

RESOLUTION NO. 05-50

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, HARDEE COUNTY, FLORIDA, ESTABLISHING FEE SCHEDULES FOR NEW CONSTRUCTION AND RECONSTRUCTION FIRE SAFETY INSPECTIONS, ANNUAL INSPECTIONS AND FEES IN CONNECTION WITH PLAN SUBMITTAL, FALSE FIRE ALARMS, VARIOUS PERMITS INCLUDING FIRE ALARM SYSTEMS, SPRINKLER SYSTEMS, STANDPIPE SYSTEMS, FIRE PUMPS, EXTINGUISHING SYSTEMS, FLAMMABLE OR COMBUSTIBLE STORAGE, TENTS, FIREWORKS, PYRO TECHNICS AND EVENTS AND TRADE SHOWS

WHEREAS, the Hardee County Board of County Commissioners (hereinafter referred to as the Board) to establish Resolution No. 05-50 and by adopting Ordinance No. 05-03 to be consistent with the most recent editions of the Florida Fire Prevention Code and the Life Safety Code 101 and any revised editions thereof for various fee schedules for permits; and

WHEREAS, Hardee County may charge for fees to cover the costs of providing these services per F.S. 633.081, the costs for review, issuance and inspection procedures to protect the public health, safety, and general welfare of the citizens of Hardee County; and

WHEREAS, the Board has reviewed the proposed fee schedule and finds that it represents a reasonable assessment of the costs involved in the review, inspection and issuance processes; and

WHEREAS, the Board desires to establish fees beginning October 1, 2005 which fees will be in effect until changed by further Resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD THAT:

- 1. The above findings of fact are hereby incorporated into this Resolution.**
- 2. All requests for review, inspections and issuance of permits and fees associated with false fire alarms by the County Fire Marshal shall be subject to the fees set forth on Schedule "A" attached hereto.**
- 3. The fees collected pursuant to this Resolution shall be used exclusively to pay for the review, inspection and permit issuance activities of the Board and shall not be diverted to any other purpose.**
- 4. This Resolution shall become effective_____.**

DULY ADOPTED this ____ day of _____ 2005, by the Hardee County Board of County Commissioners.

**BOARD OF COUNTY COMMISSIONERS
HARDEE COUNTY, FLORIDA**

GORDON R. NORRIS, CHAIRMAN

ATTEST:

**B. HUGH BRADLEY
EX OFFICIO CLERK OF THE COMMISSION**

SCHEDULE "A" TO RESOLUTION NO. 05-50

**Hardee Fire Rescue
Fire Prevention Fee Schedule**

Permits shall be issued for various activities or processes that may cause or contribute to the spread of fire or hazardous conditions in any given occupancy. Permit fees shall be charged in addition to the Routine Inspections, Certificate of Occupancy Inspections, and plans review. Permits and Certificates of Occupancy shall not be issued until all payments have been paid in full.

Routine Inspections:

<u>Square Footage</u>	<u>Normal Fee</u>	<u>Re-inspection Fee</u>
Up to 5,000	\$ 50	\$ 100
5,001 - 10,000	\$ 60	\$ 120
10,001 - 15,000	\$ 70	\$ 140
15,001 - 20,000	\$ 80	\$ 160
20,001 - 25,000	\$ 90	\$ 180
25,001 - 30,000	\$ 100	\$ 200
30,001 - 35,000	\$ 110	\$ 220
35,001 - 40,000	\$ 120	\$ 240
40,001 - 45,000	\$ 130	\$ 260
45,001 - 50,000	\$ 140	\$ 280
50,001 - 55,000	\$ 150	\$ 300
55,001 - 60,000	\$ 160	\$ 320
60,001 - 65,000	\$ 170	\$ 340
65,001 - 70,000	\$ 180	\$ 360
70,001 - 75,000	\$ 190	\$ 380
75,001 - 80,000	\$ 200	\$ 400
Above 80,000	\$ 210	\$ 420
	plus \$5 for each 5,000 sq ft above 80,000	plus \$10 for each 5,000 sq ft above 80,000

Re-inspections: First Re-inspection - No additional charge
Pre-inspection fee: \$30

Certificate of Occupancy Inspections:

<u>Square Footage</u>	<u>Normal Fee</u>	<u>Re-inspection Fee</u>
Up to 5,000	\$ 65	\$ 130
5,001 - 10,000	\$ 130	\$ 260
10,001 - 15,000	\$ 195	\$ 390
15,001 - 20,000	\$ 260	\$ 520
20,001 - 25,000	\$ 325	\$ 650
25,001 - 30,000	\$ 390	\$ 780

Above 30,000	\$ 455 plus \$10 for each 5,000 sq ft above 30,000	\$ 910 plus \$20 for each 5,000 sq ft above 30,000
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Construction Plans Review / Permit:

<u>Square Footage</u>	<u>Normal Fee</u>	<u>Resubmitted Fee</u>
Up to 10,000	\$ 75	\$ 37.50
10,001 - 20,000	\$ 100	\$ 50
20,001 - 30,000	\$ 125	\$ 62.50
30,001 - 40,000	\$ 150	\$ 75
40,001 - 50,000	\$ 175	\$ 87.50
50,001 - 60,000	\$ 200	\$ 100
60,001 - 70,000	\$ 225	\$ 112.50
70,001 - 80,000	\$ 250	\$ 125
80,001 - 90,000	\$ 275	\$ 137.50
Above 90,000	\$ 300 plus \$0.10 per sq ft above 90,000	\$ 150 plus \$0.05 per sq ft above 90,000

FALSE FIRE ALARM FEES

For the first through third unnecessary false fire alarm inclusive as set forth in Section 14 of Ordinance No. 05-03 occurring in any 12 month period a warning will be issued in writing for the fourth and fifth unnecessary false fire alarm in the same 12 month period a fee of \$100 dollars may be assessed for any subsequent unnecessary false fire alarms exceeding five in the same 12 month period a fee of \$500 dollars for each alarm may be assessed.

Other Fees and Permits:

Sprinkler Permit (for each floor) (50 or less sprinkler heads)	\$ 35
Sprinkler Permit (for each floor) (51 or more sprinkler heads)	\$ 75
Sprinkler Permit (for each floor) (Over 100 sprinkler heads)	\$ 1.00 per head
Standpipe Permit (per standpipe)	\$ 35
Fire Alarm Permit (for each floor)	\$ 35
Fire Pumps Permit (for each fire pump with jockey)	\$ 35
Hood Extinguishing System Permit (per system)	\$ 35
Other Extinguishing System Permit (per system)	\$ 35
Flammable or Combustible Storage Installation Permit (Above or Below Ground) Per Tank	\$ 50
Tent (Promotional) Permit (>300 sq ft)	\$ 50
Public Fireworks Display Permit	\$ 75
Sparkler Vendor Permit	\$ 75
Exhibit, Trade Shows and Festival Permit	\$ 50

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ORDINANCE NO 05-03

AN ORDINANCE OF HARDEE COUNTY ADOPTING A FIRE PREVENTION CODE OF HARDEE COUNTY; PROVISION SPECIFICALLY REPEALING ORDINANCE NUMBER 02-03; ESTABLISHING THE FIRE PREVENTION AND INSPECTION DIVISION; ESTABLISHING RULES AND REGULATIONS FOR FIRE PREVENTION AND SAFETY, INCLUDING THE TESTING OF FIRE HYDRANTS; PROVIDING A PENALTY FOR FAILURE TO COMPLY WITH SAID REGULATIONS; PROVIDING FOR RENUMBERING AND INCLUSION IN HARDEE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

PREAMBLE

Section 1 Introduction and Purpose

- A. This is an Ordinance providing Hardee County with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use, testing and maintenance of equipment; regulating the use of structures premises and open area; providing for the abatement of fire hazards; establishing the responsibilities and the procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

Section 2 Fire Prevention and Inspection Division Established

- A. The Fire Chief shall designate a Fire Official as Fire Marshal. The Fire Marshal of Hardee County shall be responsible for the enforcement of Hardee County Fire Prevention Code. To assist in the performance of the responsibilities and duties placed upon the Fire Marshal of Hardee County, the Fire Prevention and Inspection Division of Hardee County is hereby established, to be under the control of the Fire Chief.
- B. The Fire Prevention and Inspection Division within Hardee County shall operate under the supervision of the Fire Marshal of Hardee County. The Fire Marshal shall be responsible for the direct administration and enforcement of Hardee County Fire Prevention Code. The Fire Marshal may designate such number of Fire Inspectors as shall from time to time be authorized by the Fire Chief of Hardee County.

Section 3 Duties and Responsibilities

- A. It shall be the duty of the Fire Marshal and his designees to enforce all rules and regulations of Hardee County specified herein or otherwise relating to fire prevention and/or inspection. These duties shall consist of, but not be limited to, the following:

- (1) The prevention of fires;
- (2) Fire Safety Education Public Relations;
- (3) The storage and use of explosives and flammables;
- (4) The installation and maintenance of automatic and other fire alarms systems, and fire extinguishing equipment;
- (5) The maintenance and regulation of fire escapes;
- (6) The means and adequacy of exit in case of fire from buildings and all other places in which numbers of persons work, live, or congregate from time to time for any purpose;
- (7) The investigation of the cause, origin, and circumstances of fires;
- (8) The maintenance of fire cause and loss records.

- B. It shall be the duty of the Fire Marshal of Hardee County to investigate and recommend to Hardee County Fire Chief such additional rules and regulations or amendments to existing rules and regulations as he/she may deem necessary for safeguarding life and property against fire.
- C. The Fire Marshal shall prepare instructions for his/her assistants and forms for their use in the reports required by these rules and regulations.
- D. The Fire Marshal shall inspect or cause to be inspected all premises, except private, single-family residences, on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and rules and regulations governing the same and for safeguarding of life and property from fire.
- E. The Fire Marshal and his designee shall have other powers and perform such other duties as are set forth in other sections of this Code and as may be conferred and imposed from time to time by law.

GENERAL PROVISIONS

Section 4 Title

- A. The title of this Ordinance shall be the Fire Prevention Ordinance of Hardee County, hereinafter referred to as "The Ordinance". One or more copies shall be on file in the Office of the Division of Fire Prevention and Inspection of Hardee County located at 149 K D Revell Road, Wauchula, Florida, and shall be kept available for public use, inspection, and examination.

