

Chapter 9 FIRE PREVENTION AND PROTECTION¹

ARTICLE I. IN GENERAL

Sec. 9-1. Municipal hydrants restricted in use, for fire purposes only.

- (a) *Limitation.* Municipal fire hydrants may be used for fire purposes only. All fire hydrants shall have no connections whatsoever with any taps that may be used for other than fire purposes.
- (b) *Exemption.* The foregoing shall not prevent persons authorized by the city from conducting periodic tests of the fire system, provided that such tests shall be made in the presence of a representative of the city.
- (c) *Violation; penalty.* Any person making an unauthorized connection to a municipal fire hydrant shall be guilty of a violation of a municipal ordinance and shall be punished as provided in Section 1-13 of this Code.

(Code 1964, § 10-1; Ord. No. 14-16, § 8, 6-17-14)

Cross reference(s)—Water, § 21-26 et seq.; buildings and building structure regulations, Ch. 22.

Sec. 9-2. Open burning restrictions.

- (a) *Outdoor fires.* No person shall ignite, cause to be ignited, permit to be ignited, suffer, allow, burn or maintain any outdoor fire, except as provided in subsections (b), (c) and (d).
- (b) *Exemptions.* The following activities shall be exempt from the prohibitions contained in subsection (a):
 - (1) Outdoor, noncommercial preparation of food.
 - (2) Outdoor heating devices using approved fuel for the purpose of frost protection.
 - (3) Training exercises conducted by the city fire department.
- (c) *Temporary use permits.* The city commission may, by resolution, issue a temporary use permit to authorize an outdoor fire if it determines that such outdoor fire will not present a hazard to the surrounding residents or endanger the peace, safety and welfare of the residents of the city. A temporary use permit for open burning shall require compliance with all the provisions set forth in subsection (d) and any other conditions the city commission may wish to impose. The city commission has the authority to revoke the temporary use permit in the event of on-going, continuous complaints.
- (d) *Permits for open burning.* After the granting of a temporary use permit by the city commission, the fire department may issue a permit for open burning of wooden material or vegetation generated by an on-site

¹Cross reference(s)—Alarm systems, Ch. 3; fire prevention and protection for amusement devices, § 5-29; health, sanitation and nuisances, Ch. 10; business taxes, permits and business regulations, Ch. 11; solid waste, Ch. 18; gas, § 21-126 et seq.; buildings and building structure regulations, Ch. 22; unsafe buildings and structures, § 22-46 et seq.; streets and sidewalks, Ch. 23; vegetation, Ch. 25.

State law reference(s)—Fire prevention and control, F.S. ch. 633.

land clearing operation subject to the conditions set out below. No off-site materials may be brought to the location.

- (1) Two (2) methods of open burning shall be permitted:
 - a. Air-current incinerators using a four-sided chamber; or
 - b. A pit burner which is a portable air-blower unit. Each pit operation shall require individual air blowers.
 - (2) All burning shall comply with all applicable city, county and state laws, ordinances, rules and regulations including chapter 17, sections 17-2 and 17-5, Florida Administrative Code, as amended from time to time.
 - (3) An application for a permit shall be submitted to the fire department accompanied by the appropriate fee as set out below and a site specific description of the area to be permitted.
 - (4) Any required approvals or permits from the Department of Environmental Regulation, Florida Department of Forestry, Broward County Environmental Quality Control Board hereinafter referred to as (EQCB), or any other governmental agency with jurisdiction, shall be submitted with the application for permit.
 - (5) Daily notice of a proposed burn shall be given to the fire department. No burning shall commence without a minimum of twenty-four (24) hours' advance notice to the fire chief. The fire chief shall have the authority to:
 - a. Delay the ignition of all burning.
 - b. Order the extinguishment of burning.
 - c. Order any other action deemed necessary to ensure the burning does not create a hazard.
 - (6) The permit issued under this section shall be limited to sixty (60) days. The city may extend the term of the permit for up to thirty (30) days in the event delays were caused by city action. A valid EQCB permit shall be in effect for the original term and any extension thereof.
 - (7) Burning may not commence before 9:00 a.m. and must cease one (1) hour before sunset. No burning shall be permitted on Saturdays, Sundays and legal holidays.
 - (8) Burning shall only be permitted at least one hundred (100) yards from any public road or five hundred (500) yards from an occupied structure.
 - (9) The permittee shall be liable for any damages caused by the burning as well as any costs incurred by the city in suppressing a fire beyond the scope of the permit.
 - (10) All burning permitted shall be conducted under the direct supervision of a qualified land-clearing contractor licensed by the county. A copy of the contractor's county license shall accompany the application. The land-clearing contractor shall be on-site during all burning operations.
 - (11) Adequate equipment, as determined by the fire chief, shall be kept on-site to extinguish a fire immediately.
- (e) *Fees.* Permit fees shall be set and amended by resolution of the city commission.
- (f) *Establishment of rules and regulations.* The fire chief is hereby authorized to establish written rules and regulations to govern the issuance of permits and to ensure the proper supervision of burning conducted pursuant to this section.
- (g) *Revocation of permit.* Failure of any person to obey a written or oral directive from the fire chief pursuant to this section, or any of the conditions set forth herein, shall result in the revocation of the permit to burn.

