

ORDINANCE NO. 09-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY AMENDING SECTIONS 96.03, "ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES TO BE RESTRICTED", 96.05, "FIRE HYDRANTS", 96.16, "CERTAIN CODES ADOPTED BY REFERENCE", AND 96.46, "ABOVE GROUND INSTALLATION" TO UPDATE THE CITY'S CODE OF ORDINANCES IN ORDER TO REFLECT RECENT CHANGES IN THE FIRE PREVENTION CODE STANDARDS; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has the authority to protect the public health, safety and welfare of its citizens; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, desires to update its Code of Ordinances to reflect recent changes in the Fire Prevention Code Standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA:

Section 1. That Section 96.03, "Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gases to be Restricted" of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 96.03. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES TO BE RESTRICTED.

The limits referred to in ~~Section 21.6~~ Chapter 69 of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, shall be in accordance with the zoning ordinances.

Section 2. That Section 96.05, "Fire Hydrants" of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

(A) All fire hydrants shall be placed in a position so as to be accessible at all times from a paved road no less than twenty-four (24) feet in width.

(B) Fire hydrant spacing shall be in accordance with the following:

- (1) In single-family and duplex residential districts, not more than five hundred (500) feet between hydrants.
- (2) In multifamily residential districts (townhouses, garden apartments, cluster developments and the like, and similar buildings two (2) stories or less in height), not more than four hundred (400) feet between hydrants.
- (3) In multifamily residential districts with buildings more than two (2) stories in height, all commercial districts, all business districts, all industrial districts, and special hazard applications, not more than three hundred (300) feet between hydrants.
- (4) Areas with divided or multilane road systems should have hydrant distribution on both sides of the highway, with curb and median cuts considered, utilizing spacing criteria listed above when existing and proposed parallel mains will support this criteria.
- (5) Measurement of spacing shall be by way of road travel.

~~(C) — No object, structure, planting or obstruction of any kind shall be permitted within a five-foot radius of any fire hydrant or Fire-Rescue Department connection. A three-foot wide opening, free of all obstructions, shall be maintained at all times.~~

Section 3. That Section 96.16, "Certain Codes Adopted by Reference" of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 96.16. CERTAIN CODES ADOPTED BY REFERENCE.

(A) The City adopts by reference and incorporates into this Code as though fully set out herein, that certain code, as it may from time to time be amended, known as the Florida Fire Prevention Code, ~~Chapter 36 of the Florida Building Code (2004)~~, and the incorporated standards.

(B) The City adopts by reference and incorporates into this Code, as though fully set out herein, those specific codes and standards, from the Florida Fire Prevention Code, ~~Chapter 36 of the Florida Building Code (2004)~~. In addition to the codes adopted by the Florida Fire Prevention Code, the City of Delray Beach adopts National Fire Protection Association codes listed below and as they may be amended:

TABLE INSET:

NFPA	18	2006	Wetting Agents
NFPA	22	2003 -	Water Tanks for Private Fire Protection
NFPA	50	2001 -	Bulk Oxygen Systems at Consumer Sites
NFPA	50A	1999 -	Gaseous Hydrogen Systems at Consumer Sites
NFPA	53	2004 -	Oxygen-Enriched Atmospheres
NFPA	92B	2005 -	Smoke Management Systems in Malls, Atria, Large Areas
NFPA	101B -	2002 -	Means of Egress
NFPA	102	1995 -	Assembly Seating, Tents, and Membrane Structures
NFPA	105	2003 -	Smoke Control Door Assemblies
NFPA	115	2003 -	Laser Fire Protection
NFPA	140	2004 -	Motion Picture and TV Production Facilities
NFPA	160	2006 -	Flame Effects Before an Audience
NFPA	170	2006	Fire Safety Symbols
NFPA	203	2000 -	Roof Coverings and Roof Deck Construction
NFPA	204	2002 -	Smoke and Heat Venting
NFPA	258	2001 -	Research Test Method for Determining Smoke Generation of Solid Materials

NFPA	287	2001 -	Flammability of Materials in Clean rooms
NFPA	302	2004 -	Pleasure and Commercial Motor Craft
NFPA	306	2003 -	Control of Gas Hazards on Vessels
NFPA	326	2005	Safeguarding Tanks and Containers
NFPA	408	2004	Aircraft Hand Portable Fire Extinguishers
NFPA	423	2004	Construction and Protection of Aircraft Engine Test Facilities
NFPA	496	2003	Purged and Pressurized Enclosures for Electrical Equipment
NFPA	502	2004	Road Tunnels, Bridges, and Limited Access Highways
NFPA	513	1998 -	Motor Freight Terminals
NFPA	560	2002 -	Ethylene Oxide for Sterilization and Fumigation, Storage, Handling, and use of
NFPA	601	2005 -	Security Services in Fire Loss Prevention
NFPA	720	2005	Household Carbon Monoxide Warning Equipment
NFPA	780	2004	Installation of Lightning Protection Systems
NFPA	801	2003 -	Facilities Handling Radioactive Materials
NFPA	820	2003	Fire Protection in Wastewater Treatment and Collection Facilities
NFPA	914	2001	Fire Protection in Historic Structures
NFPA	1141	2003	Planned Building Groups

