

ORDINANCE NO. 1356

**AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, REPEALING CHAPTER 8 OF THE CITY OF TEMPLE TERRACE CODE OF ORDINANCES ENTITLED "BUILDINGS AND FIRE PREVENTION" IN ITS ENTIRETY AND CREATING A NEW CHAPTER 8 ENTITLED "BUILDINGS AND FIRE PREVENTION" AS FOLLOWS: REPEALING ARTICLE I "IN GENERAL" IN ITS ENTIRETY; CREATING ARTICLE I "IN GENERAL"; REPEALING ARTICLE II "CONSTRUCTION CODE" IN ITS ENTIRETY; CREATING ARTICLE II "CONSTRUCTION CODE"; REPEALING ARTICLE III "FIRE PREVENTION CODE" IN ITS ENTIRETY; CREATING ARTICLE III "FIRE PREVENTION CODE"; REPEALING ARTICLE IV "HOUSING CODE" IN ITS ENTIRETY; CREATING ARTICLE IV "HOUSING CODE"; REPEALING ARTICLE V "COMMERCIAL PROPERTY MAINTENANCE" IN ITS ENTIRETY; CREATING ARTICLE V "COMMERCIAL PROPERTY MAINTENANCE"; CREATING ARTICLE VI "UNSAFE STRUCTURES"; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**WHEREAS**, Chapter 8 of the City of Temple Terrace Code of Ordinances ("Code") establishes regulations with respect to the construction, maintenance and condemnation of commercial and residential structures and property, fire prevention and fire safety, and rental housing regulations; and

**WHEREAS**, after due consideration, the Mayor and City Council of the City of Temple Terrace, Florida, have determined that it is in the best interest of the health, safety, and welfare of the citizens of the City of Temple Terrace, consistent with the authority of and limitations on the City pursuant to the Florida Constitution and Florida Statutes, to comprehensively amend regulations relating to the construction, maintenance and condemnation of commercial and residential structures and property, fire prevention and fire safety, and rental housing regulations by repealing and replace Chapter 8 of the City's Code of Ordinances, entitled "Buildings and Fire Safety" in its entirety, inclusive of Article I "In General", Article II "Construction Code", Article III "Fire Prevention Code", Article IV "Housing Code" and Article V "Commercial Property Maintenance" and enacting a new Chapter 8, entitled "Buildings and Fire Prevention" to be comprised of Article I "In General", Article II "Construction Code", Article III "Fire Prevention Code", Article IV "Housing Code", Article V "Commercial Property Maintenance" and Article VI "Unsafe Structures"; and

**WHEREAS**, Chapter 8, as attached hereto as Exhibit "A" and incorporated herein by reference, entitled "Buildings and Fire Prevention" applies definitions uniformly throughout Chapter 8, clarifies regulations relating to the City's construction code and fire prevention code, expands the authority of the City's Building Official with respect to condemnation of structures, eliminates the authority of the City's Housing Official with respect to condemnation of structures, and establishes uniform procedures with respect to the enforcement of applicable regulations and condemnation of structures, including the authority of a condemnation appeals special magistrate to act in lieu of a condemnation appeals board; and

WHEREAS, at a regularly scheduled meeting of the City Council held on April 1, 2014 this ordinance was read by title only, and following the giving of notice as required by law at a regularly scheduled meeting of the City Council held on April 15, 2014, a public hearing was held and second reading of this occurred, by title only.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE TERRACE FLORIDA:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are incorporated herein and made a specific part of this Ordinance upon adoption hereof.

**Section 2.** Chapter 8 of the City of Temple Terrace Code of Ordinances entitled "Buildings and Fire Prevention" inclusive of Article I "In General" (Sections 8-1 through 8-20), Article II "Construction Code" (Sections 8-21 through 8-52), Article III "Fire Prevention Code" (Sections 8-53 through 8-89), Article IV "Housing Code" (Sections 8-90 through 8-132) and Article V "Commercial Property Maintenance" (Sections 8-133 through 8-157) is hereby repealed in its entirety and shall be replaced with Chapter 8 entitled "Buildings and Fire Prevention" inclusive of Article I "In General", Article II "Construction Code", Article III "Fire Prevention Code", Article IV "Housing Code", Article V "Commercial Property Maintenance", and Article VI "Unsafe Structures" as set forth in Exhibit "A" attached hereto and incorporated by reference as if fully set forth herein.

**Section 3.** If any part of this Ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts hereof shall continue to be in full force and effect.

**Section 4.** The provisions of this Ordinance shall become and be made a part of the Temple Terrace Code, and the sections of this Ordinance may be renumbered to accomplish this end.

**Section 5.** All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6.** This ordinance shall take effect immediately upon its becoming a law.

