

ORDINANCE 48 - 24

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 8, FIRE PREVENTION AND EMERGENCY MANAGEMENT, ARTICLE II, FIRE PREVENTION CODE, BY AMENDING SECTION 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; AND BY AMENDING SECTION 8-11, REQUEST FOR HEARING; APPEAL, REGARDING REQUESTS FOR APPEALS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, the Mayor and City Council desire to amend the local amendments to the Florida Fire Prevention Code as permitted by Section 633.202, Florida Statutes, to be consistent with the current editions of the fire codes; and

WHEREAS, the Mayor and City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

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

SECTION 1. The City of Cape Coral, Florida, Code of Ordinances, Chapter 8, Article II, Section 8-10, City of Cape Coral Fire Prevention and Protection Code adopted; amendments to Fire Codes, is hereby amended to read as follows:

**§ 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, 7<sup>th</sup> 8<sup>th</sup> Edition", based on NFPA 1 and NFPA 101 ~~2018~~ 2021 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:

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(4) Chapter 3, Definitions, ~~Subsection~~ Section 3.3, General Definitions, ~~Sub-subsection~~ Subsection 3.3.126 3.3.131 is hereby amended by creating Sub-subsection 3.3.131.1 as follows:

~~3.3.126~~ 3.3.131.1 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~~ 37.5 tons.

(5) Chapter 10, General Safety Requirements, Section 10.3, Occupancy, Subsection 10.3.1, is hereby amended ~~to read~~ by creating Sub-subsection 10.3.1.1 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 Development Code. All tenants and occupants shall obtain a "Certificate of Zoning Compliance" from the Cape Coral Development

~~Services 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 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~~ 10.10.1 Permits: Permits, ~~are where~~ 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 nonecommercial 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~~ by creating Sub-subsection 10.10.1.1.1 as follows:

10.10.1.1.1 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.

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.

- (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~~ by creating Sub-subsection 10.10.2.1 as follows:

10.10.2.1: 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.

...

- (11) Chapter 11, Building Services, Section 11.3, Elevators, Escalators, and Conveyors, Subsection 11.3.1, Fire Fighters' Emergency Operations, is hereby amended by creating Sub-subsections 11.3.1.3 and ~~11.3.1.4~~ as follows:

11.3.1.3 All elevators in the City shall be maintained in compliance with the Florida Elevator Safety Act (Chapter 399, Florida Statutes); Chapter 61C-5, Florida Administrative Code; the Florida Building Code; the Florida Fire Prevention Code; ASME A17.1.; and all other applicable laws and regulations. In addition, all new and existing elevator cars shall be equipped at all times with an emergency two-way communication system, in good working order, that allows back and forth conversation between elevator occupants and authorized personnel who can take appropriate action. Elevator owners shall contract with, or make arrangements with, an alarm monitoring company or other entity or individual who can monitor such two-way communication system at all times, and who can contact the Cape Coral Fire Department when emergency assistance is required in order to identify the elevator location.

- (12) Chapter 11, Building Services, Section 11.10, ~~Two-Way Radio~~ In-Building Emergency Responder Communication Enhancement Systems, is hereby amended by creating Subsection ~~11.10.4~~ 11.10.11.2 as follows:

~~11.10.4~~ 11.10.11.2 Critical Areas associated with elevators constructed after May 1, 2023, shall be maintained at all times with a minimum radio signal strength of 99 percent floor area coverage. These Critical Areas include the fire command center(s), the fire pump room(s), exit stairs, exit passageways, elevator lobbies, elevator cars, standpipe cabinets, and any location that contains a sprinkler sectional valve. Minimum radio signal strength shall be maintained at a level consistent with NFPA 72.

- (13) Chapter 13, Fire Protection Systems, Section 13.2, Standpipe Systems, Subsection 13.2.1, General, Sub-subsections ~~13.2.1.1~~ 13.2.1.3 and ~~13.2.1.2~~ 13.2.1.4 are hereby created to read as follows:

~~13.2.1.1~~ 13.2.1.3 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 readily removable, leaving hose threads acceptable to the authority having jurisdiction.

~~13.2.1.2~~ 13.2.1.4 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.

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- (15) Chapter 13, Fire Protection Systems, Section 13.4, Fire Pumps, Subsection ~~13.4.2~~ 13.4.1, Equipment Protection General, ~~13.4.2.1, General Requirements~~, is hereby amended by creating Sub-subsection ~~13.4.2.1.1.1~~ 13.4.1.1.1 as follows:

~~13.4.2.1.1.1~~ 13.4.1.1.1 Access directly into fire pump rooms shall be provided from the exterior of buildings.

