

**ORDINANCE 2005-02**

**AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, REPEALING ORDINANCE NUMBER 93-09 AND ADOPTING THE 2004 EDITION OF THE FLORIDA FIRE PREVENTION CODE; ADOPTING PENALTIES FOR VIOLATION OF THE ORDINANCE; PRESCRIBING THE GENERAL DUTIES OF THE FIRE CHIEF; PROVIDING FOR BUILDING IDENTIFICATION; ESTABLISHING A BUREAU OF FIRE PREVENTION AND PRESCRIBING ITS POWERS AND DUTIES; ADOPTING FIRE INSPECTION PROCEDURES AND FEES; PROVIDING FOR NOTIFICATION OF CHANGE OF OCCUPANCY OF COMMERCIAL BUILDINGS; PROVIDING FOR INSPECTION AND REVIEW OF NEW CONSTRUCTION, RENOVATIONS, SPECIAL PLANS AND SITE PLANS; REQUIRING RIGHT OF WAY FOR FIRE APPARATUS; PROHIBITING DRIVING THROUGH FIRE SCENES, GATHERING IN THE VICINITY OF FIRES, GIVING FALSE ALARMS AND OBSTRUCTING FIRE PROTECTION DEVICES AND DAMAGING FIRE EQUIPMENT; PRESCRIBING STANDBY FIRE PROTECTION; REQUIRING FIRE SPRINKLER SYSTEMS; PROVIDING FIRE HYDRANT LOCATIONS; REQUIRING ACCESS TO LOCK BOXES AND ENTRY TO BUILDINGS; REQUIRING STAIRWELL LABELING IN MULTI-STORY BUILDINGS AND EMERGENCY LIGHTING; PRESCRIBING REQUIREMENTS FOR FIRE EXTINGUISHERS; PROVIDING FOR FIRE PROTECTION SYSTEMS; PROHIBITING INSTALLATION OF FUMIGATION TENTS WITHOUT NOTICE; PROVIDING ACCESS TO GATED COMMUNITIES; PROHIBITING EXCESS OCCUPANT LOAD; IDENTIFYING HAZARDOUS MATERIALS; PROVIDING FOR COST RECOVERY FOR ARSON AND EXTRAORDINARY EXPENSES, FIRE SUPPRESSION COSTS AND ACCIDENT COSTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Fire Prevention Code has become effective throughout the State of Florida;  
and

**WHEREAS**, the City Council of the City of Mary Esther has reviewed changes recommended by the Fire Chief regarding the present fire prevention and protection ordinances, and has determined that it is necessary to amend said ordinances to bring them into conformity with the Fire Prevention Code and to address certain deficiencies with the present ordinances; and

**WHEREAS**, the City Council finds that the amendments contained herein benefit the health, safety and welfare of the citizens of the city of Mary Esther by improving the City Fire Department's ability to effectively carry out its fire prevention and protection duties;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA THAT:**

**SECTION I.**

The Council does hereby rescind Ordinance No. 93-09.

**SECTION II.**

The Fire Prevention and Protection Code to be followed by the City of Mary Esther Fire Department is outlined below.

**CHAPTER 8**

FIRE PREVENTION AND PROTECTION

- ARTICLE I. GENERAL PROVISIONS, SECTION 8-1 - 8-32  
ARTICLE II. COST RECOVERY, SECTION 8-33 - 8-36

**ARTICLE I**  
**GENERAL PROVISIONS**

**SECTION 8-1** THE 2004 EDITION OF THE FLORIDA FIRE PREVENTION CODE IS HEREBY ADOPTED BY THE CITY OF MARY ESTHER (SAVE AND EXCEPT THOSE PORTIONS WHICH ARE IN CONFLICT WITH CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF MARY ESTHER).

- (a) *Codes adopted by reference.* There is hereby adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, natural disaster or other emergencies the Florida Fire Prevention Code 2004 edition, and any revisions thereto, the whole thereof save and except portions of such codes which are in conflict with this chapter of the Code of Ordinances of which not less than one (1) copy of each has been filed in the office of the Fire Chief, the Code Compliance office and the City Clerk's office, and the same are hereby adopted and incorporated in this section by reference full as if set out in length in this section, the provisions thereof shall be controlling within the limits of the City.
- (b) *Violations.* It shall be unlawful for any person to violate this section to permit or maintain such violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation. Proof of such unlawful act or failure to act shall be deemed prima facie evidence if such act is that of the owner. Prosecution in light thereof of either the owner or the occupant shall not be deemed to relieve the other.
- (c) *Application.* This provision shall apply equally to both public and private property. It shall apply to all new and existing structures (unless otherwise indicated) and their occupancies including buildings, structures, equipment, which constitute a clear and present hazard to life or to property.
- (d) *Administration.* The provisions of this chapter shall be administered by the Fire Department.

**SECTION 8-2** PENALTY FOR VIOLATION OF CHAPTER.

- (a) Any person, firm, corporation, or anyone acting on their behalf, who violates the provisions of this ordinance, or fails to comply with any of its requirements, except where otherwise provided, upon conviction thereof, shall upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for sixty (60) days, or both, and shall pay all costs and expenses involved in the case. Each day such violation continues shall constitute a separate offense.
- (b) The owner or tenant of any building, structure, premise, or part thereof, and any architect, agent, builder, contractor, or other person who commits, participates in, assists in, or maintains such violation, may be found guilty of a separate offense, and shall be subject to the penalties provided therein.
- (c) Nothing herein shall prevent the city from taking such other lawful action deemed necessary to prevent or remedy any violation.