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA, THIS 15th DAY OF APRIL, 2014.**

**APPROVED BY THE MAYOR THIS 15th DAY OF APRIL, 2014.**


(CORPORATE SEAL)

  
FRANK M. CHILLURA, MAYOR

**ATTEST:**

  
**CHERYL A. MOONEY**  
**CITY CLERK**

**APPROVED AS TO FORM & CONTENT:**

  
**MARK CONNOLLY**  
**CITY ATTORNEY**

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Sec. 8-53. Penalty.

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Secs. 8-59—8-89. Reserved.

**Sec. 8-53. Penalty.**

Except as otherwise provided, violations of the article are punishable as provided in chapter 1, article II of this Code. In addition, the city may institute any other remedies and appropriate action to restrain, correct, or abate violations of this article which shall include, but not be limited to, temporary safeguards and/or condemnation.

(Ord. No. 1356, § 2, 4-15-2014)

**Sec. 8-54. Purpose; short title.**

- (a) This article is hereby adopted to provide the city with rules and regulations to improve public safety by promoting the control of fire hazards and other emergencies; providing emergency medical services; maintaining a fire prevention program; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for fire code enforcement; and setting forth the standards for compliance and achievement of these objectives.
- (b) This article shall be known and may be cited as the "City of Temple Terrace Fire Protection and Prevention Code."

(Ord. No. 1356, § 2, 4-15-2014)

**Sec. 8-55. Administration.**

(a) *Generally.*

- (1) The chief of the fire department shall have charge and control of the fire department, firefighting personnel, fire equipment and apparatus of the city. The chief shall order and superintend the work of such company, and shall make recommendations from time to time as the chief deems appropriate for the better and more adequate protection of the city. In the absence or disability of the chief of the fire department, the assistant fire chief shall have charge and control of the fire department to the same extent as that of the chief.
- (2) All regulations issued by the state fire marshal shall be enforceable by the chief of the fire department. The chief of the fire department is hereby authorized to perform within the city any

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duties that may be imposed upon the city by such law and regulations, or in accordance therewith, and to have such assistance as the chief may find necessary from other officials of the city in the discharge of such duties.

- (3) The chief of the fire department is hereby appointed by the city manager or designee to act as the fire marshal for the city.
  - (4) Whenever the term "chief of the fire department" is used in this article, it shall be construed to mean the chief of the fire department or designated representative.
- (b) *Evacuation of occupied buildings or structures.* The chief of the fire department shall 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 of exits, overcrowding of the premises, or any other hazard or potential hazard 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 hazard which caused the evacuation to be ordered. Persons refusing to obey either a verbal or written order from the chief of the fire department may be subject to arrest.
- (c) *Preventing or obstructing extinguishment of fire.*
- (1) Any person who willfully and maliciously injures, destroys, removes, or in any manner interferes with the use of any vehicles, tools, equipment, water supplies, hydrants, towers, buildings, communication facilities, or other instruments or facilities used in the detection, reporting, suppression, or extinguishment of fire shall be guilty of a felony of the third degree.
  - (2) Any persons who willfully or unreasonably interferes with, hinders, assaults, or attempts to interfere with any firefighter in the performance of duty shall be guilty of a felony in the third degree.
- (d) *Cease and desist order or stop work order.* Whenever the violation of any provision of this article presents an immediate danger to life, or when any new construction or existing building is occupied in whole or in part in violation of the provisions of this code, or when any fire, explosion or other such disaster occurs and presents an immediate danger to life, the chief of the fire department shall immediately post a cease and desist order or a stop work order on the premises and shall suspend any and/or all use of the building, structure or premises until such time that the danger to life has been removed or the correction of the violation(s) has been made.
- (e) *Closing of private driveways, roadways and entrances.* It shall be unlawful for any person to have or cause to have any driveway, roadway or entrance barricaded or blocked by obstacles which would interfere with the response of fire department vehicles. If an existing building requires the changing of access to the properties, the owners shall provide revised site plans to the community development department and to the chief of the fire department for approval. A facility use agreement, which may be obtained through the leisure services department, must be executed prior to any road closure.
- (f) *Modifications.*
- (1) The chief of the fire department may grant waivers of the provisions of the code as it relates to a building upon written request by the building's representative. The written request shall address each of the following elements:
    - a. Strict compliance with the code would be a practical impossibility or would create an unnecessary hardship; or
    - b. Extraordinary and exceptional circumstances pertain to the particular piece of property or building because of its size or shape or because of the property's topography; or
    - c. Such conditions are peculiar to the particular piece of property; or

