

ORDINANCE NO. 2001 - 54

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA REPEALING THE EXISTING ARTICLE III OF CHAPTER 7 AND ADOPTING A NEW ARTICLE III OF CHAPTER 7 OF THE CITY OF WINTER SPRINGS CODE OF ORDINANCES; PROVIDING FOR LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE; PROVIDING FOR APPEAL OF SUBSTANTIAL AFFECTED PARTIES; PROVIDING FOR AN IMPACT FEE CREDIT; PROVIDING FOR THE ADOPTION OF A MORE STRINGENT UNIFORM FIRESAFETY STANDARD FOR FIRE SPRINKLER SYSTEMS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 98-287 Laws of Florida initiated the development of a uniform and statewide fire prevention and life safety code, under the authority of the Office of the State Fire Marshal; and

WHEREAS, the State Fire Marshal has adopted, with amendments, the National Fire Protection Associations, Fire Prevention Code (NFPA 1) and the Life Safety Code (NFPA 101), which will become effective January 1, 2002; and

WHEREAS, this Florida Fire Prevention Code is to be applicable within and to be enforced by each municipality, county, and special district as the minimum fire safety code; and

WHEREAS, the City of Winter Springs Fire Prevention Code (Article III, Chapter 7, City Code of Ordinances) shall be effective until the adoption of the Florida Fire Prevention Code, to wit: January 1, 2002, thereafter its local code will be replaced by the state code; and

WHEREAS, the State Fire Marshal, following review of proposed fire sprinkler standards, has declined to include within the recently adopted Florida Fire Prevention Code many of the current fire sprinkler standards provided for within the City of Winter Springs Code; and

WHEREAS, in the experience of the Winter Springs Fire Department, requiring fire sprinkler systems in the past has controlled or completely extinguished fires before the fire department could reach the scene, in every structure which had fire sprinklers, thereby protecting far greater loss to property and lives; and

WHEREAS, the requirement of fire sprinkler systems in certain structures is a more stringent requirement than provided within the Florida Fire Prevention Code, but the City Commission finds that the same is needed for the protection of life and property within the City of Winter Springs; and

WHEREAS, the Florida Fire Prevention Code provides that municipalities may adopt more stringent fire safety standards through a local amendment process; and

WHEREAS, the City Commission desires to strengthen the requirements of the minimum fire safety code by re-adopting its Section 7-56 of the current Fire Prevention Code; and

WHEREAS, the City Commission of the City of Winter Springs, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Winter Springs.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are incorporated herein by reference and made a part of this Ordinance.

Section 2. Repeal Code. The City of Winter Springs Code Chapter 7, Article III, entitled Fire Prevention Code is hereby repealed. A copy of Article III is attached hereto for reference purposes as Exhibit "A".

Section 3. Amend Code. The City of Winter Springs Code Chapter 7, is hereby amended by the adoption of a new Article III, entitled Local Amendment to the Florida Fire Prevention Code as follows: (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in Chapter 7. It is intended that the text in Chapter 7 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance).

Chapter 7. Fire Prevention and Protection

* * *

ARTICLE III. LOCAL AMENDMENT TO THE FLORIDA FIRE PREVENTION CODE

Sec. 7-46. Procedure for local amendments to the Florida Fire Prevention Code.

In accordance with Chapter 633, Florida Statutes, following public hearing regarding the need to strengthen the requirements of the minimum firesafety code the City Commission may adopt by Ordinance a local amendments to the Florida Fire Prevention Code, provided such amendment provides a higher level of protection to the public than the level specified in the Florida Fire

Prevention Code and that such additional requirements will not be discriminatory as to materials, products, or construction techniques.

Sec. 7-47 – 7-49. Reserved.

Sec. 7-50. Appeal.

(a) Any substantially affected party may test the validity of the a local amendment by filing a motion for reconsideration, within thirty (30) days of the effective date of the Ordinance, challenging the City's compliance with requirements of Chapter 633, Florida Statutes..

(b) The motion for reconsideration shall be filed with the city clerk, and heard by the City Commission within forty-five (45) days from the date of filing.

