

ORDINANCE NO. 2014-11

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 5 OF THE CITY OF GREENACRES CODE ENTITLED "FIRE PREVENTION AND PROTECTION, SECTION 5-3 TO ADOPT THE 2013 EDITION OF THE FLORIDA FIRE PREVENTION CODE TOGETHER WITH THE LOCAL AMENDMENTS THERETO AS CONFORMED TO THE CITY'S OPERATIONAL STANDARDS; SECTION 5-8, TO CLARIFY THE FREQUENCY OF INSPECTIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State Fire Marshal has adopted a new edition of the Florida Fire Prevention Code, pursuant to Rule 69A-60 of the Florida Administrative Code which incorporates by reference the 2013 Florida Edition of the National Fire Protection Association Fire Code (NFPA 1) and the 2013 Florida Edition of the National Fire Protection Association Life Safety Code (NFPA 101), both amended by the Florida State Fire Marshal by Administrative rule, which is known as the "Florida Fire Prevention Code 2013 edition"; and

WHEREAS, Chapter 633, Florida Statutes, authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code, which strengthens the requirements of the minimum fire safety code; and

WHEREAS, Chapter 633, Florida Statutes, requires local governments to readopt local amendments with every adoption of the new edition of the Florida Fire Prevention Code, which shall be every third year; and

WHEREAS, it is essential for continued, successful fire safety and prevention to establish certain procedures regarding inspections, investigations, and fees associated with same; and

(3) ~~The inspection common areas of multi-family (three or more attached units) leased residential premises buildings without fire protection and prevention systems and devices shall be inspected every two (2) years. owned and/or managed by the same company or individual, will be performed in accordance with the following:~~

~~a. Buildings of 3-11 units without fire protection equipment shall be inspected every two (2) years.~~

~~b. The fire protection and prevention systems and devices in common areas shall be inspected annually.~~

(4) Inspection of all buildings and premises other than residential dwellings shall occur not less frequently than once per year.

(5) Additional inspections may be scheduled by the Fire Marshal based on new construction, alteration of existing building construction or occupancy, or in response to complaints or observed fire code violations.

SECTION 3. Repeal of Conflicting Ordinances

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Passed on the first reading this 15th day of December, 2014.

PASSED AND ADOPTED on the second reading this 5th day of January, 2015.

Voted



Samuel J. Ferreri
Mayor



John Tharp
Deputy Mayor

(yes)

Attest:



Denise McGrew
City Clerk



Peter Noble
Councilman, District II

(yes)





Judith Dugo
Councilwoman, District III

(yes)



Jonathan G. Pearce
Councilman, District IV

(yes)



Paula Bousquet
Councilwoman, District V

(yes)

Approved as to Form and Legal Sufficiency:



Pamela S. Terranova
City Attorney

**ORDINANCE 2014-11
EXHIBIT "A"**

**CITY OF GREENACRES
LOCAL AMENDMENTS TO THE 2013 FLORIDA FIRE PREVENTION CODE**

PREAMBLE

Amendments to the 2013 Edition of the Florida Fire Prevention Code include the following changes, additions and deletions to NFPA 1, Fire Code, Florida 2013 Edition as adopted in the City of Greenacres Code Section 5-3.

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Section 1.12, entitled Permits and Approvals, is amended by adding the following:

1.12.2.2.1 Before a permit may be issued by the Building Department for new construction, demolition, or renovation of an existing structure, a complete set of plans and/or specifications shall be examined by the Fire Marshal, as specified in section 1.14.

Exception: This shall not apply to one (1) and two (2) family dwellings.

Section 1.14, entitled Plan Review, is amended by deleting Subsections 1.14.1 through 1.14.3 and adding the following:

1.14.1 Any owner or authorized agent who desires to construct, modify, rehabilitate, or change the occupancy type of a building or structure, including the installation or modification of fire protection equipment, shall first make application to the Building Department. The Fire Marshal shall examine or cause to be examined all plans for construction, alteration, or remodeling of any structure, except one (1) and two (2) family dwellings.

1.14.2 The Fire Marshal shall have the authority to require shop drawings, construction plans, specifications, computations, or any other documents that may be necessary to provide a thorough review of the proposed work to be done.

1.14.3 All shop drawings and documents submitted with each application shall be reviewed for code compliance. The Fire Marshal may reject said documents for non-compliance until such time as appropriate corrections have been made.

Section 1.15, entitled Technical Assistance, is amended by adding the following subsections:

1.15.2.1 The Fire Marshal may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the requirements of this code. Where the Fire Marshal relies on such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of this code and other pertinent laws or ordinances.

1.15.5 Where provisions of this code do not address specific situations involving protection of life and property from the hazards of fire, smoke, and explosion, compliance with nationally accepted standards of good practice shall be evidence of compliance with the intent of this code.

Section 1.16, entitled Notice of Violations and Penalties, is amended by adding the following:

1.16.1.1 It shall be unlawful for any person to violate this article or provision of the codes adopted in this article. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof, of either the owner, occupant, or the person in charge shall not be deemed to relieve any other person.

10.3.1.2 No newly constructed buildings or portions of buildings that have been newly constructed or undergone significant structural renovation can be furnished or stocked with materials or inventory prior to all life safety systems being inspected, approved, and functioning or an approved fire watch is provided by the owner/builder.

Section 10.5, entitled Building Evacuation, is amended by adding the following:

10.5.2.1 Overcrowding. The number of occupants of any building or portion thereof shall not be permitted to exceed the maximum allowed capacity, determined in accordance with this code.