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- d. Modification would not cause a substantial detriment to the public health, safety and welfare or impair the purpose of the code; or
  - e. The building representative proposes an alternative which conforms to the general intent and spirit of the code and which provides equivalent fire safety protection.
- (2) The chief of the fire department or designated representative shall specify all approved modifications in writing. Signed copies of said approved written modifications shall be retained at the city fire department and provided to the applicant.
- (g) *Appeals.* Whenever the chief of the fire department shall disapprove a request or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief of the fire department to the city manager or designee within thirty (30) calendar days from the date of the decision appealed. The applicant may appeal the decision of the city manager or designee to the city council within thirty (30) calendar days from the date of the decision appealed.
- (h) *Penalties for violations.*
- (1) This article shall either be enforced by the chief of the fire department or designated representative, any law enforcement officer or any code enforcement officer of the city.
  - (2) Any person who shall violate any of the provisions of the code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable as provided in chapter 1, article II of the city code and subject to fines and other orders that may be imposed by a court or by the municipal code enforcement board. The power and authority granted by this article is supplemental to and in addition to any other remedies available to the city to achieve the abatement of such violations or nuisances, including civil judicial enforcement in whatever form or forum deemed necessary, including, but not limited to, injunctive relief. Any person against whom such civil relief is successfully sought shall be responsible for all reasonable attorney's fees and court costs. In addition, the city may issue noncriminal citations or institute municipal code enforcement board proceedings. Violations of any provision of the fire prevention code for which municipal code enforcement board proceedings are initiated shall be governed by chapter 1, article II of the city code and F.S. ch. 162.

(Ord. No. 1356, § 2, 4-15-2014)

**State law reference**— Persons authorized to enforce laws and rules of state fire marshal, F.S. § 633.121; cease and desist orders, F.S. § 633.161; preventing or obstructing extinguishment of fire, F.S. § 806.10.

**Sec. 8-56. Standards.**

- (a) *Fire prevention code adopted.* There is hereby adopted by reference the Florida Fire Prevention Code as now or hereafter promulgated by the state.
- (b) *Definitions in fire code.* In addition to the definitions set forth in section 8-2, the following additional definitions apply to the fire prevention code:

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- (1) Authority having jurisdiction or official, when used in the code adopted by this article, means the chief of the fire department.
  - (2) Construction type(s). Reference NFPA 220 for definitions of all construction types.
  - (3) Barbecue means grill, pit, or outdoor fireplace for cooking purposes.
  - (4) Building representative means the building's owner, lessee, or the duly authorized agent of either.
  - (5) Outdoor cooking appliance means any portable and nonportable cooking appliance, grill, stove or smoker, fueled or powered by electricity, wood, charcoal, liquefied petroleum gas, natural gas, or other liquid or gaseous fuel.
  - (6) Private fire hydrant means a valved connection on a water supply system having one or more outlets and that is used to supply hose and fire department pumpers with water on private property.
- (c) *Alterations.* Any alternations performed to any structure shall adhere to the guidelines set forth in the Florida Building Code, Existing Building, Chapter 6 Alterations—Level 1, Chapter 7 Alterations—Level 2, and Chapter 8 Alterations—Level 3. For the purpose of this Code, all Level 2 and Level 3 Alterations in accordance with the Florida Building Code will be considered new construction.
- (d) *Occupancies requirements.*
- (1) All new construction regardless of occupancy type shall be required to install a fire alarm system per NFPA 72 National Fire Alarm Code. A weatherproof strobe device shall be provided on the exterior of the building side which faces the main thoroughfare or as directed by the authority having jurisdiction.
  - (2) For occupancies requiring an automatic sprinkler system, and where water is inadvisable as a fire extinguishing agent, the chief of the fire department may approve a foam, chemical or other acceptable extinguishing system in fire hazard areas.
  - (3) All NFPA 13 and NFPA 13R sprinkler systems will require connection to an Underwriters Laboratories, Inc., listed twenty-four-hour central station alarm system to summon the fire department. All 13D sprinkler systems will require proper signage on the exterior of the building to prompt occupants and/or other persons in the area to summon the fire department; signage size, wording, and location to be approved by the chief of the fire department.
  - (4) Assembly occupancies including but limited to, all buildings or portions of buildings used for gathering together fifty (50) or more persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement, or awaiting transportation. All assembly occupancies, as defined in this subsection, will require an automatic sprinkler system to be installed if any of the following criteria are met:
    - a. Is more than one-story high; and/or
    - b. Has a floor area of six thousand (6,000) square feet or more;
    - c. Is of wood frame construction.
  - (5) Educational occupancies including all buildings or portions of buildings used for educational purposes through the twelfth grade by six (6) or more persons for four (4) or more hours per day or more than twelve (12) hours per week. All educational occupancies, as defined in this subsection, will require an automatic sprinkler system to be installed in any of the following criteria are met:
    - a. Is more than one story high;
    - b. Has a floor area of six thousand (6,000) square feet or more;

