

CHAPTER 96. FIRE SAFETY AND EMERGENCY SERVICES¹

GENERAL PROVISIONS

Sec. 96.01. PERMITS REQUIRED FOR NEW MATERIALS, PROCESSES OR OCCUPANCIES.

The City Manager, the Chief of the Fire-Rescue Department, and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Code. The Chief of the Bureau of Fire Prevention shall post that list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Code 1980, § 11-23; Ord. No. 46-02, § 2, passed 10/1/02)

Sec. 96.02. FIRE SAFETY INSPECTIONS.

- (A) All owners or occupants of buildings, with the exception of single family homes and fee simple townhomes, are required to permit the Chief of the Fire-Rescue Department, or designee, to inspect or to have inspected, at a minimum, on an annual basis, or as otherwise determined necessary by the Chief of the Fire-Rescue Department, their buildings or premises to see that this Chapter is complied with, and it is made the duty of the Chief of the Fire-Rescue Department, or designee, to make or cause to be made an inspection whenever and wherever the Chief of the Fire-Rescue Department, or designee, may suspect a violation of this Chapter.
- (B) Fire Safety Inspections will be conducted in accordance with Florida Statutes Sections 633.202 through 633.228, "The Florida Fire Prevention Code," as adopted by the State Fire Marshal in Rule 69A-60 of the Florida Administrative Code, which may be amended from time to time.
- (C) Occupancy types requiring inspection for licensing or certification shall be conducted by the Authority Having Jurisdiction (AHJ) as defined by the National Fire Protection Association (NFPA).
- (D) The City Commission shall adopt, by resolution, fees for fire safety inspections. The fees for fire safety inspections, per building, are based on fixed property use and shall be paid to the City. Re-inspections shall be assessed an additional per-trip fee. A copy of the current inspection rates may be found in the City Clerk's Office and the Delray Beach Fire-Rescue Department.
- (E) Any bill remaining unpaid for a period of ninety (90) days shall be considered delinquent. Any delinquent bill may incur interest at a rate determined by the City Manager. Such notice of an interest charge shall be included on the bill mailed to the building owner or occupant.
- (F) The City may collect delinquent charges through any and all available legal remedies.
- (G) All reports related to fire protection systems inspections, testing and maintenance shall be reported to the City of Delray Beach Fire Rescue Department through the use of an internet-based fire inspection reporting system approved by the City of Delray Beach. Any report not submitted through the City's internet-based reporting system will not be accepted.

¹Cross reference(s)—Enforcement by Code Enforcement Board as supplemental method of enforcement, Chapter 37.

(Ord. No. 04-17, § 1, passed 2/7/17; Ord. No. 12-21, § 2, passed 4/6/21; Ord. No. 17-23, § 2, passed 7/11/23)

Editor's note(s)—Ord. No. 04-17, § 1, passed Feb. 7, 2017, amended § 96.02 in its entirety to read as herein set out. Former § 96.02 pertained to inspections required and derived from Code 1980, § 11-25; and Ord. No. 46-02, § 2, passed Oct. 1, 2002.

Sec. 96.03. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES TO BE RESTRICTED.

The limits referred to in Chapter 69 of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, shall be in accordance with the zoning ordinances.

(Code 1980, § 11-24; Ord. No. 46-02, § 2, passed 10/1/02; Ord. No. 09-09, § 1, passed 2/17/09)

Cross reference(s)—Penalty, § 96.99.

Sec. 96.04. OPEN BURNING.

- (A) It shall be unlawful to have any open burning 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.
- (B) No permits will be issued for any open burning on the public beach.
- (C) Open burning means any outdoor fire or open combustion of material excepting barbecuing.
- (D) Any person who violates these provisions and the owner of the land who allows these violations shall be guilty of a violation.
- (E) The prohibition of open burning contained in Section (A) above shall not apply to the use of air curtain incinerators, provided that such air curtain incinerator process has received all of the necessary and applicable permits from other governmental regulatory agencies with such jurisdiction, and further subject to the express approval of the Chief of the Fire-Rescue Department as to the issue of overall safety of the property and neighboring properties for the use of such a procedure.

(Code 1980, § 16-14; Ord. No. 22-89, passed 4/25/89; Ord. No. 46-02, § 2, passed 10/1/02)

Cross reference(s)—Penalty, § 96.99.

Sec. 96.05. FIRE HYDRANTS.

- (A) All fire hydrants shall be placed in a position so as to be accessible at all times from a paved road no less than twenty-four (24) feet in width.
- (B) Fire hydrant spacing shall be in accordance with the following:
 - (1) In single-family and duplex residential districts, not more than five hundred (500) feet between hydrants.
 - (2) In multifamily residential districts (townhouses, garden apartments, cluster developments and the like, and similar buildings two (2) stories or less in height), not more than four hundred (400) feet between hydrants.

- (3) In multifamily residential districts with buildings more than two (2) stories in height, all commercial districts, all business districts, all industrial districts, and special hazard applications, not more than three hundred (300) feet between hydrants.
- (4) Areas with divided or multilane road systems should have hydrant distribution on both sides of the highway, with curb and median cuts considered, utilizing spacing criteria listed above when existing and proposed parallel mains will support this criteria.
- (5) Measurement of spacing shall be by way of road travel.

(Code 1980, § 11-5; Am. Ord. No. 8-90, passed 3/27/90; Ord. No. 46-02, § 2, passed 10/1/02; Ord. No. 09-09, § 2, passed 2/17/09)

Sec. 96.06. APPEALS.

Whenever the Chief of the Fire-Rescue Department shall disapprove an application or refuse to grant a license or 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 from the decision of the Chief of the Fire-Rescue Department to the Board of Adjustment within thirty (30) days from the date of the decision appealed.

(Code 1980, § 11-22; Ord. No. 20-78, passed 4/10/78; Ord. No. 46-02, § 2, passed 10/1/02)

Sec. 96.07. EXEMPTIONS.

- (A) The Chief of the Fire-Rescue Department or the Chief of the Bureau of Fire Prevention shall have the power to modify any of the provisions of the Fire Code other than the provisions of any State minimum codes under the following circumstances:
 - (1) A written application has been sent to the fire official by the owner or the authorized agent of the owner demonstrating either of the following:
 - (a) That there are practical difficulties which prevent strict adherence to the code requirements and that the requested modification to the code requirements is in keeping with the spirit of the code and shall not jeopardize public safety.
 - (b) That a change to an existing code imposing a new requirement on existing structures placed a previously conforming structure in violation of the Code; that the requirement in question would necessitate the installation of a sprinkler system or a structural alteration to the building other than a change in a window, door or locking device, or the necessity for more than minor holes; that the new requirement does not result specifically from a change in the use of the structure; that the granting of the exemption does not pose a hazard to the public or to the occupants of the structure; that the owner agrees to post any notices required by the Fire-Rescue Department warning the public or the occupants of the noncompliance; and that further the owner agrees to hold the City harmless for any injury or property damage resulting from the owner's decision not to comply with the retroactive Code provision. This exemption shall not be available in circumstances where the requirement to modify an existing building resulted from an alteration to the portion of the structure containing the nonconformity, or from repairs or alterations to the structure which exceed fifty (50) percent of the assessed value of the structure.
 - (2) The particulars of any modification or exemptions granted under this Section shall be recorded in the files of the Fire-Rescue Department and a signed copy shall be provided to the applicant.

(B) Modifications to State minimum codes shall be controlled by the provisions of those codes which set standards or conditions for granting exemptions to the minimum code.

(Code 1980, § 11-21; Ord. No. 60-85, passed 6/25/85; Ord. No. 46-02, § 2, passed 10/1/02)

Sec. 96.08. RECOVERY OF COSTS.

