

ORDINANCE NO. 2002 - 06

AN ORDINANCE ADOPTING THE FLORIDA FIRE PREVENTION CODE AND LOCAL AMENDMENTS THERETO; BY REPEALING SECTION 9-1, FIRE SAFETY STANDARDS ADOPTED; SECTION 9-2, AMENDMENTS TO CODE; SECTION 9-3, VIOLATION OF SAFETY STANDARDS; SECTION 9-4, ENFORCEMENT OF FIRE SAFETY STANDARDS; SECTION 9-5, MODIFICATIONS IN FIRE SAFETY STANDARDS; AND SECTION 9-6, APPEALS FROM DECISIONS UNDER FIRE SAFETY STANDARDS, OF THE *CODE OF ORDINANCES* OF THE CITY OF ORMOND BEACH; BY ADOPTING SECTION 9-1, FLORIDA FIRE PREVENTION CODE; SECTION 9-2, LOCAL AMENDMENTS TO CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the State of Florida has adopted a uniform fire prevention code known as the Florida Fire Prevention Code that became effective statewide on January 1, 2002, and

WHEREAS, all municipalities throughout the state are required to adopt and administer the Florida Fire Prevention Code within their respective jurisdictions from that date hence, and

WHEREAS, the Volusia County Fire Chiefs' Association has recommended the adoption of additional local standards to supplement the Florida Fire Prevention Code, now therefore

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. Section 9-1, Fire safety standards adopted, of Chapter 9, Fire Safety Standards, of the City of Ormond Beach, Florida, *Code of Ordinances* is hereby repealed

in its entirety and a new section to be titled “Florida Fire Prevention Code”, is hereby adopted, as follows:

~~Sec. 9-1. Fire safety standards adopted.~~

~~(a) The following are hereby adopted and incorporated by reference as the fire safety standards of the city:~~

- ~~(1) The Standard Fire Prevention Code, 1985 Edition or subsequent edition, as adopted by the Southern Building Code Congress International, as hereinafter amended;~~
- ~~(2) NFPA 101, Life Safety Code, 1985 Edition or subsequent edition; and~~
- ~~(3) Those mandatory referenced publications as listed in Chapter 32, Referenced Publications, of NFPA 101, 1985 Edition or subsequent edition.~~

~~(b) In the event of any conflict between the provisions of the currently adopted additions of the Standard Building Code, the Standard Fire Prevention Code, and any applicable provision of any law, other than the Land Development Code, or any standard adopted by reference in conjunction with any of the foregoing, it shall be resolved by agreement between the chief building official and the fire chief in favor of the code which offers the greatest degree of life safety or alternatives which would provide an equivalent degree of life safety and an equivalent method of construction. In the event they are unable to agree on a satisfactory resolution, the board of adjustments and appeals will do so.~~

Sec. 9-1. Florida Fire Prevention Code.

The Florida Fire Prevention Code (2001), as amended, is hereby adopted and incorporated by reference as the standard fire code for the city, subject to the local amendments provided by this section.

SECTION TWO. Section 9-2, Amendments to code, of Chapter 9, Amendments to Code, of the City of Ormond Beach, Florida, *Code of Ordinances* is hereby repealed in its entirety and a new section to be titled “Local amendments to code”, is hereby adopted, as follows:

Sec. 9.2. Local amendments to code.

The following local amendments to the fire prevention code adopted in section 9-1, above, shall regulate the fire prevention standards within the city and shall supplement the Florida Fire

Prevention Code requirements. In the event of any conflict between a provision of any adopted local amendment and the adopted fire prevention code, the local amendment shall prevail. Where indicated, the amendments shall be incorporated in the Florida Fire Prevention Code under the designated numerals preceding the amendment.

(1) *Open Burning*

Section 3-4 of the Florida Fire Prevention Code is hereby amended to read:

Section 3-4.10 Open Burning Prohibited.

(a) Open Burning of commercial waste, residential trash, garbage, lawn debris, clippings, trees or other debris on residential, commercial or industrial property is prohibited within the city.

(b) Exemptions:

(1) The following types of open burning are permitted if pre-approved by the fire chief with a permit issued:

- a. Ceremonial fires.
- b. Commercial land clearing operations.
- c. Prescribed burns conducted by fire control agencies.
- d. When an emergency condition exists within the city that warrants burning.

(2) The following types of open burning do not require pre-approval by the fire chief and are permitted if conducted in a safe manner and without nuisance complaints:

- a. Outdoor fireplaces, kilns, ovens or other similarly approved devices.
- b. Campfires or outdoor cooking fires that are constantly attended and is no larger than three feet in diameter with flames no higher than three feet.
- c. Warming fires conducted at work sites in a metal barrel when the temperature is below 45 degrees Fahrenheit.

Permits.

- (a) Permits for open burning of land clearing operations shall be issued by the fire chief or his designee after he has [1] determined that all conditions precedent to lawful burning have been met, [2] notified the Florida Division of Forestry of the burning, and [3] determined that the “burn index” of the Florida Division of Forestry will permit burning on that day. Applications for open burning permits shall be on forms to be provided by the fire department.
- (b) The cost of a permit for open burning shall be twenty-five dollars (\$25.00) for each day or part thereof on which any open burning occurs. The applicant for a permit shall provide the fire department with an estimate of the number of days on which the burning will occur and pay, in advance, twenty-five (\$25.00) times that estimated number. If the actual number of days is less than the said estimate, the permit holder shall be entitled to an appropriate refund. If a longer period of open burning is required, the applicant shall obtain a permit for all such additional days in the same manner as for the initial permit prior to continuation of the open burning.
- (c) Nothing herein shall relieve any person from complying with any other applicable laws, rules and ordinances relating to open burning.

- (2) *Section 3-5, Fire Lanes*, is amended to read as follows:

When a development contains thirty (30) or more dwelling units, or a portion of the development is located further than six-hundred-sixty (660) feet from an improved right-of-way, secondary access roads meeting the construction standards set forth in subsection 602.6.1(b) must be provided.

- (3) *Section 3-5.6* is amended to read as follows:

603.1 Installation.

603.1.3.

- (a) Fire hydrants shall be installed in accordance with the requirements hereinafter set forth, with distances measured along

street rights-of-way or private access roads. No distance shall be measured across a street or road.

- (i) In the case of a single-family or duplex residential development, one- or two-story motels, hotels, multi-family dwellings, or manufactured home communities, hydrants shall be installed at intervals not to exceed five hundred (500) feet with a minimum main size of six (6) inches.
- (ii) In the case of a business or industrial development, excluding developments in (i) above, hydrants shall be installed at intervals not to exceed three hundred (300) feet with a minimum main size of eight (8) inches.
- (iii) In the case of a building which will provide a stand-pipe and/or sprinkler system, a fire hydrant shall be installed within one-hundred-fifty (150) feet of the exterior fire department connection with a minimum main size of eight (8) inches.
- (iv) In the case of the development of a high-hazard area including, but not limited to, a large shopping center, a storage facility for flammable chemical or compressed gases, or a manufacturing plant, the spacing and main sizes of hydrants shall be determined by the fire chief after he, or his designee, has computed the required fire flow.
- (v) All fire hydrants shall deliver the required gallonage with a residual pressure of twenty (20) pounds per square inch (p.s.i.).
- (vi) Uniform marking of fire hydrants in commercial and industrial areas. Because color coding of fire hydrants is of substantial value to the utilities division and to the fire department, and is based on the water flow available from a given hydrant, fire hydrant bonnets and nozzle caps shall be painted according to the following chart, which shall be used to classify fire hydrants according to flow:

<i>Class</i>	<i>Flow</i>	<i>Color of Bonnets and Nozzle; Caps</i>
A	1001 GPM or greater	Green
B	500 GPM to 1001 GPM	Orange
C	Less than 500 GPM	Red

Barrels of all fire hydrants shall be painted yellow.