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- c. Is of wood frame construction;
  - d. Accommodates more than fifty (50) persons.
- (6) Health care occupancies those used for purposes such as medical or other treatment or care of persons suffering from physical or mental illness, disease, or infirmity; and for the care of infants, convalescents, or infirm aged persons. All health care occupancies, as defined in this subsection, will require an automatic sprinkler system to be installed if any of the following criteria are met:
- a. Is more than one story high;
  - b. Has a floor area of six thousand (6,000) square feet or more;
  - c. Is of wood frame construction;
  - d. Accommodates more than fifty (50) persons.
- (7) Multi-family residential occupancies including hotels motels, dormitories apartment buildings, lodging or rooming houses board and care facilities. All multi-family residential occupancies, as defined in this subsection, will require an automatic sprinkler system to be installed if any of the following criteria are met:
- a. Is more than one story high;
  - b. Encompasses eight (8) or more units;
  - c. Has a floor area of six thousand (6,000) square feet or more;
  - d. Is of wood frame construction.
- (8) Mercantile occupancies including stores, markets, and other rooms, buildings, or structures for the display and sale of merchandise. All mercantile occupancies, as defined in this subsection, will require an automatic sprinkler system to be installed if any of the following criteria are met:
- a. Is more than one story high;
  - b. Has a floor area of six thousand (6,000) square feet or more;
  - c. Is of wood frame construction.
- (9) Business occupancies are those used for the transaction of business (other than those covered under mercantile), for the keeping of accounts and records, and for similar purposes. All business occupancies, as defined in this subsection, will require an automatic sprinkler system to be installed if any of the following criteria are met:
- a. Is more than one story high;
  - b. Has a floor area of six thousand (6,000) square feet or more;
  - c. Is of wood frame construction.
- (10) Industrial occupancies including factories making products of all kinds and properties devoted to operations such as processing, assembling, mixing, packaging finishing or decorating, and repairing. All industrial occupancies, as defined in this subsection, will require an automatic sprinkler system to be installed if any of the following criteria are met:
- a. Is more than one story high.
  - b. Is of wood frame construction.
  - c. Has a floor area of six thousand (6,000) square feet or more.



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- (11) Storage or warehouse occupancies, including all buildings or structures utilized primarily for the storage or sheltering of goods, merchandise, products, vehicles, or animals.
- a. Is more than one story high;
  - b. Has a floor area of six thousand (6,000) square feet or more;
  - c. Is of wood frame construction.
- (e) *Fire department connections.* Fire department connections are required for all NFPA 13 and 13R sprinkler systems. All buildings that are required to have a fire sprinkler system by this article shall have the fire department connection so located, with respect to fire hydrants, driveways, buildings and landscaping, that fire apparatus and hose connected to supply the fire sprinkler system will not obstruct access to the building for other fire apparatus. All fire department connections shall have a five-inch Storz-type adapter, unless otherwise approved by the chief of the fire department. All fire department connections shall be clearly marked, unless otherwise approved by the chief of the fire department. The fire department connection shall be located at least ten (10) feet away from the building and no more than fifty (50) feet from the center of the roadway and no more than one hundred (100) feet from the nearest fire hydrant. Final location shall be approved by the chief of the fire department. Roadway shall be striped as follows: A four-foot-wide by two-foot-six-inch-tall rectangle painted solid white. Lettering (FDC) shall be painted red, twelve (12) inches tall, two (2) inches thick, all capital letters.
- (f) *Existing fire or smoke alarms.*
- (1) Unless otherwise approved by the chief of the fire department, all buildings or structures that are equipped with an existing fire or smoke alarm system shall be connected to an Underwriter's Laboratories, Inc., listed twenty-four-hour central station alarm system to summon the fire department in the event of an activation by September 30, 2002. Single-station smoke detectors shall not require monitoring.
  - (2) All existing buildings or structures including multi-family occupancies, shall be equipped with smoke detectors which will provide for detection of products of combustion other than heat, located near each sleeping area.

(Ord. No. 1356, § 2, 4-15-2014; Ord. No. 1359, § 2(Exh. A), 7-15-2014)

**State law reference**— Fire Prevention Code adoption required, F.S. § 633.025(2); Life Safety Code adoption required, F.S. § 633.025(3).

**Sec. 8-57. Fire safety.**

- (a) *Report of fire.* Each owner, manager, person in charge of any building of any kind, or occupant of any building of any kind shall, immediately upon discovery of a hostile fire in or adjacent to such building, or upon discovery of evidence that there has been a fire even though it has apparently been extinguished report such an occurrence to the fire department immediately, giving complete information as to the location and type of fire in order that an appropriate response by the fire department may be initiated.
- (b) *Protection systems.*
  - (1) *Emergency lighting 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 No. 101.