Section 5 Definitions

- A. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The below listed definitions are in addition to the definitions found in Chapter 2, Section 2-1 of NFPA No. 1.

(1) **Authority Having Jurisdiction (AHJ):** Hardee County through the Fire Chief or his designated State-Certified Fire Safety Inspector.

(2) **Building Code:** The Hardee County Building Code as adopted by the Board of County Commissioners of Hardee County, or the Florida Building Code as identified in Florida Statute 553.73.

(3) **NFPA:** The National Fire Protection Association as referenced in the Standard Building Code. NFPA Standard No. 1 and Life Safety Code 101, current editions, shall mean the referenced code or standard as compiled and published by the National Fire Protection Association.

(4) **National Fire Code:** The compilation of the National Fire Protection Association codes, standards, recommended practices and manuals published by the National Fire Protection Association and as adopted by Hardee County.

(5) **Story:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A parking area beneath a building is considered a story.

(6) **Substantially Altered:** A structural alteration increasing the square footage of an existing building by 50% or more, or increasing the square footage of an existing building such that the square footage of the entire building exceeds the table limits of Table 2001 shall be considered a substantial alteration. Any substantial structural alteration in, or addition to, the supporting or structural members of a building, such as bearing walls, bearing columns, bearing beams, or bearing girders, or elimination, moving or construction of new partitions within

50% or more of the square footage of an existing building, may be considered a substantial alteration. Substantial alterations shall not include inter-alia, repairs to roofs or walls, interior or exterior painting or decoration, air conditioning or heating systems repairs or replacement, modernization of kitchens or bathrooms, gas, water, sewer, and electrical systems.

(7) **Unit:** A room or group of rooms within a multi-family structure designed for occupation by one family only.

Section 6 **Adoption of the Florida Fire Prevention Code**

- A. Pursuant to Section 633.025, Florida Statutes, the Florida Fire Prevention Code, including referenced and adopted publications therein, including but not limited to the National Fire Protection Association Life Safety Code, NFPA 1, adopted by the State Fire Marshal pursuant to Section 633.0215, Florida Statutes, and as such may be amended, modified, updated or adopted every third year by the State Fire Marshal, is hereby adopted by the County, hereinafter referred to as the Florida Fire Prevention Code. The Florida Fire Prevention Code is adopted and incorporated herein as if set out in length in this Section, save and except such portions as are deleted, modified, added or amended in this Chapter. One copy of the foregoing is on file in the office of the Fire Chief.

Section 7 **Recognition of Building Code**

- A. Adoption of this Fire Prevention Code recognizes and incorporates, as fully as if set out herein, the Hardee County Building Code, or the Florida Building Code as identified in Section 5. Specifically, all fire safety and/or protection standards or requirements are hereby incorporated and made a part of this Code. Whenever the Hardee County Building Code, or the Florida Building Code is referenced herein, and this Code addresses an identical issue, the more stringent fire protection provision shall apply.

Section 8 **Application**

- A. The provisions of this Ordinance shall apply equally to existing as well as new buildings (unless specifically noted in this Ordinance). Structures, vehicles, marine vessels, premises and conditions not in strict compliance with this Code may be permitted to continue unless, in the opinion of the Fire Marshal, they constitute a distinct fire hazard to life or property of others based on available data.
- B. The provisions of this Ordinance do not apply to one or two-family dwellings in the normal use or maintenance thereof, except that this Ordinance shall apply whenever the activity or use of such dwelling creates a distinct fire hazard to life or the property of others based on available data or is reference by the Uniform Fire Safety Standards as adopted under the provisions of Chapter 633 F.S.

- C. The provisions of this Ordinance do not apply to those buildings or structures specifically under the Uniform Fire Safety Standards of the State, as set forth in Chapter 633 F.S. except as provided therein.
- D. The provisions of this Ordinance shall be complied with whenever a building is built, or a building or occupancy is considered to be substantially altered. Compliance with this code may be required when a new owner, renter or lessee assumes control of a building, unit or business. Only those requirements whose application would be clearly impractical in the judgment of the authority having jurisdiction shall be modified.
- E. Existing buildings that are occupied at the time of adoption of this Ordinance may be continued in use provided:
 - (1) The occupancy remains the same, and;
 - (2) No serious life safety hazard exists that would constitute an imminent threat, and,
 - (3) The building was not previously under review for Code compliance.
- F. The provisions of this Ordinance, as far as they are substantially the same as existing provisions of law relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.
- G. The adoption of this Ordinance or the repeal of any other existing provision of law, including regulations or orders, shall not be construed to alter any time limit which may have been imposed by any existing law, regulation or order of the Fire Marshal or other authority relating to compliance with such limits.
- H. If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remaining provisions of this Ordinance.

