

ORDINANCE 36 - 21

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 8, FIRE PREVENTION AND EMERGENCY MANAGEMENT, ARTICLE II, FIRE PREVENTION, BY AMENDING SECTIONS 8-9, PURPOSE AND SCOPE, ENFORCEMENT, TO ADD INVESTIGATIONS; 8-10, CITY OF CAPE CORAL FIRE PREVENTION AND PROTECTION CODE ADOPTED; AMENDMENTS TO FIRE CODES, TO BE CONSISTENT WITH THE CURRENT EDITION OF THE NATIONAL FIRE CODES; BY AMENDING SECTION 8-14, BURN BAN IMPLEMENTATION PROCEDURES, TO ADD OTHER DISASTERS AND UNDER ADVISEMENT OF THE FIRE CHIEF; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the National Fire Protection Association and the Florida Fire Prevention Code have been amended; and

WHEREAS, the City of Cape Coral desires to amend the local amendments to the Florida Fire Prevention Code as permitted; and

WHEREAS, the City of Cape Coral finds it necessary to protect the health, safety, and welfare of its citizens and their property when extreme dry weather conditions exist.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 8, Article II, Sections 8-9, 8-10, and 8-14, are hereby amended as follows:

CHAPTER 8: - FIRE PREVENTION AND EMERGENCY MANAGEMENT

ARTICLE I: - GENERAL PROVISIONS

§ 8-1 - False fire alarm.

It shall be unlawful for any person to give a false alarm of fire within this city.

ARTICLE II: - FIRE PREVENTION CODE

§§ 8-2—8-8. – Reserved.

§ 8-9 - Purpose and scope; enforcement; investigations.

- (a) ***Purpose and scope.*** This code shall be known as the Cape Coral Fire Prevention Code. The Cape Coral Fire Prevention Code is established to provide the City of Cape Coral with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire and life safety hazards; establishing the responsibilities and procedures for code enforcement; and establishing the standards for compliance and achievement of these objectives.
- (b) ***Enforcement.*** The City of Cape Coral Fire Prevention Code shall be enforced by the Fire Chief/Emergency Management Director of the City of Cape Coral Fire Department or his or her designee. Enforcement of parking violations described in the Fire Prevention Code shall be enforced by the Chief of Police of the City of Cape Coral or his or her designee.
- (c) ***Investigations.*** City of Cape Coral Fire Inspectors shall investigate fires or explosions that have occurred which result in property damage or personal injury for origin and cause per NFPA 921.

§ 8-10 - City of Cape Coral Fire Prevention and Protection Code adopted; amendments to Fire Codes.

- (a) *Adoption.* The Florida Fire Prevention Code is hereby adopted by the City of Cape Coral. The standards and code sections of the "National Fire Codes", as published by the National Fire Protection Association (NFPA), as adopted by the rules of the Division of the State Fire Marshal, § 69A-3.012, 69A-60.005, or referenced by the most current edition of NFPA 1 or NFPA 101 adopted by the state's Fire Marshal, known as the Florida Fire Prevention Code, and those listed below by standard number and edition and as amended herein, are hereby adopted by reference and made a part of the "City of Cape Coral Fire Prevention and Protection Code", intended to protect the health, safety, common interest and convenience of the citizens, visitors and residents of the City of Cape Coral, Florida.
- (b) *Amendments to Fire Codes.* The Florida Fire Prevention Code, ~~6th~~ 7th Edition", based on NFPA 1 and NFPA 101 ~~2015~~ 2018 Edition, and as amended from time to time, and as permitted by the Florida Fire Prevention Code, NFPA 1 is hereby amended by local amendment as follows:
- (1) ...
- (2) Chapter 1, Administration, Section 1.3., Application, Subsection 1.3.3, Conflicts, Sub-subsection 1.3.3.1, is hereby amended to read as follows:
- 1.3.3.1.1 In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of this Code of Ordinances, state law or city ordinances, rules and regulations, the most restrictive provisions of this Code of Ordinances, state law or city ordinances, rules and regulations shall prevail and be controlling.
- (3) ...
- (4) Chapter 3, Definitions, Subsection 3.3, General Definitions, Sub-subsection ~~3.3.122~~ 3.3.126 is hereby amended as follows:
- ~~3.3.122~~ 3.3.126 Fire lane means any driveway, road, or unobstructed area, which may be used by the fire department for the movement of fire vehicles or firefighting operations. If the fire lane serves a multi-story building, road surface shall be pavement, concrete or similar surface material designed to accommodate fire apparatus with a minimum weight of 36 tons.
- (5) Chapter 10, General Safety Requirements, Section 10.3, Occupancy, Subsection 10.3.1, is hereby amended to read as follows:
- 10.3.1.1 No new construction or existing building shall be occupied in whole or in part in violation of the provision of this code or other applicable City of Cape Coral Code of Ordinances or ~~Land Use and Development Regulations~~ Land Development Code. All tenants and occupants shall obtain a ~~"Certificate of Use"~~ "Certificate of Zoning Compliance" from the Cape Coral Department of Community Development with release by the City of Cape Coral Fire Department prior to the occupancy and use of a new or existing building as evidence of compliance with the Cape Coral Fire Prevention Code. Such original certificate shall be displayed in a prominent location within the structure, building or portion, thereof.
- Exemption: Residential dwellings are exempt from the requirement of obtaining a ~~"Certificate of Use."~~ "Certificate of Zoning Compliance".
- (6) Chapter 10, General Safety Requirements, Section 10.10, Open Flame, Candles, Open Fires, and Incinerators, Subsection 10.10.1, Permits, is hereby amended to read as follows:
- 10.10.1.1.1 Permits: Permits are required and shall comply with Section 1.12
- Bonfires and Outdoor Rubbish Fires: Kindling or maintaining any open fire or a fire in any public street, alley, road, or other public or private ground requires a fee permit. Instructions and stipulations of permit shall be adhered to.