NFPA	1962	2003	Care, Use and Service Testing of Fire Hose Including Connections and Nozzles
NFPA	1961	2002	Fire Hose

The City hereby adopts the following amendments to the Fire Prevention Code of the National Fire Protection Association, N.F.P.A. Pamphlet No. 1, included in the Florida Fire Prevention Code, ~~Chapter 36 of the Florida Building Code (2004)~~, adopted in this article:

- (1) Section ~~7-3.2-13.3.2~~ 13.3.2 is amended to include the following language:

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

- (a) The following buildings of an institutional or educational character; all hospitals, ambulatory, surgical or treatment centers, nursing homes, homes for the aged, convalescent centers, rehabilitation facilities, day care centers caring for more than 12 clients under 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 or structure involved.
- (b) All wood or partial wood frame buildings or structures which are 2 stories or more than 20 feet in height as measured from finish ground floor grade to the underside of the topmost roof assembly. Single-family homes, duplexes and townhouses shall be exempt from this requirement except as provided in section (d) below.
- (c) All buildings or structures regardless of the type of construction which are 3 stories or more in height or all buildings or structures in excess of 30 feet in height as measured from the finish ground floor grade to the underside of the topmost roof assembly.
- (d) All buildings or structures regardless of the type of construction which are in excess of 12,000 square feet per floor, or an aggregate of 12,000 square feet if there is unprotected communication between floors or intermediate spaces.
- (e) 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. The automatic fire sprinkler systems herein referred to and the installation thereof which is required by this ordinance shall be as contained in and provided for with the

applicable standard specified for this section under appendix A of this Fire Prevention Code.

- (2) Section ~~7-2.2.2~~ 13.2.2.2 is amended to include the following language:

All hereafter constructed buildings and structures more than 3 stories in height or 36 feet in height or all buildings more than 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.

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

- (3) Section ~~7-2.3~~ 13.2.3 is amended to include the following language:

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.

All fire sprinkler, standpipe, and fire pump systems shall be annually inspected, serviced, and 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 Delray Beach providing for regular maintenance and testing of the systems in accordance with the applicable standards specified under Appendix A of this Fire Prevention Code and N.F.P.A. 13A, N.F.P.A. 14A and N.F.P.A. 25.

The service company performing the maintenance and tests shall forward a written report to the Fire-Rescue Department 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 services department. In addition, a copy of the service report must be maintained on the premises, and it shall be subject to inspection by the Fire-Rescue Department at anytime.

- (4) Section ~~7-3.4.2~~ 13.3.1.7 is amended to include the following language:

Valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water based fire suppression systems shall be supervised by an approved Central station signaling service.

- (5) Section ~~7-7.1.4~~ 13.7.1.1 is amended to include the following language:

Remote monitoring locations shall not be permitted to verify fire alarm signals prior to reporting them to the Fire-Rescue Department.

Section 4. That Section 96.46, "Above Ground Installation" of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 96.46. ABOVEGROUND INSTALLATIONS.

All aboveground tank installations shall be of a capacity of ~~three~~ six hundred (3 600) gallons or less and shall be in the form of skid tanks. Tanks exceeding ~~three~~ six hundred (3 600) gallons capacity shall be installed underground. Aboveground storage tanks in excess of ~~three~~ six hundred (3 600) gallons capacity now in use shall not be replaced with aboveground tanks but only with underground tanks. However, a tank exceeding ~~three~~ six hundred (3 600) gallons in capacity may be placed aboveground if it is encased in a minimum two(2) hour vault a fire-resistant protected tank listed and tested in accordance with UL 2085, Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids and adequately screened from view.

Section 5. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 7. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this 17th day of February, 2009.