Administration

Section 9 Authority

- A. This Ordinance shall be administered and enforced by the Fire Official designated by the governing authority of this jurisdiction as having this responsibility. For purposes of this Ordinance, this Fire Official is called the Fire Marshal. He shall meet those qualifications as may be set forth by s.633.081 and the jurisdiction as being necessary to effectively administer this Code.
- B. This act shall be deemed an exercise of the police powers of Hardee County for the preservation and protection of the public health, peace, safety and welfare, and all the provisions of Hardee County Fire Prevention Code shall be liberally construed for that purpose.

- C. This Ordinance adopts all enforcement procedures of s.633, which specifies written notices are issued prior to a minimum of 45 days for violations to be corrected before a formal citation is issued.

Section 10 Right of Entry; Implied Consent

- A. Any application for or acceptance of any permit with respect to any construction or structure subject to the provisions of this Ordinance requested or issued pursuant to this Ordinance, constitutes agreement and consent by the person making the application or accepting the permit to allow the authority having jurisdiction to enter the premises at any reasonable time to conduct any inspection required by this section.
- B. The Fire Chief or his/her designee may detail Fire Department personnel for stand-by duties to those places of assembly or other locations where it is deemed necessary for fire safety reasons or where there is a likelihood of violations being prevalent which may create hazardous situations. Generally this right would be exercised where large crowds are expected in places of assembly or during the visit of dignitaries. When necessary for fire department personnel and/or fire apparatus to be assigned for such detail, the Fire Department may assess reasonable fees.

Section 11 Approval of Plans and Installations

- A. The Fire Marshal or his designee shall examine the submitted plans for evidence of compliance with this Ordinance. The Fire Marshal or his designee may require tests or other investigations to be conducted by an agency satisfactory to the jurisdiction when an appliance, device, equipment, or system intended for installation does not specifically meet the requirements of this Ordinance. The tests or investigations shall be based on nationally accepted test standards or principals.
- B. Three (3) complete sets of all plans, drawings, and specifications (including but not limited to site, building, alarm, sprinkler, standpipe, hood exhaust and suppression) shall be submitted to the Division through the Hardee County Planning/Building within (5) five business days after initial receipt. Failure to do so may result in the issuance of a Stop Work Order to be enforced until required material is provided.
- C. All fire alarm, sprinkler system, hood and extinguishing system drawings shall be submitted and approved prior to commencement of any work on each respective system. Such system design criteria shall be included with full architectural plan submittal.
- D. Shop drawings shall be submitted and approved prior to installation.
- E. Any project requiring a fire sprinkler system consisting of 50 or more fire sprinkler heads, an alarm system costing more than \$5,000 or any specialized fire protection shall be permitted only if the following plans are submitted and approved by the Division:

(1). Shop drawings must be submitted along with an engineering design document prepared and sealed by a professional engineer registered in the State of Florida. The design document must be prepared in accordance with the rules promulgated by the Board of Professional Engineers. Such shop drawings shall be based on the requirements established by the engineer; or,

(2). Shop drawings prepared under the supervision of an engineer licensed in the State of Florida and sealed by the engineer providing such supervision.

Fire Prevention Regulations

Section 12 Reporting Hazardous Conditions; Maintaining Hazard

- A. Any person, upon discovering evidence of spontaneous heating or other abnormal heating of any merchandise, commodity, cargo, shipment, or other material of any kind in any building, marine vessel, appliance, apparatus, tank, or open stack or pile, or any person, upon discovering or being apprised of any uncontrolled hazardous leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the Fire Department via 911.
- B. No person shall knowingly maintain a fire hazard.
- C. Penalty, See Section 27.

Section 13 Smoking

- A. Where conditions exist which make smoking a fire hazard on any premises, "No Smoking" signs shall be posted as directed by the Fire Marshal or his designee. "No Smoking" signs shall be of a color, size, lettering, and location approved by the Division. No person shall remove "No Smoking" signs or lights, or ignite otherwise set a fire to or smoke any cigar, cigarette, pipe, tobacco, or other form of smoldering substance, nor hold, possess, throw, or deposit any lighted or smoldering substance in any place where occasion or action would constitute a fire or life hazard. Nothing in this section shall be construed as prohibiting smoking in areas, offices or other rooms which have been designated by the Division as safe smoking areas and have been approved for that purpose.
- B. The manager or person in charge of the premises shall be responsible for enforcing this regulation once ordered by the authority having jurisdiction.
- C. Penalty, see Section 27.

Section 14 Unnecessary/False Alarms

- A. The purpose of this section shall be to regulate and control the malfunctioning, negligence, or unintentional act resulting in the unnecessary response of emergency vehicles. In the case of unnecessary/false alarms, the authority

having jurisdiction shall cause an investigation to be made and keep a record of the number of unnecessary/false alarms on file.

- B. Persons owning, managing or otherwise being in charge of the premises shall be responsible for regulating and controlling the use and maintenance of an automatic fire alarm system for those premises. The transmission of an excessive number of unnecessary/false alarms, as defined herein, as the result of malfunctions, negligence or unintentional acts resulting in the unnecessary response of emergency vehicles shall constitute a violation of this Ordinance. The owner, tenant, manager or person in charge shall, after the performance of an investigation by the authority having jurisdiction as to the causes for each such unnecessary/false alarm be responsible for such violation and may be assessed a service fee pursuant to Fire Prevention Service Fees Resolution. An excessive number of unnecessary/false alarms for any premises within the County is defined as three (3) or more such unnecessary/false alarms within any given twelve (12) month period.