(b) One (1) or more approved on-site fire hydrants, connected to a water system capable of supplying the fire flow required by the fire chief, shall be provided by the owner/developer of each site:

(i) Upon which any portion of a building is located more than five-hundred (500) feet from a public fire hydrant; or

(ii) Upon which is located any building, or group of buildings, containing a total gross floor area in excess of ten-thousand (10,000) square feet; or

(iii) Upon which is located any building for which an internal fire-protection system is required; or

(iii) Upon which is located any building which is located less than thirty (30) feet from any other building, whether on that site or any adjacent site.

(c) *Omitted.*

(d) The location and number of such on-site fire hydrants shall be determined by the fire chief, based upon the nature of surrounding uses, size of the building, type of construction, proposed occupancy, and such other technical factors as the fire chief deems applicable.

(4) *Chapter 16* is amended to read as follows:

CHAPTER 16

FIREWORKS

2001. Generally.

Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theater, or for the signal or ceremonial purposes in athletics or sports or for use by military organizations.

2002. Manufacture, Sale and Discharge.

2002.1 Special Permits.

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2002.1.2 No person shall conduct any public display of fireworks, as defined by Chapter 791, Florida Statutes, until a permit therefore has been issued by the fire chief or his designee.

2002.1.3 Applications for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

2002.1.4 Each application for a permit to conduct a public display of fireworks shall be on a form available from the fire department, and shall include the following information:

- (a) Full name, address and telephone number of applicant;
- (b) Full name of company applicant represents;
- (c) Full name, address, telephone number and federal license number of the person(s) responsible for devising, supervising and discharging the display;
- (d) The date of the display, location of the display; starting/ending times thereof, proposed alternate dates/times, purpose of the display, the source of the fireworks (including the name, address and telephone number of the company supplying the same, and the name of the principal person in the company with whom the applicant has dealt); a description of the display (to include its maximum height); and a description of city-owned facilities, equipment or personnel expected to be used in conjunction with the display, and whether or not any solicitation of funds will be made by or on behalf of the organization sponsoring the display;
- (e) A statement as to whether or not any of the person(s) responsible for devising, supervising and discharging the display have ever been convicted of

any violation of any local, state or federal law regulating fireworks/fireworks displays;

- (f) Documentation demonstrating the qualifications of the person(s) listed;
- (g) A copy of the declarations page of any insurance policy, or the bond, providing the coverage required by section 2003;
- (h) A certification by the applicant that all statements made in the application are true and correct, that all documents attached are true copies of the originals, and that the applicant is authorized by the company which he represents to make such representations.

2002.1.5. Each permit must be accompanied by cash or certified check in an amount equal to fifty dollars (\$50.00), to cover costs associated with processing the application; in addition, the applicant shall similarly pay the estimated actual cost to the city to provide the facilities, equipment, and personnel necessary to the safe display of the fireworks prior to the issuance of the permit. The fire chief shall be responsible for determining such estimated actual cost and advising the applicant thereof. In the event the city is the sponsoring organization, these fees shall be waived.

2002.1.6. Whenever the fire chief shall reject or refuse to approve an application for any reason, or when it is claimed that the provisions of this procedure do not apply, the applicant or his/her duly authorized agent shall have recourse of appeal to the city commission.

2002.1.3 Restricted Use.

Except as hereinafter provided, it shall be unlawful for any person to possess, store, or offer for sale, sell at retail, or use or explode any fireworks as defined by Chapter 791, Florida Statutes; provided that the fire chief or his designee shall permit the use of fireworks for public or private displays when all of the provisions of the National Fire Protection Association 1123 Code for Fireworks Display, 1995 edition (as amended), approved by the American National Standards Institute, are met, when all conditions imposed by the fire chief, which conditions are peculiar to the proposed site and are designated to further the public

safety have been complied with, and after all necessary permits have been issued. Every such use or display shall be handled by a competent operator approved by the fire chief or his designee and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person.