Reapplication for a permit after revocation shall be subject to double the original fee or double the fee applicable to the new application which includes any part of the land included within the revoked application.

(h) *Penalty.* Violation of the provisions of this section shall be punishable as provided by law.

(Code 1964, § 10-2; Ord. No. 14-16, § 9, 6-17-14)

Cross reference(s)—Health, sanitation and nuisances, Ch. 10; weeds and debris, § 10-91 et seq.; solid waste, Ch. 18; buildings and building structure regulations, Ch. 22; vegetation, Ch. 25.

Sec. 9-3. Abatement of hazards, dangerous conditions.

Whenever the fire chief or any officer or member of the fire department shall find any building or other structure which for want of any violations-to-fire-code repairs or by reason of age or dilapidated condition or for any other cause is especially liable to fire or presents a hazard to life safety and which is so situated as to endanger other property by contamination or collapse and whenever any such officer from time to time shall find in any building or upon any premises or place any combustibles, contaminants, explosive matter, dangerous accumulations of rubbish or unnecessary accumulations of wastepaper, boxes, shavings or other highly inflammable materials especially liable to fire, and which is so situated as to endanger property; shall find obstructions to or upon fire escapes, stairs, passageways, doors, windows and other places liable to interfere with the operations of the fire department or the egress and exit of occupants in case of fire; or shall find smoking within theaters or overcrowding of theaters or other places wherein people are congregated, the fire chief or other officer shall order the condition to be remedied. Such order shall forthwith be complied with by the owner or occupant of the premises or building, unless the order is revoked or modified. Any owner or occupant failing to comply with such an order shall be punished as provided in this Code.

(Code 1964, § 10-6; Ord. No. 90-52, § 1, 6-4-90)

Sec. 9-4. Property owners, tenant to keep property clear of inflammables.

It shall be the duty of all property owners within the limits of the city to keep their property clean and in a safe condition. No owner of any property in the city shall permit wood or combustible, inflammable or hazardous materials to remain upon the premises so as to constitute a fire hazard.

(Ord. No. 90-52, § 2, 6-4-90)

Sec. 9-5. Permits for hazardous or flammable materials and explosives.

- (a) *Inspection and approval of receptacles, vehicles or storage places.* Before a permit may be issued for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of hazardous or flammable materials, rubbish, crude petroleum or any of its products, gun or blasting powder, dynamite or explosives of any kind, including fireworks, firecrackers and signaling explosives, the fire chief, fire marshal, chief inspector or the inspector's assistants shall inspect and approve the receptacles, vehicles, buildings or storage places to be used for any such purposes. In cases where laws or regulations enforceable by departments other than the division of fire and life safety are applicable, joint approval shall be obtained from all departments concerned.
- (b) *Scope of permit; transferability.* A permit shall constitute permission to properly maintain, store or handle materials or to conduct processes which produce conditions hazardous to life or property used in connection with such activities. Such permit shall not be transferable, and any change in use or occupancy of premises shall require a new permit.