Section 15 **Required Access for Fire Apparatus**

- A. All premises, including existing premises, that the Emergency Services may be called upon to protect in case of fire and that are not readily accessible from public roads shall be provided, to the extent reasonably possible, with suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- B. Fire and emergency access to at least two (2) sides of all assembly, educational, health care, detention and correctional, residential, mercantile, business industrial, storage or day care occupancy buildings may be required by the authority having jurisdiction. This access shall comply with NFPA 1, Section 3-5, unless otherwise approved by the AHJ, and shall:
 - (1) Have an unobstructed width of fifteen (15) feet,
 - (2) Have a minimum/maximum distance from the building to the closest curb-line or edge, as follows:
 - a. One, two and three story buildings, 10 feet minimum, 15 feet maximum; four or more story buildings, 15 feet minimum, 25 feet maximum.
 - (3) If stabilized ground is used it shall be 6" minimum and meet the lime rock bearing ratio of 40 and be compacted to a modified proctor density of 95%.
 - (4) Paved, stabilized ground or turf block used for emergency access shall be identified as to location with approved vegetation or markers as required by the authority having jurisdiction.
 - (5) Paved, stabilized ground or turf block used for emergency access shall be kept unobstructed at all time and from any future growth, and

shall be dedicated on the approved final site plan for the life of the building.

- C. Where the installation of speed bumps is determined by the authority having jurisdiction to impede or inhibit the response of emergency vehicles or the safety of emergency personnel or patients, such speed bumps shall be removed by the owner. Existing speed bumps may be modified to meet safety requirements as approved by the authority having jurisdiction.
- D. New speed bumps, when installed, must comply with the following criteria:
 - (1) Approved speed bumps shall have minimum twenty-four (24) inch long base with sloping falls, cresting at four (4) inch maximum height.
 - (2) The location of such speed bumps shall be approved by the AHJ.
- E. The designation, use and maintenance of fire lanes shall be accomplished as specified by the Fire Marshal in accordance with the Hardee County Land Development Code and NFPA 1, Section 3-5.
- F. Automatic Vehicle Access Control Gates:
 - (1) Where automatic vehicle access control gates are used, a minimum of two (2) remote controlled opening frequencies/pin codes shall be provided, with one (1) frequency/pin code dedicated to Emergency Services unless otherwise approved by the AHJ. This frequency/pin code shall be determined by the authority having jurisdiction, and shall be a master frequency/pin code whereby the Emergency Services shall be able to open any gate within its jurisdiction with one opener. This frequency/pin code shall be available and used exclusively by Emergency Services. The remaining frequency/pin code or frequencies/pin codes shall be for owner use.
 - (2) Gate installation criteria, including battery backup, siren operated sensors, key switches, opener devices and gate markings shall be reviewed and approved in writing by the authority having jurisdiction prior to installation.
 - (3) In the event the gates become non-operational, they shall remain in the open position until such time as all minimum requirements have been returned to a fully operational status. It shall be the responsibility of the property owner/property management to ensure gates are properly maintained, and repaired as necessary.
- G. Penalty, see Section 27.

Section 16 **Key Box System**

- A. When a structure is equipped with a fire alarm system, sprinkler or standpipe system or, in the opinion of the authority having jurisdiction is deemed necessary, an approved key box shall be required. The tumbler shall match the Fire

Department key. Installation height of key box shall be a maximum of six (6) feet to the top of the box or as approved and the location of the box shall be approved by the Fire Prevention Division. Keys shall be provided to gain access to fire alarm panels, electrical room, sprinkler rooms and any other areas to which this Department may require access. Applications for the key box may be obtained from the Fire Prevention Division.

- B. Penalty, see Section 27.

Section 17 Storage on Roofs, Fire Escapes, Porches, Breezeways and Balconies

- A. No person shall place or maintain, on any roof or balcony used for egress purposes, any material or objects which may interfere with egress or Fire Department operations.
- B. No person shall place or maintain gas or propane cylinders on porches, breezeways or balconies of multi-story buildings.
- C. Penalty, see Section 27.

Section 18 Dumpster Location

- A. All dumpsters and any associated screening consisting of combustible fencing around the dumpster pad shall have a minimum separation from the nearest building or building overhang of ten (10) feet. Large commercial/industrial dumpsters, such as 20 or 40 yard containers, may require a larger separation. This minimum separation may be reduced or waived if the dumpster is protected by one or more fire sprinkler heads of a fire sprinkler system designed in accordance with sound engineering practices. Compactor dumpsters, because of their unique design and construction requirements, shall be reviewed on an individual basis by the Fire Marshal.
- B. Penalty, see Section 27
- C. 10' away from nearest roof overhang.
- D. Any such dumpster may be installed closer if a two hour fire wall built and approved by AHJ.

Section 19 Festival Seating

- A. Festival seating as defined in Life Safety Code shall be prohibited in any building in Hardee County.