2003. Bond Required.

The permit holder shall furnish a bond or certificate of insurance evidencing that the applicant has, in full force and effect, \$1,000,000.00 combined single limits or its equivalent coverage for bodily injury and property damage, and workers' compensation coverage on all employees participating in the display. The policy shall have been issued by companies authorized and/or qualified to do business in the State of Florida and shall include an endorsement to the City of Ormond Beach as an "additional insured" and shall provide that cancellation of the policy shall not be effective until the City of Ormond Beach is notified in writing of such cancellation.

2003A. Display.

2003A.1. Fireworks Used.

The fire chief or his designee shall only approve the application if the fireworks to be used have been manufactured by a state and federally licensed source.

2003A.2. Display.

2003A.2.1. A member of the Ormond Beach Fire Department shall be in attendance during the preparation and discharging of any fireworks display authorized by the fire chief or his designee.

2003A.2.2. If, in the judgment of the fire chief, the size, scope and potential hazards of the display will warrant the use of standby equipment and/or members of the Ormond Beach Fire and Police Departments, the applicant shall pay the estimated cost thereof prior to issuance of the permit. If the actual cost differs therefrom, the applicant shall be promptly billed for or refunded such difference.

2003A.2.3. Should the proposed date or dates of the display be delayed for more than twenty-four (24) hours by reason of weather or unforeseen circumstances beyond the control of the applicant, the fire chief or his designee shall be notified of the alternate date within twenty-four (24) hours after the postponement has been determined.

2004. Disposal of Unfired Fireworks.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

2005. Seizure of Fireworks.

2005.1. Removal

Any law enforcement officer shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this chapter.

2005.2 Disposal.

2005.2.1. If any fireworks or combustibles are deemed by the fire chief or his designee to be in such a state or condition as to constitute a hazard to life or property, said fire chief or designee may dispose of such fireworks or combustibles without further process of law, after seizure pursuant to Section 2005.1. The fire chief or his designee is authorized to dispose of any abandoned fireworks or combustibles that he deems to be hazardous to life or property.

2005.2.2. If the person(s) so charged is (are) found guilty of violating the provisions of this chapter or any rule or regulation adopted pursuant thereto with regard to possession, handling or storage of fireworks or combustibles, the fire chief or his designee is authorized to dispose of the confiscated material in such a way as he shall deem equitable.

SECTION THREE. Section 9-3, Violation of safety standards, of Chapter 9, Fire Safety Standards, of the City of Ormond Beach, Florida, *Code of Ordinances* is hereby repealed in its entirety and the section designation reserved for future use.

SECTION FOUR. Section 9-4, Enforcement of fire safety standards, of Chapter 9, Fire Safety Standards, of the City of Ormond Beach, Florida, *Code of Ordinances* is hereby repealed in its entirety and the section designation reserved for future use.

SECTION FIVE. Section 9-5, Modifications in fire safety standards, of Chapter 9, Fire Safety Standards, of the City of Ormond Beach, Florida, *Code of Ordinances* is hereby repealed in its entirety and the section designation reserved for future use.

SECTION SIX. Section 9-6, Appeals from decisions under fire safety standards, of Chapter 9, Fire Safety Standards, of the City of Ormond Beach, Florida, *Code of Ordinances* is hereby repealed in its entirety and the section designation reserved for future use.

SECTION SEVEN. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION EIGHT. If any section, paragraph, sentence, clause and phrase of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION NINE. This Ordinance shall take effect upon its adoption or as required by general law.

PASSED UPON at the first reading of the City Commission, this 19th day of March, 2002.

PASSED UPON at the second and final reading of the City Commission, this 2nd day of April, 2002.

CARL PERSIS
Mayor

ATTEST:

VERONICA PATTERSON
City Clerk