(c) The burden of proof is upon the challenging party to demonstrate that the enactment of the local amendment was not in compliance with Chapter 633, Florida Statutes.

(d) Should the City Commission determine that the challenged amendment was not adopted in compliance with Chapter 633, the amendment shall be unenforceable until such compliance is met. If the City Commission determines that the challenged amendment was adopted in compliance with Chapter 633, the challenger may appeal further to the Department of Insurance, however, the local amendment will continue to be enforceable during the appeal process.

Sec. 7-51 – 7-53. Reserved.

Sec. 7-54. 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 N.F.P.A. 13, 13R, 13D and S.F.M. 4A-45, and as provided in Section 7-60 below:

(1) New occupancy construction which is regulated by the state uniform fire prevention code shall receive a \$0.05 per square foot credit on the fire public safety facilities impact fee.

(2) New single-family detached dwelling units shall receive a full credit for the fire public safety facilities impact fee.

Sec. 7-55 – 7-59. Reserved.

Sec. 7-60. Automatic fire sprinkler systems.

(a) Automatic fire sprinkler systems shall be required as follows:

(1) Throughout all buildings used for commercial purposes, including but not limited to offices, mercantile stores, restaurants, manufacturing, industrial or storage, if the total square footage is three thousand five hundred (3,500) square feet or more regardless of type of construction.

(2) Throughout all hotels, motels, condominiums, apartment buildings, or dormitories, regardless of size or type of construction.

(3) Throughout all hospitals, nursing homes, adult congregate living facilities or other medical facilities, regardless of size or type of construction.

(4) Throughout all Group "H" hazardous occupancies, regardless of size or type of construction, except where the application of water might constitute a life safety hazard or increase the severity of the fire.

(5) Throughout all educational facilities regardless of size or type of construction.

(b) Automatic fire sprinkler systems shall be installed to the specifications of NFPA 13, Standard for the installation of sprinkler systems, most recent edition adopted by the State of Florida, NFPA 13D, Standard for the installation of sprinkler systems in one- and two-family dwellings and manufactured homes, most recent edition adopted by the State of Florida, and NFPA 13R, Standard for the installation of sprinkler systems in residential occupancies up to and including four (4) stories in height, most recent edition adopted by the State of Florida.

(c) All buildings equipped with automatic sprinkler systems as required by subsection (b) above, shall be required to have such systems monitored by a central station monitoring company installed to the specifications of NFPA 72, National Fire Alarm Code, most recent edition adopted by the State of Florida.

(d) All automatic fire sprinkler systems as required by subsection (b) above, shall be required to have such systems inspected, tested and maintained to the specifications of NFPA 25, Standard for the inspection, maintenance and testing of water based fire protection systems, most recent edition adopted by the State of Florida. A copy of each inspection report shall be furnished to the fire marshal's office.

(e) All automatic fire sprinkler systems shall be installed by a licensed fire protection system contractor, pursuant to Florida Statute 633.521, and Florida State Fire Marshal Rule 4A-46.

(f) If an automatic fire sprinkler system is required to be shut off for any reason, the fire department shall be notified when it is shut off and when it is returned to service.

Sec. 7-61 – 7-75. Reserved.

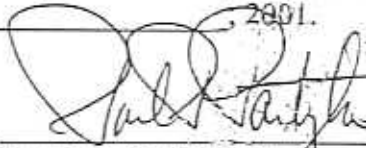
Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 5. Incorporation Into Code. This ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon and contemporaneously with the effective date of the Florida Fire Prevention Code.

ADOPTED by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the 10th day of December, 2001.



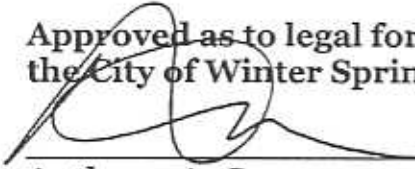
PAUL P. PARTYKA
Mayor

ATTEST:



ANDREA LORENZO-LUACES
City Clerk

**Approved as to legal form and sufficiency for
the City of Winter Springs only**



Anthony A. Garganese, City Attorney

First Reading: November 26, 2001

Second Reading: December 10, 2001

Effective Date: See Section 7.

