

ARTICLE I. IN GENERAL

Sec. 9-1. Penalty for violations.

(a) Any person violating any provision of this **chapter** or the fire prevention code adopted in this article shall be punishable in accordance with the provisions of Sec. 1-6 and Sec. 9-1.

(b) It shall be unlawful for any person to violate the National Fire Codes, or to refuse to obey any provision or regulation thereof, under the penalties provided in Sec. 1-6 and Sec. 9-1.

(c) The application of a penalty for violation of this **chapter** shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-2. Enforcement authority.

(a) All regulations issued by the State Fire Marshal under authority of Florida Statutes **Chapter** 633, shall be enforceable by the proper authorities of the city, and the Fire Marshal, or designee, appointed by the Fire Chief. The Fire Marshal is hereby authorized to perform within the city any duties that may be imposed upon by such law, or in accordance therewith, and to have such assistance, as needed, from other officials of the city in the discharge of such duties.

(b) The Fire Chief and the Fire Marshal are authorized to enforce this law and all rules prescribed by the State Fire Marshal within their respective jurisdictions. Such personnel acting under the authority of this section shall be deemed to be agents of their respective jurisdictions, not agents of the State Fire Marshal, and subject to Florida Statutes 633, 790, and 943. (Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-3. Fire codes adopted; standards.

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life, property and the environment the national fire codes including all revisions and updates thereof made from time to time.

(a) NFPA 1, Fire Prevention Code, 2000 Edition is hereby adopted by reference as if set out in its entirety herein. NFPA 1, Fire Prevention Code, 2000 Edition as amended in the following **chapters** and sections and NFPA 101, Life Safety Code, 2000 Edition, shall constitute and be known as and may be cited as the Boynton Beach Fire Code hereinafter referred to as "this code."

(b) The provisions of this code shall be in full force and effect within the city limits of Boynton Beach and within any municipality which has entered into an interlocal agreement or contract for services from Boynton Beach Fire Rescue unless otherwise provided for.

(c) Where provisions of this code do not address specific situations involving protection of life, property and the environment from the hazards of fire, smoke and explosion, compliance with nationally accepted standards of good practice shall be evidence of compliance with the intent of this code.

(d) Standards referenced in this code shall be considered an integral part of this code without separate adoption. Where code provisions conflict with a standard, the most stringent code provisions shall be enforced.

(e) If any section, subsection, clause, or phrase of this code is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this code.

(f) The Fire Marshal, with the approval of the Fire Chief, may draft administrative orders for the purpose of clarifying and carrying out the intent of this code. All administrative orders shall be on file in the office of the Fire Marshal. Such orders shall be enforced as if a part of this code and be in full effect upon approval of the Fire Chief.

(g) The inspection or permitting of any building or plan under the requirements of this code shall not be construed as a warranty of the physical condition of such building or the adequacy of such plan. The City of Boynton Beach or its employees shall not be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, or for any failure of any component of such building, which may occur subsequent to such inspection or permitting, pursuant to this code.

(Ord. No. 98-45, § 2, 12-1-98; Ord. No. 02-008, § 1, 2-19-02)

Sec. 9-4. Examination of building permits.

(a) No building permit shall be issued by the Building Department for new construction, demolition, moving of existing buildings or renovation of existing structures normally requiring a building permit until a complete set of plans and/or specifications have been examined and approved by the Fire and Life Safety Division.

(b) The Fire and Life Safety Division shall note all violations of local or state fire prevention and protection codes on the plans and specifications and may reject the plans and/or specifications until such time as appropriate corrections have been made, thereby eliminating such violations.

(c) Nothing in this section shall apply to single-family or duplex residential units.
(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-5. Report of fire.

(a) Each owner, manager, person in charge of any building of any kind, or occupant of any building of any kind shall, immediately upon discovery of a fire in or adjacent to such building, or upon discovery of evidence that there has been a fire, even though it has apparently been extinguished, report such an occurrence to the fire rescue department immediately, giving complete information as to the location and type of fire in order that an appropriate response by the fire rescue department may be initiated.

(b) This requirement shall not be construed to forbid the owner, occupant or person in charge of the aforementioned building from using all diligence necessary to extinguish the fire prior to the arrival of the Fire Rescue Department.
(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-6. Codes - deletions and amendments automatic fire protection systems.

The city hereby adopts the following deletions and amendments to the Fire Prevention Code of the National Fire Protection Association N.F.P.A. Pamphlet No. 1, adopted in **Chapter 9**.

(a) Section 7-1.2:

A. All systems, equipment, tanks, piping, devices, appliances, controls, or storage facilities over which the code contains regulatory provisions, or which are required by any other law, shall be maintained in operative condition at all times to provide the service for which installed.

B. All fire sprinkler, standpipe and fire pump systems shall be maintained under a written service contract with service companies licensed by the State of Florida to provide such services and which possess a current occupational license for the City of Boynton Beach, providing for regular maintenance and testing of the systems in accordance with all applicable specified under this Fire Prevention Code and N.F.P.A. 13, N.F.P.A. 13R, N.F.P.A. 14, and N.F.P.A. 25.

C. The service company performing the maintenance and tests shall forward a written report to the Fire and Life Safety Division indicating the nature of any repairs, modifications and/or corrections completed by the service company, the date and time of such tests and inspections, and any other information which may be required by

the Fire Rescue Department. In addition, a copy of the service report must be maintained on the premises, and it shall be subject to inspection at any time.

(b) Section 7-2.2:

A. All hereafter constructed buildings and structures more than three (3) stories or thirty-six feet (36') in height or all buildings more than two (2) stories in height and more than 30,000 square feet per floor level, shall be equipped with approved Class 1 standpipes to provide reasonable safety to persons and property

B. For purposes of this section, height is measured from finish ground floor grade to the underside of the topmost roof assembly.