(A) *Definitions.*

Cost. Those necessary and reasonable expenses incurred by the City or its agents in connection with a Fire-Rescue Response, including, but not limited to, the actual labor cost of City personnel or its agents; cost of equipment operation and rental; cost to prevent or minimize mitigation off site; as well as the recovery of costs for any actions that the City may take in this regard out of the City's jurisdiction or off site; and the cost of expendable items including, but not limited to, firefighting foam, chemical extinguishing agents, absorbent materials, sand, recovery drums, chemical protective clothing, gloves, and testing equipment.

Fire-Rescue Response. Any action taken by the Fire-Rescue Department in connection with rescue, emergency medical services, mitigation, health, life, and safety issues, suppression and investigation of suspicious or incendiary fires, investigating, mitigating, minimizing, removing, or abating the release of Hazardous Substances or Hazardous Waste.

Hazardous Substance or Hazardous Waste. Any substance or material in a quantity or form, which in the determination of the Chief of the Fire-Rescue Department or his authorized designee, poses an unreasonable and imminent risk to the life, health, safety, or welfare of persons or property within the City including, but not limited to, those substances listed in the National Fire Protection Association's "Guide on Hazardous Materials," the United States Environmental Protection Agency's list of "Extremely Hazardous Substances" the State Department of Labor and [Employment] Security "Florida Substance List," the Emergency Response Guide from the United States Department of Transportation, the Comprehensive Environmental Response, Compensation, and Liability Act or Title 49 of the Code of Federal Regulations.

Person. One or more individuals, partnerships, corporations, joint ventures, associations, property owners, tenants, agents or any other entities or any combination thereof.

Release. Any intentional or unintentional action or omission resulting in the release or substantial threat of a release, spillage, pumping, pouring, emitting, emptying or dumping of a Hazardous Substance or Hazardous Waste upon public or private property located within the corporate limits of the City.

(B) *Authority to Initiate Action.* The Fire-Rescue Department is hereby authorized:

- (1) To take, or cause to be taken, such steps as may be necessary to protect the life, safety, and health of the public; and
- (2) To respond to and abate emergencies; and
- (3) To remove or abate the effects of any Hazardous Substance or Hazardous Waste released upon or into public or private property or facilities located within the corporate limits of the City, and any actions associated therewith which occur off site.

(C) *Liability for costs.* Any Person charged with a City or State violation or responsible for causing or allowing an unauthorized discharge or release of Hazardous Substances or Hazardous Waste shall be jointly and severally liable to the City for the costs incurred by the City in its Fire Rescue Response.

- (1) Incidents less than four (4) hours in duration. The responsible party shall be liable to the City for the costs of all expendable supplies including, but not limited to: firefighting foam, chemical extinguishing agents, recovery drums, absorbent materials, protective clothing, gloves and testing equipment.

- (2) Incidents of four (4) hours or greater in duration. The responsible party shall be liable to the City for the costs of all expendable supplies, the equipment and apparatus, and personnel as determined by the City in its sole discretion. The cost of the equipment and apparatus shall be calculated in accordance with the current United States Federal Emergency Management Agency Schedule of Equipment Rates, as may be periodically amended.
- (3) For the purpose of this Section, "duration" shall be determined as the time period beginning with the arrival on the scene of the first City response team member and ending with the release of the last City response team member from the scene until their return to their assigned station.
- (D) *Record of Costs.* Following a Fire-Rescue Response, the Fire-Rescue Department shall submit a detailed record of the costs attributable thereto.
- (E) *Reimbursement of Costs.* Any Person charged with a City or State violation or responsible for causing or allowing an unauthorized discharge or release of Hazardous Substances or Hazardous Waste requiring a Fire-Rescue Response shall reimburse the City for the full amount of all Costs incurred by the Fire-Rescue Department.
 - (1) Failure to pay Costs within twenty-one (21) days from the billing date will be subject to the penalty outlined in subsection (F).
 - (2) Failure to pay costs within forty-five (45) days or more shall be referred to a registered collection agency which will pursue collection of the outstanding balance along with any collection fees, service charges, or costs accrued for the collection of said Costs in an amount not to exceed forty (40) percent of the amount owed at the time the account is referred to the collection agency.
- (F) *Additional remedies.* The remedies provided for in this Section shall be supplemental to and in addition to all other available remedies at law and equity and may be negotiated or waived by the City Manager when in the best interest of the City.

(Ord. No. 12-90, passed 4/11/90; Ord. No. 46-02, § 2, passed 10/1/02; Ord. No. 01-24, § 1, passed 6/18/24)

Editor's note(s)—Ord. No. 01-24, § 2, passed June 18, 2024, amended the title of § 96.08 by removing "hazardous substances and hazardous waste."

Sec. 96.09. PROCESSES DEEMED HAZARDOUS TO LIFE AND PROPERTY.

- (A) The Fire Chief, Fire Marshal or Fire Inspector or any Fire-Rescue Department Officer may order the immediate cessation of any activity, operation or process when such activity, operation or process is in violation of the State [Fire] Prevention Code, or other fire safety ordinance, or when, in the judgment of any of those named above, such operation, activity or process constitutes a severe and immediate hazard to persons or property.
- (B) Any person, who, after being served with either a verbal or written order to cease such severe and immediate hazardous activity, operation or process, willfully fails or refuses to comply with such an order shall be subject to immediate arrest.

(Ord. No. 11-04, § 2, passed 2/17/04)

Sec. 96.10. EVACUATION OF OCCUPIED BUILDINGS OR STRUCTURES.

The Fire Chief, Fire Marshal, any Fire Inspector or any Fire-Rescue Department officer 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 any of the Fire-Rescue Department officials named above shall be subject to immediate arrest.

(Ord. No. 11-04, § 3, passed 2/17/04)

Sec. 96.11. FIRE SAFETY COMMUNITY EDUCATION.

The Fire Department may charge a fee for various fire safety community education services including, but not limited to, the following: CPR classes and child safety seat checks. All fees for fire safety community education services shall be set by resolution.

(Ord. No. 55-09, § 1, passed 10/6/09)

Secs. 96.12—96.14. RESERVED.

ADOPTION OF CERTAIN CODES

Sec. 96.15. DEFINITION.

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning:

Municipality. Whenever used in the Fire Prevention Code, it shall be held to mean the City of Delray Beach, Florida.

(Code 1980, § 11-19)

Sec. 96.16. CERTAIN CODES ADOPTED BY REFERENCE.

- (A) The City adopts by reference and incorporates into this Code as though fully set out herein, that certain code, as it may from time to time be amended, known as the Florida Fire Prevention Code, and the incorporated standards.
- (B) The City adopts by reference and incorporates into this Code, as though fully set out herein, those specific codes and standards, from the Florida Fire Prevention Code. In addition to the codes adopted by the Florida Fire Prevention Code, the City of Delray Beach adopts National Fire Protection Association codes listed below and as they may be amended:

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| NFPA | 18 | 2021 | Standard on Wetting Agents. Standard provides requirements for the performance and use of wetting agents as related to fire control and extinguishment. |
| NFPA | 53 | 2021 | Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres. NFPA 53 establishes recommended criteria for the safe use of oxygen (liquid/gaseous) and the design of systems for use in oxygen and oxygen-enriched atmospheres (OEAs). |
| NFPA | 56 | 2023 | Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Piping Systems. This standard provides |