Exemption: Cooking fires and small recreational fires not intended for vegetation or rubbish disposal when conducted safely and on the owner's property. Notwithstanding the above provisions, for 30 days commencing with the declaration of a state of emergency by the Governor of the State of Florida, City Manager, or City Council, because of extended drought and the resulting potential for wildfires or other disasters, which includes all or parts of Lee County, there shall become effective a prohibition against kindling, creating or maintaining any campfire, bonfire, open or barrel burning of trash, discarding of lighted smoking materials outdoors, smoking in city parks, and the sale or use of sparklers. The use of open barbecues or barbecue pits utilizing charcoal or wood shall be prohibited within 600 yards of any unimproved property, woods, or marsh area within the City of Cape Coral. The prohibitions expressly provided herein may be extended by resolution duly adopted by the State Fire Marshal's office.

For this section only, the definition of a recreational fire is the noncommercial burning of materials, other than rubbish for pleasure, religious, ceremonial, cooking, or similar purpose, in which the fuel burned is not contained in an incinerator, a barbecue grill, or a barbecue pit, and the total fuel area is not exceeding 3 ft. (0.9 m) in diameter and 2 ft. (0.6 m) in height.

- (7) Chapter 10, General Safety Requirements, Section 10.10, Open Flame, Candles, Open Fires, and Incinerators, Subsection 10.10.1, Permits, Sub-subsection 10.10.1.1 is hereby amended to read as follows:

10.10.1.11 Permits shall not be required for cooking fires and small recreational fires not intended for vegetation or rubbish disposal when conducted safely and on the owner's property. The use of open barbecues or barbecue pits utilizing charcoal or wood shall be prohibited within 600 yards of any unimproved property, woods, or marsh area within the City of Cape Coral. The prohibitions expressly provided herein may be extended by resolution duly adopted by the State Fire Marshal's office.

- (8) Chapter 10, General Safety Requirements, Section 10.10, Open Flame, Candles, Open Fires, and Incinerators, Subsection 10.10.2, is hereby amended to read as follows:

10.10.21: Notwithstanding the above provisions, for 30 days commencing with the declaration of a state of emergency by the Governor of the State of Florida, City Manager, or City Council, because of extended drought or other disasters and the resulting potential for wildfires, which includes all or parts of Lee County, there shall become effective a prohibition against kindling, creating or maintaining any campfire, bonfire, open or barrel burning of trash, discarding of lighted smoking materials outdoors, smoking in city parks, and the sale or use of sparklers.

- (9) ...

- (10) Chapter 10, General Safety Requirements, Section 10.14, Special Outdoor Events, Carnivals, and Fairs, Subsection 10.14.3, Life Safety Evaluation, Sub-subsections 10.14.3.1 and 10.14.3.2 are hereby amended to include the following:

10.14.3.11 Where the authority having jurisdiction determines that the gathering of persons in a structure or the nature of the performance, exhibition, display, contest, or activity presents or is predicted to present unusual and significant impact on public safety, including access to buildings, structures, fire hydrants, fire lanes and the like, or other provisions of public safety services, including fire protection and emergency medical services, the authority having jurisdiction shall have the authority to order the development to prescribe a plan for the provision of safety services which provides reasonable degree of safety for the attendees, participants and other affected members of the public.