Exemption: Single-Family dwellings and duplexes (two family dwellings).

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- (18) 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 18.3.1.3, 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.

18.3.1.1.3 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.

18.3.1.2 New structures not capable of delivering the required fire flow shall provide automatic sprinkler systems in accordance with NFPA 13, 13R or 13D, 2010 or subsequent editions as applicable.

Owners and developers shall make provisions to install water lines and fire hydrants to meet spacing and fire flow requirements. Where fire mains exist but do not meet the fire flow requirements, alternative arrangements may be made, prior to construction, with the authority having jurisdiction. Failure to meet the fire flow requirements or coming to an agreement on alternative arrangements shall be grounds for refusal for the City to issue building permits.

Exemption: All single-family and duplex (two-family) dwellings and new single-family and duplex (two family) subdivisions that do not contain clubhouses, commercial, or professional structures.

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.

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SECTION 2. The City of Cape Coral, Florida, Code of Ordinances, Chapter 8, Article II, Section 8-11, Request for hearing; appeal, is hereby amended to read as follows:

**§ 8 -11 - Request for hearing; appeal.**

- (a) Any person who is substantially affected by the above amendments to the minimum Fire Prevention Code, as applied to them, or whenever it is claimed the provisions of the Florida Fire Prevention Code do not apply or have been misapplied, or when it is claimed the true intent and meaning of the Fire Prevention Code or any regulations thereunder have been misconstrued or misapplied, or when it is claimed a decision is unreasonable or arbitrary as it applies to alternatives, may challenge the amendment(s) or decision by filing a "request for hearing" with the City Clerk's office. The "request for hearing" shall include, but not be limited

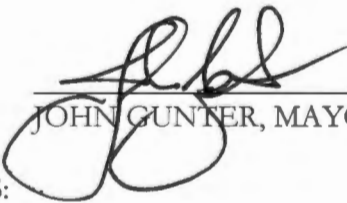
to, the name, address and telephone number of the substantially affected party, the amendment(s) being challenged and a statement as to how the amendment(s) is substantially affecting the party, and such data and documentation upon which the affected party seeks to rely. The burden of proof shall be on the party challenging the amendment(s) or decision, but the amendment(s) or decision shall not be presumed to be valid or invalid. The City Clerk shall schedule a hearing before the Cape Coral ~~Construction Regulation Board~~ City Council and provide notice to the substantially affected party challenging the amendment(s) or decision at least five working days prior to the hearing. The hearing shall be held within 45 days of receipt of the "request for hearing", unless the City Manager agrees to stay the enforcement of the challenged amendment(s) or decision as applied to the alleged substantially affected party, or other good cause is shown.

(b) A substantially affected person may appeal the decision of the Cape Coral ~~Construction Regulation Board~~ City Council to the state's Fire Marshal, pursuant to F.S. § 633.208.

SECTION 3. 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 4. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

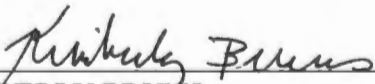
ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA AT ITS REGULAR SESSION THIS 7<sup>th</sup> DAY OF August, 2024.

  
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 JOHN GUNTER, MAYOR

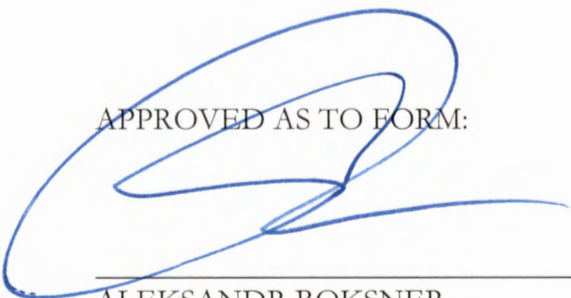
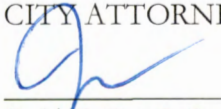
VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	<u>Aye</u>	CARR	<u>Aye</u>
STEINKE	<u>Aye</u>	WELSH	<u>Aye</u>
SHEPPARD	<u>Aye</u>	LONG	<u>NOT Present</u>
HAYDEN	<u>Aye</u>	CODEN	<u>NOT Present</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 12<sup>th</sup> DAY OF August, 2024.

  
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 KIMBERLY BRUNS  
 CITY CLERK

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 ALEKSANDR BOKSNER  
 CITY ATTORNEY  
  
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 Ord/ FirePrevCode