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- (c) *Applications.* All applications for a permit required by this section shall be made to the division of fire and life safety. Applications for permits shall be accompanied by such plan as may be required by the fire chief.
- (d) *Location; inspection.* Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by any officer of the fire, police or building department.
- (e) *One permit per establishment; list of materials.* One (1) permit only shall be required by an establishment dealing in or using explosives or hazardous materials that are kept in the establishment at any one (1) time, but each of the materials shall be listed in the permit.
- (f) *Enumeration of permits required.* Permits shall be required for the following, as specified in the building code adopted by reference in this Code:
- (1) Cellulose nitrate plastics (pyroxylin);
 - (2) Compressed gasses;
 - (3) Explosives;
 - (4) Fireworks;
 - (5) Fumigation and thermal insecticidal fogging;
 - (6) Hazardous materials;
 - (7) Liquefied petroleum gases and compressed natural gas;
 - (8) Places of assembly. The certificate of occupancy and/or business tax receipt shall constitute a permit;
 - (9) Tents and air-supported structures;
 - (10) Removal or abandonment of a flammable or combustible tank;
 - (11) Welding or cutting (acetylene, generator and calcium carbide);
 - (12) Storage of flammable and combustible liquids and solids, except that less than six (6) gallons in total quantity stored in one- and two-family detached residential dwelling units shall not require a permit;
 - (13) Open burning;
 - (14) Carnivals, circuses and other special events.
- (g) *Limitations.* The issuance or granting of a permit shall not be deemed or construed to be a permit for or an approval of any violation of this Code.
- (h) *Compliance.* Compliance with this Code is the responsibility of the permit holder and/or the owner of the property.
- (i) *Suspension or revocation.* Any permit issued under this section may be suspended or revoked when it is determined by the fire chief that:
- (1) It is used by an applicant other than the person to whom the permit was issued;
 - (2) It is used for a location other than that for which it was issued;
 - (3) Any of the conditions or limitations set forth in the permit have been violated;
 - (4) The applicant fails, refuses or neglects to comply with any order or notice duly served upon him under the provisions of this Code within the time provided therein;
 - (5) There has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or application was based.

(Ord. No. 90-52, § 7, 6-4-90; Ord. No. 07-10, § 3, 2-21-07)

Sec. 9-6. Inspection of hazardous manufacturing, storage of gases and explosives and fire alarm and automatic sprinkler systems.

The fire chief, fire marshal, chief inspector or an assistant specially designated therefor shall inspect, as often as may be necessary, but not less than two (2) times a year, all specially hazardous manufacturing processes, storage or installations of acetylene or other gases, chemicals, oils, explosives of every kind, including fireworks, firecrackers, gun or blasting powder, dynamite or other explosives and/or flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as the fire chief shall designate, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

(Ord. No. 90-52, § 8, 6-4-90)

Sec. 9-7. Recovery of costs for fire rescue.

(a) *Definitions.* As used in this section, the terms in this subsection shall be defined as follows:

Cost recovery means those necessary and reasonable costs incurred by the city or its agents in connection with rescue, emergency medical services, mitigation, health, life and safety issues, suppression and investigation of suspicious or incendiary fires, mitigating, minimizing, removing or abating discharges of hazardous substances, including but not limited to the following: actual labor costs of city personnel or its authorized agents, costs of equipment operation rental, subcontract or purchase and costs of expendable items, etc.

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.

Forfeiture shall be defined as set forth in Florida State Statute Chapter 932.

Hazardous substance means any substance or material in a quantity or form which, in the determination of the fire chief or the chief's authorized designee, poses an unreasonable and imminent risk to the life, health, safety or welfare of persons or property within the city and shall include but not be limited to those hazardous substances listed in the N.F.P.A. Guide on Hazardous Materials, the E.P.A.'s list of extremely hazardous substances, the Florida Substance List promulgated by the department of labor and employment security, the Emergency Response Guide from D.O.T., or 49 CFR.

- (b) *Authority of fire department.* The fire department is hereby authorized to take such steps as necessary to protect the life, safety and health of the public and to take all such steps necessary to respond and abate emergencies and recover all associated costs.
- (c) *Liability for costs.* Any person(s), property owner, rentor or agent charged with a city or Florida State Statute violation responsible for action by the fire department or its authorized agents in order to provide a service or protect the public health, safety or welfare shall be jointly and severally liable to the city for the costs incurred by the city in investigating, mitigating, minimizing, removing and abating any such discharge or fire.
- (d) *Record of costs.* Following the emergency or service rendered by the fire-rescue department caused by fire or the unauthorized discharge of hazardous substances, the fire department shall submit a detailed record of the costs attributable thereto.
- (e) *Reimbursement of costs.* Any person responsible for an emergency action that is to be reimbursed shall reimburse the city for the full amount of all costs.