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| | | | minimum safety requirements for the cleaning and purging procedures of flammable gas piping systems, including cleaning new or existing piping systems, purging piping systems into service, and purging piping systems out of service. |
| NFPA | 472 | 2018 | Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents. This standard identifies the minimum levels of competence required by responders to emergencies involving hazardous materials weapons of mass destruction (WMD). |
| NFPA | 473 | 2018 | Standard for Competencies for EMS Personnel Responding to Hazardous Materials/Weapons of Mass Destruction Incidents. This standard identifies the levels of competence required of emergency medical services (EMS) personnel who respond to incidents involving hazardous materials or weapons of mass destruction (WMD). |
| NFPA | 496 | 2024 | Standard for Purged and Pressurized Enclosures for Electrical Equipment. This standard provides information on the methods for purging and pressurizing electrical equipment enclosures to prevent ignition of a flammable atmosphere, whether introduced into the enclosure by a surrounding external atmosphere or by an internal source. |
| NFPA | 502 | 2023 | Standard for Road Tunnels, Bridges, and Other Limited Access Highways. Standard provides fire protection and fire life safety requirements for limited access highways, road tunnels, bridges, elevated highways, depressed highways, and roadways that are located beneath air-right structures. |
| NFPA | 720 | 2015 | Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment. NFPA 720 contains requirements for carbon monoxide (CO) detection and warning equipment intended to protect lives by warning occupants of the presence of CO in sufficient time to allow occupants to escape or take other appropriate action. |
| NFPA | 730 | 2023 | Guide for Premises Security. Guide describes construction, protection, occupancy features, and practices intended to reduce security vulnerabilities to life and property. |
| NFPA | 731 | 2023 | Standard for the Installation of Electronic Premises Security Systems. Standard provides requirements for the application, location, installation, performance, testing, and maintenance of electronic premises security systems and their components. |
| NFPA | 780 | 2023 | Standard for the Installation of Lightning Protection Systems. NFPA 780 provides lightning protection system installation requirements to safeguard people and property from fire risk and related hazards associated with lightning exposure. |
| NFPA | 820 | 2024 | Standard for Fire Protection in Wastewater Treatment for Collection Facilities. Standard provides requirements for protection against fire and explosion hazards specific to wastewater treatment facilities and their associated collection systems. |
| NFPA | 1072 | 2017 | Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications. Standard identifies the minimum job performance requirements (JPRs) for personnel at the scene of a hazardous materials/weapons of mass |

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| | | | destruction (WMD) incident at the following levels: awareness, operations, operations mission-specific, hazardous materials technician, and incident commander. |
| NFPA | 1124 | 2022 | Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles. Code establishes fire and life safety requirements for the manufacture, transportation, and storage of fireworks, pyrotechnic articles, and any components containing pyrotechnic or explosive compositions. It does not apply to the retail sales, associated storage or the use of consumer fireworks by the general public. |
| NFPA | 1730 | 2019 | Standard on Organization and Deployment of Fire Prevention Inspection and Code Enforcement, Plan Review, Investigation, and Public Education Operations. This standard contains minimum requirements relating to the organization and deployment of fire prevention inspection and code enforcement, plan review, investigation, and public education operations. |
| NFPA | 1991 | 2016 | Standard on Vapor-Protective Ensembles for Hazardous Materials Emergencies. Standard provides requirements for protection for emergency responders against adverse vapor environments during hazardous materials incidents, and from specified chemical, biological, or radiological terrorism agents during chemical and biological terrorism incidents. |
| NFPA | 1992 | 2018 | Standard on Liquid Splash-Protective Ensembles and Clothing for Hazardous Materials Emergencies. This standard provides requirements for protection for emergency responders against adverse liquid-splash environments during hazardous materials emergency incidents. |

The City hereby adopts the following amendments to the Fire Prevention Code of the National Fire Protection Association, N.F.P.A. Pamphlet No. 1, included in the Florida Fire Prevention Code, adopted in this Chapter:

(1) *Section 13.3.2* is amended to include the following language:

Approved automatic fire sprinkler systems as hereinafter defined shall be installed throughout hereinafter constructed buildings and structures or appropriate sections thereof:

- (a) The following buildings of an institutional or educational character; all hospitals, ambulatory, surgical or treatment centers, nursing homes, homes for the aged, convalescent centers, rehabilitation facilities, day care centers caring for more than 12 clients under 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 or structure involved.
- (b) All new construction involving wood or partial wood frame buildings or structures which are 2 stories or more than 20 feet in height as measured from finish ground floor grade to the underside of the topmost roof assembly. Single-family homes, duplexes and townhouses shall be exempt from this requirement except as provided in section (d) below. For reconstruction or rehabilitation of existing structures where the total area of the addition/renovation included in the modification does not exceed 50 percent of the area of the building, the work shall be considered exempt from this requirement.

- (c) All buildings or structures regardless of the type of construction which are 3 or more occupied stories or have three (3) or more unoccupied stories as deemed required by the authority having jurisdiction (AHJ). Occupied story is defined by N.F.P.A. 101 the Life Safety Code as a story occupied by people on a regular basis. Stories used exclusively for mechanical equipment rooms, elevator penthouses, and similar spaces are not occupiable stories.
- (d) All buildings or structures regardless of the type of construction which are in excess of 12,000 square feet per floor, or an aggregate of 12,000 square feet if there is unprotected communication between floors or intermediate spaces.
- (e) All portions or sections of buildings or structures which are below grade or which constitute the basement area of a building or structure regardless of square footage of floor area or type of construction. The automatic fire sprinkler systems herein referred to and the installation thereof which is required by this ordinance shall be as contained in and provided for with the applicable standard specified for this section under appendix A of this Fire Prevention Code.

(2) *Section 13.2.2.2* is amended to include the following language:

All hereafter constructed buildings and structures more than 3 stories in height or 36 feet in height or all buildings more than 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.

For purposes of this section, height is measured from finish ground floor grade to the underside of the topmost roof assembly.

(3) *Section 13.2.3* is amended to include the following language:

All systems, equipment, tanks, piping, devices, appliances, controls, or storage facilities over which the code contains regulatory provisions, or which are required by any other law, shall be maintained in operative condition at all times to provide the service for which installed.

All fire sprinkler, standpipe, and fire pump systems shall be annually inspected, serviced, and maintained under a written service contact with service companies licensed by the State of Florida to provide such services and which possess a current occupational license for the City of Delray Beach providing for regular maintenance and testing of the systems in accordance with the applicable standards specified under Appendix A of this Fire Prevention Code and N.F.P.A. 13A, N.F.P.A. 14A and N.F.P.A. 25.

The service company performing the maintenance and tests shall forward a written report to the Fire-Rescue Department 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 services department. In addition, a copy of the service report must be maintained on the premises, and it shall be subject to inspection by the Fire-Rescue Department at anytime.

(4) *Section 13.3.1.7* is amended to include the following language:

Valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water based fire suppression systems shall be supervised by an approved Central station signaling service.

(5) *Section 13.7.1.1* is amended to include the following language:

Remote monitoring locations shall not be permitted to verify fire alarm signals prior to reporting them to the Fire-Rescue Department.

(Ord. No. 105-87, passed 12/22/87; Am. Ord. No. 66-92, passed 1/12/93; Am. Ord. No. 20-98, passed 6/2/98; Ord. No. 11-04, § 4, passed 2/17/04; Ord. No. 8-05, § 1, passed 2/15/05; Ord. No. 10-06, § 1, passed 2/21/06; Ord. No. 14-08, § 1, passed 3/18/08; Ord. No. 09-09, § 3, passed 2/17/09; Ord. No. 19-11, § 1, passed 6/21/11; Ord. No. 30-

11, § 1, passed 9/20/11; Ord. No. 02-12, § 1, passed 1/17/12; Ord. No. 43-17, § 1, passed 11/20/17; Ord. No. 40-23, § 2, passed 11/7/23)

Sec. 96.17. APPEALS.