**SECTION 8-3** GENERAL DUTIES OF FIRE CHIEF

- (a) *Command of department and personnel.* The Fire Chief shall have general charge of and shall be the head of the Fire Department. When in attendance at fire or emergency scenes he may, at his

discretion, take command of the scene and the Fire Department, and direct his assistants and see that they perform their duties. He shall have full control of the Fire Department and all employees thereof, subject to control supervision in accordance with the City Charter, and shall make and establish rules and regulations for the government of said Department, subject to the approval of the City Manager, and not inconsistent with the provisions of this chapter. He shall have the right to suspend any employee of the Fire department, because of incompetence, neglect of duty, failure to obey orders given by proper authority or for any just or reasonable cause and shall immediately report the fact of such suspension to the City Manager for final action. He shall perform such other duties as are prescribed by the City Manager, or by the City Code of Ordinances.

- (b) *Ordinances and amendments.* It shall be the duty of the Fire Chief to investigate and to recommend to the City Manager such additional ordinances, or amendments to existing ordinances, as he may deem necessary for safeguarding life and property against fire.
- (c) *Investigation of fires.* The Fire Chief or his designee shall investigate the cause, origin, and circumstances of every fire occurring in the City by which property has been destroyed or damaged and so far as possible, shall determine the cause and origin of the fire. If it appears to the officer making such an investigation, that such fire is of suspicious origin, the Fire Chief or his designee shall be immediately notified of the fact; he shall take charge immediately of the investigation; securing physical evidence, notifying the proper authorities, designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in collection of evidence and in the prosecution of the case.
- (d) *Records of fires.* The Fire Chief shall cause to be kept in the Fire Department Headquarters, a record of all fires and of all facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance. All such records, as designated by law, shall be made public.
- (e) *Report of fires.* All fires shall be immediately reported to the Fire Department, including those previously extinguished. A fire shall mean any fire not approved for use for cooking, heating, or recreational purposes, or one not incidental to the normal operations of the property.
- (f) *Notification prior to demolition.* The Fire Department shall be notified by the contractor and/or building official prior to the demolition of any structure which demolition is required to be permitted by the Building Code.

#### **SECTION 8-4 BUILDING IDENTIFICATION**

- (a) All buildings within the boundaries of the City shall be identified with a current postal address displayed in a visible location.
- (b) The numbers and letters used for addresses shall be a minimum of three (3) inches in size and be displayed at the building main entrance door, or in the main display window, or at the curb-side/at the postal mail box.

#### **SECTION 8-5 BUREAU OF FIRE PREVENTION PROVIDED FOR; SUPERVISION; INSPECTORS; POWERS AND DUTIES**

- (a) *Establishment; supervision; inspectors.* A Bureau of Fire Prevention in the Fire Department of the City is hereby established which shall be operated under the supervision of the Chief of the Fire Department. Subject to the City Manager's approval, the Fire Chief shall designate an employee of the Fire Department as Captain Inspector of the Bureau of Fire Prevention, who shall hold this office at the pleasure of the Fire Chief. The Fire Chief may also designate such number of additional inspectors as shall from time to time be authorized by the City Manager.
- (b) *Powers and duties generally.* It shall be the duty of the personnel of the Bureau of Fire Prevention to enforce all laws and ordinances of the State and City covering fire prevention and protection,

within the City limits. They may have such other powers and duties as are set forth in other subsections of this chapter, and as may be conferred and imposed from time to time by law. The Fire Chief may delegate any of his powers or duties under this section to the Captain Inspector.

- (c) *Inspection of premises keeping, storing, etc., highly flammable materials, etc.* Before a City Occupational License may be issued for the keeping, storage, use, manufacture, sale, handling, transportation, or other disposition of highly flammable materials and rubbish, crude petroleum or any of its products, gun or blasting powder, dynamite or explosives of any kind, including fireworks, firecrackers, and signaling explosives, the Fire Chief, or the inspectors of the Bureau of Fire Prevention shall inspect, approve, and issue the permit for the receptacles, vehicles, building or storage places to be used for any such purposes.
- (d) *Authority to inspect all buildings; notification to remedy dangerous conditions.* The Fire Chief or Inspectors of the Bureau of Fire Prevention may inspect any building or premises within the limits of the City. Whenever any of said personnel shall find any building or other structure which, for want of repairs; or lack of or insufficient fire escapes, automatic or other fire alarm apparatus, or fire extinguishing equipment; or by reason of age or dilapidated condition; from any other cause, is especially liable to fire, or which is so situated as to endanger other property or the occupants thereof, or whenever such Chief or Inspector may find in any building highly combustible or explosive matter or flammable conditions thereof, such Chief or Inspector may order such dangerous conditions or materials to be removed or remedied and such order shall forthwith be complied with by the owner or occupant of such premises or building. They may order the owner or occupant to correct the dangerous condition within a reasonable period of time. In the event the owner or occupant does not comply with the order, the said owner or occupant shall be liable to penalties provided under Section 8 – 8. The service of any such order 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 and leaving it with the person in charge of the premises, or in case no such person is found upon premises, by mailing a copy thereof to the last known post office address via return receipt mail. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with said person a copy of the said order, or if such owner is absent from the jurisdiction of the employee making the order, by mailing such a copy to the owner last known post office address.
- (e) *Appeal to Fire Chief.* If such order is made by the Captain Inspector or any Bureau Inspector, except those orders relating to conditions which are considered to be immediately life threatening, such owner or occupant may within twenty-four (24) hours appeal to the Fire Chief, who shall, within five (5) working 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 said order or decision of the Fire Chief. Provided, however, that any such owner or occupant may, within five (5) working days after the making or affirming of any such order by the Fire Chief, file their petition with the City Manager, praying a review of such order.
- (f) *Authority to enter property.* The Fire Chief, the Captain Inspector, or any Bureau Inspector may, at all reasonable hours, enter any public building areas or premises within the City limits for the purpose of making an inspection or investigation which, under the provisions of this chapter, they may deem necessary to make. Inspection of privately occupied building areas shall be arranged through the owner or occupant. If permission is not received for inspection, the City Manager shall be requested to suspend the occupational license of such business, until such inspection may be performed.
- (g) *Authority to disconnect utilities.* The Fire Chief or his designee shall have the authority to order the disconnection of utility services from a building, structure, or other system, in case of an emergency to eliminate an immediate hazard to life or property. The Fire Chief or his designee shall notify the serving utility and whenever possible the owner or occupant of the building, structure, or system of

the decision to disconnect. Notification shall be given prior to the disconnection or as soon as practical thereafter.