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- (1) The finance/support services department will be responsible for billing and collecting fees assessed under Section 9-87. If assessed fees are not paid within 45 days after billing, finance/support services shall take all steps necessary to collect fees.
 - (2) Fees charged shall be due when rendered. Payments will be considered past due 19 days from the billing date and will be subject to an appropriate late charge.
 - (f) *Penalty for failure to pay.* Any person responsible who fails to reimburse the city within the time set forth in subsection (e) of this section shall be subject to an administrative penalty fee determined by the city on of the total amount of the bill or unpaid balance.
 - (g) *Additional remedies.* The remedy 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. 90-52, § 9, 6-4-90; Ord. No. 98-39, § 1, 6-17-98; Ord. No. 14-16, § 10, 6-17-14)

Sec. 9-8. Outdoor cooking on balconies of multiple-story buildings.

It shall be unlawful for any person to use barbecue grills or other similar cooking utensils on the balconies, terraces, porches or other open areas of a multiple-story building, where a designated cooking area has been provided and approved by the fire chief.

(Ord. No. 90-52, § 14, 6-4-90)

Sec. 9-9. Key boxes.

In all new and existing buildings, there shall be installed a key box for such buildings when the fire chief determines that access to or within a structure or an area is unduly difficult because of secured openings, or where immediate access is necessary for lifesaving or firefighting purposes. The key box shall be a type approved by the fire chief and shall contain:

- (1) Keys to locked points of ingress, whether on the interior or exterior of such building.
- (2) Keys to locked mechanical equipment rooms.
- (3) Keys to locked electrical rooms.
- (4) Keys to elevator controls.
- (5) Keys to other areas as directed by the fire chief.

If at any time the keys stored in the lock box change, then the building owner or manager is to notify the fire department and supply new keys to the fire chief. The fire chief shall approve the location of lock boxes. This section shall not apply to the construction, improvements or renovation to any single-family residential building.

(Ord. No. 91-44, § 1, 9-4-91)

Secs. 9-10—9-25. Reserved.

ARTICLE II. FIRE DEPARTMENT²

Sec. 9-26. Establishment, composition and organization.

The fire department of the city is hereby created and established, consisting of a chief and as many subordinate officers, firefighters, employees and other members as may be necessary. The fire department shall consist of two (2) divisions, to be designated as "paid" and "volunteer"; and all persons belonging to each division shall be referred to as "members" of the fire department.

(Code 1964, § 10-17)

Sec. 9-27. Authority, duties generally.

- (a) *Control of fires management.* The fire department shall have control of the management of all fires within the limits of the city, and its officers shall have the power to prevent anyone interfering in any way with the department or with any of the employees of the department in the performance of their duties.
- (b) *Control of areas in vicinity of fires.* The fire department shall have jurisdiction of all areas in the vicinity of a fire or conflagration, and its personnel shall have the power to prevent any interference with the department or any of its companies, squads or members in the performance of their duties.
- (c) *Equipment maintenance; building inspection.* The department shall keep an inventory of equipment, inspect buildings and premises in the city for the purpose of ascertaining and correcting fire hazards, and do everything necessary and proper to eliminate fire risks and hazards.

(Code 1964, § 10-18)

Sec. 9-28. Interference with and impersonation of fire official.

- (a) It shall be unlawful for any person to interfere with any fire official carrying out any duties or functions prescribed by this Code.
- (b) It shall be unlawful for any unauthorized person to use an official badge, uniform or other credential to impersonate a fire official for the purpose of gaining access to any building, structure, marine vessel, vehicle or premises in this city.

(Ord. No. 90-52, § 3, 6-4-90)

Sec. 9-29. Fire chief to head department, serve as fire marshal.

There shall be a chief of the fire department, who shall be known as the "fire chief," and who shall be the head of the department and shall also be fire marshal.

²Cross reference(s)—Officers, employees, divisions and departments, § 2-106 et seq.; fees for ambulance rescue unit calls, § 2-225; pensions, Ch. 15; firefighters pension plan and trust fund, § 15-76 et seq.

(Code 1964, § 10-20; Ord. No. 91-22, § 9, 3-4-91)

Sec. 9-30. Fire chief to have police authority at fires.

The fire chief shall have police authority at fires in the city and shall be in charge of the territory immediately adjacent to and in the vicinity of any fire. He/she is hereby authorized to arrest and take into custody any person violating any of the rules or regulations promulgated by him/her with reference to the control of fires.

(Code 1964, § 10-21)

Sec. 9-31. Reserved.

Editor's note(s)—Section 9 of Ord. No. 91-22, adopted Mar. 4, 1991, deleted the provisions of § 9-31, which pertained to the control of equipment by the fire chief and derived from Code 1964, § 10-22.

Sec. 9-32. Inspection of buildings for fire hazard.