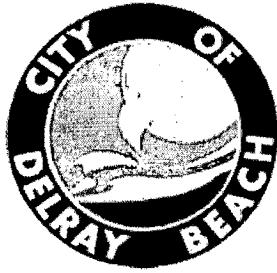
Rita Ellis
MAYOR

ATTEST:

Chavell D. Nubin
City Clerk

First Reading 2/3/09

Second Reading 2/17/09



MEMORANDUM

TO: Mayor and City Commissioners

FROM: David T. Harden, City Manager

DATE: February 4, 2009

SUBJECT: AGENDA ITEM 10.D. - REGULAR COMMISSION MEETING OF FEBRUARY 17, 2009
ORDINANCE NO. 09-09

ITEM BEFORE COMMISSION

This ordinance is before Commission for second reading for an ordinance amending Section 96.03, "Establishment of Limits In Which Bulk Storage Of Liquefied Petroleum Gases To Be Restricted", Section 96.05, "Fire Hydrants", Section 96.16, "Certain Codes Adopted By Reference", and Section 96.46, "Above Ground Installation", to update the City's Code of Ordinances in order to reflect recent changes in the Fire Prevention Code Standards.

BACKGROUND

At the first reading on February 3, 2009, the Commission passed Ordinance No. 09-09.

RECOMMENDATION

Recommend approval of Ordinance No. 09-09 on second and final reading.

ORDINANCE NO. 09-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY AMENDING SECTIONS 96.03, "ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES TO BE RESTRICTED", 96.05, "FIRE HYDRANTS", 96.16, "CERTAIN CODES ADOPTED BY REFERENCE", AND 96.46, "ABOVE GROUND INSTALLATION" TO UPDATE THE CITY'S CODE OF ORDINANCES IN ORDER TO REFLECT RECENT CHANGES IN THE FIRE PREVENTION CODE STANDARDS; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has the authority to protect the public health, safety and welfare of its citizens; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, desires to update its Code of Ordinances to reflect recent changes in the Fire Prevention Code Standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA:

Section 1. That Section 96.03, "Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gases to be Restricted" of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 32.09. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES TO BE RESTRICTED.

The limits referred to in ~~Section 21.6~~ Chapter 69 of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, shall be in accordance with the zoning ordinances.

Section 2. That Section 96.05, "Fire Hydrants" of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

(A) All fire hydrants shall be placed in a position so as to be accessible at all times from a paved road no less than twenty-four (24) feet in width.

(B) Fire hydrant spacing shall be in accordance with the following:

- (1) In single-family and duplex residential districts, not more than five hundred (500) feet between hydrants.
- (2) In multifamily residential districts (townhouses, garden apartments, cluster developments and the like, and similar buildings two (2) stories or less in height), not more than four hundred (400) feet between hydrants.
- (3) In multifamily residential districts with buildings more than two (2) stories in height, all commercial districts, all business districts, all industrial districts, and special hazard applications, not more than three hundred (300) feet between hydrants.
- (4) Areas with divided or multilane road systems should have hydrant distribution on both sides of the highway, with curb and median cuts considered, utilizing spacing criteria listed above when existing and proposed parallel mains will support this criteria.
- (5) Measurement of spacing shall be by way of road travel.

~~(C) No object, structure, planting or obstruction of any kind shall be permitted within a five-foot radius of any fire hydrant or Fire-Rescue Department connection. A three-foot wide opening, free of all obstructions, shall be maintained at all times.~~

Section 3. That Section 96.16, "Certain Codes Adopted by Reference" of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 96.16. CERTAIN CODES ADOPTED BY REFERENCE.

(A) The City adopts by reference and incorporates into this Code as though fully set out herein, that certain code, as it may from time to time be amended, known as the Florida Fire Prevention Code, ~~Chapter 36 of the Florida Building Code (2004)~~, and the incorporated standards.

(B) The City adopts by reference and incorporates into this Code, as though fully set out herein, those specific codes and standards, from the Florida Fire Prevention Code, ~~Chapter 36 of the Florida Building Code (2004)~~. In addition to the codes adopted by the Florida Fire Prevention Code, the City of Delray Beach adopts National Fire Protection Association codes listed below and as they may be amended:

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NFPA	170	2006	Fire Safety Symbols
NFPA	203	2000 -	Roof Coverings and Roof Deck Construction
NFPA	204	2002 -	Smoke and Heat Venting
NFPA	258	2001 -	Research Test Method for Determining Smoke Generation of Solid Materials

NFPA	287	2001 -	Flammability of Materials in Clean rooms
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NFPA	306	2003 -	Control of Gas Hazards on Vessels
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NFPA	601	2005 -	Security Services in Fire Loss Prevention
NFPA	720	2005	Household Carbon Monoxide Warning Equipment
NFPA	780	2004	Installation of Lightning Protection Systems
NFPA	801	2003 -	Facilities Handling Radioactive Materials
NFPA	820	2003	Fire Protection in Wastewater Treatment and Collection Facilities
NFPA	914	2001	Fire Protection in Historic Structures
NFPA	1141	2003	Planned Building Groups

