and purpose of the City Council of the City of Cape Canaveral.

**Section 2. Code Amendment.** That Section 38-2 of the Code of Ordinances, City of Cape Canaveral, Florida, is hereby amended as follows: (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Chapter 38. It is intended that the text in sections Chapter 38 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance).

**Chapter 38 - Fire Prevention and Protection**  
**Article I. In General**

\* \* \*

**Sec. 38-2. Fire safety fees.**

In order to defray the costs of inspection and enforcement of its fire safety code in the construction and maintenance of buildings within the city, the city adopts the following fees.

- (a) A fee in the amount of \$0.025 per square foot shall be levied on all new construction, alterations, or additions in the city, except for one- and two-family residences. This fee shall encompass plan review and necessary fire inspections required prior to the issuance of a certificate of occupancy. This fee shall be payable at the same time and in the same manner as building permit fees. As-built plans shall be submitted for permanent record upon completion of the construction, alteration, or addition upon issuance of a certificate of occupancy or certificate of completion.

\* \* \*

- (b) Except as provided in subsection (g) below the The following permit fees for fire protection systems are required and shall be paid at the same time and in the same manner as building permit fees:

\* \* \*

- (g) In the sole discretion of the Fire Chief, or the chief's designee, plans submitted for review and approval by the city fire department under the terms of this section, may be required to be reviewed by a Fire Protection Engineer. The cost of such review shall be borne exclusively by the applicant. Such costs shall be in addition to any applicable permit fee.

**Section 3. Florida Building Commission and Florida State Fire Marshall Notification.** In accordance with Section 633.0215, Florida Statutes (2002) the City Clerk shall file a copy of this Ordinance with the Florida Building Commission and Florida State Fire Marshall within thirty (30) days of becoming effective and shall make a copy available for public inspection immediately upon adoption.

**Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5. Incorporation Into Code.** This ordinance shall be incorporated into the Cape Canaveral City Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cape Canaveral, Florida.

**ADOPTED** by the City Council of the City of Cape Canaveral, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
**ROCKY RANDELS, Mayor**

ATTEST:

\_\_\_\_\_  
**SUSAN STILLS, City Clerk**

First Reading: \_\_\_\_\_  
Legal Ad published: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

	For	Against
Bob Hoog	_____	_____
Jim Morgan	_____	_____
Buzz Petsos	_____	_____
Rocky Randels	_____	_____
Richard Treverton	_____	_____

Approved as to legal form and sufficiency for  
the City of Cape Canaveral only:

\_\_\_\_\_  
**ANTHONY A. GARGANESE, City Attorney**