

(b) It is the intent of this article to identify, adopt and use as minimum standards specific standards in effect on a state-wide basis, together with standards adopted by the city.

Sec. 38-87. Codes and standards adopted.

(a) In accordance with sections 633.0215 and 633.025, Florida Statutes, the Florida Fire Prevention Code adopted by the State Fire Marshall, as may be amended, including NFPA 1 Fire Prevention Code (2000 edition) and NFPA Life Safety Code (2000 edition) is hereby incorporated by reference and adopted as the fire prevention and life safety code for the City of Palm Beach Gardens. The Florida Fire Prevention Code, as amended by local amendments, may be hereinafter as "this Code" or the "Fire Prevention Code." The local amendments to this Code are set forth in sections 38-89 through 38-92 of this article.

(b) Not less than three (3) copies of the current edition of the Florida Fire Prevention Code specifically referenced above shall be on file at the office of the Fire Rescue Department. The provisions of this Code shall be controlling within the City of Palm Beach Gardens, save and except those portions such as are hereinafter deleted, modified, or amended by other sections of this article.

Sec. 38-88. Alternatives to code requirements; appeals to fire code board of adjustment.

(a) Whenever this Code requires a particular system, condition, arrangement, material, equipment or any other particular provision, the fire marshal may accept alternatives provided that such alternatives shall afford a substantially equivalent level of safety.

b) Each application for an alternative shall be filed with the fire marshal and shall be accompanied by such evidence, letters, statements, results or tests or other supporting information as may be required to justify the request. All applications shall bear the seal of the architect and/or engineer of record for the project. The fire marshal shall keep a record of any final decision on such applications and a signed copy thereof shall be furnished to the applicant. The decision of the fire marshal may be appealed to the Fire Code Board of Adjustments and Appeals.

(c) There shall be established a board to be called the Fire Code Board of Adjustment and Appeals. The members of the Board of Zoning Appeals shall site as the Fire Code Board of Adjustment and Appeals. The Board may establish its own rules and regulations and a simple majority shall constitute a quorum.

- (1) A Notice of Appeal to the Fire Code Board of Adjustment and Appeals shall be filed within thirty (30) days after the decision is rendered by the fire marshal. Appeals regarding local amendments to the Florida Fire Prevention Code or the application of this Code to existing buildings shall be pursuant to section 633.025, Florida Statutes, as amended.
- (2) The Board shall have the power to hear appeals of decisions and interpretations of the fire marshal and to consider alternatives to this Code.
- (3) The Board shall consider and base its decisions on whether the alternatives or interpretations being appealed provide for:
 - a. special situations arising from historic, geographic or unusual conditions; or
 - b. if the alternative requirements result in a level of protection to life, safety or property equal to or greater than the applicable minimum fire safety standards.
- (4) The decision of the Board shall be rendered at the hearing and should include the reasons for such decision. Such decision shall be final, but subject to such remedy as may be available at law or in equity. All appeals must be exercised within six (6) months of the order of the board or they shall be automatically be deemed null and void. One six (6) month extension may be granted by the Board if a written request for same has been submitted to the city in writing prior to the expiration of the six (6) month period.

Sec. 38-89. Water service for fire protection; fire hydrants.

- (a) There shall be fire hydrants located and in service within 500 feet of each other in all areas zoned for single-family residential usage, and within 300 feet of each other in all areas zoned for single-family attached/zero lot line, villas, multifamily, commercial, and industrial usage.
- (b) All fire hydrants shall be located within dedicated public or private rights-of-way, which shall be paved or readily traversable by firefighting equipment, with required minimum separation distance to be measured by roadway travel thereon.
- (c) All water mains intended and providing water for fire protection shall have a diameter of no less than eight inches.

d) There shall be no requirements for the establishment of fire hydrants in areas zoned for agricultural usage.

Sec. 39-90. Sprinklers.