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- (2) *Fire extinguishers.* All fire extinguishers shall be maintained and inspected in accordance with F.S. § 633.065(2) and the Department of Insurance, Division of State Fire Marshal Uniform Fire Safety Rules and Standards, F.A.C. ch. 4A-21 (Fire Extinguishers and Pre-engineered Systems).
- (3) *Emergency power.* Buildings of four (4) or more stories shall be fully equipped with a standby emergency generator of sufficient size to provide power supply for the emergency lighting, the fire alarm system, and a minimum of one elevator. In addition, power must be available at all times for all fire pumps.
- (4) *Fire hydrants.*
- a. Fire hydrants in single-family residential areas shall be spaced no more than five hundred (500) feet apart measured along the line of street travel distance, no building shall be farther than five hundred (500) feet from a hydrant and shall be connected to water mains no less than six (6) inches in diameter. The location and placement of fire hydrants shall be approved by the chief of the fire department.
  - b. Fire hydrants in commercial, industrial and residential areas where residential units exceed six (6) or more dwelling units per gross acre shall be spaced no farther than five hundred (500) feet apart measured along the line of street travel distance. No building shall be farther than two hundred (200) feet from a hydrant and shall be connected to mains no less than eight (8) inches in diameter. The location and placement of fire hydrants shall be approved by the chief of the fire department.
  - c. Fire hydrants shall have a minimum of three (3) discharge outlets; one outlet shall be a pumper outlet of like size and two (2) other outlets shall be two and one-half (2½) inches in diameter. A valve shall be provided on all connections between fire hydrants and street mains.
  - d. The city fire hydrant barrels shall be painted white, and private fire hydrant barrels shall be painted red. The top or bonnet for city or private hydrants shall be painted as follows:
    1. Flows of less than five hundred (500) gallons per minute—Red.
    2. Flows of five hundred (500) to one thousand (1,000) gallons per minute—Orange.
    3. Flows of one thousand (1,000) gallons per minute or greater—Green.
  - e. Blue reflective roadway markers shall be placed in the roadway or parking area as follows: On divided roadways, one marker shall be placed on both sides of the divided roadway on the centerline of the road. An additional marker shall be placed halfway between the centerline and the curbing adjacent to the fire hydrant. On nondivided roadways, one marker shall be placed on the centerline of the road and an additional marker shall be placed halfway between the centerline and the curbing adjacent to the fire hydrant. In parking areas one marker shall be placed in the centerline of the roadway.
  - f. No persons shall place or keep any post, fence, vegetation growth, trash or other materials, which would alter the existing grade level, or in any way obstruct visibility or operations within five (5) feet of any fire hydrant, or between any fire hydrant and a street, such that the hydrant is not immediately seen, accessible or operational to the fire department.
- (c) *Fire lanes.*
- (1) New developments or structures. The chief of the fire department, after finding that a fire lane is reasonably necessary to provide adequate fire protection and emergency service to structure(s) shall establish fire lanes on private or public property, where the parking of motor vehicles or other obstructions may interfere with the ingress or egress of emergency vehicles for the

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protection of persons or property, such as at shopping centers, bowling lanes, theaters, hospitals, churches, alleys, apartments, condominiums and similar locations.

- (2) Existing developments or structures. The chief of the fire department, upon receiving written request from the owner and after finding that a fire lane is reasonably necessary to provide adequate fire protection and emergency service to a structure shall establish fire lanes on private property, where the parking of motor vehicles or other obstructions may interfere with the ingress or egress of emergency vehicles for the protection of persons or property, such as at shopping centers, bowling lanes, theaters, hospitals, churches, alleys, apartments, condominiums and similar locations.
  - (3) After notification by the chief of the fire department of the necessity to establish one or more fire lanes upon a particular property, the owner or person in possession and control of the property shall submit two (2) sets of site plans of the property to the fire chief for review and approval of the design and location of the fire lanes. The site plans shall be drawn to scale and shall show all related buildings, driveways, streets, and other information necessary to evaluate the sufficiency of the fire lanes.
  - (4) Approval of the fire lanes by the chief of the fire department shall constitute authorization for the installation of official signs prohibiting the stopping, standing or parking of motor vehicles within the fire lanes. Such signs and necessary pavement marking and striping shall be furnished by and at the cost of the owner or person in possession and control of the property, who shall thereafter be responsible for the maintenance of the signs, marking and striping in a state of good repair.
  - (5) Fire lanes designated by the chief of the fire department shall be marked with a six-inch-wide diagonal yellow line and located two (2) feet from the curb or edge of roadway. If there is a curb, the entire curb shall be painted yellow. The words, "FIRE LANE NO PARKING" shall be painted on the roadway every fifty (50) feet using letters no smaller than twelve (12) inches tall and two (2) inches thick. Fire lane signs shall also be installed pursuant to this section. They shall have red lettering not less than two (2) inches or more than three (3) inches in height, on a white background. Each sign shall be twelve (12) inches wide by eighteen (18) inches in height, and shall not be inconsistent with the manual on uniform traffic control devices of the state department of transportation and installed no less than every fifty (50) feet. The sign shall read "No Parking—Fire Lane."
  - (6) Obstructing fire lanes shall be prohibited at all times.
- (d) *Posting of addresses.*
- (1) All occupancies, including single-family residences, shall be numbered and marked in a manner and size as to be easily identified from the public roadway by responding emergency vehicles.
  - (2) The size of letters and numbers will be determined by occupancy, as follows:
    - a. Single-family dwelling, minimum of three-inch numbers affixed to the building front and additionally can also be posted to a separate structure, such as a mailbox, post, wall, fence or other area.
    - b. Other residential and commercial structures, minimum of five-inch numbers.
    - c. Multifamily residential three (3) units or more shall have a minimum of five-inch numbers to identify the building and three-inch numbers to identify each unit, affixed to the exterior wall of the building facing the parking lot or roadway access.
    - d. Each unit shall have a minimum of one-and-one-half-inch numbers affixed to the door or the wall space surrounding each door, in breezeways where doors cannot be viewed from the parking lot area.