- (A) In accordance with F.S. Section 633.025(4)(d), the validity of locally adopted amendments to the Florida Fire Prevention Code may be challenged by requesting a hearing with the City Commission. The hearing shall take place within forty-five (45) days of the date of the request.
 - (1) For purposes of such challenge, the burden of proof shall be on the challenging party to prove that the local amendments:
 - (a) Are not justified due to local conditions which require more stringent requirements than those specified in the Florida Fire Prevention Code for the protection of life and property or due to special situations arising from historic, geographic, or unusual conditions; or
 - (b) The additional requirements are discriminatory as to materials, products, or construction techniques of demonstrated capabilities.
- (B) Actions of the City Commission shall be appealed to the department of financial services in accordance with F.S. Section 633.025(4)(d).
- (C) Actions of the department of financial services are subject to judicial review pursuant to F.S. Section 120.68.

(Ord. No. 10-06, § 1, passed 2/21/06)

Sec. 96.18. AUTOMATED EXTERNAL DEFIBRILLATOR AND STOP THE BLEED KITS.

- (A) Automated external defibrillators and bleeding control kits shall be installed in the following buildings located within the geographical boundaries of the city of Delray Beach:
 - (1) Fitness centers, gymnasiums, and indoor recreational centers in excess of one thousand five hundred (1,500) square feet.
 - (2) Theaters, restaurants, drinking establishments, with a capacity of one hundred (100) or greater.
 - (3) Places of worship with a capacity of one hundred (100) or greater.
 - (4) Office buildings and any business occupancies with a square footage greater than twenty thousand (20,000) square feet.
 - (5) All Dental offices in accordance with Florida Administrative Code 64B5-17.015.
 - (6) All adult day care facilities.
 - (7) All charter and private schools.
 - (8) Assisted living facilities as defined by F.S. § 429.021(5) as amended from time to time.
 - (9) Ambulatory surgical centers as defined by F.S. § 395.002(3) as amended from time to time.
 - (10) Walk in medical care facilities.
 - (11) Hospitals providing emergency services, including freestanding facilities, shall be excluded.
 - (12) Commercial and retail spaces with a square footage greater than thirty-five thousand (35,000) square feet.
 - (13) All hotels and motels.

- (14) Multi-story residential/dormitory buildings five (5) floors or more.
- (B) Multi story occupancies listed above shall place an AED on every other floor beginning on the first floor. The AED shall be placed near the elevator(s) beginning in the first-floor lobby (first floor, third floor, fifth floor etc.).
- (C) Buildings that contain more than one (1) automated external defibrillator device shall be required to have a bleeding control kit located with each defibrillator device.
- (D) Installation and Operation.
 - (1) Fire Marshall or Designee shall inspect all automated external defibrillator devices and bleeding control kit for operation prior to being placed in service or available for use, and on an annual basis.
 - (2) Automated external defibrillator devices shall be:
 - i. Conspicuously located in plain view of the primary public entrance, with unobstructed access;
 - ii. Housed in a cabinet with a clear window in the door, an audible alarm signaling the opening or a door, permanently affixed to a wall, and the top should be no more than forty-eight (48) inches above the floor;
 - iii. Located below a sign having a minimum area of seventy (70) square inches and containing the letters "AED" and the universally recognizable symbol which shall be placed no more than sixty (60) inches, on center, above the floor;
 - iv. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons; and
 - v. Placed near the elevator(s) in the first-floor lobby, if the building contains an elevator.
 - (3) Bleeding control kits shall be located in the same cabinet as the automated external defibrillator devices. If that is not feasible, then the bleeding control kits shall be located in one of the following locations:
 - i. Conspicuously located in plain view of the primary public entrance, with unobstructed access;
 - ii. Housed in a cabinet with a clear window in the door, an audible alarm signaling the opening of a door, permanently affixed to a wall, and whose top is no more than forty-eight (48) inches above the floor;
 - iii. Located below a sign having a minimum area of seventy (70) square inches and containing the letters "AED" and the universally recognizable symbol which shall be placed no more than sixty (60) inches, on center, above the floor.
 - iv. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons; and
 - v. Placed near the elevator(s) in the first floor lobby, if the building contains an elevator.
 - (4) Automated external defibrillator devices shall contain adult and pediatric pads and bandage scissors.
 - (5) All automated external defibrillator devices shall be used in accordance with the manufacturer's guidelines.
 - (6) It shall be the responsibility of the owner of the building to:
 - i. Install automated external defibrillator devices and bleeding control kits;
 - ii. Provide all necessary training for appropriate use of automated defibrillator devices and bleeding control kits; and

- iii. Maintain automated external defibrillator devices and bleeding control kits in accordance with manufacturer's recommended maintenance requirements and as required herein.
- (7) If an automated external defibrillator device or bleeding control kit is removed for repair, a replacement shall be provided.
- (8) **Penalties.** It shall constitute a violation of the City Code, punishable as provided in Section 37.36 to:
 - i. Render an automated external defibrillator device or bleeding control kit inoperative, except during such time as the automated external defibrillator device or bleeding control kit is being serviced, tested, repaired, or recharged, except pursuant to court order;
 - ii. Obliterate the serial number on an automated external defibrillator device or bleeding control kit for purposes of falsifying service records;
 - iii. Improperly service, recharge, repair, test, or inspect an automated external defibrillator device or bleeding control kit; or
 - iv. Use the inspection certificate of another person or hold an inspection certificate and allow another person to use said inspection certificate number.
 - v. Fail to install or remove an automated external defibrillator device or bleeding control kit required by section 96.18.
- (9) **Applicability.** After the effective date of the ordinance codified in this section, the owner of any new building constructed required to have an automated external defibrillator device and bleeding control kit shall comply with this section.

(Ord. No. 11-24, § 2, passed 6/18/24)

Secs. 96.19—96.24. RESERVED.

FIREWORKS

Sec. 96.25. DISCHARGE OR USE OF FIREWORKS, PYROTECHNIC DEVICES AND SPECIAL EFFECTS.

The discharge, firing or use of firecrackers, rockets, torpedoes, Roman candles or other fireworks or substances designed and intended for pyrotechnic display, and of pistols, canes, cannons or other appliances using blank cartridges or caps containing chlorate or potash mixture, is prohibited. The use of pyrotechnic special effects, flame effects and/or similar devices inside buildings, tents, structures and/or other enclosed spaces is prohibited. Flame effects include, but are not limited to, batons, and/or torches fueled by liquid, solid or gaseous fuels; flame projectors which produce heat effects and/or flames; flash powders composed of fuel(s) and oxidizer(s); flares and similar devices. Pyrotechnic special effects include, but are not limited to, chemical mixtures used in the entertainment industry to produce visible, audible or thermal effects by combustion, deflagration or detonation. However, this Section shall not prohibit public outdoor fireworks/pyrotechnic displays where the permission of the City Manager has been obtained, and for which a permit has been obtained from the Fire-Rescue Department, all financial bond requirements established by the City have been satisfied, and other prescribed safety requirements have been met.

(Code 1980, § 16-11; Ord. No. 8-03, § 1, passed 4/15/03)

Cross reference(s)—Penalty, § 96.99.

Sec. 96.26. SALE OF FIREWORKS.

The sale of fireworks at retail is prohibited.

(Code 1980, § 16-12)

Cross reference(s)—Penalty, § 96.99.

Secs. 96.27—96.39. RESERVED.

INSTALLATION OF FUEL TANKS

Sec. 96.40. PERMIT REQUIRED.

It shall be unlawful for any person to install, place, locate, bury, erect or maintain, or to aid or assist in the installation, placing, locating, burying, erecting or maintaining of any tank designed or intended to be used for the storage of any class I, II or III liquid, as defined and set forth in the Fire Prevention Code and the National Fire Code, and commonly used for fuel, upon any property or premises within the City, unless there first be secured approval from the Fire-Rescue Department and a written permit from the Building Department.