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thirty (30) calendar days. Burn permits may be revoked at any time for just cause and the fee forfeited. Should fire department services be required to extinguish a permitted burn due to negligence or other failure on the part of the permittee(s), a fine of one hundred dollars (\$100.00) shall be levied against the responsible permittee(s).

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-27. Regulation of explosives.

(a) No person(s) shall discharge or detonate, nor allow the discharge or detonation of any illegal fireworks, as defined by Section 791-01(8), Florida Statutes, dynamite or any other explosive at any time within the city limits without the express permission of both the fire and police departments.

(b) Permitted public fireworks displays handled by licensed pyrotechnical businesses are excluded, subject to their obtaining proper permits and inspections by the office of the fire marshal.

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-28. False alarms prohibited.

It shall be unlawful for any person, either intentionally or without reasonable cause to sound a false alarm of fire or hazard from an explosive or incendiary device, by rousing public alert by calling or shouting or other audible or visible method, telephoning, setting off a fire alarm box or electronic signal, failure to repair faulty alarm equipment which activates without adequate need, or by any other method creating a misleading impression of the existence of present or impending danger from fire, explosion or bomb.

(Ord. No. 514, § 1, 2-24-92)

Cross reference—Buildings and building regulations, Ch. 6.

State law reference—False alarms, F.S. § 806.101.

Secs. 7-29—7-45. Reserved.

ARTICLE III. FIRE PREVENTION CODE

Sec. 7-46. Adopted.

(a) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, there is hereby specified and adopted a fire prevention code for the city.

(b) The fire prevention code of the city shall be composed collectively of the following specified codes, subject to the qualifications prescribed subsequently:

1. State Fire Marshal's Rules and Regulations, Title 4A, Florida Administrative Code, 1990 edition.
2. Southern Building Code Congress International (SBCCI) Standard Fire Prevention Code, 1994 edition.
3. National Fire Protection Association, Life Safety Code 101, 1991 edition.

(Ord. No. 514, § 1, 2-24-92; Ord. No. 579, § 1, 3-13-95)

Sec. 7-47. Effect of the fire prevention code.

The specified codes adopted in section 7-46 comprising the fire prevention code, hereinafter referred to as the code, are hereby adopted and incorporated herein as fully as if set out at length, save and except such portions as are hereinafter deleted, modified, or amended. One (1) copy of the completed code shall be on file in the office of the fire marshal.

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-48. Storage of hazardous materials.

Establishment of limits prohibiting the storage of flammable liquids in outside aboveground tanks, bulk storage of liquefied petroleum gases, storage of explosives and blasting agents, and bulk storage of any other hazardous material or compound. The limits referred to in this section shall be the entire corporate limits of the city.

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-49. Interpretations.

(a) Wherever the word "municipality" appears in this code, it shall be held to mean the City of Winter Springs, Florida.

(b) Any new building constructed within the city must meet the requirements of this code, as minimum standards, prior to its occupancy.

(c) Any existing building, upon renovations or changes consisting of more than fifty (50) percent, of the total square footage of said building, or

costing more than fifty (50) percent of the assessed value of said building, shall be required to bring the building into compliance with current codes.

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-50. Enforcement.

The fire prevention code shall be enforced by the fire chief and/or fire marshal of the fire department.

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-51. Modifications.

The fire chief and/or fire marshal shall have the power to modify any of the provisions of the code. When upon application in writing by a property owner or duly authorized agent, the fire chief and/or fire marshal determines there are practical difficulties in complying with the strict letter of the code, relief may be granted provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. When such modification is made, a record shall be kept including a description and explanation of the variation from the code requested and the decision made. This document shall be kept at the fire department, and a signed copy furnished to the applicant.

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-52. Appeals.

Whenever the fire chief and/or fire marshal shall refuse to approve or grant a permit or shall disapprove an application for modification to the code, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may file, within thirty (30) days from the date of such negative decision, an appeal with the city commission.

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-53. Inspections.