C. Evidence that such standpipes have been installed in accordance with the applicable standards specified for this section under of the Fire Prevention Code shall be evidence that such installations provide reasonable safety to persons and property.

(c) Section 7-3.2:

A. Approved automatic fire sprinkler systems as hereinafter defined shall be installed throughout hereinafter constructed buildings and structures or appropriate sections thereof:

1. The following buildings of an institutional or educational character, hospitals, nursing homes, homes for the aged, convalescent centers, rehabilitation facilities, day care centers for more than twelve (12) clients under one (1) year of age, adult congregate living facilities, and all occupancies and uses of similar nature to those herein stated, without regard to the type of construction or height of the building involved.

2. All wood or partial wood frame buildings or structures which are 2 stories or more than twenty feet (20') in height as measured from finish ground floor grade to the underside of the topmost roof assembly.

3. All buildings or structures regardless of the type of construction which are three (3) stories or more in height or all buildings or structures in excess of thirty feet (30') in height as measured from the finish floor grade to the underside of the topmost roof assembly.

4. All buildings or structures regardless of the type of construction that are in excess of 12,000 square feet per floor.

5. All portions or sections of buildings or structures which are below grade or which constitute the basement area of a building or structure regardless of square footage of floor area or type of construction.

6. Single family homes and duplexes shall be exempt from this requirement.

B. The automatic systems herein referred to and the installation thereof which is required by this ordinance shall be contained in and provided for with the applicable standard specified for this section under of the Fire Prevention Code.

(Ord. No. 98-45, § 2, 12-1-98; Ord. No. 02-008, § 1, 2-19-02)

Sec. 9-7. Inspection test records.

A hard copy of all inspection, maintenance and test records shall be provided to the AHJ immediately after completion of the following:

- (a) Fire pump;
- (b) Fire alarm;
- (c) Fire suppression;
- (d) Fire detection;
- (e) Fire sprinkler;
- (f) Fire standpipe; and
- (g) All others required by the NFPA or other applicable codes,

standards or statutes.

(Ord. 02-008, § 1, 2-19-02)

Secs. 9-8—9-12. Reserved.

ARTICLE II. FIRE CODES AND FEES

Sec. 9-13. Open burning.

(a) *Defined.* Open burning is defined as any outdoor fire or open combustion of material except barbecuing.

(b) *Prohibited generally.* It shall be unlawful to have any open burning within the city limits on public or private property, except for fire training purposes or recreational or ceremonial occasions for which written permits from the fire rescue department are required.

(c) *On beach.* No permits will be issued for any open burning on the public beach.

(d) *Violations.* Any person who violates this section, and the owner of the land who allows these violations, shall be guilty of a violation of this code and subject to a fine not to exceed \$100. (Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-14. Supplementary lighting system in places of assembly.

The minimum requirements shall be as required by the Fire Marshal:

(a) All security/entrance gates must have an electronic key number pad or an approved alternative.

(b) The keypad will allow entrance by the simple act of pushing four (4) or five (5) buttons.

(c) All gates must have a security entry code approved in advance by the Fire Marshal.

(d) Gates may be operable by telephone from our dispatch office. A phone call from our dispatchers will open the gate and a second call will be required to close the gate.

(e) In case of power failure, the electronic gate shall open automatically and remain open.

(f) An exception will be where a 24-hour security guard is stationed at the gate.

(g) A back-up device such as an authorized security box or key switch is required to operate the gate in the event the number pad entry does not work.

(h) No other code numbers, operating methods. or key systems will be kept on file by the Fire Rescue Department.

(i) In the event that our units are unable to gain rapid entry with the above methods, it will required the use of raid forcible entry methods to gain entry. The city and/or the Fire Rescue Department shall not be responsible for, nor incur any costs as a result of, gaining access to a specific area.

(j) Information on where authorized key security boxes can be obtained is available from the Fire Rescue, Fire and Life Safety Division.

(k) Failure to comply will result in the violation of Section 9-3F of this code.

(l) Failure to notify the Fire Marshal of all unauthorized change to the operating system or other violation of this Section shall result in a fine of \$100.

(Ord. No. 98-45, § 2, 12-1-98; Ord. No. 02-008, § 1, 2-19-02)

Sec. 9-15. Key boxes/entry systems.

In all new and existing buildings, except individual residential dwelling units of any kind, there shall be installed a key box for such areas or buildings when the Fire Marshal determines that access to or within a structure or an area is unduly difficult because of secured doors and windows, security gates, or where immediate access is necessary for all life-saving or firefighting purposes. The key box shall be a type approved by the Fire Marshal, and shall contain:

(a) Keys to locked points of egress, whether in common areas or on the interior or exterior of such buildings;

(b) Keys to locked mechanical equipment rooms;

(c) Keys to locked electrical rooms;

(d) Keys to elevator controls; and

(e) Keys to other areas where fire rescue personnel may need emergency access as directed by the Fire Marshal. The Fire Marshal shall approve the location of the lock box.

(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-16. Bulk storage of inflammable liquids in outside aboveground tanks.

The limits in which bulk storage of inflammable liquids in outside aboveground tanks is prohibited, are hereby established as follows:

Bounded on the east by the Florida Inland Navigation District Canal; on the north by the Boynton Canal; on the west by Seaboard Air Line Railroad; and on the south by Woolbright Road (SW 15 Avenue). Such bulk storage is also prohibited within two hundred fifty (250) feet of U.S. Highway No. 1, and within fire hundred (500) feet of

any church, school, theater, or other public gathering place, or similar type bulk storage tank installation located on any noncontiguous parcel. Any building permit issued for the construction of bulk storage tanks contemplated hereinabove, shall be subject to the imposition of any reasonable safety requirements deemed necessary by the city commission dictated by the physical location of the proposed site of such tanks.

(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-17. Penetration of firewalls and fire breaks.

