

ORDINANCE NO. 2005-11

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE III, ADMINISTRATION, CHAPTER 33, FIRE DEPARTMENT, BY INCLUDING A PROVISION REQUIRING AUTOMATIC FIRE SPRINKLER SYSTEMS FOR NEWLY CONSTRUCTED MULTIPLE FAMILY RESIDENTIAL DWELLINGS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, properly installed and maintained automatic fire sprinkler systems help save lives by dramatically reducing the heat, flames, and smoke produced in a fire, and

WHEREAS, the City of Palm Bay recently experienced fires within multi-family dwellings that were quickly extinguished by automatic fire sprinkler systems, thus reducing the potential for overall injuries, loss of life, and property damage, and

WHEREAS, the City Council, in the interest of the health, safety, and welfare of its citizens, desires to revise the Code of Ordinances to require the installation of automatic fire sprinkler systems in newly constructed multiple family residential dwellings.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title III, Administration, Chapter 33, Fire Department, is hereby amended by including as Section 33.275, the following language:

“Section 33.275 AUTOMATIC FIRE SPRINKLER SYSTEM - MULTIPLE FAMILY RESIDENTIAL DWELLINGS.

(A) Automatic fire sprinkler system. A multiple family residential dwelling constructed after April 1, 2005, shall be constructed in a manner as to be equipped with an automatic fire sprinkler system installed in compliance with the provisions prescribed in the NFPA (National Fire Protection Association) 13 or 13R, or other

standards acceptable to the City Fire Marshal. Multiple family dwellings, for purposes of this section, shall be defined as any residential structure containing three or more separate living units, whether designated as townhouses, condominiums, apartment houses, tenements, garden apartments, or by any other name.

(B) Supervision. Where an automatic fire sprinkler system is installed in a multiple family residential dwelling, the system shall be monitored by a central, proprietary, auxiliary, or remote station system as prescribed in the NFPA 72.

(C) This ordinance shall not be applicable to any multiple family residential dwelling currently under construction as evidenced by a valid building permit issued by the Building Division of the City of Palm Bay.

(D) A multiple family residential dwelling which receives a building permit for 'Substantial Improvement' as defined in Section 174.005 of this Code shall be required to install and maintain an automatic fire sprinkler system as required by this section."

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect on April 1, 2005.

Read in title only at Meeting No. 2005-06, held on March 3, 2005; and read in title only and duly enacted at Meeting No. 2005-07, held on March 17, 2005.

John J. Mazziotti, MAYOR

ATTEST:

Alice Passmore, CITY CLERK

cc: 03-18-05 All Department Heads
F. DeGroodt Library
Pt. Malabar Library
ALP