Section 10.11, entitled Open Flame, Candles, Open Fires, and Incinerators, is amended by deleting subsections 10.11.1.1 through 10.11.1.4 and adding the following:

10.11.1.1 Open burning of any material is hereby prohibited, except as follows:

- 1) Fires sanctioned by and for the instruction of Department of Public Safety personnel in firefighting methods in accordance with applicable NFPA codes and standards.
- 2) Small fires kindled in barbecue pits, exterior fireplaces, cookout devices or similar outdoor cooking devices for cooking purposes only. Burning of rubbish, trash, or combustible material in these devices shall be prohibited.
- 3) Fires kindled for the purposes of removal of land clearing debris.

10.11.1.2 Any owner, authorized agent, or contractor proposing to utilize "open burning", as permitted in section 10.11.1(3), must comply with the following procedures:

- 1) Obtain approval from the Palm Beach County Division of Environmental Public Health; copy of said approval shall be presented with application to the Fire Marshal's office.
- 2) Make application to the Fire Marshal's office.
- 3) Schedule an inspection of the proposed burn site with the Fire Marshal.

10.11.1.3 Fees for "open burning" permits and renewals shall be levied in accordance with a schedule established by resolution of the City Council.

Section 10.19, entitled Storage of Combustible Materials, is amended by adding the following:

10.19.7.1 The storage of motorcycles, motorized bicycles, mopeds, lawn mowers, or other gasoline powered equipment inside a dwelling unit (except in a garage), or in the enclosed or unenclosed patio areas of any multi-family residential unit is prohibited.

repairs exceeds twenty five (25) percent of the structure's assessed valuation based on the most current available valuation.

- 2) The Fire Marshal determines that the lack of conformity with this provision presents as imminent danger to occupants.

Section 13.7, entitled Detection, Alarm, and Communication Systems, is amended by deleting subsection 13.7.2 in its entirety and replacing it with the following:

13.7.2 Where Required

13.7.2.1 A fire alarm system shall be required to be installed in all structures with a gross floor area of two thousand, five hundred (2,500) square feet or more regardless of occupancy type, or type of construction. Such systems shall also be installed in structures with a gross floor area less than two thousand five hundred (2500) square feet when required by NFPA 101, Life Safety Code. Such systems shall be installed per all pertinent provisions of NFPA codes and standards and shall be required to be monitored by an approved central station, proprietary, or remote station signaling service.

Exception (1): Those structures that are completely protected in accordance with the provisions of 13.3.2.1, with the approval of the Fire Marshal.

Exception (2): Those occupancies and structures exempt from this requirement under F.S. 633.022, Uniform Fire safety Standards.

Exception (3): Residential occupancies 11 units or less, not including assisted living facilities.

CHAPTER 18

FIRE DEPARTMENT ACCESS AND WATER SUPPLY

Section 18.2, entitled Fire Department Access, is amended by adding or deleting the following:

18.2.2.4 When a property is protected by an automatic fire detection and alarm system or a fire sprinkler system, an approved key box shall be installed on the property in a location approved by the Fire Marshal. One and two family dwelling units shall be exempt from this requirement. Such key boxes shall contain the following:

- 1) Keys to all locked points of egress, interior and exterior of such buildings, necessary to gain access to fire prevention and protection equipment and/or controls.
- 2) Keys to locked mechanical and/or equipment rooms.
- 3) Keys to locked electrical rooms.
- 4) Keys to elevator rooms.
- 5) Keys to all other areas as deemed necessary by the Fire Marshal.

18.2.3.5.3.1 A maximum 15-minute time limit will be imposed on unattended or inactive vehicles in a loading zone, as described in 18.2.3.5.3 above. Time limit signs shall be posted accordingly.

Section 18.3, entitled Water Supplies, is amended by adding the following:

18.3.2 The location and number of fire hydrants shall be approved by the Fire Marshal.

18.3.2.1 The distance between hydrants shall not exceed three hundred (300) feet or as determined by the Fire Marshal. Hydrants shall be within three hundred (300) feet of the most remote portion of the building. Spacing shall be measured along the actual route fire apparatus will travel.

18.3.2.2 Unobstructed access to fire hydrants to accommodate fire fighting apparatus shall be maintained at all times. It shall be a violation of this code for any person to keep or place any fence, growth, trash, or other obstruction within seven and one half (7 1/2) feet in front of and to the sides of any fire hydrant or within four (4) feet of the rear of the hydrant.

18.3.2.3 Fire flow requirements shall be approved by the Fire Marshal.

CHAPTER 65

EXPLOSIVES, FIREWORKS, AND MODEL ROCKETRY

Section 65.2.3, entitled Permits, is deleted and replaced with the following:

Section 65.2.3 A permit for Public Fireworks Displays shall be obtained from the AHJ prior to the event.

Section 65.2.3.1 Issuance of a permit shall be regulated by NFPA 1123, Code for Fireworks Display.



City of Greenacres

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Samuel J. Ferreri
Mayor

Wadie Atallah
City Manager

OFFICE OF THE CITY CLERK

Certification

State of Florida

County of Palm Beach

I, Denise McGrew, the undersigned authority, do hereby certify that the foregoing is a true, exact, and correct copy of Ordinance No. 2014-11, adopted on Second Reading by the City Council at the meeting of January 5, 2015.

Witness my hand and official corporate seal, this 19th day of August, 2015.



City of Greenacres, Florida

**Denise McGrew
City Clerk**