10.14.3.21 The plan shall address such items as, but not be limited to, emergency vehicle ingress and egress, fire protection, emergency medical services, fire and safety inspections, public assembly areas and the directing of attendees and vehicles, vendor and food concession distribution, and the need for the presence of law enforcement, fire, and medical services personnel at the event. Said plan shall be submitted to the authority having jurisdiction a minimum of three weeks prior to the starting date of the event.

- (11) Chapter 13, Fire Protection Systems, Section 13.2, Standpipe Systems, Subsection 13.2.1, General, Sub-subsections 13.2.1.1 and 13.2.1.2 are hereby created to read as follows:

13.2.1.1 Fire Department valves on standpipe systems shall not be pressure-reducing valves. Pressure restricting devices shall be installed on any valve with pressure in excess of 175 PSI. Pressuring restricting devices shall ~~be so as to~~ be readily removable, leaving hose threads acceptable to the authority having jurisdiction.

13.2.1.2 All Fire Department connections serving a high-rise building, shall be located within 50 ft. (15.25m) of a fire hydrant and within 50 ft. (15.25m) of a fire department vehicle access road. Actual locations of fire department connections shall be as approved by the authority having jurisdiction.

Exemption: Fire Department connections supplying fire sprinkler systems in accordance with NFPA 13R that are not a part of a standpipe system.

(12) ...

(13) ...

- (14) ~~Chapter 13, Fire Protection Systems, Section, 13.7, Detection, Alarm, and Communications Systems, Subsection 13.7.2, Where Required, Sub-subsection 13.7.2.29, Special Structures and High-Rise Buildings, 13.7.2.29.2.2, is hereby amended to read as follows:~~

~~13.7.2.29.2.2 All structures meeting the definitions of high-rise buildings shall install two-way telephone communication service and shall be provided for fire department use. This system shall be in accordance with NFPA 72, National Fire Alarm Code. The communications system shall operate between the central control station and every elevator car, every elevator lobby, and each floor level of exit stairs.~~

- ~~(14)~~ (15) Chapter 18, Fire Department Access and Water Supply, Section 18.2 Fire Department Access, Subsection 18.2.1, is hereby amended to read as follows:

18.2.1.1 All buildings that a fire department may be called to protect that are not readily accessible to an adjacent local street shall be provided with a suitable fire lane or parallel access drive unless the analysis of the fire official indicates the fire access is unnecessary. Such fire access is necessary for all buildings three (3) or more stories in height which are not adjacent to a local street.

- (a) Parking spaces adjacent to structures that in the opinion of the fire official may hinder or delay fire fighting forces in the performance of their duties are prohibited. Limited designated parking spaces may be approved by the fire official when alternative arrangements are made prior to construction, which must include automatic fire suppression systems.
- (b) The fire official may require additional fire lanes around commercial buildings when his or her analysis indicates additional access to the building is needed.

- ~~(15)~~ (16) Chapter 18, Fire Department Access and Water Supply, Section 18.2, Fire Department Access, Subsection 18.2.2, Access to Structures or Areas, and sub-subsection 18.2.2.2, Access to Gated Subdivisions or Developments are hereby amended ~~as follows:~~ by creating Sub-subsections 18.2.2.2.1, 18.2.2.2.2, 18.2.2.2.3, 18.2.2.2.4, and 18.2.2.2.5.

18.2.2.2.1 All non-electronic access control gates to structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles and are not constantly attended 24 hours a day shall be provided with a key box acceptable to the Fire Official.

18.2.2.2.2 This section is intended to apply to all gate installations except those serving an individual single-family residence.

18.2.2.2.3 All electronic access control gate to structures and properties that may require emergency services that restrict the free ingress and egress of emergency

vehicles and are not constantly attended 24 hours per day shall be provided with an electronic transmitter/receiver system capable of being programmed with a unique activation code and frequency approved by the authority having jurisdiction. Such code or frequency shall not be used by or provided to other gate users. Existing installations shall comply within 180 days subsequent to the notification date by the authority having jurisdiction.

All electronic access control gates shall be compatible with the City of Cape Coral transmitters. Said transmitters are carried only within emergency service vehicles.