Section 20 Marking of Occupancies for Emergency Use

- A. Numerals shall be not less than three (4) inches in height for residential buildings, structures, or portions thereof, and at least six (6) inches in height for all other buildings, structures, or portions thereof. Where address identification is required by the authority having jurisdiction on other elevations of buildings, structures or portions thereof, such numerals shall be not less than four (4)

inches in height for residential and at least six (6) inches in height for all other buildings, structures, or portions thereof.

- B. Penalty, see Section 27.

Section 21 **Fire Alarm and Fire Sprinkler Requirements**

- A. Approved fire alarm and fire sprinkler systems shall be installed in buildings as Required by Table 2001 and as follows:

- (1) Basements or cellars with ceilings less than fifty-four (54) inches above grade, or having floor areas exceeding 2,500 square feet, or when used as lounges or nightclubs, regardless of size.

- B. Pumps that are required to insure adequate flow and pressure in the sprinkler system shall be connected to the emergency power system.
- C. All sprinkler system installations shall be provided with an approved backflow preventer of the double check valve type. Such preventer shall be as approved by the Fire Marshal of the County. All fire line backflow preventers shall be located at either the front property line of the development parcel, easily visible and not obscured by landscaping or other site improvements, or in the case of commercial shopping centers and similar types of developments, at or along the access way at the rear of the building complex. Other locations or provisions will not be permitted unless a specific exception is issued in writing by the Fire Marshal.
- D. All sprinkler system installations shall be approved by the Fire Marshal of the Fire Department and all sprinkler systems connections to the public water distribution facilities shall be approved by the utility department in whose jurisdiction they are located.
- E. All fire department connections shall be located on the private property side of the fire line backflow preventer unless a specific exception is issued in writing by the Fire Marshal. Such connection should be attached directly to the backflow preventer, and the project representative shall verify with the Fire Marshal whether a typical 2 ½" Siamese connection with national threads or a 5" storz connection will be required.
- F. All spec warehouses and or mixed-use industrial occupancy buildings constructed without the commodity classification/hazard being defined and/or with the intention to be leased to one or more tenants shall be provided with a level of fire protection determined by available storage heights. Such buildings shall be protected using NFPA 13 (1999 edition) fire protection requirements based on a Class IV commodity in double row racks with 8 foot aisles. The minimum storage height that shall be used for the sprinkler design will be the maximum available storage height. The maximum available storage height is defined as the useable height at which commodities can be stored above the floor while the minimum required unobstructed space below the sprinklers is maintained (NFPA 13 1999 edition Paragraph A-7.4.1.3). in the event that NFPA

13 requires in-rack sprinklers for a Class IV commodity based on the elevation, the calculations shall provide an allowance of 350 gpm in addition to the hose stream allowances for in-rack sprinklers. When specific hazards are known or anticipated to be part of the building occupancy, that exceed the minimum requirements above, the applicable NFPA standard protection requirements shall be met.

- G. An approved type Horn/Strobe indicating device shall be installed on the exterior of each building for which a fire alarm system is required by this section. The Horn/Strobe device shall be installed such that it is readily visible from the street and its location shall be approved by the Fire Marshal. The strobe shall be white in color.
- H. Any new business or educational facility that is not occupied 24 hours a day and is greater than 5,000 square feet shall have a monitored alarm system. If said business or educational facility is less than 5,000 square feet but is adjoined to another business or less than 20 feet shall be monitored.
- I. All fire alarm systems installed in Hardee County shall have UL listed surge suppression devices installed regardless of any internal protective devices within the panel. The required protection shall include AC power protection; telephone line protection and protection on any wiring that enters the building from outside the protected structure (i.e., tamper switch wiring to a backflow preventer). All surge suppression devices shall be installed outside the fire alarm control panel box with a minimum of 3 feet of wiring between the device and the fire alarm panel. Each device shall be provided with a good ground connection. All protective devices for surge suppression shall be certified to the following UL standards:
 - a. Telephone Lines UL 497A
 - b. Signaling Line Loops UL 497B
 - c. Initiation or Notification Circuits UL 497B
 - d. AC Power UL 1449

Table 2001 is hereby established and adopted as follows:

TABLE 2001

Occupancy Classification	Fire Alarm and or Fire Sprinkler Systems required under the following conditions:	Initiation of Fire Alarm Systems required as follows:	Annunciation/Zone identification of Fire Alarm Systems
Assembly	300 or more occupants	Manual Pull Stations; Flow Switch and/or	As outlined in NFPA 101 (2000 Edition) section