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- (3) All numbers and letters shall be nonscript.
  - (4) All numbers and letters shall be contrasting color to background.
  - (5) All commercial businesses shall have their address, including street name, attached to the building or monument sign in plain view of the parking lot area.
  - (6) All commercial businesses shall have their address, including suite number, marked on all rear doors, and shall be no smaller than three (3) inches.
- (e) *Inspections/plan reviews.*
- (1) No site plan or development plan shall be approved by any official or agency of the city unless the fire official has stated in writing that the plans submitted demonstrated that the proposed construction will be able to satisfy the requirements of this article and any and all codes or ordinances adopted by the city to prevent or control fire loss within buildings of the city.
  - (2) No building permit shall be issued for the construction of any commercial building, or residential building containing any fire suppression system unless the chief of the fire department or designated representative, has stated in writing that the proposed work will satisfy the requirements of this article and any and all codes or ordinances adopted by the city to prevent or control fire loss within these buildings in the city. No building permit shall be issued for the alteration of any commercial building unless the chief of the fire department has stated in writing that the proposed work will satisfy the requirements of this article and any and all codes and ordinances adopted by the city to prevent or control fire loss within buildings of the city.
  - (3) The chief of the fire department or designated representative shall examine the submitted plans for evidence of compliance with this article.
  - (4) Shop drawings of fire alarm and sprinkler systems and hood and extinguishing system drawings shall be submitted at the time application for building permit occurs.
  - (5) The chief of the fire department shall have the authority to inspect, or cause to be inspected, all buildings and premises as often as may be necessary for ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of this Code and of any other ordinance affecting the fire hazard but nothing herein shall impose any duty on the municipality to make any inspections nor shall the municipality be liable in any way if inspections shall not be made. Said inspections shall in no way waive compliance with this Code.
  - (6) Whenever the chief of the fire department finds in any building or upon any premises dangerous or hazardous conditions or materials as follows, the chief shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the chief.
    - a. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;
    - b. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;
    - c. Dangerous accumulations of rubbish waste paper, boxes, shavings or other highly combustible materials;
    - d. Accumulations in ventilation systems or of grease in kitchen or other exhaust ducts or in adequate clearances to unprotected combustible material from hoods, grease extractors, and ducts;
    - e. Obstructions to or on fire escapes, fire hydrants designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire;

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- f. Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition or from other causes, creates a hazardous condition.
- (f) *Investigations.*
- (1) The fire department 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 whether the fire is the result of carelessness or design.
  - (2) Such investigations shall begin immediately upon the occurrence of such a fire by the chief of the fire department. The chief shall take charge immediately of the physical evidence shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence, and in the prosecution of the case.
- (g) *Required access for fire apparatus.*
- (1) All premises including existing and under construction premises that the fire department may be called upon to protect in case of fire and that are not readily accessible from public roads shall be provided with suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire apparatus.
  - (2) Where automatic gate openers are used, the owner, occupant or agent shall provide a public safety key box system as outlined in this section (key box system).
  - (3) Fire and emergency access, either paved or stabilized ground, shall be provided on all sides of all commercial buildings, if possible. Variances to this rule shall be approved by the chief of the fire department. This access shall:
    - a. Have an unobstructed width of fifteen (15) feet.
      1. On one-, two-, or three-story buildings, the access roadway shall begin at least ten (10) feet to fifteen (15) feet away from the building.
      2. On four-story or greater buildings, the access roadway shall begin at least fifteen (15) feet to twenty-five (25) feet away from building.
    - b. If stabilized ground is used, it shall be a minimum of six (6) inches and compacted to a modified proctor density of ninety-five (95) percent.
    - c. Paved, stabilized ground or turf block used for emergency access shall be identified as to location with approved vegetation or markers.
    - d. Paved, stabilized ground or turf block used for emergency access shall be kept unobstructed at all times and from any future growth and shall be dedicated on the approved final site plan for the life of the building.
- (h) *Posting of fire safety regulations for hotels and motels.* All hotels and motels shall have posted, on the back side of the door or next to the door of each rental or living unit, fire safety regulations approved by the chief of the fire department and shall also have posted a customized plan showing evacuation routes. (Reference N.F.P.A. No. 1, § 16-2.4.1)
- (i) *Open burning.* All open burning shall be prohibited within the city limits, with the exception of the following:
- (1) When utilizing a barbecue, gas and charcoal grill or other outdoor cooking appliance (for cooking purposes only).
  - (2) When utilizing an exterior fireplace, with adequate ember control.