**SECTION 8-6 FIRE INSPECTION PROCEDURES AND FEES**

- (a) *Requirement.* Annual Fire and Life Safety inspections are required for certain occupancies within the City, except if more frequent inspections are required by another code, rule or statute. Occupancies with separate entrances and fire separations between adjacent occupancies, will each require an individual inspection. Minor violations/discrepancies found will need to be corrected within thirty (30) calendar days and major violations identified in the inspection report will be required to be corrected within fourteen (14) calendar days. Life threatening hazards must be corrected immediately and within three (3) calendar days. Fire safety inspections as required by ordinance, law, code, or regulation shall be based on the following schedule:

**ANNUAL FIRE SAFETY INSPECTION FEES**

For Commercial, Industrial, Public Assembly, Home Occupations and Private Schools:

Buildings less than 4,000 sq. ft.	\$15.00
Buildings 4,000 – 8,000 sq. ft.	\$20.00
Buildings 8,000 – 12,000 sq. ft.	\$25.00
Buildings more than 12,000 sq. ft. plus \$1.00 per additional 1,000 sq. ft.	\$25.00

For Hotels, Motels, Condominiums, Apartments, Adult Congregate Living Facilities and Other Residential Facilities:

Buildings less than 12 units	\$15.00
Buildings 12 – 50 units	\$20.00
Buildings 50 – 100 units	\$25.00
Buildings more than 100 units plus \$0.25 per additional unit	\$25.00
First re-inspections	no charge

Additional re-inspections (only those violations/discrepancies identified in the inspection report will be re-inspected).

All fire inspections required by this section shall result in one (1) of the following outcomes:

- (1) Inspection, passed.
  - (2) Violation(s)/discrepancies found, effective date.
  - (3) Notice of hazard, effective date
- (b) *First re-inspection.* If either item (2) or (3) of subsection (a) above resulted, the occupancy shall be scheduled for the first re-inspection. After the first re-inspection the results shall be either:
    - (1) If the violations are not corrected upon the first re-inspection, then the matter shall be turned over to the code enforcement officer for consideration and the premises shall be subject to a two hundred fifty dollar (\$250.00) fine per day that the violation continues;
    - (2) Notice of hazard not corrected by effective date as per subsection (e) below.
- (c) *Continuing accumulation of fee for second/additional re-inspections.* If item (1 or 2) of subsection (b) above resulted, the fee shall continue to accumulate until the occupancy successfully passes an

inspection. For a second re-inspection the fee shall be fifty-five dollars (\$55.00). Any inspection after the second re-inspection will be charged at a rate double the previously charged fee (third is \$110.00; fourth is \$220.00, etc.). The owner or occupant will also be required to pay the sum of all accumulated fees for violations.

- (d) *Notification of owners, etc.* The owner, occupant, or responsible party shall be notified in writing of all violations, hazards, or other information related to the results of inspections. Written notification shall be either hand delivered or mailed to their last known post office address.
- (e) *Action(s) upon failure to correct circumstances upon proper notice of hazard.* When a proper Notice of Hazard has been issued but not corrected within the time stipulated as per written notification by Inspector, the following applies:
  - (1) The responsible party shall be subject to charges per this chapter; in addition, the City Manager may suspend the occupational license until corrective action is taken.
  - (2) Immediate life threatening circumstances which result in issuance of Notice of Hazard shall be corrected by the date and time indicated in writing by the Inspector or item (1) above shall apply; in addition, the structure may be closed to occupancy immediately.
- (f) *Procedure for closure of occupancy.* If the hazard dictates closure of the occupancy (as determined by the Inspector), Fire Inspector shall request owner or occupant to close or vacate the building or occupancy until violations are corrected. The Fire Inspector shall notify the Fire Chief and may request law enforcement assistance. If the owner or occupant does not comply, the Fire Chief may request the City Manager to suspend the Occupational License, and notify the Code Compliance Officer and Occupational License Administrator.
- (g) *Life-threatening situations enumerated.* Examples of circumstances constituting life-threatening situations are:
  - (1) Open flame or light where highly combustible or explosive materials are kept.
  - (2) Means of egress from any part of the structure are not available for full and instant use.
  - (3) Unapproved dispensing, storage, or use of flammable or combustible liquids.
  - (4) Manufacture, storage, possession, sale, transportation, or use of explosives, blasting agents, fireworks, or ammunition without code compliance.
  - (5) Use of unapproved combustible decorative material in a public occupancy.
  - (6) Lack of maintenance thereof to exits or exit access ways in public occupancy.
  - (7) Overcrowding beyond the approved capacity of any place or public occupancy.
  - (8) Use of open flame in a public assembly or drinking or eating establishment, except when used in conjunction with approved heating or cooking appliances, or under written permit from the Fire Department.
  - (9) Use of permissible tent or air-supported structure without a permit and prior approval from the Fire Chief or his designee.
  - (10) Lack of maintenance or nonexistence of required fire escapes.
- (h) *Corrections and payment of fees and charges required.* Any person or persons, firm, or corporation violating any of the provisions of this section, or neglecting to comply with any order issued pursuant to any paragraph thereof, upon conviction, shall make any corrections to building or location, pay all accumulated fees, and be subject to charges as per Chapter 8.
- (i) *Fees are additional.* All fees are in addition to those that may be levied by the Code Enforcement Officer.