Any material penetrating a fire break or fire wall shall have the equivalent fire rating of that break or wall which is penetrated.

(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-18. Fireworks.

This section may be cited as "The Boynton Beach Fireworks Ordinance."

(a) The term **Fireworks** shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, as defined by Florida Statutes Ch. 791.

(b) The Fire Marshal may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by the city, fair associations, civic groups, and other organizations or groups of individuals. Such permits may be granted upon application to the Fire Chief after the filing of a bond by the applicant as provided herein. Every such display shall be handled by a competent operator and shall be of such composition and character and shall be so located, discharged or fired in a manner not to be hazardous to property or endanger any person. After the issuance of such a permit, sales, possession, use and distribution of fireworks within the city for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(c) A bond shall be required from the applicant in a sum no less than \$1,000 conditioned on compliance with the provisions of this section and the regulations of the Fire Marshal adopted hereunder.

(d) Before the issuance of a permit for a display of fireworks, the applicant shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the applicant or any agent or employee

thereof, in such amount, character and form as the Fire Marshal determines to be necessary for the protection of the public.

(e) No permit shall be issued under the provisions of this section to an applicant not having an established place of business within the state for conduct of a display of fireworks until the applicant has fulfilled the legal requirements for service of process upon the person or entity seeking a permit. In the case of a corporation, proof of registration with the Secretary of State, as a nonresident corporation shall be required.

(f) The Fire Chief, Fire Marshal, or the Police Chief shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks stored or held in violation of this section, and shall dispose of the fireworks in the manner deemed safe by the Fire Marshal when the fireworks are no longer required as evidence of a violation of this section.

(g) Any person or entity violating the provisions of this section shall be punishable as provided in Sec. 9-1 and Sec. 1-6.

(h) Any person, firm, partnership or corporation engaging in the sale, distribution or manufacturing of fireworks or sparklers must first apply for and secure a permit from the Fire Marshal.

(1) The application for such permit shall include proof that the applicant is registered with the Division of the State Fire Marshal.

(2) In addition, the temporary retail sale of sparklers requires a city occupational license.

(i) Before any permit, as provided by this section, shall be issued by the Fire Marshal for sale of fireworks or sparklers, such applicant shall file with the Fire Marshal a performance bond or similar security as set forth in division (c).

(1) Such security shall be approved by the City Attorney's Office and the Finance Department.

(2) The conditions of such security shall be that:

a. The permit holder will pay all costs and judgments that may be rendered against said permit holder by a court of law for a violation of said ordinances or statute regarding the sale of fireworks or sparklers;

b. The permit holder shall pay the cost of providing security at the site(s), pursuant to court order, in the event of the arrest or detention of the permit holder's employees, or agent(s), for violation of this section, which arrest or detention results in the site being unmanned by the permit holder's employee(s) or agent(s).

(j) Record of sales and exemptions.

(1) In order to verify compliance with F.S., [Chapter 791](#), and this section, the seller of fireworks must obtain the name and address of each purchaser of fireworks, check a photo identification, and keep

a record of the names, addresses and form of proof of photo identification.

(2) The seller must maintain, on site, this record for all fireworks sales, which includes the name and address of purchase, and the form of identification.

(3) These records shall be maintained on site and be made available during business hours for immediate on-site inspection by a Fire Marshal and/or the Police Department or other law enforcement agencies.

(4) The records shall be maintained for a period of twelve (12) months from the last entry in the record.

(5) Should the site close or be vacated within this twelve-month period, the permit holder shall maintain the records for the remainder of the twelve-month period.

(k) Any violation of this section shall subject an offender to arrest pursuant to F.S., § 901.15, and prosecution pursuant F.S., § 125.69.

(Ord. No. 98-45, § 2, 12-1-98; Ord. No. 02-008, § 1, 2-19-02)

Sec. 9-19. Fire inspection fees.

(a) A fee in the amount of \$.058 per square foot shall be levied on all new construction, alterations, or additions in the city. This fee shall encompass plan review and necessary fire inspections required prior to the issuance of a Certificate of Occupancy. The City Manager is authorized to waive the fee for all city buildings and events.

(b) The following permit fees for fire protection systems are required:

(1) Fire detection and annunciation systems: \$25.

(2) Fixed fire suppression systems (halon, wet/dry chemical systems, etc.): \$25.

(3) Hazardous, flammable or explosive materials: \$25.

(4) Plan review of special occupancies in addition to normal plan review fees:

Per hour fee \$35

Minimum fee \$35

Maximum fee \$245

(5) The plan review fee shall be four (4) times that specified in this table, should commence prior to the fire plan review and approval as required by the Fire Official.

(6) Fees for new construction, alteration, or renovation shall be in the amount of \$0.029 per square foot, if provided with a fully automatic fire protection system throughout the building.

(c) Annual inspection fees. There is hereby established a fee structure for annual fire and safety inspection activity conducted by the fire rescue department for commercial enterprises and multi-family dwellings. The owner of each commercial enterprise, business, or multi-family dwelling operating from a location within the City of Boynton Beach shall be charged an annual fire and safety inspection fee as set forth below:

(1) Non-residential, (includes all retail, mercantile, business office, industrial, storage occupancies, assembly), healthcare, institutional, residential board and care, and residential structures that are required to have occupational licenses but not including restaurants, cafes, and public eating places.

- a. First 1,000 sq. feet: \$45.
- b. Each additional 1,000 sq. feet: \$6.50.
- c. Tents, canopies and temporary structures: \$45.
- d. Churches: \$45.

(2) Multi-family building (includes hotels, apartments, cooperatives, condominiums, and boarding houses renting furnished or unfurnished rooms or apartments).

- a. Three to 24 units: \$45.
- b. Twenty-five to 38 units: \$65.
- c. Thirty-nine units and over: \$85.

