

ORDINANCE NO. 661

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 11. FIRE PREVENTION AND PROTECTION. AT ARTICLE II. VILLAGE OF ROYAL PALM BEACH FIRE CODE. BY READOPTING AS PREVIOUSLY CODIFIED SECS.11-16. THROUGH 11-20. AND SECS. 11-22. THROUGH 11-35. TO PROVIDE FOR THE INCORPORATION BY REFERENCE OF THE STATEWIDE FIRE PREVENTION CODE ADOPTED BY THE FLORIDA LEGISLATURE KNOWN AS THE "FLORIDA FIRE PREVENTION CODE" AS THE FIRE CODE FOR THE VILLAGE OF ROYAL PALM BEACH ALONG WITH CERTAIN LOCAL AMENDMENTS IN ACCORDANCE WITH THE STATE STATUTES SUCH THAT THESE LOCAL AMENDMENTS MAY BE POSTED ON THE DESIGNATED STATEWIDE WEBSITE; FURTHER AMENDING CHAPTER 11. BY REPEALING SUB-SECTION. 11-21(a)(1). AND READOPTING IT ALONG WITH THE REMAINING PORTIONS OF SEC.11-21. SPRINKLERS. AS CODIFIED TO PROVIDE FOR AN AMENDMENT TO THE PREVIOUSLY ADOPTED SPRINKLER REQUIREMENTS FOR "PLACES OF ASSEMBLY" AND FOR THE INCLUSION OF OTHER LOCAL AMENDMENTS TO THE SPRINKLER REQUIREMENTS OF THE FLORIDA FIRE PREVENTION CODE; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 11. FIRE PREVENTION AND PROTECTION. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Florida legislature has adopted a statewide Fire Prevention Code which took effect on January 1, 2002 known as the "Florida Fire Prevention Code" which incorporates by reference the Life Safety Code, Pamphlet 101, current editions; and

WHEREAS, all local governments must follow the rules and regulations as promulgated in that statewide Florida Fire Prevention Code, but may adopt, by ordinance, local administrative or technical amendments to the Florida Fire Prevention Code under certain circumstances; and

WHEREAS, any local technical amendment to the Florida Fire Prevention Code must strengthen the requirements of the minimum fire safety code and shall be effective only until the adoption of the Florida Fire Prevention Code or until the next triennial review and adoption of the Florida Fire Prevention Code which takes place every third year; and

WHEREAS, local technical amendments to the Florida Fire Prevention Code are published on-line at the Department of Financial Services website along with the Florida Fire Prevention Code,

are deemed local variations of the statewide code and are rescinded every third year unless readopted by the municipality or incorporated as a statewide regulation by the Fire Marshall; and

WHEREAS, the Village of Royal Palm Beach adopted certain administrative and technical fire code regulations in December, 2001 with the understanding that such regulations would be incorporated into the Florida Fire Prevention Code unless affirmatively rescinded by the State Fire Marshall, but such amendments have not been included as local amendments to the statewide Fire Prevention Code on the appropriate website, and thus, are deemed not to be in effect by the State Fire Marshall; and

WHEREAS, the Village Council of the Village of Royal Palm Beach desires to modify or to readopt verbatim certain amendments and/or supplements to implement the Florida Fire Prevention Code as provided for in the state statutes such that the Village's local fire code variations will be published on the statewide website as local amendments of the Florida Fire Prevention Code in order to best provide for the health, safety and welfare of the citizens of the Village of Royal Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 11. Fire Prevention and Protection. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article II. Village of Royal Palm Beach Fire Code. by readopting as Secs. 11-16 through 11-20. as previously adopted and codified; providing that Secs. 11-16. through 11-20. shall hereafter read as follows:

Sec. 11-16. Florida Fire Prevention Code Incorporated by reference.

(a) The Florida Fire Prevention Code, including the Life Safety Code, Pamphlet 101, by reference, as adopted by the State Fire Marshal and the state legislature pursuant to Secs. 633.0215 and 633.025, *Florida Statutes*, is hereby incorporated by reference as the fire prevention and life safety code for the Village of Royal Palm Beach. The Florida Fire Prevention Code as amended by local amendments may be hereinafter referred to as *this Code* or the *Fire Prevention Code*. The local amendments to this Code are set forth at Secs. 11-19. C 11-24. set forth herein.

(b) Not less than one (1) copy of the current edition of the Florida Fire Prevention Code specifically referenced above shall be on file at the office of the Fire Department. The provisions of

this Code shall be controlling within the Village of Royal Palm Beach, save and except those portions such as are hereinafter deleted, modified, or amended by other sections of this Chapter.

Sec. 11-17. Intent.

The intent of this Code is to provide for the prevention of fire and explosion through the regulation of conditions which cause fire or explosion and panic of persons resulting therefrom.

Sec. 11-18. Application.

(a) The provisions of the Fire Prevention Code shall apply equally to both public and private property and shall apply to all structures and their occupancies except as otherwise specified in subsection (b) hereinbelow or otherwise in this chapter.

(b) All Village-owned property shall be exempt from all fire inspection fees, permit fees, false alarm fee, and building code/fire code fees.

All other lands and buildings within the Village shall be subject to such fees as are necessary to implement the fire code and adopted by resolution of the Village Council as may be amended from time to time.

Sec. 11-19. Alternatives to Code requirements; Appeals to the Fire Code Board of Adjustment and Appeals:

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

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

(c) *Fire Code Board of Adjustment and Appeals created; Appeals procedures.* There

shall be established a board to be called the Fire Code Board of Adjustment and Appeals (the ABoard@). The members of the Village of Royal Palm Beach Building Board of Adjustment and Appeals established pursuant Section 108 of the Florida Building Code and found at Sec. 6-22. of the Village Code of Ordinances, shall also sit as the AFire Code Board of Adjustment and Appeals@. The Board may establish its own rules and regulations and a simple majority shall constitute a quorum.

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

Sec. 11-20. Permits.

(a) A permit shall be predicated upon compliance with the requirements of this Code and shall constitute a written authority issued by the fire marshal to maintain, store, use or handle materials or to conduct processes which could produce, unless controlled, conditions hazardous to life or property or to install equipment used in connection with such activities.

(b) Any permit issued under this Code shall not take the place of any other license or permit required by other codes or laws of this jurisdiction.

(c) A permit issued under this Code shall continue until revoked or for a period of time designated therein at the time of the issuance of the permit. The permit shall be issued to one person or business only and for the condition or purpose described in the permit. Any change which affects any of the conditions of the permit shall require a new permit.

(d) The fire marshal may grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit within the required time period of the permit.

(e) A permit shall be required to conduct the following operations or to store, handle or use those hazardous materials which are considered to present an extra or unusual fire hazard to life or property:

Bonfires and outdoor fire for land clearing.

Combustible dust producing operations.

Compressed and liquified gases.

Explosive materials.

Flammable and combustible liquids.

Flammable finishing.

Fireworks.

Proxylin plastics (cellulose nitrate).

Welding, cutting and other hot work.

Section 2: Chapter 11. Fire Prevention and Protection. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article II. Village of Royal Palm Beach Fire Code. by repealing Sub-Section. 11-21(a)(1). and readopting it with modifications along with the readoption of the remaining portions of 11-21. Sprinklers. through Sec. 11-35. as previously

codified; providing that Sections 11-21. through 11-35. shall hereafter read as follows:

Sec. 11-21. Sprinklers.