(a) A complete approved automatic sprinkler system shall be installed in all building structures with the following occupational usages as defined in the Florida Building Code, with the following provisions governing:

- (1) Places of assembly, seating capacity of 250 or more persons, or over one story in height.
- (2) Places of worship, seating capacity of 475 or more persons, or over one story in height; a balcony with a capacity of 75 or more persons shall be considered a second floor.
- (3) Office buildings, three or more stories or over 30 feet in height or over 10,000 square feet per floor.
- (4) Educational, in accordance with the Fire Prevention Code.
- (5) Institutional, entire structure provided that certain areas of the structure may be exempted or alternative systems may be substituted in accordance with section 38-88 of this article.
- (6) Penal, automatic system in administrative areas and manual system in custodial areas.
- (7) Mercantile, 7,500 square feet or more.
- (8) Residential, hotels and motels, entire structure except for one-story structure with one exit to the outside per room
- (9) Residential, apartment (nontransient) including condominiums which are three stories or more in height or over 30 feet in height.
- (10) Storage, over 7,500 square feet or over 12 feet in height.
- (11) Mini storage, entire structure.
- (12) Marina, inside boat storage, entire structure.
- (13) Underground parking, entire structure.

(14) Combined occupancies, the most stringent requirements shall apply.

(b) Any building in excess of 7,500 square feet not enumerated above, which will be used by members of the public or by private membership.

(c) All fire alarm systems shall have protective signaling supervision and shall conform to all applicable codes. Supervision shall include, but not be limited to, sprinkler flow, valve tamper, system trouble, pull station activation, and smoke detection. The system shall be electronically connected through an approved central station facility. Exception: Alarm systems which are activated only by manual pull stations need not have central station monitoring.

Sec. 38-91. Fire code inspection and special details fee schedule.

(a) Pursuant to section 38-92(a) of this article, all site improvements, buildings, structures, or alterations, requiring fire department inspection services shall be subject to a fee which shall be paid at the time of permit issuance in accordance with a schedule established by resolution of the city council.

(b) Pursuant to section 38-92(b) of this article, all commercial buildings and structures requiring an annual fire safety inspection shall be subject to a fee which shall be paid at the time of occupational license renewal in accordance with a schedule established by resolution of the city council.

(c) All special events shall be subject to a fee which shall be paid for fire department services rendered in accordance with a schedule established by resolution of the city council.

Sec. 38-92. Approval required for construction plans, fire suppression and detection systems.

a) All construction plans relating to this article and all fire suppression systems, smoke detection, floor plans (for life safety requirements), fire alarm systems, and the like, or any alterations or remodeling of any new or existing building where the above systems are affected, shall be submitted to the fire marshal for approval, and if the plans comply with the provisions of this Code, same shall be approved. If the plans are not approved, applicant shall be advised of the reason for the rejection. A copy of construction plans shall be delivered by the building department to the fire marshal at least five (5) days prior to issuance of a

building permit, and the fire marshal shall have three (3) days to approve or not approve as set forth above. The fire marshal shall inspect all new structures prior to occupancy to ensure that the provisions of this Code have been met, and the fire marshal shall submit his or her findings to the building official.

(b) The fire marshal shall conduct a fire safety inspection of all commercial premises operating within the city, excluding home occupations, on at least an annual basis.

SECTION 3: The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of the City of Palm Beach Gardens, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 5: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

SECTION 6: All ordinances or parts of ordinances of the City of Palm Beach Gardens, Florida, which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7: This ordinance enacting amendments to the Florida Fire Prevention Code shall be transmitted to the State Fire Marshal after adoption.

SECTION 8: This Ordinance shall become effective immediately upon adoption.

PLACED ON FIRST READING THIS 21st DAY OF March, 2002.

PLACED ON SECOND READING THIS 4th DAY OF April, 2002.

PASSED AND ADOPTED THIS 4th DAY OF April, 2002.

SIGNED:

MAYOR JABLIN

COUNCILPERSON CLARK

VICE MAYOR SABATELLO

COUNCILPERSON RUSSO

COUNCILPERSON DELGADO

ATTESTED BY:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CITY CLERK

CITY ATTORNEY

VOTE:

AYE NAY ABSENT

MAYOR JABLIN	X		
VICE MAYOR SABATELLO	X		
COUNCILPERSON CLARK	X		
COUNCILPERSON RUSSO	X		
COUNCILPERSON DELGADO	X		