(Code 1980, § 11-27(1); Ord. No. 63-81, passed 9/22/81; Ord. No. 46-02, § 2, passed 10/1/02)

Cross reference(s)—Penalty, § 96.99.

Sec. 96.41. APPLICATION FOR PERMIT.

It shall be the duty of an applicant for a permit to furnish written application to the Building Department and pay a fee at the regular sub-trade permit fee level, based on the cost of installation. The application shall show the following information:

- (A) The name and address of the applicant.
- (B) The name and address of the owner of the premises.
- (C) The legal description of the premises and its street location.
- (D) The zoning district in which the property is located.
- (E) A sketch showing the exact proposed location of the tank upon or under the premises; also, the exact location of any other existing tanks upon or under the premises.
- (F) The size, type, construction, capacity, and purpose of the proposed tank or tanks and any other existing tanks.

(Code 1980, § 11-27(2); Ord. No. 63-81, passed 9/22/81)

Sec. 96.42. TYPE, CONSTRUCTION, DESIGN AND INSTALLATION TO MEET REGULATIONS.

The location, design, construction and installation of all tanks must comply with all ordinances of the City, including zoning, building and fire codes. In addition, the type, construction, design and installation thereof must conform strictly to the rules and regulations of the Fire Prevention Code, as recommended by the American Insurance Association.

(Code 1980, § 11-27(3); Ord. No. 63-81, passed 9/22/81)

Sec. 96.43. REFUSAL TO ISSUE PERMIT.

No permit shall be granted where a violation of any City Ordinance is involved, where the Fire Marshal determines the operation or maintenance of any proposed tank would unduly increase the fire hazard of the surrounding neighborhood or property, or where the public safety or welfare is jeopardized.

(Code 1980, § 11-27(4); Ord. No. 63-81, passed 9/22/81)

Sec. 96.44. CARRIER NOT REQUIRED TO OBTAIN PERMIT.

This Section shall not be construed to require a carrier to obtain a permit for the transportation of storage tanks or for the storage of same, pending delivery to the consignee, or to require a manufacturer or dealer in those tanks to obtain a permit in order to display the same for sale or where not used for the storage of any liquid commonly used for fuel.

(Code 1980, § 11-27(5); Ord. No. 63-81, passed 9/22/81)

Sec. 96.45. TOTAL AGGREGATE STORAGE LIMIT SHALL BE 40,000 GALLONS.

It shall be unlawful to construct or install within the City facilities for more than forty thousand (40,000) gallons of class I, II or III flammable or combustible liquids in any one service or storage area, except bulk storage plants in industrial areas, and no permit shall be granted for storage Facilities in excess of forty thousand (40,000) gallons except as provided herein.

(Code 1980, § 11-27(6); Ord. No. 63-81, passed 9/22/81)

Cross reference(s)—Penalty, § 96.99.

Sec. 96.46. ABOVEGROUND INSTALLATIONS.

All above-ground tank installations shall be of a capacity of six hundred (600) gallons or less and shall be in the form of skid tanks. Tanks exceeding six hundred (600) gallons capacity shall be installed underground. Above-ground storage tanks in excess of six hundred (600) gallons capacity now in use shall not be replaced with aboveground tanks but only with underground tanks. However, a tank exceeding six hundred (600) gallons in capacity may be placed aboveground if it is a fire-resistant protected tank listed and tested in accordance with UL 2085, Standard for Protected Aboveground Tanks for Flammable and Combustible Liquids and adequately screened from view.

(Code 1980, § 11-27(7); Ord. No. 63-81, passed 9/22/81; Am. Ord. No. 20-98, passed 6/2/98; Ord. No. 09-09, § 4, passed 2/17/09)

Cross reference(s)—Penalty, § 96.99.

Sec. 96.47. BULK STORAGE PLANTS.

All bulk storage plants shall use underground storage tanks only, regardless of capacity.

(Code 1980, § 11-27(8); Ord. No. 63-81, passed 9/22/81)

Cross reference(s)—Penalty, § 96.99.

Secs. 96.48—96.54. RESERVED.

BUREAU OF FIRE PREVENTION

Sec. 96.55. ESTABLISHMENT; DUTIES.

- (A) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire-Rescue Department of the City which is established and which shall be operated under the supervision of the Chief of the Fire-Rescue Department.
- (B) The Chief in charge of the Bureau of Fire Prevention shall be appointed by Chief of the Fire-Rescue Department on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service.
- (C) The Chief of the Fire-Rescue Department may detail those members of the Fire-Rescue Department as inspectors as shall from time to time be necessary. The Chief of the Fire-Rescue Department shall recommend to the City Manager the employment of technical inspectors, who, when authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire-Rescue Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

(Code 1980, § 11-20; Ord. No. 46-02, § 2, passed 10/1/02)

Secs. 96.56—96.64. RESERVED.

EMERGENCY MEDICAL SERVICES

Sec. 96.65. DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply:

Advanced life support services. Those types of patient treatment services which require advanced medical therapy, including, but not limited to, electrocardiographic monitoring, use of external pacemakers, defibrillation, intravenous therapy, medication administration, cardiopulmonary resuscitation, endotracheal intubation, other advanced airway and artificial ventilator techniques, and may include transportation to a hospital by the Delray Beach Fire-Rescue Department.

Basic life support services. The provision of treatment services rendered to patients which do not require invasive techniques, which include, but are not limited to, simple bandaging, minor splinting and simple immobilization, and may include transportation to a hospital by the Delray Beach Fire-Rescue Department.

(Ord. No. 50-90, passed 10/23/90; Am. Ord. No. 5-95, passed 1/17/95; Ord. No. 46-02, § 2, passed 10/1/02)

Sec. 96.66. EMERGENCY MEDICAL TRANSPORTATION FEES.

- (A) The following service charges or fees are levied for the provision of emergency medical transportation:

| | | |
|-----|---|------------|
| (1) | Advanced Life Support (ALS-1) transport fee | \$700.00 |
| (2) | Advanced Life Support (ALS-2) transport fee | 800.00 |
| (3) | Skilled Care transport fee | 850.00 |
| (4) | Basic Life Support (BLS) transportation fee | 650.00 |
| (5) | Mileage fee | 12.00/mile |

(B) The City Commission may adjust fees annually pursuant to the Inflation Index Charge (I.I.C.) which is used by Medicare to determine the appropriate fee charges.

(Ord. No. 50-90, passed 10/23/90; Am. Ord. No. 5-95, passed 1/17/95; Am. Ord. No. 6-96, passed 1/23/96; Am. Ord. No. 58-96, passed 1/7/97; Am. Ord. No. 1-99, passed 1/19/99; Am. Ord. No. 1-00, passed 1/18/00; Ord. No. 49-01, passed 9/19/01; Ord. No. 60-02, § 1, passed 1/7/03; Ord. No. 6-04, § 1, passed 2/3/03; Ord. No. 3-05, § 1, passed 1/18/05; Ord. No. 69-05, § 1, passed 9/20/05; Ord. No. 54-06, § 1, passed 10/3/06; Ord. No. 33-07, § 1, passed 9/4/07; Ord. No. 48-08, § 1, passed 11/3/08; Ord. No. 49-09, § 1, passed 9/22/09)

Sec. 96.67. COLLECTION OF EMERGENCY MEDICAL SERVICE FEES.