**SECTION 8 – 7 CHANGE OF OWNERSHIP OR OCCUPANCY OF COMMERCIAL BUILDINGS LOCATIONS**

- (a) *Application of section.* This section shall apply to all buildings except one or two-family residential use buildings.
- (b) *Responsibility to notify department of change of ownership.* It shall be the responsibility of the owner of any commercial building to notify the Fire Department of any changes in ownership of the building. Such notice shall be made in writing to the Fire Department within thirty (30) days of any change in ownership. The notice shall contain the name, title, address, and after hours telephone numbers of a minimum of two (2) persons responsible for the building in the event of an emergency.
- (c) *Responsibility to notify department of change of occupancy.* It shall be the responsibility of the occupant of any commercial building to notify the Fire Department of any changes in occupancy of the building. Such notice shall be made in writing to the Fire Department within thirty (30) days of any change in occupancy. The notice shall contain the name, title, address, and after hours telephone numbers of a minimum of two (2) persons responsible for the occupancy in the event of an emergency.
- (d) *Currency of notices.* Notices as provided in subsection (b) and (c) above shall be maintained current by the owner and the occupant.
- (e) *Exemption.* Exemptions to subsection (b) and (c) shall be allowed if there is only a sole person with keys who is responsible for the building or business. If such applies, only the sole person’s emergency contact information shall be supplied.

**SECTION 8-8 OTHER INSPECTIONS/TEST FEES**

- (a) Construction in Progress \$15.00
- (b) Temporary Power Inspection \$15.00
- (c) Additional Inspection Requested by Occupant \$20.00
- (d) Two (2) Hour Fire Line Hydrostatic Pressure Test (witness contractor test – includes sprinkler, standpipe, and underground fire line test) \$45.00
- (e) Fire Sprinkler System Acceptance Hydrostatic Pressure Test \$45.00
- (f) Fire Sprinkler System Performance Acceptance Test – Wet System \$30.00
- (g) Fire Sprinkler System Performance Acceptance Test – Dry System \$45.00
- (h) Standpipe System Acceptance Hydrostatic Pressure Test \$45.00
- (i) Fire Alarm System Acceptance or Reacceptance Test (witness contractor conducted testing) \$50.00
- (j) Elevator Firefighter Recall System Acceptance Test \$50.00

All inspections or tests in this section that must be repeated because the system was not acceptable and/or discrepancies were found are subject to additional charges, unless otherwise specified. If any inspection/test is scheduled but not performed because the system, item to be inspected or applicant is not ready and the inspection/test is not cancelled with 24 hours advance notice, charges will apply per this section.

**SECTION 8 – 9 PERMITS AND FEE SCHEDULE**

- (a) Permits shall be issued as mandated by the Florida Fire Prevention Code, and this section of the Code of Ordinances.

(b) The Florida Fire Prevention Code provides the authority for the City of Mary Esther to issue permits concerning fire control and/or hazards within the City. Commencement of an operation requiring a permit prior to issuance of the permit will result in an assessment equal to double the permit fee or the permit fee per day, whichever is greater. Each day of continued operation without a permit constitutes a separate violation. Actions performed in conjunction with a permitted automatic sprinkler system, automatic fire alarm system or standpipe system resulting in a reported fire alarm initiating a fire department response to investigate the alarm will result in revocation of an existing permit. Re-issuance of a permit that was revoked in this manner will be at a fee ten times the base fee listed below; subsequent alarms initiated will result in an escalating fee double the previous fee paid. The following operations within the City of Mary Esther jurisdiction requires a permit issued by the Fire Department and payment of the identified permit fee:

(1) **Automatic Fire Suppression Systems.** Installation, modification or removal from service of any automatic fire suppression system. Maintenance performed to an existing system and components according to the Florida Fire Prevention Code is not considered a modification and does not require a permit.

**\$20.00** plus related inspection and plans review fees

(2) **Cutting and Welding.** Cutting or welding operations other than in conjunction with fixed-site automobile repairs.

**\$20.00** permit fee for duration of permit (up to 10 days)

(3) **Exhibits and Trade Shows.** Operation of all exhibits and trade shows held within the jurisdiction.

**\$20.00** per event

(4) **Explosives.** Manufacture, sell, dispose, purchase, storage, use, possess, or transport (except U.S. Government) of explosives within the jurisdiction. A separate permit, valid for no more than 90 days, shall be required to conduct blasting operations within the City.

**\$20.00** annually; blasting permit shall be \$50.00 per 90-day period

(5) **Fire Alarm and Detection Systems and Related Equipment.** Installation of or modification to fire alarm and detection systems and related equipment. Maintenance

performed to existing system and components according to the Florida Fire Prevention Code is not considered a modification and does not require a permit.

**\$25.00** plus related inspection and plan review fees

(6) **Fire Pumps and Related Equipment.** Installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed to existing system and components according to the Florida Fire Prevention Code is not considered a modification and does not require a permit.

**\$20.00** annually

(7) **Fireworks.** Possession, storage, manufacture, sale or discharge of fireworks within the jurisdiction.

**\$25.00** annually

(8) **Flammable Finish Application.** The spray application of flammable or combustible liquids. Installation or modification of any spray room or booth.