(3) Restaurants, cafes and public eating places:

- a. Seating capacity up to 15: \$25.
- b. Seating capacity up to 50: \$45.
- c. Seating capacity over 50: \$75.

(4) Educational:

- a. Nursery day care: \$35.
- b. All others: \$75.

(5) All others not classified above: \$45.

(6) Businesses or professional individuals sharing one office suite or bay shall be charged only one fire inspection fee.

(7) The fees established in division (c), (d), and (e) shall accrue annually.

(8) Annual fire inspection fees shall not exceed \$450.

(d) The following inspection fees are required:

(1) Minimum permit fee: \$25.

(2) Change of plans: 50% of original fee.

(3) Reinspection fee, due to violation, incompleteness, lack of accessibility, or deviation from approved plan. Following the initial inspection, one reinspection for compliance will be included in the original fee. If additional reinspections are necessary due to the above criteria, reinspection fees will be required.

- a. Second reinspection due to violation: \$25.

- b. Second reinspection due to incompleteness, lack of accessibility, or deviation from approved plan: \$50.
- c. Third and subsequent reinspection(s): \$100.
- (e) Annual inspection of fire detection and annunciation systems: \$45 per occupancy.
- (f) Water/hydrant flow test: \$250.
- (g) Structures or systems requiring more than one inspection per year, excluding reinspections, shall be charged 50% of the original fee but not less than \$25.
- (h) Structures with fully automatic fire protection throughout will have their annual inspection fee reduced by one half (50%)
(Ord. No. 98-45, § 2, 12-1-98; Ord. No. 99-26, § 1, 9-21-99; Ord. No. 02-008, § 1, 2-19-02)

Sec. 9-20. Extension cords, control panels, and appliances.

- (a) *Temporary use.* Extension cords shall not be used as a substitute for permanent wiring.
- (b) *Conditions of use.* Extension cords are permitted only with portable appliances or fixtures. While in immediate use:
 - (1) Each extension cord shall be plugged directly into an approved receptacle and shall, except for approved multiplying extension cords, serve only one appliance or fixture.
 - (2) The current capacity of the cord shall not be less than the rated capacity of the appliance or fixture.
 - (3) The extension cord shall be maintained in good condition without splices, deterioration or damage.
 - (4) The extension cord shall be of the grounded type when servicing grounded appliances or fixtures.
- (c) *Limitations.* Extension cords and flexible cords shall not be affixed to structures, extend through walls, ceilings, floors, under doors or floor coverings, nor be subject to environmental damaging physical impact.
- (d) *Multi-plug adapters.* The use of multi-plug adapters such as multi-plug extension cords, cube adapters, strip plugs or any other device that does not comply with this code or the Electrical Code is prohibited.
- (e) *Access to control panels.* A minimum 30 inch clearance shall be provided in front of electrical control panels for access.
- (f) *Non-approved appliances.* Electrical appliances or fixtures shall not be sold, offered for sale or rent, disposed of by gift or premium, nor made available for use or used unless they are of an approved type.

(g) *Exception.* Low voltage wiring, such as communications and signal wiring.

(h) *Temporary wiring.*

(1) Temporary wiring for electrical power and lighting installations shall be permitted during the period of construction, remodeling, repair or demolition of buildings, structures, equipment, or similar activities.

(2) Temporary wiring for electrical power and lighting installation shall be permitted for a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes and for experimental development work.

(3) When temporary wiring is attached to a structure, it shall be attached in an approved manner.

(i) *Electrical motors.* All electrical motors shall be maintained in a manner free from the accumulations of oil, waste, and other debris, which will interfere with required motor ventilation or create a fire hazard.

(Ord. No. 98-45, § 2, 12-1-98; Ord. No. 02-008, § 1, 2-19-02)

Sec. 9-21. Fire lanes on private property; blocked roadways.

(a) For the purposes of this section:

Fire Lane. A space sufficient in width and length to permit the parking of fire trucks, rescue vehicles, and other fire rescue department apparatus and located nearest to, or at the best location to permit firefighting and rescue operations nearest to, a building or structure.

(b) Fire lanes shall be established on private property where the public has the right to travel by motor vehicle, or where the public is permitted by invitation or by license to travel by motor vehicle, to the extent that any such lane is necessary for access to buildings by fire trucks or other firefighting apparatus as determined by the Fire Marshal. Any person owning or in possession and control of any such property, including but not necessarily limited to, any parking lot, shopping plaza, shopping center or other commercial, industrial or multifamily residential area, shall establish such fire lanes through striping, marking and posting of signs.

(c) After notification by the Fire Marshal of the necessity to establish one or more fire lanes upon a particular property, the owner or person in possession and control of the property shall submit two sets of site plans of the property to the Fire Marshal for review and approval of the design and location of the fire lanes. The site plans shall be drawn to scale and shall show all related buildings, driveways,

streets and other information to evaluate the sufficiency of the fire lanes.

(d) Approval by the Fire Marshal of the fire lanes shall constitute authorization for the installation of official signs prohibiting the stopping, standing or parking of motor vehicles within the fire lanes, and posting the lanes as tow away zones. Such signs and necessary pavement marking and striping shall be furnished by and at the cost of the owner or person in possession and control of the property, who shall thereafter be responsible for the maintenance of the signs, marking and striping in a state of good repair.

(e) All fire lanes signs installed pursuant to this section shall have red lettering, not less than two inches or more than three inches in height, on a white background. Each sign shall be 12 inches wide by 18 inches in height, and shall not be inconsistent with the Manual on Uniform Traffic Control Devices of the State Department of Transportation. The Fire Marshal shall prescribe a uniform sign design for such signs.

(f) It shall be unlawful for any person to have or cause to have any driveway, roadway or entrance barricaded or blocked by obstacles which would interfere with the response of Fire Department or other emergency vehicles. If an existing building requires the changing of access to the properties, the owners shall provide revised site plans to the Building Division and to the Fire Department for their approval. Any person failing to comply with the above provisions or violating the provisions shall be punished pursuant to the provisions of Sec. 9-1 and Sec. 1-6.

