

**ORDINANCE NO. 1424**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 46, "FIRE PREVENTION AND PROTECTION" OF THE APOPKA MUNICIPAL CODE, BY AMENDING ARTICLE III, "FIRE CODES AND STANDARDS", SEC. 46-76 TO ADOPT THE FLORIDA FIRE PREVENTION CODE (NFPA 1) AND THE LIFE SAFETY CODE BY REFERENCE; ADDING SEC. 46-78, AMENDING THE FLORIDA FIRE CODE, CHAPTER 7, "FIRE PROTECTION SYSTEMS", SECTION 7-3.1, "GENERAL"; RENUMBERING SEC. 46-79 THROUGH 46-90 AS RESERVED; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 166, F.S., empowers the City of Apopka to adopt regulations which furthers a municipal purpose; and

**WHEREAS**, the City of Apopka has adopted regulations relative to Fire Prevention and Protection, Chapter 46 of the Apopka Municipal Code, in the interest of protecting the general welfare of its citizens; and

**WHEREAS**, the State Fire Marshal has, pursuant to Chapter 633.0215 F.S., adopted the "Florida Fire Prevention Code" which shall be applicable to all local governments throughout the State; and

**WHEREAS**, Chapter 633.0215 F.S. allows for local government to adopt local amendments to the "Florida Fire Prevention Code", provided such amendment does not provide a lesser degree of life safety and meets certain criteria of Chapter 633.0215 F.S.; and

**WHEREAS**, the City Council of the City of Apopka, Florida, in light of the above recitals, has determined that the continued protection of the health, safety and welfare of its citizens requires that Chapter 46 of the Apopka Code of Ordinances be amended.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA**, as follows:

**SECTION I.** That Chapter 46. Fire Prevention and Protection, Article III. Fire Codes and Standards, Division 1. Generally, of the Apopka Municipal Code be amended to read as follows:

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**ARTICLE III. FIRE CODES AND STANDARDS DIVISION 1. GENERALLY**

**Sec. 46-76. Standards adopted pursuant to Florida Statutes 633.025 (Minimum Fire safety Standards).**

- (a) The following codes are hereby adopted: The Florida Fire Prevention Code (NFP A1) and the Life Safety Code as adopted by the State Fire Marshal pursuant to Chapter 633.0215 are hereby adopted by reference as if set out at length herein, except Section 7-3.1.1. Section 7- 3.1.1 shall be adopted as modified in Section 46-78 of this chapter.
- ~~(1) The Standard Fire Prevention Code, 1997 edition, and referenced standards, as recommended by the Southern Building Code Congress International, Inc., is hereby adopted by reference as if set out at length herein.~~
- ~~(2) Reserved~~
- (b) Any person who shall violate any of the provisions of the standards adopted in subsection (a) of this section shall be ~~punished~~ subject to enforcement procedures as provided for ~~Section 1-14 in this code.~~

If there shall be any conflict between the provisions of the standards adopted in subsection (a) of this section and the provisions of this chapter, the provisions of this chapter will prevail as permitted by State law.

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**Section 46-78. Amendment to Section 7-3.1 of the Florida Fire Prevention Code (NFPA 1) (2000).**

The Florida Fire Prevention Code (NFPA 1), Chapter 7, "Fire Protection Systems", Section 7-3.1 - "General" is here amended and adopted as follows:

7-3.1.1 Automatic sprinklers shall be installed and maintained in full operating condition, and comply with the standards listed in Chapter 32. All new assembly, mercantile, industrial, educational, storage, business, occupancies including commercial structures, apartments, and timesharing arrangements, that are 7,500 square feet or more in gross area, or two stories or more in height, shall be protected throughout by an approved automatic sprinkler system in accordance with NFPA 13, Standard for the Installation of Sprinkler Svstems; NFPA 13R, Standard for the Installation of Sprinklers Svstems in Residential Occupancies up to and including Four Stories in Height; or NFPA 13D, Standard for the Installation of Snrinkler Svstems in One- and Two-Familv Dwellings and Manufactured Homes, as appropriate.

Exception No. 1: Sections of the Florida Fire Prevention Code or the Life Safety Code adopted in 46-76 that require the installation of an automatic sprinkler system in occupancies or areas less than 7,500 sq. ft. shall apply and shall not be considered in conflict with the amended Section 7-3.1.1.

**Secs. ~~46-78~~ 46-79 46-90. Reserved.**

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SECTION II. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION III. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV. That the City Clerk shall transmit a copy of this ordinance to the Florida Building Commission and to the State Fire Marshal within 30 days of final adoption.

SECTION V. This ordinance shall take effect upon adoption.

Adopted this 2<sup>nd</sup> day of January, 2002.

READ FIRST TIME: December 19, 2001

READ SECOND TIME  
AND ADOPTED: January 2, 2002

John H. Land, Mayor

ATTEST:

Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

Frank C. Kruppenbacher, City Attorney