NFPA	1962	2003	Care, Use and Service Testing of Fire Hose Including Connections and Nozzles
NFPA	1961	2002	Fire Hose

The City hereby adopts the following amendments to the Fire Prevention Code of the National Fire Protection Association, N.F.P.A. Pamphlet No. 1, included in the Florida Fire Prevention Code, ~~Chapter 36 of the Florida Building Code (2004)~~, adopted in this article:

- (1) Section ~~7-3-2-13.3.2~~ is amended to include the following language:

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

- (a) The following buildings of an institutional or educational character; all hospitals, ambulatory, surgical or treatment centers, nursing homes, homes for the aged, convalescent centers, rehabilitation facilities, day care centers caring for more than 12 clients under 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 or structure involved.
- (b) All wood or partial wood frame buildings or structures which are 2 stories or more than 20 feet in height as measured from finish ground floor grade to the underside of the topmost roof assembly. Single-family homes, duplexes and townhouses shall be exempt from this requirement except as provided in section (d) below.
- (c) All buildings or structures regardless of the type of construction which are 3 stories or more in height or all buildings or structures in excess of 30 feet in height as measured from the finish ground floor grade to the underside of the topmost roof assembly.
- (d) All buildings or structures regardless of the type of construction which are in excess of 12,000 square feet per floor, or an aggregate of 12,000 square feet if there is unprotected communication between floors or intermediate spaces.
- (e) 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. The automatic fire sprinkler systems herein referred to and the installation thereof which is required by this ordinance shall be as contained in and provided for with the

applicable standard specified for this section under appendix A of this Fire Prevention Code.

- (2) Section ~~7-2.2.2~~ 13.2.2.2 is amended to include the following language:

All hereafter constructed buildings and structures more than 3 stories in height or 36 feet in height or all buildings more than 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.

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

- (3) Section ~~7-2.3~~ 13.2.3 is amended to include the following language:

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.

All fire sprinkler, standpipe, and fire pump systems shall be annually inspected, serviced, and 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 Delray Beach providing for regular maintenance and testing of the systems in accordance with the applicable standards specified under Appendix A of this Fire Prevention Code and N.F.P.A. 13A, N.F.P.A. 14A and N.F.P.A. 25.

The service company performing the maintenance and tests shall forward a written report to the Fire-Rescue Department 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 services department. In addition, a copy of the service report must be maintained on the premises, and it shall be subject to inspection by the Fire-Rescue Department at anytime.

- (4) Section ~~7-3.4.2~~ 13.3.1.7 is amended to include the following language:

Valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water based fire suppression systems shall be supervised by an approved Central station signaling service.

- (5) Section ~~7-7.1.4~~ 13.7.1.1 is amended to include the following language:

Remote monitoring locations shall not be permitted to verify fire alarm signals prior to reporting them to the Fire-Rescue Department.

Section 4. That Section 96.46, "Above Ground Installation" of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 96.46. ABOVEGROUND INSTALLATIONS.

All aboveground tank installations shall be of a capacity of ~~three six~~ six hundred (3 600) gallons or less and shall be in the form of skid tanks. Tanks exceeding ~~three six~~ six hundred (3 600) gallons capacity shall be installed underground. Aboveground storage tanks in excess of ~~three six~~ six hundred (3 600) gallons capacity now in use shall not be replaced with aboveground tanks but only with underground tanks. However, a tank exceeding ~~three six~~ six hundred (3 600) gallons in capacity may be placed aboveground if it is ~~encased in a minimum two(2) hour vault~~ a fire-resistant protected tank listed and tested in accordance with UL 2085, Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids and adequately screened from view.

Section 5. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 7. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2009.

MAYOR

ATTEST:

City Clerk

First Reading _____

Second Reading _____



MEMORANDUM

TO: Mayor and City Commissioners

FROM: David C. James, Fire-Rescue Chief

THROUGH: David T. Harden, City Manager

DATE: January 7, 2009

SUBJECT: AGENDA ITEM 12.B. - REGULAR COMMISSION MEETING OF FEBRUARY 3, 2009
ORDINANCE NO. 09-09

ITEM BEFORE COMMISSION

City Commission is requested to approve a revision and update of various sections of Chapter 96 of the City Code of Ordinances.

BACKGROUND

The Florida Fire Prevention Code is revised and updated by the state every three (3) years. Section 633.025 (4) of the Florida Statutes identifies the procedure a municipality must follow to amend the Florida Fire Prevention Code. This section states that any local amendments sunset every three (3) years and therefore must be re-authorized.

RECOMMENDATION

Recommend that the City Commission approve the ordinance.