

RESOLUTION NO. 2012-02

A RESOLUTION AMENDING THE 2010 EDITION OF THE FLORIDA FIRE PREVENTION CODE AS ADOPTED BY THE STATE LEGISLATURE FOR THE EAST NAPLES FIRE CONTROL & RESCUE DISTRICT BY AMENDING ADOPTED STANDARDS AND CODES PERTAINING TO AMENDMENTS TO THE ADOPTED FIRE CODES, SPECIFICALLY NFPA 1, 2009 EDITION; AMENDMENTS TO THE ADOPTED LIFE SAFETY CODE, SPECIFICALLY NFPA 101, 2009 EDITION; PROVIDING FOR THE INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. THE ADOPTION OF RESOLUTION 2012-02 REPEALS RESOLUTION 2012-01.

WHEREAS, Florida Statute §633.025(1) establishes the Florida Fire Prevention Code and the Life Safety Code, as adopted by the State Fire Marshal as the state minimum code; and

WHEREAS, Florida Statute §633.0215(2), requires that the State Fire Marshal shall adopt the current editions of National Fire Protection Association's Standard 1, Fire Prevention Code, and 101 Life Safety Code; and

WHEREAS, Florida Statute §633.025(4) enables a special district with fire safety responsibilities to adopt more stringent fire safety standards or alternative requirements where, as here, a determination has been made that there is a need to strengthen the requirements of the minimum fire safety code adopted and enforced by the special district; and

WHEREAS, the East Naples Fire Control and Rescue District was created by a special Act, Chapter 2000-444, Laws of Florida, as amended by chapter 2004-433 Laws of Florida, and is "a special district with fire safety responsibilities"; and

WHEREAS, the Board of Commissioners of the East Naples Fire Control and Rescue District, pursuant to the provisions of Chapter 2000-444 of the Laws of Florida, as amended by chapter 2004-433 Laws of Florida, is authorized to promulgate rules and regulations for the prevention of fire and for fire control in the district; and

WHEREAS, the East Naples Fire Control and Rescue District Board of Commissioners hereby determines upon its review of local conditions, which review demonstrates that local conditions justify more stringent requirements than those specified in the minimum fire and life safety code for the protection of life and property or justify requirements that meet special situations arising from historic, geographic, or unusual conditions - that local amendments to the statewide minimum code are needed and will serve a public purpose; and

WHEREAS, as required by Florida Statutes §633.0215, the State Fire Marshal has recently adopted a new edition of the Florida Fire Prevention Code; and

WHEREAS, in accordance with Florida Statutes §633.025(4) (a) a properly advertised public hearing was held and all interested persons were afforded the opportunity to provide any comments; and

WHEREAS, the amendments to the statewide minimum code set forth below are essential to maintain an established and effective level of fire prevention and protection.

NOW, THEREFORE BE IT RESOLVED BY THE EAST NAPLES FIRE CONTROL AND RESCUE DISTRICT BOARD OF FIRE COMMISSIONERS that:

SECTION ONE: The following text is adopted;

Section 1-1. East Naples Fire Control and Rescue District Fire Protection and Prevention Code Adopted.

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 section 69A-3.012, 69A-60.005 or referenced by the 2009 edition of NFPA 1 or NFPA 101 (2010 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 “East Naples Fire Control and Rescue District Fire Prevention and Protection Code,” intended to protect the health, safety, common interest, and convenience of the citizens, visitors, and residents of East Naples Fire Control and Rescue District, Collier County, Florida.

<i>NFPA Code</i>		
<i>Standard</i>	<i>Edition</i>	<i>Description</i>
423	<u>2010</u>	<i>Const. and Protection of Aircraft Engine Test Facilities</i>
513	1998	<i>Motor Freight Terminals</i>

Sec. 1-2. Amendments to Fire Codes.

The “National Fire Codes”, (2010 Florida Edition), NFPA 1, Fire Prevention Code, 2009 Edition,” is hereby amended by local amendment as follows:

(A) CHAPTER 1 ADMINISTRATION AND ENFORCEMENT

1 BOARD OF APPEALS

i) Strike all existing text and amend 1.10 to read as follows:

1.10 BOARD OF APPEALS

Will operate and be comprised as set forth in the Collier County Land Development Code, Chapter 8.05.00, except that the Collier County Fire Marshal's Association may recommend those two members one of whom would be an architect or engineer and one whom must be a fire protection specialist for consideration by the Board of County Commissioners. Should the interlocal agreement between the Fire District and Collier County be terminated for any reason, Section 1.10 of the 2009 Edition of NFPA 1 may be reinstated.

(2) NOTICE OF VIOLATIONS, PENALTIES

1) Amend 1.16.4 to read as follows:

1.16.4 Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant of this code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction. Nothing herein contained is intended to prevent the Independent Fire Districts of Collier County from taking such other lawful action in any court of competent jurisdiction as the District deems necessary to prevent or remedy any violation. Such other lawful action shall include, but shall not be limited to, any equitable action for injunctive relief or action at law for damages. The Independent Fire Districts of Collier County shall have the power to enforce the provisions of this Code and ordinances by means of the Collier County Code Enforcement Boards.