(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-22. Use of charcoal stoves; other devices lacking proper ventilation.

It shall be unlawful for any person to use or cause to be used any charcoal grill or stoves; gasoline stove or heater; liquefied petroleum gas grill or stove; or any similar heating or cooking appliance on any balcony, within any screened enclosure; in any corridor or hallway or within the confines of any building or structure when such spaces are not provided with safeguards to insure adequate ventilation. All such cooking appliances and devices shall be used and operated a sufficient distance from any combustible materials or structures as may be required to prevent the ignition thereof and the spread of fire outside the area of intended confinement. No such device or appliance shall be used or operated directly under an overhang of any structure regardless of the distance removed from combustible materials.

(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-23. Fire hydrants and fire department connections.

Reflective blue markers shall be placed to indicate the location of a hydrant.

(Ord. No. 98-45, § 2, 12-1-98; Ord. No. 02-008, § 1, 2-19-02)

Secs. 9-24—9-28. Reserved.

ARTICLE III. FIRE AND LIFE SAFETY DIVISION

Sec. 9-29. Establishment of Division; designation of Chief; designation of Fire Marshal; appointment and tenure of inspectors.

A Division of Fire and Life Safety within the Fire Rescue Department of the City of Boynton Beach FL is hereby established which shall be operated under the supervision of the Chief of the Fire Rescue Department, herein known as the Chief. The Chief shall designate an officer or other member of the Fire Rescue Department as Fire Marshal, who shall hold this office at the pleasure of the Chief. The Chief may detail such other members of the Fire Rescue Department as Inspectors as necessary. The Chief shall recommend to the city the employment of one or more Fire Prevention Inspectors, who, when such authorization is made, shall be selected, via an examination, for the position. The examination shall be open to members and nonmembers of the Fire Rescue Department, and appointments made after examination shall be for an indefinite term subject to the appropriate personnel policies of the City of Boynton Beach.

(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-30. Duties of officers.

It shall be the duty of the officers of the Fire and Life Safety Division, identified in Section 9-29, to enforce all laws and ordinances concerning the following:

- (a) The prevention of fires.
 - (1) Inspection.
 - (2) Plan review.
 - (3) Public education.
 - (4) Enforcement.
- (b) The storage and use of explosive, flammable, and hazardous materials.
- (c) The installation and maintenance of automatic and other private fire alarm systems and fire extinguishing and protection equipment.

(d) The adequacy, maintenance, and regulation of all means of egress from all occupancies within the jurisdiction of the Fire Rescue Department.

(e) The investigation of the cause, origin, and circumstances of fires.

(f) The Fire Marshal, and such inspectors that he or she may designate, are hereby designated as Code Enforcement Officers for the purpose of issuing citations under the City of Boynton Beach Codes.

(g) Officers shall have the power to perform other such duties as are set forth in this **chapter**, and as may be conferred and imposed by other codes, statutes, and other regulatory criteria.

(Ord. No. 98-45, § 2, 12-1-98; Ord. No. 02-008, § 1, 2-19-02)

Sec. 9-31. Authority to enter property for inspection.

(a) The Chief of the Fire Rescue Department, the Fire Marshal or any inspector may, at all reasonable hours, enter any building or premises within his or her jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this **chapter**, he or she may deem necessary to be made.

(b) If consent is not granted to conduct an inspection of a building, structure or premise the Fire Marshal shall obtain an inspection warrant as provided for in the Florida Statutes §§ 933.20 - 933.30.

(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-32. Inspection of nonresidential and multi-family occupancy premises generally; enforcement orders.

(a) It shall be the duty of the Chief of the Fire Rescue Department to inspect, or cause to be inspected by the Division of Fire and Life Safety or by the Fire Rescue Department officers and members, as often as may be necessary, but not less than once per year in all buildings and premises except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the city affecting fire hazards.

(b) Whenever any inspector, shall find in any building or upon any premises, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulations of waste paper, boxes, shavings or any highly flammable materials, or stored material which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs passageways, doors or windows, liable to interfere with the operations of the Fire Rescue

Department or egress of occupants in case of fire, he shall order same to be removed or remedied.

(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-33. Inspections involving special hazards, fire alarms and sprinkler systems; enforcement orders.

The Chief of the Fire Rescue Department, the Fire Marshal or any inspector specially designated thereto shall inspect, as often as necessary, but not less than once per year, all specially hazardous manufacturing processes, storage or installations of gases, chemicals, oils, explosives and flammable materials, all interior fire alarm and automatic sprinkler systems and such other hazards or appliances as the Chief of the Fire Rescue Department shall designate, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding life and property from fire.

(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-34. Inspections complaint; order to remedy danger; evacuation of occupied buildings or structures.

(a) The Fire Marshal, or designee, upon the complaint of any person or whenever he, she or they deem it necessary, shall inspect any buildings and premises within their jurisdiction. Whenever any of the said officers shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated conditions, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, and whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof he, she or they shall order such dangerous conditions or material to be removed or remedied.

(b) Any person who, after being served with a written order to cease such severe and immediate hazardous activity, operation or process, willfully fails or refuses to comply with such an order shall be subject to immediate arrest.

(c) The Fire Marshal, or designee may order the immediate evacuation of any occupied building or structure or assembly area when such building, structure or assembly area is deemed hazardous due to fire hazard, obstruction to exits, overcrowding of the premises, or any other hazard or potential which presents immediate danger to

the occupants. The premises or any portion thereof, may not be reoccupied until it has been examined and deemed free of the hazard or potential which caused the evacuation to be ordered. Persons refusing to obey either a verbal or written order of the Fire Marshal or designee shall be subject to immediate arrest.
(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-35. Service of enforcement orders.

The service of such orders as are mentioned in these codes may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Whenever it may be necessary to serve such an order upon the owner of the premises such order may be served either by delivering to and leaving with such person a copy of such order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.
(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-36. Compliance with orders; appeal to Fire Chief.

Any order served under the provisions of Sec. 9-35 shall forthwith be complied with by the owner or occupant of such premises or building. If such order is made by the Fire Marshal or one of the inspectors, such owner or occupant may within 24 hours appeal to the Chief of the Fire Rescue Department, who shall, within five days, review such order and file his decision thereon, and unless by his authority the order is revoked or modified it shall remain in full force and be complied with within the time fixed in the order or decision of the Chief of the Fire Rescue Department.
(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-37. Investigation of causes of fires required; procedures.

The Fire and Life Safety Division of the Fire Rescue Department shall investigate the cause, origin and circumstances of every fire, explosion, or hazardous condition occurring in the city by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire, explosion, or hazardous condition is the

result of carelessness or design. Such investigations shall be begun immediately upon the occurrence of such fire, explosion, or hazardous condition by an inspector, and if it appears to the officer making such an investigation, that such fire, explosion, or hazardous condition is of suspicious origin, the Fire Marshal shall be immediately notified of the facts. The Fire Marshal shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further co-operate with the authorities in the collection of evidence and in the prosecution of the case. Every fire, explosion, or hazardous condition shall be reported in writing to the Division of Fire and Life Safety of the Fire Rescue Department within two days after the occurrence of the same. Such report shall be in such form as shall be prescribed by the Fire Marshal, and shall contain a statement of all facts relating to the cause, origin and circumstances of such fire, explosion, or hazardous condition and extent of damage thereof and the insurance upon such property and such other information as may be required.
(Ord. No. 98-45, § 2, 12-1-98)

Secs. 9-38—9-50. Reserved.

ARTICLE IV. FIRE PROTECTION OUTSIDE CITY

Sec. 9-51. When rendered.

No fire service shall be rendered outside the municipal limits of the city by the municipal fire forces except in the following cases:

(a) To protect property located in a fire protection district or in a township, village or city having a contract with the city for fire protection.

(b) To protect property within the city threatened by a fire outside the city.

(c) To protect city property located outside the city.

(d) To provide mutual/automatic aid as provided by written agreement.

(e) In the event that Boynton Beach Fire Rescue Department resources are requested by another municipality which has an agreement with a third-party agency for mutual aid services, and in the absence of an Interlocal Agreement or Mutual Aid Agreement with the City of Boynton Beach, a fee in the amount of \$2,000 per occurrence for up to one (1) hour service, and \$500.00 per hour for each additional hour, shall be charged to the municipality requesting and receiving such services. Payment must be made to the city, in full, within thirty (30) days of invoice.

(Ord. No. 98-45, § 2, 12-1-98; Ord. No. 00-08, § 1, 4-4-00)

Secs. 9-52—9-55. Reserved.

ARTICLE V. EMERGENCY FIRE WATCH; STANDBY COVERAGE

Sec. 9-56. Emergency fire watch; disabled system.

(a) When the Fire Rescue Department finds it necessary to station fire rescue personnel at a building with a disabled fire alarm and/or fire suppression system, the owner of the building shall pay the city its actual labor cost for providing the fire watch, plus an additional 20% of such costs for the expense incurred by the city in administering the fire watch. Fire Rescue Department personnel shall be stationed on a fire watch detail only after reasonable attempts to contact the owner or the owner's representative are unsuccessful, or if decided upon by the Fire Rescue Department and communicated to the owner. Fire Rescue Department personnel will continue the fire watch until either the system is repaired and functioning, or until relieved by a responsible person as determined by the Fire Marshal.

(b) Fire watch assessments are due within 30 days after the city mails the invoice to the owner. A late payment penalty shall accrue at a rate of 5% per month, and prorated as necessary, for an assessment past due. The assessment of fire watch assessments does not in any way relieve the owner from paying any inspection or reinspection fees associated with the re-establishment of a functioning alarm and/or fire suppression system.

(c) It shall be unlawful for any person to fail or refuse to pay fire watch assessments when due. Any person found guilty of violating this provision shall be subject to a fine equal to the fire watch assessment and/or imprisonment for a term not exceeding 60 days in jail.

(Ord. No. 98-45, § 2, 12-1-98)

Sec. 9-57. Standby fire and emergency medical coverage.

(a) Whenever, in the opinion of the Fire Marshal, it is essential for public safety in any place of public assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the Fire Marshal may require the owner, agent or lessee to employ one or more off-duty certified city fire-rescue personnel, as required and approved by the Fire Marshal, to be on duty at such place. Said city

fire-rescue personnel shall be subject to the Fire Marshal's and/or his/her designee's orders at all times, when so employed, and remain on duty during the times such places are open to the public, or when such activity is being conducted, including one hour before opening the area to the public and one hour after closing the area to the public. Before each performance or the start of such activity, said city fire-rescue personnel shall inspect all required fire and life-safety equipment to insure that such equipment is in proper working order, and shall keep diligent watch for any emergency that should arise. Should any emergency arise, the said fire-rescue personnel shall take whatever action necessary to protect the occupants and public from injury, illness, or any life threatening condition.

(b) Whenever, in the opinion of the Fire Marshal, it is essential for public safety in any place of public assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the Fire Marshal may require the owner, agent or lessee to employ one or more off-duty certified city paramedic(s) and/or EMT(s) as required and approved by the Fire Marshal, to be on duty at such place. Said city paramedic(s) and/or EMT(s) shall be subject to the Fire Marshal's and/or his/her designee's orders at all times, when so employed, and remain on duty during the times such places are open to the public, or when such activity is being conducted, including one hour before opening the area to the public and one hour after closing the area to the public. Before each performance or the start of such activity, said city fire-rescue personnel shall inspect all required fire and life-safety equipment to insure that such equipment is in proper working order, and shall keep diligent watch for any emergency that should arise. Should any emergency arise, the paramedic(s) and/or EMT(s) shall take whatever action necessary to protect the occupants and public from injury, illness or any life threatening condition.

