

**ORDINANCE NO. 1178**

**AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES REGARDING THE ADOPTION OF THE FLORIDA FIRE PREVENTION CODE AND THE 2000 LIFE SAFETY CODE AND NFPA 1 2000 EDITION; TO PROVIDE FOR SEPARABILITY, CONFLICTS AND EFFECTIVE DATE.**

**WHEREAS**, the City of Oviedo, Florida provides fire protection and prevention services to the citizens; and

**WHEREAS**, the City of Oviedo, Florida recognizes the need to provide a minimum level of safety and building protection within structures.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, as follows:**

**Section 1:** That Chapter 26 of the “Code of Ordinance of the City of Oviedo, Florida” is hereby amended to read as follows:

**Sec. 26-1. Fire Prevention Codes Adopted, incorporated by reference.**

(a) The following Codes are hereby adopted by reference as though they were copied herein fully:

Florida Fire Prevention Code – 2000 Edition to include Florida Statute 633  
NFPA 1 2000 Edition, NFPA 101 2000 Edition and Florida Administrative Code 4A along with all editions

These codes shall constitute and be known as and may be cited as the “City of Oviedo Fire Code”.

(b) Any of the above adopted Codes shall not be construed to repeal any portion of the Ordinance of the City of Oviedo relating to fire protection. In the event of a conflict between the Fire Prevention Code and any Ordinance of the City of Oviedo, the regulations set forth in the Ordinance of the City of Oviedo shall apply and shall supersede the provisions of the above adopted Codes.

**Sec. 26-2. Amendments to the Florida Fire Prevention Codes.**

(a) The following sections of the Fire Prevention Code 2000 shall be revised to read as follows:

**102.4.3. Plan Review** The Fire Official shall examine, or cause to be examined, all plans for construction, alteration or remodeling of any structure, except one and two family detached dwellings, including any installed systems, and shall ascertain by such examination whether the construction indicated and described is in compliance with the requirements of this Code. Such plans shall include, but not be limited to, construction drawings, specifications, computations and additional data as deemed necessary by the Fire Official. All project site plans shall be reviewed under the provisions of the applicable Sections of this Code and the “City of Oviedo Land Development Code”.

**102.4.4. Non-Compliance** If the plans submitted for review do not conform to the requirements of this Code or other fire related laws or ordinances, the Fire Official shall reject said plans and provide the reason(s) for rejection. Plans must then be re-submitted for review in accordance with the Building Department’s policies and procedures.

**102.4.5. Fees** For all work for which plans must be reviewed, as set forth in Section 102.4.3. of this Code, and for all services associated therewith, a fee shall be paid as required at the time of submission of the plans or as required services are performed. All fees shall be in accordance with the “City of Oviedo Fire/Rescue Fee Schedule”.

**102.4.6. Delete**

**102.4.7. Fire Code Compliance** Once all the provisions have been met, the Fire Official shall issue a letter for the Fire Code Compliance to the Building Official prior to the Building Official issuing a Certificate of Occupancy for the premises for which the building permit had been issued.

**102.7. Delete**

**105.2.3. Board of Adjustments and Appeals Functions as Local Administrative Board** The Board of Adjustments and Appeals is hereby designated as the “Local Administrative Board” pursuant to Florida Statute Chapter 553.73 (8). Persons appointed to the Board of Adjustments and Appeals shall be deemed to be likewise appointed to the “Local Administrative Board” pursuant to Florida Statute Chapter 553.73 (8).

**301. Delete**

**503.3. Excessive False Alarms** The transmission of more than three (3) false alarm signals by an automatic fire detection system or a medical alarm system within a twelve (12) month time period is excessive and constitutes a serious public nuisance. The activation of four (4) or more false alarms within a twelve (12) month period will be billed in accordance with Resolution No. 505-94 for the actual cost of the call. The Fire Official shall have the authority to reduce or waive the bill on a case-by-case basis.

Exception: Alarms transmitted from one and two family detached dwelling units.

**504.8. Use of Grills on Balconies** The use of barbecues, gas grills, smokers, or other heat/smoke producing equipment shall be prohibited within any structure or on/in any balcony, garage or porch of any multi-family dwelling unit.

Exception: Units specifically designated for interior use and/or those units protected in accordance with NFPA 96.

**602.5.1. Obstructing Fire Hydrants** No obstructing material, sign, fence, shrub, tree, wall or other obstacle shall be within seven and one-half (7 ½) feet from the rear or sides of a hydrant. No obstruction shall be placed or grown in front of a fire hydrant. Fire hydrants shall only be painted with a color approved by the Fire Official.

