

ORDINANCE NO. 001

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE MIDWAY FIRE DISTRICT, FLORIDA, TO BE KNOWN AS THE MIDWAY FIRE DISTRICT AUTOMATIC SPRINKLER ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING IMPACT FEE CREDITS; REQUIRING REVIEW HEARINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of Commissioners of the Midway Fire District, Santa Rosa County, Florida, that:

ARTICLE I

GENERAL

Section 1.01. Title. This Ordinance shall be known as the "Midway Fire District Automatic Fire Sprinkler Systems Ordinance."

Section 1.02. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"Automatic Fire Sprinkler" shall mean any system that is designed and installed in accordance with the standards set forth in the most recent versions of the Florida Fire Prevention Code and the National Fire Protection Association (NFPA) 101, Life Safety Code, to detect a fire and subsequently discharge an extinguishing agent without human activation or direction.

"Board" shall mean the Board of Commissioners of the Midway Fire District, Santa Rosa County, Florida.

"Building" shall mean any structure, either temporary or permanent, designed or built for the support, enclosure shelter or protection of persons, chattels or property of any kind.

"Building Permit" shall mean an official document or certificate issued by the County, under the authority of ordinance or law, authorizing the construction or sitting of any building.

"Commercial" shall mean property utilized for commercial, manufacturing, industrial, or any non-residential use. "Commercial" shall also include all dwelling units located within a multi-family residential structure consisting of three or more dwelling units which are owned by a single entity.

"County" shall mean Santa Rosa County, a political subdivision of the State of Florida.

"District" shall mean Midway Fire District, an independent special fire control district created pursuant to Chapter 2003-364, Laws of Florida.

“Gross Floor Space” shall mean the gross area measured in feet from the exterior faces or exterior walls or other exterior boundaries of the building.

"New Commercial Construction" shall mean any building or structure, or any addition to an existing building or structure, that is utilized for commercial uses, for which a building permit is issued after the effective date of this Ordinance.

ARTICLE II

MIDWAY FIRE DISTRICT AUTOMATIC FIRE SPRINKLER SYSTEMS

Section 2.01. Legislative Findings. It is hereby ascertained, determined and declared:

(1) The Midway Fire District (the "District") is an independent special taxing fire protection and rescue service district duly created and validly existing under the laws of Florida and having all the powers and duties as set forth in Chapter 2003-364, Laws of Florida and other applicable provisions of law.

(2) The District provides fire protection and prevention services to citizens within its service area in accordance with Chapter 191, Florida Statutes.

(3) The State Fire Marshal has, pursuant to Chapter 633, Florida Statutes, adopted the "Florida Fire Prevention Code," which is deemed adopted by each municipality, county, and special district with fire responsibilities, in the State of Florida and sets forth minimum fire safety standards.

(4) The District is authorized to adopt more stringent fire safety standards than those set forth in the "Florida Fire Prevention Code."

(5) The District finds that automatic fire sprinklers increase the level of fire protection by controlling or distinguishing fires thereby allowing occupants more time to escape and providing additional protection to property.

(6) The District's apparatus inventory and personnel employment figures are determined, in part, by considering the amount of Basic Fire Flow, as defined by the Insurance Services Office, within the District's service area.

(7) Buildings that are equipped with an approved automatic sprinkler system are not included in determining Basic Fire Flow.

(8) Structures in excess of three thousand five hundred (3500) square feet require additional apparatus, which are not needed for structures with less than three thousand five hundred (3500) square feet.

Section 2.02 Automatic fire sprinkler systems.

2.02.1 Approved automatic fire sprinkler systems shall be required to be installed in all New Commercial Construction with gross floor space exceeding three thousand five hundred (3500) square feet. For purposes of this section floor area within the surrounding exterior walls shall be considered as one building. Nothing here within shall apply to single family residential structures.

Section 2.03 Impact Fee Credits

2.03.1 Any New Commercial Construction that is required to install automatic fire sprinkler systems in compliance with this Ordinance, shall receive a ten percent (10%) credit from the fire rescue services impact fee imposed by the District.

Section 2.04 Review

2.04.1 Any substantially affected party shall have the right to challenge the validity of this Ordinance by filing a written request with the Chief of the Midway Fire District setting forth the grounds upon which the party asserts this Ordinance does not comply with Florida law. If the District does not stay enforcement of the Ordinance, such party shall have the right to a hearing on the challenge within forty-five (45) days of receipt of the written request.

Section 2.05 Severability

2.05.1 If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

Section 2.06 Effective Date.

2.06.1 A certified copy of this Ordinance shall be filed with the Department of State and the Florida State Fire Marshall by the Board of Commissioners of the Midway Fire District, Santa Rosa County, Florida within ten (10) days after enactment by the Board and shall take effect on April, 3, 2006.

DULY ADOPTED in regular session, this 3rd day of January, 2006.

BOARD OF COMMISSIONERS OF THE
MIDWAY FIRE DISTRICT, SANTA ROSA
COUNTY, FLORIDA

Chairman

ATTEST:

Approved as to form and legality:
