ORDINANCE NO. 18-008

AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA, DELETING THE CURRENT CHAPTER 9, "FIRE PROTECTION AND PREVENTION" IN ITS ENTIRETY AND CREATING A NEW CHAPTER 9, "FIRE PROTECTION AND PREVENTION"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Florida Fire Prevention Code is revised every three (3) years; and

WHEREAS, pursuant to Florida Statutes, local government is required to ensure that they are consistent with the latest edition of the Florida Fire Prevention Code.

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Chapter 9 entitled “Fire Protection and Prevention” of the Code of Ordinances is hereby deleted in its entirety.

Section 3. A new Chapter 9 entitled “Fire Protection and Prevention” of the Code of Ordinances is hereby created to read as follows:

ARTICLE I. GENERAL

Sec. 9-1. Boynton Beach Fire Code; Fire Codes Adopted

The Florida Fire Prevention Code, the NFPA 1 Fire Prevention Code, 2015 edition, the NFPA 101 Life Safety Code, 2015 edition, and any subsequent additions adopted by state statute, are adopted as the fire prevention code of the city. These standards and codes are hereby adopted and incorporated as fully as if set out at length in this section. Not less than one copy of the adopted issue of the NFPA Fire Prevention Code, 2015 edition, the NFPA 101 Life Safety Code, 2015 edition, and any subsequent additions adopted by state statute shall be filed in the office of the city clerk and the provisions thereof shall be controlling within the limits of the city and within any municipality which has entered into an interlocal agreement or contract for services from Boynton Beach Fire Rescue unless otherwise provided for.
Sec. 9-2. Enforcement Authority

1. All regulations issued by the State Fire Marshal under authority of F.S. Ch. 633, shall be enforceable by the Fire Chief and the Fire Marshal, or designee. The Fire Marshal is hereby authorized to perform within the city any duties that may be imposed upon by such law, or in accordance therewith, and to have such assistance, as needed, from other officials of the city in the discharge of such duties.

2. Periodic fire safety inspections.

A. The Florida Fire Prevention Code and the Florida Statute provides that each municipality, county, and special district with fire safety responsibilities is required to enforce the Florida Fire Prevention Code. Such enforcement requires inspections of each new structure or buildings whose occupancy type as defined by the state statute and the Florida fire prevention Code. Fire safety annual inspections shall be conducted on each existing structure or building as defined by the State Statute 633 and the Florida fire prevention Code as adopted by the state Fire Marshal.

B. No such building shall be occupied without the required fire safety inspection. The frequency of the inspections shall be annually or as otherwise determined by the Fire Marshal. A building occupied in violation of this section is subject to a fine of five hundred dollars ($500.00) per day. Each day constitutes a separate and continuing offense. The city may enforce this provision of the Code by action before the Code Enforcement Board, by notice to appear for violation of a municipal ordinance, or by action for injunctive relief. The fines provided herein are in addition to the penalties authorized by F.S. § 205.053.

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

D. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three (3) years and shall be provided to the fire district through a third-party inspection reporting system,
Sec. 9-3. Examination of Building Permits

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

2. No building that requires a Certificate of Occupancy (CO) from the Building Official shall be occupied for any purpose until a Fire Department Fire Final Has been approved.

3. Nothing in this section shall apply to single-family or duplex residential units. Exception: Fire sprinkler systems, generators, or gas installations.

4. When work for which a permit is required by this chapter is started prior to issuance of a permit, the fees herein specified shall be four times the original fee.

5. The payment of such fees shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work, nor from any other penalties prescribed herein.

Sec. 9-4. Penalty for Violations

1. Failure to comply with any provisions of this chapter shall be deemed a violation.

2. Any person or entity violating any provision of this chapter shall be punishable as provided in the Florida Fire Prevention Code, section 1-16 of NFPA 1 and as provided in the City Of Boynton Beach Code of Ordinances.

3. The application of a penalty for violation of this chapter shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE II. FIRE ALARMS AND AUTOMATIC FIRE EXTINGUISHING SYSTEMS

Sec. 9-5. Automatic Fire Protection Systems

Existing building or structure, for purposes of this section, means a building or structure for which an application for building permits is sought after the date of the adoption of this chapter.
I. All automatic fire protection systems (i.e. sprinkler, standpipe, fire pump systems and other suppression systems) shall be maintained under a written service contract with service companies licensed by the State of Florida to provide such services and which possess a current business tax receipt for the city, providing for regular maintenance and testing of the systems in accordance with all applicable codes and standards.

A. The service company performing the maintenance and tests shall forward a written report to the Fire and Life Safety Division indicating the nature of any repairs, modifications and/or corrections completed by the service company, the date and time of such tests and inspections, and any other information which may be required by the Fire Rescue Department. In addition, a copy of the service report must be maintained on the premises, and it shall be subject to inspection at any time.

B. All fire alarm signal systems, automatic extinguishing and/or detection systems shall be provided with an approved annunciator panel designed to indicate the floor number and the section of the building reporting a fire alarm or fire condition. Each alarm-initiating device shall indicate an individual location on such annunciator. The alarm initiating device shall indicate its individual location to the monitoring central station. The annunciator shall respond to either manual or automatic devices, and all devices within the system shall be connected to the annunciator. The location of the annunciator panel shall be designated by the Fire and Life Safety Division, and it shall be so located as to be immediately available to the Fire Rescue Services Department at all times. In a complex with multiple buildings, each building shall have its own transmitter for alarm signal disposition to the central station.

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

D. Approved automatic fire sprinkler systems as hereinafter defined shall be installed throughout the following buildings and structures:

   Buildings of an institutional or educational character, hospitals, nursing homes, homes for the aged, convalescent centers, rehabilitation facilities, day care centers for more than twelve (12) clients under one (1) year of age, adult congregate living facilities, and all occupancies and uses of similar nature to those herein stated, without regard to the type of construction or height of the building involved.
2. An approved audible and visual waterfall alarm (horn/strobe) shall be provided on
the exterior of the building in an approved location, facing the street front of the
building.

3. A weatherproof horn/strobe or speaker/strobe shall be installed directly above the key
box at a height easily seen upon approach to the area.

Sec. 9-6. - Fire Alarm System Certification Requirements

1. The applicant for a required fire alarm installation permit shall submit to fire rescue
services department plan review, along with the permit application, documentation
listing the NRTL central station for the alarm system, and provide documentation of
the Nationally Recognized Testing Laboratory (NRTL) certification at time of
acceptance testing of the fire alarm system or added components.

2. The applicant must demonstrate that the fire alarm monitoring will be performed by
a NRTL certificated central station.

3. All required NRTL certificated fire alarm systems must maintain NRTL compliance
and NRTL monitoring.

Sec. 9-7. - False Alarm Signal Service Charge; Collection.

1. For response to excessive false alarm signals by the Fire Rescue Department, the
alarm user shall be charged a service fee by the city as established by resolution of the
City Commission and on file in the City Clerk’s office for the first false alarm signal
in excess of three false alarm signals in any 12-month period, a service fee as
established by resolution of the city commission for the second false alarm signal in
excess of three in any in any 12-month period, and a service fee as established by
resolution of the City Commission for the third and each successive false alarm signal
in excess of three in any 12-month period. The provisions of this section shall not
apply for a period of three months from the date a permit is issued by the city for the
installation of an automatic fire detection system. The Fire Marshal shall determine
whether a false alarm signal has been transmitted and the frequency of such false
alarm signals, and the city shall notify alarm users of amount owed to the city and
shall make demand thereof pursuant to the provisions of this section.

2. False alarms could also be defined as excessive public assist calls wherein no
medical services are provided.
Sec. 9-8. - Alarm Registration.

All required fire alarm systems must comply with the requirements of chapter 2.5, Code of Ordinances.


1. In accordance with NFPA 24 (2013) Section 5.1.1, design of water based suppression systems that are not supplied by fire pumps, shall be based on drought conditions (45 psi static per the Utilities Department).

2. New construction projects must provide the results of a hydrant flow test performed by the Fire Rescue Department, indicating a fire flow not less than 1500 gpm @ 20 psi above domestic use. This applies to new or existing hydrants within the required 200 feet of the facility.

3. The required fire flow for hydrants protecting high-rise buildings shall be 3000 gpm @ 20 psi above domestic use.

4. Hydrants not in service (no water available) shall be covered with a black plastic bag so as not to be mistaken for active hydrants available for fire suppression.

5. Water meters are prohibited on fire sprinkler supply lines.

Sec. 9-10. Fire Hydrants and Fire Department Connections

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

2. Reflective red markers shall be placed to indicate the location of fire department connections to a sprinkler or standpipe system.

3. Fire hydrants shall be painted red in accordance with specifications approved by the Fire Chief.

4. A fire hydrant shall be located within one hundred (100) feet of the fire department connection, along access roadways with all-weather driving surfaces, distance measured as the fire truck travels.

ARTICLE III. FIRE CODES

Sec. 9-11. Open Fires

1. **Defined.** Open Fires are defined as any outdoor fire or open combustion of material except barbecuing. Charcoal and propane fires, which are contained within a
manufactured hibachi, grill, smoker or gas grill for food preparation, do not constitute open burning.

2. **Prohibited generally.** It shall be unlawful to have any open fires within the city limits on public or private property, except for fire training purposes or recreational or ceremonial occasions for which written permits from the Fire Rescue Department are required.

Sec. 9-12. Roadway Security Gates and Emergency Access

1. All security gates across roadways used by emergency response vehicles must be provided with an authorized key box or key switch to operate the gate in addition to any other devices specified by the Fire Chief. Information on where authorized key security boxes can be obtained is available from the Fire and Life Safety Division.

2. In case of power failure, any electronic gate shall open automatically and remain open until power is restored.

3. In the event that emergency personnel are unable to gain rapid entry with the methods above, forcible entry methods to gain entry may be used. The city and/or the Fire Rescue Department shall not be responsible for, nor incur any costs as a result of gaining access to a specific area.

4. Trees with branches over areas accessible to fire apparatus must maintain sixteen (16) feet of vertical clearance. Vegetation shall not intrude into the roadway such that would limit the free passage of emergency vehicles.

Sec. 9-13. Key Boxes/Entry Systems

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

1. Keys to locked points of egress, whether in common areas or on the interior or exterior of such buildings;

2. Keys to locked mechanical equipment rooms;

3. Keys to fire alarm control panels;

4. Keys to suppression system components;
5. Keys to locked electrical rooms;
6. Keys to elevator controls; and
7. Keys to other areas where fire rescue personnel may need emergency access as
directed by the Fire Marshal. The Fire Marshal shall approve the location of the lock
box.

Sec. 9-14. Control of Automatic Elevators; Emergency Use

1. Emergency auxiliary power required.

   A. Emergency auxiliary electrical power shall be provided for all elevators
      equipped with the key switch service for fire rescue services department
      personnel. The auxiliary power supply shall be capable of supplying power to
      the elevators for a period of at least 24 hours. The auxiliary power supply
      shall be approved by the fire rescue services department.

   B. Emergency auxiliary power shall remain on for the car in use by firefighters
      regardless of selection switch devices, which may also be installed to rotate
      emergency power to other cars in the building.

   C. No more than 10 seconds shall be required for the auxiliary power to be in
      full operation and the operation of the emergency power supply shall
      automatically transfer to the firefighters' service car.

   D. A maintenance schedule shall be maintained in the generator equipment room
      to record all tests and operation of such auxiliary power equipment. The
      records shall be posted and available to the fire rescue services department at
      all times.

   E. All auxiliary power equipment and automatic transfer apparatus shall be
      tested weekly.

   F. For all buildings, which are designed and constructed having separate towers,
      each tower shall be treated as though it were a separate building.

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

3. Emergency use elevator to be identified
4. A standard emergency access door key shall be provided for all elevators in the city.

Sec. 9-15. Fireworks

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

2. The Fire Marshal may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by the city, fair associations, civic groups, and other organizations or groups of individuals. Prior to any outdoor use of fireworks, pyrotechnic special effects, flame effects, or any other item listed in subsection (a) or (b) of this section, a permit shall be obtained from the City Manager, or designee, after submission of an application for such permit and payment of an application fee. Such outdoor use shall be in accordance with NFPA Code 1123 and NFPA Code 1124. The City Manager, or designee, may include such conditions in such permit as deemed necessary to ensure compliance with all applicable requirements and protect the public health, welfare and safety, including but not limited to payment of inspection fees. No permit granted hereunder shall be transferable.

3. Before the issuance of a permit for a display of fireworks, the applicant shall furnish proof of financial responsibility, in the form of liability insurance with a minimum of $1,000,000.00 coverage for each occurrence to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the applicant or any agent or employee thereof, in such amount, character and form as the Fire Marshal determines to be necessary for the protection of the public.

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

5. During times of water shortages or water shortage emergencies, as determined by the South Florida Water Management District and/or the city and defined in Chapter 40E-21, Florida Administrative Code, as it may be amended from time to time; the possession, use or sale of consumer fireworks, including sparklers as defined in F.S. § 791.01(8), is prohibited within the city limits without a permit as discussed above.

9-16. Fees for Fire Code Inspections and Other Fire Code Inspection-Related Services

Fees shall be charged to the user/consumer for new construction permits, inspections and yearly fire prevention code inspections and re-inspections performed on structures or...
buildings by the Fire Rescue Department as set forth in a resolution adopted by the city commission. Fees for other fire code inspection-related services, including, but not limited to, fire pump tests, hydrant tests, and preliminary plans review, shall be charged to the user/consumer as set forth in a resolution adopted by the city commission.