**602.6.6. Gate Access** Gated developments shall provide the Fire Department access through the use of remote transmitters and a key code as specified by the Fire Official.

**602.6.7. Speed Bumps** If installed, speed bumps shall not cause the speed of an emergency vehicle to be reduced below the posted speed limit.

**602.6.8. Loading Zones** With the approval of the Fire Official, fire lanes fronting a retail establishment may have loading zones if the building is fully fire sprinklered.

**603.1.3.2. Location of Fire Hydrants** The location and number of hydrants shall be designated by the Fire Official in accordance with the current edition of the City of Oviedo Land Development Code and the ISO Guide for Determining Needed Fire Flow.

**603.10.1. Delete**

**603.15.8. Delete**

**2002.1. Fireworks** Fireworks shall be defined and regulated in accordance with Chapter 791, Florida Statute and Rule 4A-50 of the Florida Administrative Code, with the exception of public displays, pyrotechnic special effects and manufacturing operations, which shall be regulated in accordance with this Code.

**Sec. 26-3. Impact fee credits.**

The following occupancies shall receive a fire impact fee credit for the installation of a fire suppression system installed in accordance with NFPA 13, 13r, 13D and SFM 4A-45.

- (a) New occupancy construction, which is not required by the State of Florida Fire Prevention Code to have an automatic sprinkler system, shall receive a 20% credit on the fire/rescue impact fee.
- (b) New single-family detached dwelling units shall receive a full credit of the fire/rescue impact fee.

**Sec. 26-4. Delete**

**Sec. 26-5. Penalty**

Any person(s) who shall violate any provisions of this Code or the Florida State Fire Prevention Code as adopted by the City of Oviedo, for which another penalty is not provided, or shall fail to comply therewith; or shall violate or fails to comply with any order made thereunder; shall build in violation of any details, statement specifications, or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the Authority Having Jurisdiction or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and non-compliance, respectively be punished by a fine as set by the City of Oviedo Code Enforcement Board.

**Sec. 26-6. Automatic fire sprinkler systems.**

Automatic fire sprinkler systems shall be required in all new construction greater than three thousand fire hundred (3,500) square feet with the exception of one and two family dwellings.

**Sec. 26-7. Investigation of fire hazards.**

The Chief of the Fire Department or his designee is hereby authorized and required to call for an investigation of and cooperate with other authorities in investigating all fires which he has reason to believe result from arson or attempted arson.

(Code 1972, 8-9)

**Sec. 26-8. Open burning prohibited.**

- (a) Open burning of land clearing, commercial waste, residential trash, garage, lawn debris, clippings, trees or other debris on residential, commercial or industrial property is prohibited.
- (b) Exceptions:
  - (1) The following types of burning are permitted if pre-approved by the Fire Official:
    - a. Ceremonial fires.
    - b. Fire department training fires.
    - c. Prescribed burns conducted by the fire department or the State Division of Forestry.
    - d. When an emergency condition exists within the City that warrants burning.
    - e. Agricultural burning: The burning of vegetative material originating on site in conjunction with the cultivation of land, and including: gardening or horticulture, fruit growing, raising of

vegetables, trees, shrubs, plants, pastures or rangeland, in areas of the City zoned agricultural.

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

- a. Kilns, ovens or other similarly regulated devices.
- b. Campfires or outdoor cooking fires.
- c. Warming fires conducted at work sites in a barrel when the temperature is below 45 degrees Fahrenheit.

(Code 1972, 8-10; Ord. No 1070, 1, 12-7-98)

**Section 2.** The provisions of this ordinance are declared to be separable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 3.** All ordinances or parts of ordinances in conflict herewith be and the same hereby repealed.

**Section 4.** This ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001, A.D.

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2001, A.D.

**THOMAS O'HANLON**  
**CHAIRMAN of the City Council of the**  
**City of Oviedo, Florida**

**APPROVED BY MAYOR THIS \_\_\_\_\_ day of \_\_\_\_\_, 2001, A.D.**

**THOMAS G. WALTERS**  
**MAYOR of the City of Oviedo, Florida**

**ATTEST:**

**BARBARA J. BARBOUR**  
**CITY CLERK**

I HEREBY CERTIFY that a true and correct copy of the foregoing Ordinance No. 1178 was by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2001, A.D., posted at City Hall, 400 Alexandria Boulevard, Oviedo, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the City of Oviedo Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2001., A.D.

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**BARBARA J. BARBOUR**  
**CITY CLERK of the City of Oviedo, Florida**