18.2.2.2.4 All electronic access control gates shall have a battery backup with a failsafe override.

18.2.2.2.5 All electronic gates are required to receive a building permit with fire review prior to installation.

~~(16)~~ ~~(17)~~ Chapter 18, Fire Department Access and Water Supply, Section 18.3, Water Supplies and Fire Hydrants, Subsection 18.3.1 is hereby amended by creating Sub-subsections 18.3.1.1.1, 18.3.1.1.2, 18.3.1.1.3, 18.3.1.2, and 18.3.1.4- 3, as follows:

18.3.1.1.1 The Fire Department Connection (F.D.C.) shall be located not less than forty (40) feet from buildings and in an area accessible to fire apparatus, preferably adjacent to the street right-of-way or easement serving as the means of vehicular ingress to, and egress from, the building.

18.3.1.1.2 All Fire Department Connections shall service a single building and terminate on the riser above a check valve.

Exception: A fire line that has no other appliances does not require a check valve on the riser unless required elsewhere in the code.

~~18.3.1.1.2~~ 18.3.1.1.3 Unless a fire hydrant exists that satisfies the requirements of the Florida Fire Prevention Code, and this section, a fire hydrant shall be installed within two hundred fifty (250) feet of the parcel boundary of the building, and the entire building must be within five hundred (500) hose feet of a fire hydrant. A fire hydrant shall be required on the same side of the right-of-way (ROW) that the building abuts if the combined paved surface of the roadway is greater than thirty-five (35) feet in width, or if the ROW contains two lanes, or more, of vehicular traffic in a single direction. Fire hydrants shall be provided on potable water lines six (6) inches, or larger, in diameter that meet the minimum fire flow requirements. Fire hydrants for firefighting purposes shall be prohibited on irrigation water lines. The City's Fire Marshal may authorize exceptions to the above requirements for buildings that contain fire sprinklers that comply with NFPA 13.

...

18.3.1.3 Where buildings are constructed with the furthest point of the structure being one hundred fifty (150) feet or more from a public street, such buildings shall require private mains and fire hydrants that meet the required fire flow with spacing to be determined by the fire official. The spacing of hydrants shall not exceed 500 feet between hydrants. Hydrant spacing and required fire flow may be amended by the fire official if, by prior arrangement with the fire official, automatic fire suppression systems are installed in all buildings on the premises.

~~(17)~~ ~~(18)~~ ...

§ 8-11 - Request for hearing; appeal.

...

§ 8-14. - Burn ban implementation procedures.

- (a) *Purpose and intent.* The City of Cape Coral finds and declares that the provisions of this Part are necessary to protect the health, safety and welfare for the City of Cape Coral citizens and their property when extreme dry weather conditions due to lack of normal precipitation increases the threat of fire or other disaster, thereby threatening the safety of life and

property. Outside burning in unauthorized areas during dry weather conditions increases the danger of wildfires throughout the City. The purpose and intent of this Part is to provide an orderly and expeditious procedure for implementing a ban on open burning when extreme dry weather conditions warrant such a ban.

(b) *Burn ban.*

- (1) The City Manager shall have the power, duty and responsibility to sign an Executive Order prohibiting all open burning in the City of Cape Coral when dry weather conditions result in a Keetch-Byram Drought Index reading at 600 or higher, or under advisement of the Fire Chief. Unless otherwise provided, the burn ban shall take effect upon the City Manager signing the Executive Order.
- (2) ...
- (4) The burn ban prohibition will continue to be in effect in seven (7) day increments for as long as the Keetch-Byram Drought Index is at or above 600, or under advisement of the Fire Chief, unless rescinded as provided in this Section.
- (5) This burn ban prohibition will be lifted after the Keetch-Byram Drought Index has fallen below 600 for at least seven (7) consecutive days, and any further disaster is mitigated.
- (6) If the Keetch-Byram Drought Index falls below 600 for at least seven (7) consecutive days, and any further disaster has been mitigated calling for the rescinding of the Executive Order, and the City Manager is unavailable, the Fire Chief is delegated the authority to rescind the Executive Order with notification to the City Manager.
- (7) ...

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 5th DAY OF May, 2021.


JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


GUNTER
TATE
SHEPPARD
HAYDEN

aye
aye
aye
aye

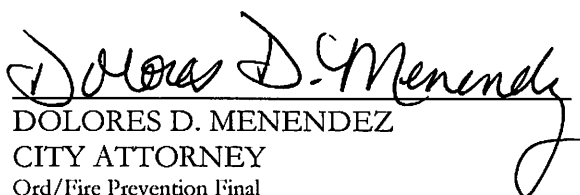
NELSON
WELSH
WILLIAMS
COSDEN

aye
aye
excused
aye

ATTESTED TO AND FILED IN MY OFFICE THIS 6th DAY OF May, 2021.


KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:


DOLORES D. MENENDEZ
CITY ATTORNEY
Ord/Fire Prevention Final