It shall be the duty of the fire chief to inspect or cause to be inspected by his/her officers or employees, from time to time, various buildings within the city, to ascertain the existence of any fire hazard.

(Code 1964, § 10-23)

Sec. 9-33. Adoption of rules and regulations governing department, members.

The fire chief shall prepare and submit to the city manager, for his/her approval, rules and regulations governing the fire department and all of the members thereof.

(Code 1964, § 10-24; Ord. No. 91-22, § 9, 3-4-91)

Sec. 9-34. Records of members.

A complete list of all members of the fire department shall be kept on file in the office of the fire chief.

(Code 1964, § 10-25)

Sec. 9-35. Insurance coverage for members.

All members of the fire department shall be protected under the insurance coverage provided by the city through its policies of insurance.

(Code 1964, § 10-26)

Sec. 9-36. Right of volunteer members to appeal disciplinary actions to civil service board.

All volunteer members of the fire department shall have the right to appeal disciplinary actions to the civil service board of the city. The method of appeal and the rules of procedure governing such appeals shall be as provided in Rule XXIII of section 16.110, "Civil service rules and regulations." Nothing in this article shall be construed to give the volunteer members any of the rights or protections of the civil service code except the right of appeal recited herein.

(Code 1964, § 10-27)

Sec. 9-37. Inspectors; fire prevention bureau/division of fire and life safety established.

- (a) The fire chief shall be responsible for the enforcement of the city fire and life safety code. The fire chief may detail, subject to the approval of the city manager, qualified members of the fire department as inspectors from time to time as shall be necessary.
- (b) To assist in the performance of the responsibilities and duties placed upon the fire chief, a fire prevention bureau/division of fire and life safety is hereby created. This division shall operate under the supervision of the fire chief. The fire chief shall designate, subject to the approval of the city manager, a fire code official as fire marshal. The fire marshal shall be the administrator of the division of fire and life safety. The fire marshal shall be responsible for the direct administration and enforcement of the city fire prevention code under the direction and supervision of the fire chief. The fire chief may also designate, subject to the approval of the city manager, such number of fire inspectors or inspector technicians, as shall from time to time be deemed necessary.

(Ord. No. 90-52, § 4, 6-4-90; Ord. No. 91-22, § 9, 3-4-91)

Sec. 9-38. Duties of division of fire and life safety.

- (a) It shall be the duty of the division of fire and life safety to enforce all laws and ordinances of the city, including but not limited to the following:
 - (1) The prevention of fires;
 - (2) The storage, sale and use of combustible, flammable, explosive or hazardous materials;
 - (3) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;
 - (4) The maintenance and regulation of fire escapes and means of egress from any occupancy;
 - (5) Public education in fire and life safety.
- (b) The division shall have such other powers and perform such other duties as are set forth in other sections of this chapter and as may be conferred and imposed from time to time by law. The fire chief may delegate any powers or duties under this chapter to the fire marshal.

(Ord. No. 90-52, § 5, 6-4-90)

Sec. 9-39. Authority for inspections; identification.

The fire chief, fire marshal or any inspectors, upon complaint of any person or whenever deemed necessary, shall inspect all buildings and premises within their jurisdiction. Persons authorized to enter and inspect buildings, structures, marine vessels, vehicles and premises shall be identified by proper credentials issued by the fire chief.

(Ord. No. 90-52, § 6, 6-4-90)

Sec. 9-40. Annual fire safety permit/inspection fees.

The City of Miramar is hereby authorized to collect an annual fire safety permit/inspection fee against buildings and structures within the city to provide funding for the cost of providing such fire safety inspection

services. The city administration shall be authorized to adopt administrative policies regarding the collection of the permit/inspection fee. The annual fees shall be set and amended by resolution of the city commission.

(Ord. No. 91-44, § 2, 9-4-91; Ord. No. 14-16, § 11, 6-17-14)

Editor's note(s)—Ord. No. 91-44, § 2, adopted Sept. 4, 1991, repealed former § 9-40, which pertained to division of fire and life safety fee schedule, and enacted similar new provisions as set out herein. Formerly, such section derived from Ord. No. 90-52, § 10, adopted June 4, 1990.

Sec. 9-41. Fire safety permits, licenses, service fees and plan review fees.

The city is hereby authorized to collect permits, licenses, service and plan review fees to recover costs associated with such services and work in conjunction with the City of Miramar Police Department in forfeiture and restitution. The city administration shall be authorized to adopt administrative policies regarding the collection of the following fees which will be based on federal, state, county and city recognized reimbursement costs for apparatus equipment and actual or average costs for all city personnel, subcontractors and other city departments requested by fire-rescue.