- (A) The Fire-Rescue Department shall submit bills to patients or to the patient's insurance carrier for the provision of Basic Life Support or Advanced Life Support transportation.
- (B) Any bill remaining unpaid for a period of ninety (90) days shall be considered delinquent. Any delinquent bill shall incur interest at a rate determined by the City Manager. The notice of an interest charge shall be included on the initial bill mailed to the patient.
- (C) The City may collect delinquent charges through any and all available legal remedies.
- (D) The City Finance Department is hereby authorized to accept assignment at the maximum allowable rate of Medicaid, Medicare, and Palm Beach County Health Care District benefits.
- (E) The City Finance Department is hereby authorized to negotiate payment settlements of outstanding debts owed to the City for emergency services rendered when the debtor is unable to satisfy the outstanding balance due.

(Ord. No. 50-90, passed 10/23/90; Am. Ord. No. 5-95, passed 1/17/95; Ord. No. 46-02, § 2, passed 10/1/02; Ord. No. 14-18, § 2, passed 9/6/18)

Sec. 96.68. EMERGENCY MEDICAL SERVICES AND ADVANCED LIFE SUPPORT PROVIDER.

- (A) The Fire-Rescue Department is hereby authorized to obtain and maintain any and all necessary State of Florida licensing, vehicle permits and all necessary Palm Beach County Certificates of Public Convenience and Necessity (COPCN), pursuant to F.S. Chapter 7401; and Palm Beach County EMS Ordinance, Palm Beach County Code, Chapter 13; and any subsequent applicable revised laws and ordinances, for the purpose of providing advanced life support and all manner of emergency medical services as it applies to emergency medical and trauma treatment and emergency transportation services, in and for the City of Delray Beach.
- (B) The Fire-Rescue Department shall, upon obtaining all necessary licenses and certifications, be designated as the primary provider of Advanced Life Support and of all manner of emergency medical services as it applies to emergency medical and trauma treatment and emergency transportation services within the City limits of the City of Delray Beach.

(Ord. No. 5-95, passed 1/17/95; Ord. No. 46-02, § 2, passed 10/1/02)

Secs. 96.69—96.97. RESERVED.

Sec. 96.98. VIOLATIONS; NONCOMPLIANCE.

(A) Any person who shall violate any of the provisions of any of the codes adopted in Section 96.16, including amendments thereto, or who shall violate or fail to comply with any order made hereunder, 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, from which no appeal has been taken, or who shall fail to comply with an order as affirmed or modified by the Chief of the Fire-Rescue Department or his designate or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all persons shall be required to correct or remedy those violations or defects within a reasonable time. When not otherwise specified, each thirty (30) days that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1980, § 11-26; Ord. No. 20-78, passed 4/10/78; Ord. No. 46-02, § 2, passed 10/1/02)

Cross reference(s)—Penalty, § 96.99.

Sec. 96.99. PENALTY.

See Section 10.99, "General Penalty".

(Am. Ord. No. 18-95, passed 4/4/95)

CHAPTER 112. ALARM SYSTEMS

GENERAL PROVISIONS

Sec. 112.01. SHORT TITLE.

This Chapter shall be known and cited as the "Alarm Systems Ordinance."

(Code 1980, § 2.5-1; Ord. No. 68-83, passed 9/13/83; Am. Ord. No. 1-95, passed 1/17/95)

Sec. 112.02. PURPOSE.

This Chapter is enacted to provide minimum standards and regulations applicable to alarm systems, and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security or fire response which properly balances quick response by the Police and Fire Departments with minimization of public resources spent on alarms which are false or otherwise not the intended function of such systems.

(Ord. No. 1-95, passed 1/17/95)

Sec. 112.03. DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Alarm. The sound or signal of an alarm system.

Alarm malfunction. The activation of any alarm which results in the response of the Police Department or the Fire Department, caused by mechanical failure, malfunction, improper installation or lack of proper maintenance or any other response for which Police or Fire Department personnel are unable to gain access to the premises for any reason, or are unable to determine the apparent cause of the alarm activation.

Alarm registration. A registration issued by the City Manager or his designee allowing the operation of an alarm system within the City of Delray Beach and signifying compliance of the alarm system with the provisions of this Chapter.

Alarm system. Any mechanical, electrical or radio-controlled device which is designed for the detection of smoke, fire, unauthorized entry or other activity requiring urgent attention, and which when activated emits a sound or transmits a signal or message beyond the premises to alert others of an emergency situation.

Alarm technician. Any person who inspects, installs, repairs or performs maintenance on alarm systems and is licensed by the State of Florida or works under a state-licensed alarm contractor.

Alarm user. Any individual, partnership, corporation or other entity in control of any building, structure, facility or premises, or portion thereof, where an alarm system is located and maintained.

Automatic telephone dialing device or digital alarm communicator. An alarm system which automatically transmits a recorded message or coded signal over regular telephone lines by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.

Enforcement official. As to security/burglar alarm systems, the Chief of Police or his designated representative; as to fire alarm systems, the Fire Chief or his designated representative.

False alarm. An alarm for which a governmental agency has made an inspection of the premises within a reasonable time after the activation of an alarm and finds no apparent reason for the alarm except a possible alarm malfunction or an activation that sounds with no physical evidence of prying, forcing, or damaging to access points of a structure. An alarm is not considered a false alarm if the alarm is activated by unusually violent conditions of nature or due to malicious causes beyond the control of the alarm user.

Limited response. The Police Department shall respond only to verified emergencies, i.e. crime in progress, panic button, silent alarm, call from person on site or alarm company to report a crime.

Premises. Any building, structure or facility and adjoining property which is protected by and upon which is installed an alarm system.

Required operative alarm system. An alarm system which the owner of a premises is required to maintain in an operative condition pursuant to statute, law, ordinance, rule or regulation of any governmental entity.

Smoke detector. A device which detects the visible or invisible particles of combustion.

(Code 1980, § 2.5-2; Ord. No. 68-83, passed 9/13/83; Am. Ord. No. 1-95, passed 1/17/95; Ord. No. 44-10, § 1, passed 1/4/11)

Sec. 112.04. PROHIBITIONS.

- (A) No person, partnership, corporation or other entity shall use or cause to be used any automatic telephone dialing alarm device or digital alarm communicator system over any telephone lines exclusively used by the public to directly request emergency service.
- (B) Audible security/burglar alarm systems which do not automatically deactivate within fifteen (15) minutes after activation are prohibited.
- (C) Fire alarm systems which automatically deactivate are prohibited.
- (D) Alarm systems which transmit an alarm sound or signal in the event of a power restoration after a power failure are prohibited.
- (E) Alarm systems shall not directly dial police or fire departments.

(Code 1980, § 2.5-5; Ord. No. 68-83, passed 9/13/83; Am. Ord. No. 1-95, passed 1/17/95; Ord. No. 44-10, § 1, passed 1/4/11)

Sec. 112.05. EFFECT ON FIRE CODES.

Nothing herein shall be construed as repealing or modifying any provisions of the applicable fire codes, and to the extent that the provisions of this Chapter conflict with applicable fire codes, those fire codes shall control.

(Code 1980, § 2.5-17; Ord. No. 68-83, passed 9/13/83; Am. Ord. No. 1-95, passed 1/17/95)

Sec. 112.06. EXEMPTIONS.

The provisions of this Chapter shall not apply to:

- (A) Alarm systems affixed to motor vehicles, mobile conveyances or equipment; or
- (B) Alarms which are not intended to be heard outside the premises; or

(C) Alarms which serve school facilities owned by the School District for Palm Beach County.

(Code 1980, § 2.5-3; Ord. No. 68-83, passed 9/13/83; Am. Ord. No. 1-95, passed 1/17/95; Am. Ord. No. 16-98, passed 4/21/98)

Secs. 112.07—112.19. RESERVED.

REGULATION OF ALARM SYSTEMS

Sec. 112.20. APPLICATION FOR ALARM REGISTRATION; REPORTING CHANGES TO REQUIRED INFORMATION; RENEWAL.