**\$50.00** annually

- (9) **Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures.** Construction, location, erection, or placement of grandstands and bleachers, folding and telescopic seating, tents, and membrane structures. Only tents or membrane in excess of 300 square feet require a permit.  
**\$15.00** per event or duration of permit (10 days)
- (10) **Industrial ovens and Furnaces.** Operation of industrial ovens and furnaces per Florida Fire Prevention Code.  
**\$25.00** per year
- (11) **LP-Gas.** Storage-for-sale, rental or exchange of refillable LP gas cylinders.  
**\$45.00** per year per location
- (12) **Lumber Yards and Woodworking Plants.** Storage of lumber exceeding 100,000 board feet.  
**\$50.00** per year
- (13) **Organic Coatings.** Operation and maintenance of a facility that manufactures organic coatings.  
**\$50.00** per year
- (14) **Outdoor Storage of Scrap Tires.** Establish, conduct, or maintain any outdoor storage of scrap tires that exceeds 2500 cubic feet of total volume of scrap tires.  
**\$1,000.00** per year
- (15) **Private Fire Hydrants.** Installation, modification, or removal from service of any private fire hydrants.  
**\$25.00** per hydrant
- (16) **Tire Rebuilding Plants.** Operation and maintenance of a tire rebuilding plant.  
**\$500.00** per year
- (17) **Standpipe Systems.** Installation, modification, or removal from service of any standpipe system. Maintenance performed to existing system and components according to the Florida Fire Prevention Code is not considered a modification and does not require a permit.  
**\$20.00** plus related inspection and plans review fees
- (18) **Special Outdoor Events, Carnivals, and Fairs.** The location and operation of special outdoor events, carnivals, and fairs.  
**\$25.00** per event
- (19) **Tar Kettles.** Permits shall be obtained at least two working days prior to the placement of tar kettles.  
**\$20.00** per placement; 3-day limit
- (20) **Torch-applied Roofing Systems.**  
**\$30.00** per structure
- (21) **Repair Garages and Service Stations.** Operation of repair garages and service stations.  
**\$50.00** per year

(22) **Demolition of Structure.** Includes, partial demolition for alteration, renovations, etc. **\$25.00** per event plus related inspection and plans review fees

(23) **Temporary Construction trailers; storage trailers.**  
**\$25.00** annually

- (c) *Fee for permits not addressed herein.* Other required permits not specifically addressed herein, the fee shall be charged equal to the actual cost of issuing the permit. This cost shall include, at a minimum, inspection, clerical, and administrative costs.
- (d) *Permits not transferable.* A permit shall not be transferable. Any change in use of a permitted building or the location of a permitted activity shall require a new permit.
- (e) *Permit required.* No activity for which a permit is required shall be conducted without a permit.
- (f) *Fee required before issuance.* No permit shall be issued until the required fee is paid.
- (g) *Period of validity.* All permits shall be valid for one (1) year unless otherwise specified.
- (h) *Responsibility for application for renewal.* Permittee shall be responsible to apply for renewal of permits no less than thirty (30) calendar days prior to the expiration of the permit.
- (i) *Application to one and two family residences.* Permits required by this section shall not be applicable to one or two family residential use buildings, except those pertaining to fumigation and thermal insecticide fogging.

#### **SECTION 8 - 10**      **NEW CONSTRUCTION AND RENOVATION OF BUILDINGS**

- (a) *Plan review and inspection.* The Fire Department shall perform a building plan review and inspection, for fire and life safety code compliance of all new buildings and renovations to buildings, except for one and two family residential use buildings.
- (b) *Plan review fee.* The Fire Department building plan review fee shall be collected by the finance department, unless otherwise noted.
- (c) *Payment prior to permit issuance.* Building plan review fees shall be paid prior to permit issuance by the building department, unless otherwise noted.
- (d) *Building plan reviews.* Building plan reviews performed by the Fire Department at the request of the applicant for proposed uses, prior to building permit application/issuance, shall be based on the following schedule:  
  
Building Plans (commercial or apartment) – New construction or alteration - \$0.04 per square foot (minimum fee of \$50.00).
- (e) *Application of re-inspections.* Re-inspections required by this section apply to inspection areas not ready or additional inspections for correction of discrepancies.
- (f) *Re-inspection fees allowed to accumulate.* Re-inspection fees as applicable to this section may be permitted to accumulate for a thirty- (30) day period or until the occupancy is ready for a final inspection, whichever occurs first.
- (g) *Payment at end of thirty- (30) days.* At the end of the thirty- (30) days or at a time of the request for a final inspection, no further inspections or work shall be performed until all fees are paid.
- (h) *Department approval certificate required for issuance of Certificate of Occupancy.* A Certificate of Occupancy shall not be issued until the Fire Chief or his designee has inspected said building and determined it is in compliance and is safe for human occupancy. A Fire Department Approval Certificate is required before any Certificate of Occupancy is issued by the City or any of its agents. The builder/contractor or agent shall be responsible for delivering the Fire Department Approval



**SECTION 8 – 13 RIGHT OF WAY FOR FIRE DEPARTMENT APPARATUS**

In the event of an alarm of fire or any emergency being given, the apparatus and vehicles of the Fire Department shall be given the right-of-way in and upon the streets, lanes, alleys, and crossings and it shall be unlawful for any person to obstruct or neglect to make way for any such apparatus or vehicle being thus in or upon any such streets, alleys, or crossings.

**SECTION 8 – 14 DRIVING THROUGH STREETS WHERE FIRE APPARATUS ASSEMBLED PROHIBITED**

It shall be unlawful for any person to drive a vehicle through the streets and alleys in which the Fire Department is assembled for the purpose of extinguishing a fire or other emergency, unless allowed by the Fire Chief or his designee.

**SECTION 8 – 15 GATHERING IN IMMEDIATE VICINITY OF FIRE OR EMERGENCY PROHIBITED; EXCEPTIONS**

No person except fire or police department personnel shall be allowed within the immediate vicinity of any fire or emergency that may occur within the city limits, without being ordered there by the Fire Chief or his designee.

**SECTION 8 – 16 GIVING FALSE ALARMS PROHIBITED**

It shall be unlawful for any person to knowingly give, or cause to be given, a false alarm of fire, as referenced in Florida State Statute No. 806.101. Any person giving or causing such false alarms to be given may be held liable for the payment of the full cost of any emergency response to the alarm, as per the costs listed in section 8-19(c), in addition to any other criminal charges.