- (1) Permit/license and service fees based on time to the nearest hour for inspection, personnel, apparatus, equipment shall be set and amended by resolution of the city commission.
- (2) Fire safety plan review fees: A fee per square foot shall be set and amended by resolution of the city commission and shall be levied on all new construction and alterations to structures, except one- and two-family detached residential dwelling units, in the city. This fee shall encompass building plan review required prior to the issuance of a building permit and the necessary fire inspections required prior to issuance of a certificate of occupancy.

(Ord. No. 91-44, § 3, 9-4-91; Ord. No. 98-38, § 1, 6-17-98; Ord. No. 98-39, § 1, 6-17-98; Ord. No. 14-16, § 12, 6-17-14)

Editor's note(s)—Ord. No. 91-44, § 3, adopted Sept. 4, 1991, repealed former § 9-41, which pertained to billing and collection of fire and life safety fees, and enacted new provisions as set out herein. Formerly, such section derived from Ord. No. 90-52, § 11, adopted June 4, 1990.

Sec. 9-42. Right of appeal.

- (a) Any person aggrieved by any decision of the fire chief or the chief's authorized designee shall have the right of appeal provided, as is applicable, in the Metropolitan Dade County Fire Prevention Code and/or South Florida Building Code, Broward Edition, and such person shall institute appeal under such laws. If no right of appeal which is applicable is provided by those laws, then an aggrieved person shall have a right to file a written appeal within thirty (30) days of the decision being appealed having occurred with the city manager's office, upon payment of a fifty-dollar appellate fee and a written appeal containing the decision being appealed and a statement of facts and positions relied upon. To avoid or contest such decision, the appeal shall be lodged with the city clerk's office, who will transmit copies to the city manager.
- (b) The hearing shall be conducted by the city manager in compliance with the basic concept of due process, including notice and hearing. The hearing will be informal and the rules of evidence and of procedure will not apply. The appellant, and the city, may be represented by counsel. The city manager will render a final, written decision within ten (10) days of the date of such hearing.

(Ord. No. 90-52, § 12, 6-4-90; Ord. No. 91-44, § 4, 9-4-91)

Sec. 9-43. Emergency ambulance call fees.

The rates to be charged for each emergency ambulance call resulting in transportation by the emergency medical service of the city shall be set and amended by resolution of the city commission.

(Ord. No. 91-18, § 2, 2-19-91; Ord. No. 92-46, § 1, 9-16-92; Ord. No. 97-43, § 1, 9-17-97; Ord. No. 01-33, § 2, 5-16-01; Ord. No. 05-05, § 2, 12-1-04)

Editor's note(s)—For purposes of classification, § 9-73 added by Ord. No. 91-18, § 2, adopted Feb. 19, 1991, was included as § 9-43 of Art. II at the discretion of the editor.

Secs. 9-44—9-50. Reserved.

ARTICLE III. FIRE PREVENTION CODE³

Sec. 9-51. Adoption of fire prevention code.

- (a) The 1988 Edition, South Florida Fire Prevention Code, Broward County Edition, chapter 52 of the South Florida Building Code, Broward County Edition, is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. One (1) copy of this code will be kept in the office of the city clerk and the same is hereby adopted and incorporated as fully as if set out at length herein. The code hereby adopted shall be enforced by the chief of the fire department.
- (b) In addition to the code adopted in subsection (a) of this section, the South Florida Building Code, 1988, Broward County Edition and any future editions thereof, all N.F.P.A. codes adopted by the South Florida Building Code including but not limited to N.F.P.A. 101 Life Safety Code; and N.F.P.A. 1124 Fireworks, Manufacture, Transportation and Storage Code, and other adopted codes be and the same are hereby adopted by reference and incorporated herein as fully as if set out word for word herein. Not less than one (1) copy of the above adopted codes shall be filed in the office of the city clerk, and the provisions thereof shall be controlling within the corporate limits of the city. Wherever the words "municipality" or "authority having jurisdiction" are used in such codes, they shall be held to mean the city.

(Code 1964, § 10-36; Ord. No. 90-52, § 15, 6-4-90)

State law reference(s)—Minimum fire safety standards, F.S. § 633.25.

Sec. 9-52. Violations of code.