Sec. 9-17. Requirements for High-Rise Buildings

1. The following life safety features shall be provided and maintained in working order by the property owner in accordance with approved plans and specifications and shall be tested, certified and proved to be in proper working condition at the owner's cost to the satisfaction of the Fire Marshal before issuance of the Certificate of Compliance.

   a. Equipment storage rooms. Equipment rooms or areas as described in the Fire Department Design Guide, for purpose of storing equipment for Fire Department use shall be provided.

Sec. 9-18. – Public Safety Radio Communication System

In all new buildings, minimum radio signal strength for public radio signals shall be required within the building. In buildings that cause reduction of public safety radio signals below the acceptable level for reliable communications, a bi-directional amplifier (BDA) shall be required. In buildings where phone jacks are required as part of an alarm system, a BDA shall be installed and maintained by the building owner, in lieu of the phone jacks. Installation and signal strength shall be the minimum requirements per NFPA 1, Annex O (In-Building Public Safety Radio Enhancement Systems) or NFPA 72 edition, or as specified by the AHJ.

ARTICLE IV. FIRE AND LIFE SAFETY DIVISION

Sec. 9-19 Inspection complaint; Order to Remedy Danger; Evacuation of Occupied Buildings or Structures

1. The Chief of the Fire Rescue Services Department, the Fire Marshal, or Fire Inspector of the Fire and Life Safety Division may order the immediate cessation of any activity, operation or process, when such operation, activity, or process is deemed to constitute a severe and immediate hazard to persons or property.

2. It is unlawful for any person who, after being served with either a verbal or written order to cease such severe and immediate hazardous activity, operation or process, to fail or refuse to comply with such an order.

3. The Fire Marshal, or designee may order the immediate evacuation of any occupied building or structure or assembly area when such building, structure or assembly
area is deemed hazardous due to fire hazard, obstruction to exits, overcrowding of
the premises, or any other hazard or potential which presents immediate danger to
the occupants. The premises or any portion thereof may not be reoccupied until it
has been examined and deemed free of the hazard or potential which caused the
evacuation to be ordered. Persons refusing to obey either a verbal or written order of
the Fire Marshal or designee shall be subject to immediate arrest.

Sec. 9-20. - Authority to Require Employment of Standby Emergency Services
Personnel for Events Held Within the City

1. The Fire Marshal or designee is hereby authorized to require the employment of one
or more standby city emergency services personnel, by any owner, lessee, agent or
promoter, when in the Fire Marshal’s opinion it is essential that such personnel be on
duty in any place of public assembly or any other place where people congregate.
The determination that standby emergency services personnel are required shall be
based upon the number of persons in attendance and the nature of the performance,
exhibition, display, contest, event or activity. While so employed, such personnel
shall be subject to the fire chief’s orders at all times and shall be in uniform and
remain on duty during the times such places or events are open to the public, or
when the activity is being conducted. Paramedics or EMTs shall not be required or
permitted, while on duty, to perform any other duties than those specified in this
article.

2. Standby emergency services shall be provided exclusively through the City Fire
Rescue Department. The Fire Rescue Department is authorized to charge for services
rendered under this section, based upon the fire rescue department’s cost to provide
the required level of emergency services including, any administrative expenses. The
Fire Chief may reduce or waive fees if deemed appropriate.

Sec. 9-21. Definitions; Authority and Responsibility; Cost Recovery for Special

1. For the purpose of this section, the following words and phrases shall have the
meanings given herein:

A. Costs. Those necessary and reasonable costs incurred by the city in connection
with investigating, mitigating, minimizing, removing or abating discharges of
hazardous substances, or in connection with costs incurred by any activity of
the special or tactical operations unit including but not limited to actual labor
costs of city personnel or its authorized agents; costs of equipment operation
and rental; costs of expendable items, including but not limited to firefighting
foam, chemical extinguishing agents, absorbent material, sand, recovery
drums, acid suits, acid gloves, goggles and protective clothing.
B. Discharge. Any intentional or unintentional action or omission resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance upon public or private property located within the corporate limits of the city.

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

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

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

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

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

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

7. The remedy provided for in this section shall be supplemental to and in addition to all other available remedies by law and equity.
Secs. 9-22—9-120. Reserved.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. This Ordinance shall become effective on passage. 7/18/2018

FIRST READING this 1st day of May, 2018.

SECOND, FINAL READING AND PASSAGE this 1st day of May, 2018.

CITY OF BOYNTON BEACH, FLORIDA

Mayor – Steven B. Grant      YES ☑️      NO ☐

Vice Mayor – Christina L. Romelus ☐

Commissioner – Mack McCray ☐

Commissioner – Justin Katz ☐

Commissioner – Joe Casello ☐

VOTE 5-0

ATTEST:

Judith A. Pyle, CMC
City Clerk

(Corporate Seal)