**SECTION 8 – 17 OBSTRUCTING FIRE PROTECTION DEVICES**

- (a) *Prohibited.* No person shall obstruct with building material, vehicle, or other item, any fire hydrant, standpipe, or sprinkler connection, or other such device, in such a manner as to obstruct approaches or vision of the same, by the Fire Department.
- (b) *Prescribed clearance.* All exterior fire protection devices shall be maintained with a minimum of ten 10 feet clearance in all directions, unless otherwise allowed by the Fire Department.
- (c) *Distinction of use and from surroundings.* All exterior fire protection devices shall be labeled to readily distinguish their use and painted such that they are readily distinguished from their surroundings. Such markings and painting shall be approved by the Fire Department.
- (d) *Pertinence of section.* This section shall pertain to new and existing devices.
- (e) *Responsibility of compliance.* Compliance with this section shall be the responsibility of the owner, occupant, contractor, or person responsible for the obstruction.

**SECTION 8 – 18 DAMAGING FIRE EQUIPMENT PROHIBITED**

No person shall willfully or knowingly injure or damage in any way, or by any means whatsoever, any engine, hose, ladder or other equipment, material, or apparatus of any kind belonging to, connected with or used by, any of the Fire Department personnel of the city, as part of their machinery or material.

**SECTION 8 - 19 STANDBY FIRE PROTECTION**

- (a) *Provision in accordance with Fire Chief's instructions.* When an event is to take place within the City which requires standby fire protection, as determined by the Fire Department it shall be provided in accordance with the instructions of the Fire Chief of the City.

- (b) *Events requiring protection.* Events which require standby fire protection are, but not limited to, fireworks displays, events under certain tents or temporary structures, or events which could create a hazard to the public as determined by the Fire Chief.
- (c) *Rates.* Fire protection rates, for standby or response, shall be based on the actual cost of service, but not less than forty-five dollars (\$45.00) per man hour (except on holidays – fee shall be doubled), five hundred dollars (\$500.00) per hour for each engine and truck, and fifty dollars (\$50.00) per hour for squads, cars, boats, or other Fire Department vehicles. Hours to be established by the Fire Chief.
- (d) *Scheduling.* Standby fire protection shall be scheduled with the Fire Chief.
- (e) *Denial of event.* The Fire Chief may deny the event if insufficient time to schedule has been given or resources are not available.
- (f) *Prior contact recommended.* It is recommended that the Fire Chief be contacted a minimum two (2) weeks in advance of the event for requests for standby fire protection.
- (g) *Fire Watch.* Per Life Safety Code, when a required automatic fire sprinkler system or automatic fire alarm system is out of service for more than four (4) hours in a twenty-four (24) hour period, the authority having jurisdiction must be notified and the building shall be evacuated or a fire watch will be posted. The duration of a fire watch will be until the affected system is fully restored as determined by the authority having jurisdiction. The fire watch shall be a radio equipped Mary Esther Fire Department employee. Fees for fire watch personnel, other standby personnel deployed to off-set an unacceptable fire hazard, or crowd managers as required for large assemblies shall be paid to the City of Mary Esther within thirty (30) days of ending the operation. Personnel will be paid a minimum of two hours by the Mary Esther payroll policies, and additional fees on holidays defined by the City policy. The Fire Chief or his designee shall determine the number of fire watch personnel needed for each situation.

## **SECTION 8 - 20          REQUIRED FIRE SPRINKLER SYSTEMS**

In addition to those buildings or occupancies required by the Florida Fire Prevention Code and the Florida Building Code:

- (a) All new construction shall be equipped throughout with an approved automatic fire sprinkler system installed according to NFPA 13, NFPA 13D, or NFPA 13R as applicable in the following classifications of occupied structures: Assembly, Educational, Health Care, Detention and Correctional, Mercantile, Residential, Business, Industrial, and Storage, with the exception of the following:
  - (1) Those detached structures less than 1,250 square feet.
  - (2) Structures built on single-family lots (i.e. single-family house, shed, garage).
  - (3) Detached one-story unenclosed structures.
- (b) For the purpose of this section, new construction shall mean construction of an entirely new detached structure. Additionally, new construction shall refer to any structure for which the scope of work permitted exceeds 50 percent of the net value of the existing structure, or for which the additional square footage is equal to or greater than the square footage of the existing structure for which the permit is issued.
- (c) Any addition(s) that cause an existing building to exceed 6,000 gross square feet shall cause said building to be protected throughout by an approved automatic sprinkler system in accordance with subsection (a) above.
  - (1) The builders, contractors, building owners or their agents shall submit the plans for proposed sprinkler systems to the City Fire Official for approval prior to installation.

- (2) Automatic sprinkler systems shall be provided with separate pumps when necessary. The pump shall be physically located in a separate building apart from the sprinklered structure or have at least a two (2) hour separation to protect the pump from a fire in the main building. A door shall be installed to the pump room to gain entrance from the outside.
- (3) There shall be no obstruction within ten (10) feet of the fire department connection to the automatic sprinkler system. All fire department connections shall be provided with a reflective sign approved by the Fire Department for ease of location.
- (4) All required fire sprinkler systems shall be rated and credited by the Insurance Services Office (ISO) as a sprinklered structure. A copy of the ISO rating and crediting shall be provided to the Fire Department within thirty (30) days of the rating.
- (5) Notification shall be given immediately to the Fire Department whenever any fire sprinkler or standpipe system is to be, or has been shut down or otherwise totally or partially inoperative, due to malfunction, maintenance, or repair, and when the system has been returned to operative condition. Additional notification shall be submitted in writing to the Fire Department within three (3) days, indicating the action taken and current status of the system. If a failure to provide any such notification or documentation results in an alarm, the false alarm fee shall be charged for the response regardless of the number of false alarms for that quarter.