(a) A complete approved automatic sprinkler system which complies with the provisions prescribed in standards as established by the National Fire Protection Association adopted by the State Fire Marshall shall be installed in all building structures with the following occupational usages as defined in the Florida Building Code, governed by the following provisions which are equal to or more stringent than those provisions set forth in the Florida Fire Prevention Code:

- (1) *Places of assembly* - Seating capacity of ~~one hundred fifty (150)~~ two hundred (200) or more persons, or over one (1) story in height.
- (2) *Places of worship* - Seating capacity of four hundred seventy-five (475) or more persons, or over one story in height; a balcony with a capacity of seventy-five (75) or more persons shall be considered a second floor.
- (3) *Office buildings* - Three (3) or more stories or over thirty (30) feet in height or over ten thousand (10,000) square feet per floor.
- (4) *Educational* - In accordance with NFPA 101.
- (5) *Institutional* - Entire structure, provided that certain areas of the structure may be exempted or alternate systems may be substituted with approval of the Fire Marshall. Such exemptions or permitted alternative systems shall be based upon the number of occupants usually within the exempted area, consideration of the normal use of the area, and the type of equipment and/or materials to be utilized therein.
- (6) *Penal* - Automatic system in administrative areas and manual system in custodial areas.
- (7) *Mercantile* - Seven thousand five hundred (7,500) square feet or more.
- (8) *Hotels/Motels* - Structures with square footages exceeding the following standards:

S.B.C Types 1 & II	S.B.C. Type III	S.B.C. Type IV 1-hour Unprtd	S.B.C. Type V 1-hour Unprtd	S.B.C. Type VI 1-hour Unprtd
<u>25,500</u>	<u>25,500</u>	<u>21,000</u> <u>17,000</u>	<u>21,000</u> <u>14,000</u>	<u>10,000</u> <u>7,500</u>

- (9) *Residential* - Apartment (non-transient) including condominiums which are three (3)

stories or more in height or over thirty (30) feet in height.

- (10) *Storage* - Over seven thousand five hundred (7,500) square feet or over twelve (12) feet in height.
- (11) *Mini-storage* - Entire structure.
- (12) *Marina, inside board storage* - Entire structure.
- (13) *Underground parking* - Entire structure.
- (14) *Combined occupancies* - The more stringent requirements shall apply.

(b) All fire alarm systems shall have protective signaling supervision and shall conform to the appropriate NFPA codes. Supervision shall include, but not limited to, sprinkler flow, valve tamper, system trouble, pull station activation, and smoke detection. The system shall be electronically connected through an approved central station facility.

(c) A maintenance contract. As required in NFPA 72-C shall be made available to the fire inspector at the time that certificate of occupancy is issued and upon demand during periodic inspection.

Sec. 11-22. Storage.

The storage of motorcycles, motorized bicycles, mopeds, lawn mowers, or any other gasoline powered equipment or the fuel for the above is prohibited in multifamily residences.

Exception: A ground floor room not connected to or a part of any exit path and which is protected with a four-hour enclosure, or two-hour enclosure with a fire suppression system, is permissible.

Sec. 11-23. Propane storage.

All propane storage tanks in excess of one hundred (100) gallons capacity shall be installed underground. A maximum of two (2) above ground tanks of lesser capacity may be used.

Sec. 11-24. Stoves or open cooking devices.

No charcoal burners, portable stoves, barbecues, smokers or any other type of cooking devices shall be kindled or maintained on combustible balconies or within ten (10) feet of combustible patios on ground floors.

Secs. 11-25. c 11-35. Reserved.

Section 3: Each and every other section and sub-section of Chapter 11. Fire Prevention and Protection. shall remain the same as previously adopted.

Section 4: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 5: 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 of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance enacting amendments to the Florida Fire Prevention Code shall be transmitted to the State Fire Marshall and the Florida Building Commission after adoption.

Section 8: This Ordinance shall take effect immediately upon passage.

FIRST READING this 20th day of March, 2003.

SECOND AND FINAL READING this 3rd day of April, 2003.

VILLAGE OF ROYAL PALM BEACH

DAVID A. LODWICK, MAYOR

ATTEST:

(SEAL)

MARY ANNE GOULD, VILLAGE CLERK