- (a) It is unlawful for any person to violate any of the provisions of the code adopted by this article or fail to comply therewith or to violate or fail to comply with any order made thereunder or to build in violation of any detailed statement or specifications or plans submitted and approved thereunder to fail to pay any fee within sixty (60) days of a written bill being issued or any certificate or permit issued thereunder and from which no appeal has been taken or to fail to comply with such an order as affirmed or modified, in writing, by the fire chief or fire marshal within the time fixed herein shall severally for each and every such violation or noncompliance be subject to the jurisdiction of the code enforcement board and/or prosecuted in law or

³Cross reference(s)—Business taxes, permits and business regulations, Ch. 11; buildings and building structure regulations, Ch. 22.

equity in a court of competent jurisdiction by the city, at its discretion. Proof of such unlawful act or failure shall be deemed prima facie evidence is that of the owner, lessee or other person in control of the premises. Prosecution or lack thereof of either the owner, lessee, occupant or other person in charge shall not be deemed to relieve any of the others. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

- (b) The application of subsection (a) above shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1964, § 10-39; Ord. No. 90-52, § 13, 6-4-90)

Secs. 9-53—9-65. Reserved.

ARTICLE IV. SMOKE DETECTORS⁴

Sec. 9-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved smoke detector shall mean any photo-electric or ionization-type smoke detector listed by Underwriters' Laboratories as complying with current standards and which complies with the requirements of this article and NFPA 74, 1988 edition, or amendments thereto, with respect to manufacture and location and which emits an alarm which is audible in the sleeping rooms.

Child day-care center shall mean any building or portion of a building in which more than twelve (12) children receive care, maintenance and supervision.

Child day-care home shall mean any building or portion of a building in which fewer than thirteen (13) children receive care, maintenance and supervision by other than their parents or legal guardians.

Habitable room shall mean every room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding laundries, pantries, foyers, communicating corridors, closets and storage spaces.

Separate sleeping area shall mean every area of a dwelling in which bedrooms are located. Bedrooms separated by other use areas, such as kitchens or living rooms (but not bathrooms), shall be considered as separate sleeping areas for the purposes of this article.

(Code 1964, § 10-40)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

⁴Cross reference(s)—Business taxes, permits and business regulations, Ch. 11; buildings and building structure regulations, Ch. 22; buildings, § 22-26 et seq.

Sec. 9-67. Premises applicable.

Every building, mobile home, living unit, room or area that is used or intended to be used for sleeping and any building that is occupied by pre-school children, aged, infirm or disabled persons whether equipped with sleeping accommodations or not, shall have installed, in accordance with the requirements of this article, approved smoke detectors.

(Code 1964, § 10-41)

Sec. 9-68. Installation of approved smoke detectors.

- (a) Existing occupancy with approved smoke detector. Any existing occupancy in which approved smoke detectors were installed prior to the effective date of the ordinance from which this section was derived may continue such use.
- (b) Existing occupancy with approved smoke detector. Any existing occupancy in which approved smoke detectors have not been installed prior to the effective date of this section shall have installed approved smoke detectors as follows:
 - (1) Electric powered detectors shall meet the following requirements:
 - a. Approved smoke detectors utilizing AC primary source of electric power shall be used.
 - b. Electrical power shall be a dependable commercial light and power supply source. A visible "power on" indicator shall be provided.
 - c. A restraining means shall be used at the plug-in of any cord-connected installation.
 - d. No detector shall be subject to loss of power by a wall switch.
 - e. Neither loss nor restoration of primary power shall cause an alarm signal.
 - f. No extension cord shall be used for a cord-connected installation.
 - (2) Battery powered detectors shall meet the following requirements:
 - a. All power requirements are met for at least one-year's life, including weekly testing.
 - b. A distinctive audible trouble signal is given before the battery is incapable of operating the devices for alarm purposes.
 - c. The unit is capable of producing an alarm signal for at least four (4) minutes at the battery voltage at which a trouble signal is normally obtained, followed by seven (7) days of trouble signal operation.
 - d. The audible trouble signal is produced at least once every minute for seven (7) consecutive days.
 - e. The monitored batteries meeting these specifications are clearly identified on the unit near the battery compartment.
 - f. Detectors having a test button in order to test the unit are desirable.
- (c) *Additions.* When additions increasing floor area are made to an existing occupancy listed and the area of the addition is twenty-five (25) percent or more of the area of the existing occupancy, the existing occupancy and the addition shall be made to comply with subsection (f) below.