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- (3) When open burning is approved by the chief of the fire department by permit for special events or training purposes.
  - (4) Air curtain incinerator burning shall be permitted for land clearing during construction with the approval of the environmental protection commission and the chief of the fire department.
  - (5) Burn permit applications can be obtained during regular weekday business hours at the city fire department administrative office.
  - (6) It shall be at the discretion of the chief of the fire department or designated representative to determine if and when a fire is deemed unsafe and will require full extinguishment.
  - (7) The chief of the fire department or designated representative has the authority to issue a no burning ban, which would not allow burning of any type to occur within the city.
- (j) *Barbecues, gas grills or smoke-producing equipment.* No barbecue grills, including but not limited to gas and charcoal grills, and other cooking equipment utilizing an open flame or combustible materials shall be used on any balcony, patio or other enclosed or partially enclosed area of any multifamily dwelling except those balconies patios or other enclosed areas located within single-story buildings. (Reference NFPA No. 1, § 10.11.7)
- (k) *Special events (indoor or outdoor).*
- (1) A special event is defined as a special public event, public celebration or similar circumstance, whether of a commercial or noncommercial nature or occurring indoors or outdoors in the city.
  - (2) Tents.
    - a. Anyone wishing to erect a tent for display, sales or assembly purposes in the city, for a commercial or religious use, must furnish a certificate of flame-proofing to the chief of the fire department. The tent must have been flame-proofed in the last twelve (12) months.
    - b. No barbecue grills, including but not limited to gas and charcoal grills, and other cooking equipment utilizing an open flame or combustible materials shall be used under or within five (5) feet of any tent.
  - (3) Fire extinguishers. Portable fire extinguishing equipment of approved types shall be furnished and maintained in tent at locations approved by the chief of the fire department. Minimal fire extinguisher shall be 2-A:10-B:C.
  - (4) Electrical. The electrical system and equipment shall be isolated from the public by proper elevation or guarding and all electrical fuses and switches shall be enclosed in approved enclosures. Cables on the ground in areas traversed by the public shall be placed in trenches or protected by approved covering.
  - (5) Compressed gas cylinders. All compressed gas cylinders must be secured in accordance with NFPA No. 58 and the approval of the chief of the fire department. Cooking equipment shall be protected from exposure to the general public.
  - (6) When special public events, public celebrations or similar circumstances whether of a commercial or noncommercial nature, are to occur in the city, the fire department shall make a determination as to the necessity for fire and medical services, based upon the potential for danger to persons or property at such event. Cost for services may be passed on to the responsible parties.
  - (7) A fire safety inspection shall occur at all special public events, public celebrations or similar circumstances, whether of a commercial or noncommercial nature to ensure the highest level of public safety. This inspection shall take place prior to the admittance of the general public.
- (l) *Key box system.*

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- (1) When a structure is equipped with a fire alarm system, sprinkler system or standpipe system or where rapid entry would be required, the owner, occupant or agent shall provide a public safety key box system. The location of the key box shall be approved by the chief of the fire department. Keys shall be provided within the key box to gain access to fire alarm panels, electrical rooms, sprinkler rooms, and any other areas that may require fire related access. In the event the keys do not provide proper access, the city is not responsible for any damage that might occur as a result of the fire department gaining entry or access in the structure. Application for the key box may be obtained from the fire department.
  - a. Existing structures required to have a key box system by this section, shall have until September 30, 1999, to comply with this requirement.
  - b. If the owner, occupant or agent desires not to participate in the key box system, a statement shall be provided to the fire marshal, indicating the key box system option was declined. The city will not be responsible for any damage that might occur as a result of the fire department gaining entry or access in the structure.
- (2) When an access gate, rolling overhead doors (except single-family garage doors) or similar devices are used in commercial or residential occupancies, the owner, occupant or agent shall provide a public safety key box system. Utilization of the key box shall allow the opened device to remain open at all times, preventing firefighters from being trapped inside the structure or property. The location of the key box shall be approved by the chief of the fire department. Application for the key box may be obtained from the fire department. Existing structures required to have a key box system by this section, shall have until September 30, 1999, to comply with this requirement.
- (3) Installation height of key box shall be a maximum of six (6) feet or as approved by the chief of the fire department.
- (4) Type of key box shall be by the approval of the chief of the fire department.
- (m) *Dumpster location.* Dumpsters and other combustible storage shall be placed no closer than ten (10) feet from buildings if overhangs are combustible or if dumpsters are within ten (10) feet from door or window openings.
- (n) *Fire extinguisher required in structures.* All structures shall have a minimum of one 2-A:10-B:C fire extinguisher or larger based on NFPA requirements, except for detached buildings of less than four hundred and twenty (420) square feet, unless required by another section of this Code.
- (o) *Notification of fumigation.* The chief of the fire department shall be notified, in writing, at least twenty-four (24) hours before any building or structure is to be closed in connection with the use of any toxic fumigant.
- (p) *Hot ashes and other dangerous materials.* Ashes, smoldering coals or embers, greasy or oily substances and other matter liable too spontaneous ignition shall not be deposited or allowed to remain within ten (10) feet of any combustible materials or construction made up of combustible materials, except in metal or other noncombustible receptacles. Such receptacles shall be placed on noncombustible stands, unless resting on a noncombustible floor or on the ground outside the building, and shall be kept at least two (2) feet away from any combustible wall or partition.