**SECTION 8 - 21 FIRE HYDRANT LOCATION AND MARKERS**

- (a) *Hydrants on private property.* Hydrants placed on private property, located on City water mains shall become the property of the city after acceptance testing.
- (b) *Hydrants on private water systems.* Hydrants placed on private water systems within the city limits must be located, tested, and maintained as to Fire Department requirements such as, but not limited to, spacing, location, clearance, maintenance (visibility, lubrication, painting), and landscaping. Such testing and maintenance shall be performed annually unless specified by the Fire Department.
- (c) *Testing and painting.* The Fire Department may perform flow testing and painting of the hydrants on private water systems, after a hold harmless agreement has been signed and a fee of fifty dollars (\$50.00) per hydrant has been received by the City.
- (d) *Liability.* Neither the City nor its representatives shall hold any liability for failure to supply adequate water supplies for fire protection, including areas which are serviced by private water systems.
- (e) *Placement in relation to curb or paved road surface.* Hydrants are to be placed a maximum of nine (9) feet and a minimum of six (6) feet from the curb or paved road surface unless otherwise allowed by the Fire Department.
- (f) *Specification.* Hydrant specifications are to be approved as to, but not limited to size and number of outlets by the Fire Department.
- (g) *Placement in relation to pumper connection/grade level.* Hydrants are to be installed a minimum of eighteen (18) inches and a maximum of twenty-four (24) inches from the midline of the four and one-half (4 1/2) inch pumper connection, to the grade level below.
- (h) *Additional hydrants.* Additional hydrants may be required as designated by the Fire Department to meet determined water flow requirements for fire protection or increase fire protection effectiveness.

**SECTION 8 - 22 FIRE HYDRANT MARKERS**

- (a) A “fire hydrant marker” is a blue device visible during the daylight and reflective at night, which is to be approved by the Fire Department and permanently installed on the road surface.

- (b) All fire hydrants installed after the effective date of this chapter shall be required to have fire hydrant marker(s) installed or the fee for installation paid at the Fire Department before acceptance.
- (c) Hydrant markers are to be installed by the developer, owner, or contractor as follows:
  - (1) As may comply with the Department of Transportation regulations.
  - (2) Areas such as, but not limited to parking lots, loading areas, or storage yards shall have marker location designated by the Fire Department.
- (d) The City may provide fire hydrant markers or installation of markers, for a fee of forty-five dollars (\$45.00) per marker, at the request of the required party.

**SECTION 8 – 23 LOCK BOXES**

- (a) *Requirement.* To provide expedient access to a building that is serviced by a fire alarm or suppression system, lock-box installations shall be installed, in accordance with the Fire Department lock-box system.
- (b) *Location.* The lock-box shall be located, unless otherwise approved at or near the recognized public entrance (normal point of Fire Department access), adjacent to the fire alarm annunciator panel if provided, on the exterior of the structure.
- (c) *Electrical supervision.* The box may be electrically supervised, connected to an alarm control panel, if electrical supervision is provided, approved by the Fire Department and shall indicate no less than a trouble alarm when opened or tampered with.
- (d) *Contents.* The box shall contain the keys or entry code for, unless otherwise approved:
  - (1) The main entrance door
  - (2) The alarm room
  - (3) The mechanical room
  - (4) All other rooms as specified during the plan review or inspection.
- (e) *Applications.* Applications for lock-boxes may be obtained at the Fire Department Headquarters.

**SECTION 8 – 24 ENTRY TO BUILDINGS**

- (a) When notified or suspected of a possible fire or other possible emergency conditions inside of a building or occupancy, the Fire Department shall be authorized to enter the building or occupancy as best determined by the Fire Department personnel on the scene.
- (b) Notification or suspicion of a possible fire or other possible emergency condition may be evidenced by an alarm sounding or reported, visible conditions, or as otherwise notified.

**SECTION 8 – 25 STAIRWELL LABELING**

- (a) All multi-story buildings of three (3) stories and higher shall label the floor number on the stairs side of each door of any stairwell except when such door is within a single family occupancy apartment or residence.
- (b) Stairwells shall also have a sign on every floor stating “roof access” if roof access is available, or “no roof access” if roof access is not available.
- (c) Signs shall be of contrasting colors with a minimum of two (2) inch letters for “roof access/no roof access,” and for floor numbers.

**SECTION 8 - 26 EMERGENCY LIGHTING REQUIRED IN PUBLICLY OCCUPIED STRUCTURES**

Emergency lighting shall be provided in all publicly occupied structures when any area of the structure is subject to darkness due to power failure. The emergency lighting shall illuminate all means of egress as defined by NFPA 101 (i.e. corridors, doors, stairwells).

**SECTION 8 – 27** MINIMUM REQUIREMENTS FOR FIRE EXTINGUISHERS

All structures shall have a minimum of one, size 2A10BC fire extinguisher or larger, except for detached buildings of less than two hundred and ten (210) square feet, unless required by another portion of this code.

**SECTION 8 – 28** FIRE DEPARTMENT CONNECTION (FDC)

Every FDC for water-based fire protection systems shall be provided with locking caps of the type approved by the fire department. The owner/occupant of the building where such system is located shall be responsible for notifying the fire department when inspection, testing, or maintenance of any such fire protection equipment is performed. This section shall be applicable to both new and existing systems.

**SECTION 8 - 29** INSTALLATION OF FUMIGATION TENTS

It shall be unlawful to erect or install any fumigation tent or drape over property within the City of Mary Esther without first providing notice to the Fire Department.

**SECTION 8 – 30** GATED ACCESS COMMUNITIES OR PROPERTIES

Immediate access shall be provided to all gated properties. Access shall be obtained by the installation of Fire Department approved device(s).