The fire marshal or his authorized agent shall periodically inspect, at any reasonable hour, any and all multi-family dwellings and any and all commercial buildings, equipment and vehicles on premises within the city. If it be found that any

such building or structure is in need of repairs or lacks sufficient fire escapes, alarm apparatus, fire extinguishing devices, or if it be found that any such building, structure, equipment or vehicle is in dilapidated condition or is especially liable to fire from any other cause, and further is situated so as to endanger life or property, it may be ordered to be removed or rendered safe within a reasonable length of time.

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-54. Violations.

Any person(s) who shall violate any provisions of this code, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved 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 city or by a court of competent jurisdiction, within the time affixed herein, shall be subject to the penalty prescribed in section 1-15. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-55. User fees and charges.

User fees and charges for specific and/or unique fire department services, shall be required according to the resolution passed by the city commission.

(Ord. No. 514, § 1, 2-24-92)

Sec. 7-56. Automatic fire sprinkler systems.

(a) Automatic fire sprinkler systems shall be required as follows:

- (1) Throughout all buildings used for commercial purposes, including but not limited to offices, mercantile stores, restaurants,

manufacturing, industrial or storage, if the total square footage is three thousand five hundred (3,500) square feet or more regardless of type of construction.

- (2) Throughout all hotels, motels, condominiums, apartment buildings, or dormitories, regardless of size or type of construction.
- (3) Throughout all hospitals, nursing homes, adult congregate living facilities or other medical facilities, regardless of size or type of construction.
- (4) Throughout all Group "H" hazardous occupancies, regardless of size or type of construction, except where the application of water might constitute a life safety hazard or increase the severity of the fire.
- (5) Throughout all educational facilities regardless of size or type of construction.

(b) Automatic fire sprinkler systems shall be installed to the specifications of NFPA 13, Standard for the installation of sprinkler systems, 1991 edition, NFPA 13D, Standard for the installation of sprinkler systems in one- and two-family dwellings and mobile homes, 1991 edition, and NFPA 13R, Standard for the installation of sprinkler systems in residential occupancies up to four (4) stories in height, 1991 edition.

(c) All buildings equipped with automatic sprinkler systems as required by subsection (b) above, shall be required to have such systems monitored by a central station monitoring company installed to the specifications of NFPA 71, Standard for the installation, maintenance and use of central station signaling systems, 1989 edition.

(d) All automatic fire sprinkler systems as required by subsection (b) above, shall be required to have such systems inspected, tested and maintained to the specifications of NFPA 13A, Standard for the inspection, maintenance and testing of sprinkler systems, 1991 edition. A copy of each inspection report shall be furnished to the fire marshal's office.

(e) All automatic fire sprinkler systems shall be installed by a licensed fire protection system contractor, pursuant to Florida Statute 633.521, and Florida State Fire Marshal Rule 4A-46.

(f) If an automatic fire sprinkler system is required to be shut off for any reason, the fire department shall be notified when it is shut off and when it is returned to service.

(Ord. No. 514, § 1, 2-24-92)

Secs. 7-57—7-75. Reserved.

ARTICLE IV. FIRE HYDRANTS*

Sec. 7-76. Required.

Fire hydrants shall be installed to serve all developments as prescribed in this article.
(Ord. No. 514, § 1, 2-24-92)

Sec. 7-77. Responsibility for provision and maintenance.

(a) All land development shall include provision for fire hydrants at the time of development as set forth in section 9-261. Fire hydrants shall be furnished and installed entirely at the expense of the developers.

(b) The utility servicing fire hydrants with water shall be responsible to maintain and replace as necessary all service mains and connections to the bases of the hydrants.

(c) The city shall assume ownership and maintenance of only the fire hydrant itself, at the time and in the manner specified below:

- (1) Hydrants on public streets will be accepted by the city simultaneously with acceptance of the public improvements in the right-of-way involved, after inspection and approval of the fire chief.
- (2) Hydrants on private streets will be accepted by the city after final inspection and approval of the improvements to be

*Cross references—Buildings and building regulations, Ch. 6; plumbing, 6-126 et seq.; flood damage prevention, Ch. 8; land development, Ch. 9; motor vehicles and traffic, Ch. 12; planning, Ch. 15; streets, sidewalks and other public places, Ch. 17; utilities, Ch. 19; and zoning, Ch. 20.