(Ord. No. 1356, § 2, 4-15-2014; Ord. No. 1359, § 3(Exh. B), 7-15-2014)

**State law reference**— Failure to control or report dangerous fire, F.S. § 877.15; permits, applications, issuance and inspections, F.S. § 553.79; inspection of buildings and equipment, F.S. § 633.081; investigation of fires, F.S. § 633.03.

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**Sec. 8-58. Hazardous materials.**

- (a) *Storage.*
- (1) Storage of flammable liquids in outside above-ground tanks shall be in accordance with guidelines of NFPA No. 30 regulations, except in residential occupancies less than one hundred and ten (110) gallons of fuel oil or kerosene may be stored and used for cooking or heating.
  - (2) Bulk storage of liquefied petroleum gas (L.P. gas) is prohibited, except less than five hundred (500) gallons of liquefied petroleum gas may be stored.
  - (3) Storage of explosives and blasting agents is prohibited.
- (b) *Safe.* Containers used for dispensing gasoline shall be an approved type container, with the identifying name plainly shown thereon. No flammable liquid will be dispensed into a glass container of any kind at any time.
- (c) *Tanks.* Underground storage tanks not used in six (6) months must be removed.
- (d) *Dumping of flammable, combustible or oil waste materials.* It shall be unlawful for any person to allow any oil waste from motors, gasoline pumps or filling stations, or any other liquid waste or flammable or combustible material or substance, to run or to be poured or emptied upon or into the ground of any premises or street, or to allow any such waste or flammable or combustible material to accumulate or to be kept in any building receptacle. Such receptacle shall be emptied when full and the contents disposed of in such a manner as to prevent danger of fire, subject to the approval of the chief of the fire department.
- (e) *Recovery of costs.*
- (1) For the purpose of this section, the following words and phrases shall have the meanings given herein:
    - a. Discharge means 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.
    - b. Hazardous substances means any substances or materials in a quantity or form which in the determination of the city poses an unreasonable and imminent risk to the life, health, safety or welfare of persons or property within the city, or poses a risk of harm to the environment, and including, but not 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. Bio-hazardous waste would also be considered in this category.
    - c. Response actions means any activity which is carried out in response to any discharge or threatened discharge of a hazardous substance, including:
      1. The cleanup or removal of discharged hazardous substances from the environment;
      2. Such actions as may be necessary taken in the event of the threat of discharge of hazardous substances into the environment;
      3. Such actions as may be necessary to investigate, monitor, assess, and evaluate the discharge or threatened discharge of hazardous substances;
      4. The disposal of removed material;
      5. The taking of such other actions as may be necessary to prevent minimize or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a discharge or threatened discharge;



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6. Response actions also include the provision of security fencing or other means to limit access, the provision of alternative water supplies, temporary evacuation of threatened individuals, and restoration of the site to pre-discharge conditions.
- d. Response costs means any costs incurred in undertaking response actions.
- (2) The city is hereby authorized to undertake response actions in the event of discharges or threatened discharges of hazardous substances upon or into public or private property or facilities located within the corporate limits of the city.
- (3) Any person responsible for causing or allowing an unauthorized discharge or threatened discharge of hazardous substances which requires response actions by the city or its authorized agents in order to protect the public health, safety or welfare or the environment, shall reimburse the city for the full amount of all response costs. Reimbursement shall be made within thirty (30) days after receipt of an itemized bill for response costs from the city.
- (4) When responding to the emergency caused by the unauthorized discharge or threatened discharge of hazardous substances, the city shall keep a detailed record of the response costs.
- (Ord. No. 1356, § 2, 4-15-2014)

**Secs. 8-59—8-89. Reserved.**

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FOOTNOTE(S):

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**State Law reference**— Florida Fire Prevention Code, F.S. § 633.012; uniform fire safety standards, F.S. § 633.022; minimum, fire safety standards, F.S. § 633.025. [\(Back\)](#)