		Suppressions Systems; Area Type	9.6.7
Educational	Two stories or more or one story if each classroom is not provided with an exit door to the exterior of the building	As outlined in (2000 Edition) section 14.3.4.2	As outlined in NFPA 101 (2000 Edition) section 9.6.7
Residential	12 residential units or more or 3 stories or more	Manual Pull Stations, Flow Switch of fire Suppression Systems	As outlined in NFPA 101 (2000 edition) section 9.6.7
Mercantile	10,000 square feet or more or 2 stories or more	Manual Pull Station; Flow Switch of Fire Suppression Systems; area type Smoke Detection in all spaces with commodity stored over 12 feet above finished floor	As outlined in NFPA 101 (2000 edition) section 9.6.7
Business	15,000 square feet or more or 2 stories and 10,000 square feet or more	Manual Pull Stations; Flow Switch and or Suppression Systems; area type Smoke Detection in all egress areas	As outlined in NFPA 101 (2000 edition) section 9.6.7
Industrial	10,000 square feet or more or 2 stories or more	Manual Pull Stations; Flow Switch and or Suppression Systems; area type Smoke Detection in all areas of air conditioned controlled space	As outline in NFPA 101 (2000 edition) section 9.6.7
Storage	10,000 square feet or more or 2 stories or more (note: area modification as identified in the current edition of the Building Code may be applied for fire sprinkler requirements only)	Manual Pull Stations; Flow Switch and or Suppression Systems; area type Smoke Detection in all egress areas of air conditioned controlled space; in buildings where area modification option is used and is not protected by a fire sprinkler system, heat detection shall be provided through-out all areas of non air conditioned space.	As outlined in NFPA 101 (2000 edition) section 9.6.7
High Hazard/Special	All buildings of size	As required by the authority having jurisdiction	As required by the authority having jurisdiction

Section 22 **Fire Protection Water Supply**

- A. In all developments, as defined below, the adequacy of fire protection services, water pressure, hydrant locations, fire lanes and maneuvering areas shall be subject to the approval of the Fire Marshal with the requirements set forth herein determined as minimum provisions.
- B. All fire hydrants shall be installed in accordance with the requirements of the National Fire Protection Agency (NFPA) and the American Water Works Association.

- C. Fire hydrants shall be installed in all new developments that meet any of the following criteria:
- (1) All developments that require an extension of the water distribution system;
 - (2) All developments that require the submission of a preliminary site plan as set forth in the Hardee County Land Development Code;
 - (3) When, in the opinion of the authority having jurisdiction, access to or distance from public fire hydrants would hamper or impair firefighting operations;
 - (4) All new water distribution systems shall be considered for hydrant locations and spacing by the AHJ.
- D. Except as specifically excepted, required fire hydrants shall be no more than eight hundred (800') feet apart and within four hundred (400') feet of the main entrance of all principal buildings in the development as measured from normal access routes. All hydrants shall be in addition to any internal sprinkler or standpipe system serving the development and shall not be located on the "fire line" water main service beyond the point of service or connection. Except for hydrants located within public street rights-of-way, all hydrants shall be located at least forty (40') feet from any building, except one story single-family residential buildings.
- E. Approved Fire Hydrant: an approved fire hydrant shall mean a fire hydrant connected to a water main of not less than six (6) inches in diameter and shall meet the performance standards required by the AHJ, or its designee, and shall have one (1) 4 ½ inch and two (2) 2 ½ inch hose connections. All hydrant installations shall be approved by the jurisdiction in which they are located as pertains to availability of water pressure, volume and reliability of water service.
- F. Hydrant location with respect to the fire department connection:
- (1) Whenever a proposed development will be required to install one or more fire hydrants as a condition of approval, a fire hydrant shall be located not more than fifty (50) feet from the fire department connection as measured by normal access routes. If such hydrant is on the same side of the street as the fire department connection, it is preferable that the driveway does not separate the hydrant and the fire department connection.
- G. Existing buildings that are occupied at the time of adoption of this Ordinance may be continued in use without additional fire protection water supply provided:
- (1) The occupancy classification remains the same, and

(2) No serious life safety hazard exists that would constitute an imminent threat.

(3) Only those requirements whose application would be clearly impractical in the judgment of the authority having jurisdiction shall be modified.

H. No person shall place or keep any post, fence, vehicle, growth, vegetation, trash or storage of other materials that would obstruct a fire hydrant or fire protection appliance and hinder or prevent its immediate use by fire department personnel. Such fire hydrant or fire protection appliance shall be maintained readily visible at all times.

I. Fire hydrants and fire protection appliances shall be kept accessible to the fire department at all times. The following clearances shall be maintained for all fire hydrants and fire protection appliances.

(1) Hydrants – Clearances of seven and one half (7 ½) feet in front of and to the sides of the fire hydrant, with a four (4) foot clearance to the rear of the hydrant.

(2) Fire Protection Appliances Clearances of seven and one half (7 ½) feet in front of and to the sides of the appliances.

(3) Exception: These dimensions may be reduced by approval of the authority having jurisdiction.

J. All fire hydrants in the County shall be flow tested by Hardee County Fire Rescue on a regular basis to determine their fire flow rates and basic operation. Maintenance, as prescribed by the Fire Department, of fire hydrants is to be performed in a timely manner by the hydrant owner or governmental unit in whose jurisdiction the hydrant resides.

K. Fire department connections shall be identified by a sign that states “No Parking, Fire Department Connection” and shall be designed in accordance with Florida Department of Transportation standards for information signage.

L. Exception: Existing numbers and letters when approved by the authority having jurisdiction.

Section 23 Cease and Desist Order or Stop Work Order

A. Whenever the violation of any provision of this Ordinance presents an immediate danger to life, or when any new construction or existing building is occupied in whole or in part in violation of the provisions of this Ordinance, or when any fire, explosion, or other such disaster occurs and presents an immediate danger to life, the authority having jurisdiction shall immediately post a Cease and Desist Order or a Stop Work Order on the premises and shall suspend any and/or all use of the building, marine vessel, structure, or premises until such time that the danger to life has been removed or the correction of the violations(s) has been made.