(A) (1) Application for an alarm registration shall be made by a person having control over the property on which the alarm system is to be operated. Such application shall be made in writing to the Director of Community Improvement or his/her designee on a form designated by the City for that purpose. Neighborhood subdivisions referred to in Section 112.21(E) shall comply with Section 112.20 (B)(2) and (3) and shall provide two (2) emergency contacts for the purpose of complying with Section 112.20 (B) (5).

(2) New alarm systems shall be registered for twenty-five dollars (\$25.00).

(3) Each year, by May 1, renewal applications shall be filed in order to ensure all information is correct. A fee of thirty dollars (\$30.00) shall be required.

(B) On such application, the application shall set forth:

(1) The name, address and telephone number of the applicant's property to be serviced by the alarm, including any business name used for the premises;

(2) The name, address and telephone number of the applicant, if different from the property to be serviced;

(3) The name, address and telephone number of the alarm business installing or maintaining the alarm system, if any;

(4) The date of activation of the alarm system; and

(5) Emergency notification. The names, addresses and telephone numbers of at least two (2) persons or entities who can be contacted at any time for the following purposes:

(a) To receive notification of alarm activation;

(b) To arrive at the alarm site within thirty (30) minutes after receiving a request from the Police Department or Fire Department to do so; and

(c) To grant access to or enter the premises and deactivate the alarm system.

(C) The information set forth in subsection (B) shall be updated each year and be kept current by the registration holder. The registration holder shall notify the Alarm Coordinator within ten (10) days of any changes in this information and shall each year provide a new application as required by subsection 112.20(A)(3). Failure to renew alarm registration of this Chapter shall result in a late charge of one hundred dollars (\$100.00) and if renewal application is not received within sixty (60) days of the renewal date, there shall be limited response by the City's Police Department.

(D) Immediately upon receipt of a registration and prior to the activation of any alarm system, the Director of Community Improvement or his/her designee shall forward a copy of the application to the Alarm Coordinator.

(Ord. No. 1-95, passed 1/17/95; Ord. No. 44-10, §§ 2, 3, passed 1/4/11)

Editor's note(s)—Ord. No. 44-10, § 3, passed Jan. 4, 2011, repealed § 112.20, then renumbered § 112.21 to read as herein set out.

Sec. 112.21. ALARM REGISTRATION REQUIRED; PENALTY FOR FAILURE TO REGISTER.

(A) (1) All alarm systems for which permit application is completed after the effective date of this Section shall be registered at the time of permit application.

- (a) Burglar alarm systems installed prior to the effective date of this Section shall be required to obtain a valid alarm registration upon the emission of one false/nuisance alarm.
- (b) Fire alarm systems installed prior to the effective date of this Section shall be required to obtain a valid alarm registration upon notice from the fire-rescue department.

(2) A person required to obtain a valid alarm registration shall be issued a notice of violation and that person shall have ten (10) days from the date of the notice of violation to make application for the registration. If application for an alarm registration is not made within ten (10) days of the notice of violation, the person shall be in violation of this Section and shall result in a late charge of one hundred dollars (\$100.00).

(B) A registration fee of twenty-five dollars (\$25.00) shall be charged to the alarm user after notification and receipt of notice of violation due to the emission of one false alarm.

(C) Applications having more than one alarm system protecting two (2) or more separate structures shall be required to obtain separate alarm registrations for each structure, unless the structures are protected by the same alarm system.

(D) Any alarm registration issued pursuant to this Chapter shall not be transferable or assignable. Any change in ownership or tenancy of residential or commercial property to which an alarm registration is assigned shall require a new registration application.

(E) Neighborhood subdivisions that have an internal fire and/or burglar alarm system that is maintained and monitored by a private security company located within the subdivision shall pay one registration fee for the entire subdivision.

(F) If the owner or property manager of an apartment complex provides alarm systems in each residential unit as an amenity, then the apartment complex shall obtain an alarm permit for each apartment. All units, whether occupied or not, shall be required to have an alarm permit. Each apartment shall be considered as a separate alarm user.

(Ord. No. 44-10, § 4, passed 1/4/11; Ord. No. 08-11, § 2, passed 3/15/11)

Sec. 112.22. MONITORING REQUIRED.

Each security/burglar alarm system shall be monitored by a twenty-four-hour alarm monitoring company licensed in the State of Florida.

(Ord. No. 1-95, passed 1/17/95; Ord. No. 44-10, § 5, passed 1/4/115)

Sec. 112.23. ISSUANCE OF ALARM REGISTRATION; DECAL REQUIRED.

- (A) An alarm registration shall be issued by the Director of Community Improvement upon receipt of a completed application.
- (B) The Director of Community Improvement or his/her designee may inspect the alarm equipment and planned installation and may require the submission of additional and specific information.
- (C) Each alarm registration holder shall be issued a decal which shall contain the alarm user's registration number. This decal must be prominently posted at or near the front entrance of the premises covered by the registration so that the decal is visible from the outside of the structure.
- (D) An application for an alarm registration may be denied if:
 - (1) The requested information is not supplied on the application or such additional information as required is not furnished.
 - (2) Material information on the application is incorrect, or an applicant falsifies any statement on the application.
 - (3) If the equipment is found to be inferior and not capable of proper performance.
 - (4) If the business or alarm user has an unpaid alarm fine balance at another property in this City.

(Ord. No. 1-95, passed 1/17/95; Ord. No. 44-10, § 6, passed 1/4/11)

Sec. 112.24. APPEAL OF DENIAL OF REGISTRATION.

Any applicant who is denied an alarm registration may request, in writing, a hearing before the City Manager or his designee within fifteen (15) calendar days of receipt of the denial. The City Manager or his designee shall hold a hearing within a reasonable time of receipt of the written request. After taking into consideration all relevant facts and circumstances, the City Manager or his designee may either affirm the denial or order the Chief Building Official to issue the alarm registration in writing. Such decision shall be mailed to the applicant by regular mail.

(Ord. No. 1-95, passed 1/17/95)

Sec. 112.25. FALSE ALARMS PROHIBITED; EXCEPTIONS.

- (A) No person shall intentionally activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice.
- (B) No alarm system shall be tested or demonstrated without first notifying the Police Department or Fire Department and receiving permission from the appropriate enforcement official.

(Ord. No. 1-95, passed 1/17/95)

Sec. 112.26. VERIFICATION OF ALARM; REQUIRED RESPONSE TO ALARM; ALARM USER RESPONSIBILITY; ALARM MALFUNCTION AND CORRECTIVE ACTION.

- (A) All residential or commercial intrusion and burglary alarms that have a central monitor shall have a central monitoring verification call made to the premises generating the alarm signal, prior to alarm monitor personnel contacting the Police Department for alarm dispatch. This verification requirement does not apply

to fire alarms. Failure to verify alarm activations before requesting a dispatch shall result in the assessment of the alarm monitoring company of a civil penalty of five hundred dollars (\$500.00) for each occurrence and/or an assessment of the alarm user of a civil penalty of one hundred twenty-five dollars (\$125.00) for each occurrence.