(c) For the provision of the services described in subsections (a) and (b) above, the City of Boynton Beach shall be entitled to a reasonable fee at a rate established by the Fire Rescue Department, as may be adopted and subsequently amended by resolution of the City Commission.

(Ord. No. 98-45, § 2, 12-1-98)

Secs. 9-58—9-60. Reserved.

ARTICLE VI. COST RECOVERY FOR SPECIAL OPERATIONS AND CLEAN-UP OF HAZARDOUS MATERIALS

Sec. 9-61. Definitions; authority and responsibility.

(a) For the purpose of this section, the following words and phrases shall have the meanings given herein:

Costs. Those necessary and reasonable costs incurred by the city in connection with investigating, mitigating, minimizing, removing or abating discharges of hazardous substances, or in connection with costs incurred by any activity of the special or tactical operations unit including but not limited to actual labor costs of city personnel or its authorized agents; costs of equipment operation and rental; costs of expendable items, including but not limited to firefighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums, acid suits, acid gloves, goggles and protective clothing.

Discharge. Any intentional or unintentional action or omission resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance upon public or private property located within the corporate limits of the city.

Hazardous Substances. Any substances or materials in a quantity or form which in the determination of the Fire Department pose an unreasonable and imminent risk to the life, health, safety or welfare of persons or property within the city and shall include but not be limited to those substances listed in the NFPA Guide on Hazardous Materials or the EPA's list of extremely hazardous substances, or the Florida Substance List promulgated by the state department of labor and employment security.

(b) The Fire Rescue Department is hereby authorized to take such steps as necessary to clean up, remove or abate the effects of any hazardous substances discharged upon or into public or private property or facilities located within the corporate limits of the city, and is authorized to use its special or tactical operations unit to effectively deal with specific emergencies, including, but not limited to, high-angle, confined space, and other forms of vertical rescue.

(c) Any person responsible for causing or allowing an unauthorized discharge of hazardous substances which requires action

by the Fire Rescue Department or its authorized agents in order to protect the public health, safety or welfare shall reimburse the city for the full amount of all costs associated with the investigating, mitigating, minimizing, removing and abating any such discharge, or otherwise providing relief to a life-threatening situation involving special and tactical operations. Reimbursement shall be made within 30 days after receipt of an itemized bill for such costs from the city.

(d) When responding to the emergency caused by the unauthorized discharge of hazardous substances, or to an emergency requiring the use of the special or tactical operations unit, the Fire Rescue Department shall keep a detailed record of the cost attributable thereto.

(e) The authority to recover costs under this section shall not include costs incurred for actual fire suppression services, which are normally or usually provided by the city's Fire Department or its authorized agents.

(f) Any person responsible for causing or allowing an unauthorized discharge of hazardous substances, or responsible for an emergency requiring the use of the special operations and tactical unit, and who fails to reimburse the city within the time set forth herein shall be subject to a late fee in the amount of 10% of the total amount of the bill for each additional day that the bill for such costs remains unpaid.

(g) The remedy provided for in this section shall be supplemental to and in addition to all other available remedies by law and equity.

(Ord. No. 98-45, § 2, 12-1-98)

Secs. 9-62—9-64. Reserved.

ARTICLE VII. CONTROL OF AUTOMATIC ELEVATORS

Sec. 9-65. General; key switch operation; capacity; access keys; instructions posted; emergency use.

(a) In all buildings three stories or more in height, hereafter erected, which are equipped with automatic elevators, at least one designated elevator servicing all floors of the structure shall be arranged for emergency use (firefighter's service) by Fire Department personnel. The control of automatic elevators shall meet the requirements as set forth under the state elevator code and ASME/ANSI, A17.1.

(b) Existing elevators shall conform to the requirements of ASME/ANSI A 17.3.

(c) Elevators shall be inspected and tested as specified in ASME/ANSI A 17.3.

(Ord. No. 98-45, § 2, 12-1-98)

Secs. 9-66—9-70. Reserved.

ARTICLE VIII. HAZARDOUS MATERIALS

Sec. 9-71. Disclosure and safety requirements.

(a) Definitions. For the purpose of this section, the terms listed below shall be defined as follows, provided however, references to statutes or regulations in existence at the time this section is adopted shall also include references to such statutes or regulations as they may be amended from time to time:

(1) Carcinogen: refers to a substance which causes cancer. For purposes of the section, carcinogens are those substances specified on the list developed by the United States Department of Health and Human Services in its Annual Reports on Carcinogens.

(2) CAS Number: the unique identification name as assigned by the Chemical Abstracts Services to specific chemical substances.

(3) Chemical name: the scientific designation of a substance in accordance with the International Union of Pure and Applied Chemistry of the system developed by the Chemical Abstracts Services.

(4) Common name: a designation of identification such as code name, code number, trade name or brand name used to identify a substance other than by its chemical name.

(5) Disclosure form: the "Hazardous Material Information Form" provided by the City of Boynton Beach Fire Rescue Department.

(6) Environmental Review: All businesses which would be located within the city shall state, as part of the occupational license application, whether the business would use, handle, store, or display hazardous materials or generate hazardous waste, as defined by 40 Code of Federal Regulations, Part 261, in which case the business shall require a City Environmental Review Permit.

(7) Handle: to generate, treat, use, or dispose of a hazardous material in any fashion.

(8) Handler: any person who handles a hazardous material.