(B) CHAPTER 1 ADMINISTRATION AND ENFORCEMENT

(1) OCCUPANCY

Amend subsection 4.5.4 to add condition #4

(4) All tenants and occupants shall obtain a "Notice of Fire Compliance" certificate from the appropriate fire district prior to the occupancy and use of a new or existing building as evidence of compliance with the East Naples Fire Control and Rescue District Fire Prevention and Protection Code. Such original certificate shall be displayed in a prominent location within the structure, building, or portion thereof.

Exception: Occupants of one and two family dwellings and residential tenants in multi-family buildings are exempt from the requirement of obtaining a "Notice of Fire Compliance".

(2) PLANS REVIEW

1.14.6 Where required by the Fire District, pre-fire plans shall be provided to the District prior to Building "Notice of Fire Compliance" being issued.

(3) COST OF PERMIT

- i) Add Section 1.12.7.1 to read as follows:

1.12.7.1 COST OF PERMIT

See Fire District Ordinance or fee resolution as adopted or may be amended from time to time.

(C) CHAPTER 13 FIRE PROTECTION SYSTEMS

- Add subsection 13.3.1.2.1 to read as follows:

13.3.1.2.1 All Automatic fire extinguishing systems installed voluntarily, arbitrarily or otherwise, shall provide an adequate means (stub-out) for future fire sprinkler protection on lanais, balconies and canopies in residential occupancies.

- Add subsection 13.3.1.7.1.1 to read as follows:

13.3.1.7.1.1 Valves connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water-based fire suppression systems, other than 13D systems installed in one and two family dwellings, shall be supervised by Central station, proprietary or remote station signaling service complying with NFPA 72. Each alarm panel shall electrically monitor all fire sprinkler control valves of the fire sprinkler system it monitors. All control valves in 13D systems shall be chained and locked in the open position.

- Add subsection 13.5.1.1 to read as follows:

13.5.1.1 The required size of the water mains, installed for fire protection, shall be determined by hydraulic calculation based upon a current fire flow test (not more than six months old). These calculations shall extend from the location of the flow test to each fire hydrant on site and shall indicate that the minimum required fire flow determined by Section 18.3.1.1 is available. **This section is to be used for design purposes only. Actual fire flow availability will be determined at time of building permit application.**

- xix) ~~Add~~ amend Section 13.5.3.1.1 to add the following:

13.5.3.1.1 A single, dedicated fire sprinkler backflow assembly may serve a maximum of two buildings.

- xx) Add subsection 13.7.1.4.11.1.1 to read as follows:

13.7.1.4.11.1.1 All fire sprinkler systems shall be monitored by a UL listed Remote or Central station monitoring agency.

Exception No 1: One and two family dwellings protected by 13D systems.

xxi) Add subsection 13.7.1.4.11.1.2 to read as follows:

13.7.1.4.11.1.2 All fire sprinkler systems shall activate one or more monitored audio/visual device located on the exterior of the building. The number and location of the device(s) shall be approved by the authority having jurisdiction.

Exception; Single family dwellings.

Sec. 1-3. Amendments to the Life Safety Code.

NFPA 101 Code for Safety to Life from Fire in Buildings and Structures, 2009 Edition, (2010 Florida Edition) is amended as follows:

(A) CHAPTER 9: BUILDING SERVICE AND FIRE PROTECTION EQUIPMENT

(1) SECTION 9.6 FIRE DETECTION, ALARM, AND COMMUNICATION SYSTEMS

(I) GENERAL

i) Add Subsection 9.6.1.1.1 to read as follows:

9.6.1.1.1 The authority having jurisdiction may approve and shall have the authority to require listed manual fire alarm box covers or listed double action pull stations to be installed where manual fire alarm systems are susceptible to malicious false alarms.

SECTION THREE: Reserved

SECTION FOUR: Conflict and severability.

In the event this Resolution conflicts with any other ordinance or resolution governing fire safety enacted by the State of Florida, Collier County, or the North Naples Fire Control and Rescue District the more restrictive provisions are intended to apply. If any phrase or portion of the resolution is held invalid or unconstitutional by any court of competent jurisdiction, such portion is deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining portion.

SECTION FIVE: Effective date.

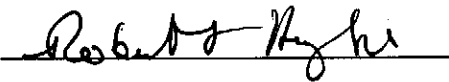
This Resolution becomes effective 30 days after receipt by the State Fire Marshal's Office and the Department of Community Affairs unless either agency requests changes.

PASSED AND DULY ADOPTED by the East Naples Fire Control & Rescue Board of Fire

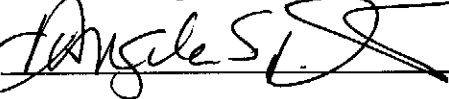
Commissioners of Collier County, Florida, this 14 day of August 2012

BY: 

Thomas G Cannon, Chairman

BY: 


Robert Hughes, Commissioner

BY: 

Angela Davis, Commissioner

BY:  8-14-12

Rob Boyer, Commissioner

BY: 

George Danz, Commissioner