- (B) A response to an alarm activation shall result when any officer or member of the police or Fire Department shall be dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system(s), by any means whatsoever, and responds thereto by traveling to that premises.
- (C) After responding to an alarm activation, the enforcement official may notify any person identified in the alarm registration application pursuant to Section 112.20 of the activation of the alarm system and such person shall thereupon travel to the premises to ascertain the status thereof. Should the person notified fail to appear at said premises within thirty (30) minutes after being notified to do so, the City shall charge the alarm user a fee of one hundred dollars (\$100.00). The officer or member of the Police Department or Fire Department who responded to said premises shall serve the alarm user or authorized representative with an "Alarm Activation Report." If no representative is present, the Alarm Activation Report shall be left at the premises.
- (D) In the event of an alarm activation deemed by the enforcement official to be an alarm malfunction, the alarm user or authorized representative will be served an "Alarm Activation Report" indicating that the activation was deemed to be the result of a mechanical failure, malfunction, improper installation or improper maintenance, and requiring the alarm user or authorized representative to return a completed "Affidavit of Service/Repair" within thirty (30) days of said alarm activation which can verify to the satisfaction of the enforcement official that the alarm system in question has been examined by an alarm contractor licensed in the State of Florida and that a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the alarm system which was identifiable as the cause of the nuisance alarm. Failure to return an "Affidavit of Service/Repair" within said thirty day (30) period which is satisfactory to the enforcement official shall result in a fine of one hundred dollars (\$100.00) or enforcement action in the event of a required fire alarm system per F.S. Section 633.025(3).

(Ord. No. 1-95, passed 1/17/95; Ord. No. 76-04, § 2, passed 1/4/05; Ord. No. 44-10, § 6, passed 1/4/11)

Sec. 112.27. MULTIPLE FALSE ALARMS OR ALARM MALFUNCTIONS; FEE CHARGES.

- (A) It is hereby found and determined that the emission of more than three (3) false or alarm malfunctions within a calendar year period at the same premises is excessive.
- (B) No fee shall be assessed with a valid permit for the first three (3) false or alarm malfunctions at the same premises responded to by the Police Department or the Fire Department during each calendar year. Thereafter, a fee shall be paid by the alarm user for each false or nuisance alarm responded to by the Police Department or the Fire Department at the same premises during each calendar year as follows:

- (1) a. First three false/nuisance alarms with valid permitNo cost

Without valid permit, one hundred dollars (\$100.00) for cost of permit and late fee as provided in Section 112.21(A)(2)

- b. Fourth false/nuisance alarm50.00
 - c. Fifth false/nuisance alarm100.00
 - d. Sixth, seventh, eighth, ninth, and tenth false/nuisance alarms, each200.00

- (C) Once a fire alarm system has been responded to by the Fire Department, it shall be unlawful for the alarm panel to be reset by the alarm user or authorized representative until the authorization of the enforcement official has been obtained.
- (D) Should any fee assessed pursuant to this Chapter remain unpaid in excess of one hundred twenty (120) days from the date of the charge is billed, a collection fee in the amount of eight (8) percent of the outstanding balance shall be assessed and shall be payable by the alarm user in addition to the original fee and the alarm user shall be placed on a limited response at the alarm site until payment of all delinquent fines are received. The alarm user shall also be responsible for any legal fees or costs incurred by the City of Delray Beach in enforcement of this Chapter including any fees or court costs associated with filing suit in a court of competent jurisdiction to collect unpaid fees or costs.

(Ord. No. 1-95, passed 1/17/95; Am. Ord. No. 61-95, passed 10/24/95; Ord. No. 44-10, § 6, passed 1/4/11)

Sec. 112.28. LIMITED RESPONSE.

- (A) Limited Response shall mean that the Police Department shall respond only to verified emergencies, including, but not limited to, the following: crimes in progress, panic button calls, silent alarm calls and calls from persons on site reporting a crime.
- (B) An alarm system may be placed on limited response for one or more of the following occurrences:
 - (1) Alarm systems with six (6) or more false alarms, and corrective action prescribed by the Alarm Coordinator has not been completed; or
 - (2) The alarm user has response fees which are overdue for sixty (60) or more calendar days; or
 - (3) The alarm system is unregistered and the applicant has not registered or obtained a permit within thirty (30) calendar days after notification.
- (C) Prior to being placed on limited response, except for an unregistered system, the alarm user shall be notified in writing with the date specific as to when the alarm system shall be placed on limited response. The Alarm Coordinator shall send out notice by certified mail to the alarm user. Any unregistered system shall be automatically placed on limited response, if the applicant has not registered within thirty (30) calendar days of notification, until such time that the alarm system is registered with the City. In addition, the user of an unregistered system or a system installed without a permit may be subject to a notification to appear before a special master and/or be issued a City citation.
- (D) The alarm user shall pay a reinstatement fee of ninety dollars (\$90.00) to be reinstated to nonlimited response status together with certification by an alarm system contractor that any and all problems with the alarm system have been corrected.

(Ord. No. 1-95, passed 1/17/95; Ord. No. 12-09, § 1, passed 3/17/09; Ord. No. 44-10, § 7, passed 1/4/11)

Sec. 112.29. APPEAL OF RESPONSE FEE AND APPEAL OF LIMITED RESPONSE STATUS.

- (A) An alarm user may appeal assessment of the response fee to the Alarm Coordinator by filing a written request for review setting forth the reasons for the appeal within thirty (30) calendar days of the incident of alarm. The filing of a request for an appeal stays the assessment of the response fees until the Director of Community Improvement or his/her designee makes a final decision.
- (B) The Alarm Coordinator shall conduct a review and consider evidence presented by the alarm user. The Alarm Coordinator shall make a recommendation to the Director of Community Improvement on the basis of

evidence presented. The Director of Community Improvement must render a final decision within forty-five (45) calendar days after the request for an appeal is filed.

(C) An alarm user placed on limited response may appeal the limited response status by filing a written request setting forth the reasons for the appeal within fourteen (14) calendar days of receipt of notification. The City's Hearing Official shall conduct a hearing and consider the evidence presented. The decision of the Hearing Officer is final. If an alarm user is found in violation of city code, a fine amount may be imposed not to exceed two hundred fifty dollars (\$250.00) per day for the first violation and not to exceed five hundred dollars (\$500.00) per day for a repeat violation. Should an appeal be heard by the Hearing Officer, pursuant to Section 162.09, Florida Statutes, and the required corrective action is not taken, a lien may be imposed on the property where the violation exists and upon any real or personal property owned by the violator.

(Ord. No. 1-95, passed 1/17/95; Ord. No. 12-09, § 2, passed 3/17/09; Ord. No. 44-10, § 8, passed 1/4/11)

Secs. 112.30—112.49. RESERVED.

ADMINISTRATION AND ENFORCEMENT

Sec. 112.50. NONCOMPLIANCE WITH PROVISIONS.

In addition to the violations specifically set forth herein, any noncompliance with the provisions of this Chapter shall be decreed a violation of this Chapter, punishable as provided herein.

(Ord. No. 1-95, passed 1/17/95)

Sec. 112.51. ENFORCEMENT THROUGH CIVIL CITIGATION SYSTEM.

The enforcement official may issue a civil citation to obtain compliance with this Chapter and payment of service charges or fees assessed by the City pursuant to the provisions of this Chapter. A lien may be filed for all unpaid fees, citations, or renewal/registration charges under this Chapter.

(Ord. No. 1-95, passed 1/17/95; Ord. No. 12-09, § 4, passed 3/17/09)

Sec. 112.52. ALARM SYSTEM OPERATIONS.

The City, its officers, employees and agents, shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned alarm system, those duties or responsibilities being solely those of the alarm user. Additionally, it shall be the responsibility of the alarm user to silence an activated alarm and thereafter reset same.

(Ord. No. 1-95, passed 1/17/95)

Sec. 112.53. LIMITATION OF LIABILITY.

The City, its officers and agents shall not be under any obligation or duty to an alarm user or to any other person hereunder by reason of this ordinance. The City specifically disclaims liability for any damages which may be caused by failure to respond to an alarm. Nothing herein shall be deemed to waive any immunities granted pursuant to F.S. Section 768.28.

(Ord. No. 1-95, passed 1/17/95)

Sec. 112.54. REMEDIES TO BE CUMULATIVE.

The remedies of the City provided in this Chapter shall be cumulative with each other and other remedies existing according to law.

(Ord. No. 1-95, passed 1/17/95)