(9) Hazardous Material: any substance or product for which the manufacturer or producer is required to prepare a Material Safety Data Sheet (MSDS) for the substance or product pursuant to the Superfund Amendments and Reauthorization Act (SARA) Title III, October, 1986 and/or Chapter 252, Florida Statutes, the Florida Hazardous Materials Emergency Response and Community Right-To-Know Act, July, 1988, provided that a substance may additionally be

deemed a hazardous material or hazardous waste upon a finding by the Fire Chief that the substance, because of its quantity, concentration or physical or chemical characteristics, poses a significant potential hazard to human health and safety or to the environment if released into the community. Should the Fire Chief at any time determine that otherwise exempted materials should be subject to disclosure, the Fire Chief may require the submission of a disclosure form.

(10) Hazardous waste: any material that is identified in the Code of Federal Regulations, Title 40, Sections 261.31 - 261.33.

(11) Health official: the Health Officer with authority in the City of Boynton Beach, Florida.

(12) MSDS: a Material Safety Data Sheet prepared pursuant to regulations indicated in paragraph (8) above.

(13) Person: an individual, trust, firm, joint stock company, corporation, partnership, or association.

(14) Physician: any person recognized as a physician under Florida law.

(15) SIC Code: the identification number assigned by the Standard Industrial Classification Code to specific types of businesses.

(16) Recovery: as defined in Palm Beach County Regional Hazardous Materials Response Plan.

(17) Storage or storing the containment of substances or materials in such a manner as not to constitute disposal of such substances or materials.

(18) Use: includes the handling, processing, or storage of a hazardous material.

(19) User: any person who uses a hazardous substance or handles a hazardous waste.

(b) Filing of a Hazardous Material Disclosure Form.

(1) Any person who uses or handles a hazardous material must semiannually, during the months of January and July, submit a complete disclosure form to the Boynton Beach Fire Rescue Department.

(2) Any person who, during the calendar year, for the first time becomes a user or handler of any hazardous material, must submit a completed disclosure form to the Boynton Beach Fire Rescue Department within fifteen (15) days of becoming a user or handler. Thereafter, any such user or handler shall comply with the provisions of Subsection (b)(1) above.

(3) The City of Boynton Beach Fire Rescue Department may, upon written notice, require the submittal of a disclosure form of any user or handler. The user or handler shall submit a completed disclosure form within fifteen (15) days.

(4) Any person required to submit a disclosure form pursuant to this Section shall file with the Boynton Beach Fire Rescue Department an updated disclosure form within fifteen (15) days of any of the following:

- a. A change in business address.
- b. A change in business ownership.
- c. A change in business name.
- d. Cessation of business operations.
- e. The use or handling of a previously undisclosed hazardous material.
- f. A significant change in the use, handling, or manufacturing of a hazardous material for which disclosure has been previously made.
- g. The hazardous characteristics of every hazardous material disclosed, including, but not limited to, toxicity, flammability, reactivity, and corrosivity as may be required by the Fire Rescue Department.

(5) Upon request, all users must provide the following information:

- a. To the Fire Rescue Department, any information determined by the Department to be necessary to protect the public health, safety, or the environment.
- b. To any physician, where the physician determines that such information is necessary to the medical treatment of his or her patient and to the extent allowed by law.

(c) Exemptions From Disclosure. The following materials or persons are exempt from disclosure requirements:

(1) Hazardous materials or substances contained in food, drug, cosmetic, or tobacco products.

(2) Hazardous materials contained solely in consumer products packaged for use by and distributed to the general public unless the product is repackaged or altered in any way; provided, however, the manufacture and distribution of these products are not exempt. However, pesticides, herbicides, and ammonium nitrate fertilizers over the required disclosure amounts are not exempt from disclosure.

(3) Any person, while engaged in the transportation or storage of hazardous materials, within the provisions of Title 49 of the Code of Federal Regulations, Subchapter c, as exists or as hereafter amended or changed.

(4) Infectious waste generated by hospitals, medical centers, clinics, and other health care facilities.

(d) Identification of Areas; keyed lock box: identification placards.

(1) When required by the Fire Rescue Department, any person submitting a disclosure form may be required to install an approved keyed lock box to store safety data sheets, floor plans, site plans, and building access keys for authorized use in the case of an emergency. If required by the Fire Rescue Department, the approved keyed lock box must be installed within ninety (90) days of receipt of a written notice from the Fire Rescue Department. The specifications and location of the required keyed lock box shall be as designated by the Fire Rescue Department. The National Fire Protection Association (NFPA) Standard 704, Standard System for Identification of the Fire Hazards of Materials, shall be incorporated with the application of the keyed lock box to provide exterior warning symbols for emergency responders. Hazardous materials identification placard(s) shall be installed in accordance with NFPA Standard 704.

(2) The Fire Rescue Department may direct that the items specified above be revised or reinstalled at any time. The City shall bear no expense for initial or subsequent work required of a user under this section.

(e) Record keeping; exemption from public disclosure.

(1) Upon receipt of a disclosure form, the Fire Rescue Department shall maintain files of all disclosure forms received.

(2) Under the provisions of 252.88(3), Florida Statutes, any and all information, including but not limited to, site plans and specific location information on hazardous materials furnished to the Fire Rescue Department pursuant to this section shall be confidential and exempt from the provisions of §119.07(1), Florida Statutes.

(f) Enforcement. The Fire Chief or designee is authorized and empowered to enforce the provisions of this [Chapter](#). The enforcement may include the inspection of hazardous materials in use, storage, or disposal, review of hazardous materials records, the sampling and testing of hazardous materials and other activities directly related to the enforcement of this section. No person shall obstruct or interfere with the Fire Chief or designee in the performance of these duties.

(g) Violations. In addition to the penalties and remedies provided in Section 252.66, Florida Statutes, any violations of the provisions of this section shall be punishable as provided for in Section 2-91 and 9-61 of the City of Boynton Beach Code of Ordinances. (Ord. No. 00-73, § 1, 12-19-00)