**SECTION 8 – 31** EXCEEDING OCCUPANT LOAD OF BUILDING

It shall be unlawful for any owner, tenant or other person(s) in possession of a building to at any time knowingly allow the occupancy of a building to exceed the maximum limit established by the Fire Chief/Fire Marshal or Inspector.

**SECTION 8 – 32** IDENTIFICATION OF HAZARDS OF MATERIALS

- (a) NFPA 704 shall be complied with throughout the City as the standard system for the identification of hazards of materials for emergency response.
- (b) Owners, occupants or employers shall comply with this section and all other applicable hazardous materials regulations.

**ARTICLE II**

**COST RECOVERY**

**SECTION 8 – 33** ARSON FIRES

- (a) Any person, agency, or corporation admitting to or being found to have committed arson, or attempted arson, or conspiracy to commit arson shall be liable and charged with the total cost of the response, suppression, and investigation of the fire or attempt, and the administrative and collection cost including but not limited to the City's reasonable attorney's fees.
- (b) Cost shall be set forth as prescribed in section 8-22(c) for personnel, equipment, and apparatus hours.
- (c) Any additional cost incurred by the city shall also be charged.

**SECTION 8 - 34** REIMBURSEMENT FOR EXTRAORDINARY EXPENSES

- (a) *Definition.* An “extraordinary expense” shall be that expense, and those related costs and fees that are incurred by the City for any extraordinary services, including but not limited to the City’s actual cost of labor and materials associated with the use of any specialized extinguishing or abatement agent, chemical, neutralizer, or similar equipment or materials that are employed to extinguish, confine, neutralize, contain, or clean any hazardous material that is or may be involved in a fire, accidental spill, or the threat of any fire, accidental spill or leakage.
- (b) *Enumeration.* An “extraordinary service” is one performed by the City of Mary Esther Fire Department, Public Works Department, or any other City Department, that is in addition to or above the normal services provided by such departments. “Extraordinary Services”, may include, but not be limited to, the abatement and disposition of hazardous materials, spills or the threat of spills of toxic chemicals, utility line breaks or leakages, other imminent or perceived, or possible threats to the health, safety or welfare of city residents that may be detailed or contemplated in this section and those instances where a property owner has been previously warned about violations of the City Code that, in the judgment of the City Staff, are a particular threat to the health, safety or welfare of the city residents, and for which the owner (or owner’s agent or person in charge of the property), has neglected to comply or has refused compliance therewith.
- (c) *Collection of fees; what fees and costs encompass.* The City shall collect all fees. Fees and costs shall encompass all manpower and apparatus, materials, and maintenance expenses in such a form as to ensure for the City’s full reimbursement of charges for services actually rendered.
- (d) *Submission of related costs; billing by City.* Within thirty (30) days of the date of the extraordinary or dangerous occurrence giving rise to the extraordinary service, the affected departments shall submit its extraordinary service related costs, fees, charges, expenses, or any of these things, or all of these things in combination, to the City Manager/City Clerk for his/her review. At such time as all costs, fees, and so forth, related to extraordinary services have been collected and reviewed by the City Manager/City Clerk, but in any case not later than sixty (60) days from the date of the rendering of the extraordinary services, the City shall send a bill of consolidated costs, fees and so forth to the property owner, agent or manager, with a demand that full remittance be made within thirty (30) days of receipt of the bill.
- (e) *Inclusion of costs from other agencies.* In the event that the City is assessed any costs for services and/or clean up from local, state or federal agencies, the City Manager/City Clerk shall include any and all such costs or fees in the consolidated bill sent to the property owner.
- (f) *Placement of funds in appropriate accounts.* All monies received under the provisions of this section shall be placed in the appropriate accounts of the affected departments for the replacement or reimbursement of those actual costs or materials used that are necessary to furnish fire or other emergency or public safety services as approved by the City Manager.
- (g) *Enforcement of civil action.* The City may enforce the provisions of this section by civil actions in a court of competent jurisdiction for the collection of any amounts due hereunder, plus attorney’s fees or other relief that may be appropriate.
- (h) *Provisions do not authorize refusal or delay of municipal services.* Nothing in this section shall authorize any City department, staff members, or department personnel to refuse or delay any municipal emergency service to any person, firm, organization or corporation that has not reimbursed the City for a municipal service, or that owes the City for previous extraordinary services. Furthermore, nothing in this section shall be construed to demand reimbursement to the City for those municipal services that are normally provided to city residents and others as a matter of the City’s general procedures, and for which the levying of taxes or the demand for reimbursement is normally made.

**SECTION 8 – 35 FIRE SUPPRESSION COSTS RECOVERY**

When insurance coverage is provided for any building, structure, dwelling, vehicle, or other article which has been involved in a fire and incurred damage from fire, smoke, or fire extinguishment, the City shall file a claim with the insured to recover the cost of providing fire suppression response and other related services, up to the maximum allotment of the insured's insurance policy.

**SECTION 8 – 36 ACCIDENT COST RECOVERY**

When any vehicle, building, or other equipment has been involved in an accident and the Fire Department performs any service related to the accident, the City shall file a claim with the owner to recover the cost of providing the related services, if such related service cost has not been recovered by the City through another contract or agreement.

**SECTION III.**

This ordinance becomes effective upon adoption by the City Council and signature of the Mayor, according to law.

PASSED THE FIRST READING ON THE 7<sup>th</sup> DAY OF March, 2005.

PUBLISHED THE 25<sup>th</sup> DAY OF March, 2005.

PASSED THE SECOND READING ON THE 4<sup>th</sup> DAY OF April, 2005.

ADOPTED BY THE CITY COUNCIL OF MARY ESTHER, FLORIDA THIS

4<sup>th</sup> day of April, 2005.

\_\_\_\_\_  
John Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Laura Aldrich, City Clerk