- B. If it is determined by the authority having jurisdiction that a violation specified in this subsection exists, the authority having jurisdiction or his designee may issue and deliver to the person committing the violation an order to cease and desist from such violation, to correct any hazardous condition, to preclude occupancy of the affected building or structure, or to vacate the premises of the affected building or structure. Such violations are:
- (1) Except as set forth in paragraph (2), a violation of any provision of this section, or any rule adopted pursuant thereto, of any applicable uniform fire safety standard adopted pursuant to s. 633.022 which is not adequately addressed by an alternative requirement adopted on a local level.
 - (2) A substantial violation of an applicable minimum fire safety standard adopted pursuant to s. 633.025 which is not reasonably addressed by any alternative requirement imposed at the local level, or an unreasonable interpretation of an applicable minimum fire safety standard, and which violation or interpretation clearly constitutes a danger to life safety.
 - (3) A building or structure that is in a dilapidated condition and as a result thereof creates a danger to life, safety, or property.
 - (4). A building or structure that contains explosive matter or flammable liquids or gases constituting a danger to life, safety, or property.
- C. If, during the conduct of a fire safety inspection authorized by ss. 633.081 and 633.085, it is determined that a violation described in this ordinance exists which poses an immediate danger to the public health, safety, or welfare, the authority having jurisdiction may issue an order to vacate the building in question, which order shall be immediately effective and shall be an immediate final order under s. 120.59(3). With respect to a facility under the jurisdiction of a district school board or community college board of trustees, the order to vacate shall be issued jointly by the district superintendent or college president and the authority having jurisdiction.
- D. The authority having jurisdiction may seek an injunction in the circuit court of Hardee County to enforce an order issued pursuant to this subsection.
- E. Penalty, see Section 27.

Section 24 Board of Appeals

- A. Whenever any person, firm or corporation is of the opinion that they have been aggrieved, pursuant to NFPA 1, Section 1-8.6.1, from such decision (s) of the Fire Marshal of Hardee County, may seek relief through the Hardee County Appeals Board as established by s.162. This hearing provides for a finding of fact, based on evidence of record and conclusions of law. The above named person, firm or corporation shall notify the authority having jurisdiction in writing of their wish to appeal a specified decision by the AHJ.

Section 25 **Fuel Oil, Kerosene, and Wood Burning Heating or Cooking Appliances Prohibited**

- A. It shall be unlawful for any person to possess, use or operate within any building or structure located within the jurisdiction of Hardee County:

Any un-vented fuel oil or kerosene burning appliance, including those with a woven wick, designed for heating purposes; and

Any fuel oil or kerosene burning wick type appliance designed for cooking purposes; provided however, that the portion of this section making it unlawful to possess such appliances shall not apply to the possession of such type of appliances by licensed retail dealers for display and sale to consumers residing outside the jurisdiction of Hardee County.

Any type grills, barbecues, or wood burning fireplaces or heaters on balconies porches or breezeways of multi-unit, multi-story buildings.

Penalty, see Section 27.

Section 26 **Certificate of Occupancy**

- A. No building shall be occupied in whole or part without the approval of, and the issuance of a Certificate of Occupancy Inspection Report being completed and filed by the authority having jurisdiction. Failure to obtain a Certificate of Occupancy Inspection Report prior to being an occupied business shall be issued a citation by the code enforcement officer and pay double of all inspection fees and any penalties as set in Section 27. A Certificate of Occupancy shall not be issued until the occupancy has passed inspection by the Hardee County Fire Prevention Officer and said fees for non compliance has been paid in full.

Section 27 **Penalty**

- A. Any person who shall violate any of the provisions of this Code or the National Fire Codes, as adopted by Hardee County Board of County Commissioners, for which another penalty is not provided, or shall fail to comply therewith; or shall violate or fail to comply with any order made hereunder; or shall build in violation of any details, statement, specifications, or plans submitted or approved hereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued hereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the AHJ or by court of competent jurisdiction within time fixed herein shall severally for each and every violation and non-compliance, respectively be punished by a fine as set by the Hardee County Board of County Commissioners of not more than \$250.00 a day with each day of the violation constituting a separate offense.
- B. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time and, when

not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 28 Previous Rules, Regulations and Codes Repealed

A. All formal rules and regulations or parts thereof conflicting or inconsistent with the provisions of these rules and regulations or of this Ordinance hereby adopted are hereby repealed.

Section 29 Inclusion in the Code

A. It is the intention of the County Commissioners, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hardee County, Florida. To this end, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance" may be changed to "Section," "Article," or other appropriate designation.

Section 30 Effective Date

A. These rules and regulations shall take effect and be in force from and after its approval as required by law.

Adopted this _____ day of _____, 2005 upon motion by Commissioner _____ and seconded by Commissioner _____. Approved by _____ vote

HARDEE COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

Gordon R. Norris, Chairman

B. Hugh Bradley
Ex-Officio Clerk of the Commission

Approved as to form:

County Attorney, Kenneth B. Evers