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- (d) *Repairs and alterations.* When repairs and alterations amounting to more than fifty (50) percent of the value of the existing occupancy are made during any twelve-month period, the occupancy shall be made to conform to subsection (f) below.
 - (e) *Change of occupancy.* Any existing occupancy not included in section 9-67 of this chapter which changes its occupancy to an occupancy included in section 9-67 shall be required to conform to subsection (f) below.
 - (f) *New occupancy.* Any new occupancy to which this article applies shall install approved smoke detectors as follows:
 - (1) Location shall be approved by the fire marshal.
 - (2) Shall meet the requirements of subsections (b)(1)a, b, d, e above.
 - (3) Detectors shall be installed on a separate electrical circuit, used for no purpose other than detectors, such circuit being connected to the electrical service wires ahead of a circuit breaker or fuses controlling the normal electrical supply to the occupancy.
 - (4) All the installations shall meet the requirements of NFPA 74, 1988 edition, or amendments thereto.

(Code 1964, § 10-42)

Sec. 9-69. Location in applicable premises.

Approved smoke detectors shall be located in existing and new buildings in each living unit outside of each separate sleeping area in the immediate vicinity of the bedrooms, except as provided below, and on each additional story of the building, including basements, but excluding crawl spaces and unfinished attics:

- (1) Dormitories, child day-care centers, residential-custodial care facilities: Approved smoke detectors shall be installed in all habitable rooms.
- (2) Hotels, roominghouses, convalescent homes, supervisory care facilities: Every room used, or intended to be used, for sleeping shall be provided with an approved smoke detector.

(Code 1964, § 10-43)

Sec. 9-70. Responsibility of owner or person in charge of property.

- (a) It shall be the responsibility of the owner or the person in charge of every structure to which this article applies to install approved smoke detectors as required by this article.
- (b) It shall be the responsibility of the tenant in respect of rental property to test and maintain detectors within dwelling units or rooming units, and to notify the owner or authorized agent in writing of all deficiencies. The owner shall be responsible for providing each tenant with written information regarding detector testing and maintenance.
- (c) The tenant shall be responsible for replacement of the battery, except that such battery and smoke detector shall be in operating condition at the time that the tenant takes possession. The owner or authorized agent shall correct any reported deficiencies in the smoke detector, and shall not be deemed to have violated this article for a deficient smoke detector when he, she or it has not received notice of the deficiency.

(Code 1964, § 10-44)

Sec. 9-71. Compliance.

Smoke detectors required by this law shall be installed within six (6) months after the passage on February 25, 1985, of this section for existing occupancy and prior to issuance of certificate of occupancy for new occupancy.

(Code 1964, § 10-45)

Sec. 9-72. Violations.

Violations of this article shall be subject to the imposition of penalties applicable generally to municipal ordinance violations, and in addition, persons and entities violating the provisions of this article shall be subject to the jurisdiction of the code enforcement board established by ordinance.

(Code 1964, § 10-46)

ARTICLE V. PLANNED BUILDING GROUPS**Sec. 9-73. Adoption of fire code.**

The National Fire Protection Association 1141, 1990 edition, as amended, be and the same is hereby adopted as a fire code regulation governing the development of planned building groups.

(Ord. No. 92-38, § 1, 7-15-92)

Sec. 9-74. Reserved.***ARTICLE VI. STANDARDS FOR WATER DISTRIBUTION/FIRE SUPPRESSION
SYSTEMS FOR NEW CONSTRUCTION*****Sec. 9-75. Review of plans.**

Prior to issuance of any building permit approval, the water distribution plans shall be reviewed by the utilities department in coordination with the fire department. Inspection and testing of the building's water distribution/fire suppression systems shall be required by the city's fire department prior to the granting of the certificate of occupancy on such property.

(Ord. No. 97-35, § 1, 6-4-97)

Sec. 9-76. Fire flow calculations.

Fire flow calculations shall be prepared by a professional engineer currently licensed in the state for each newly constructed building in excess of five thousand (5,000) square feet in size. All calculations must be in accordance with the Guide for Determination of Required Fire Flow, published by the Insurance Services Office, December 1974 edition.

(Ord. No. 97-35, § 1, 6-4-97)

Sec. 9-77. Fire flow requirements.

- (a) *Intent.* The intent of this section is to assure an adequate water supply for fire suppression by establishing minimum flow rates required to control and extinguish fires that may occur within prescribed occupancy classifications. The requirements of this section shall be applicable to public and private water systems, including individual properties and land development projects.
- (b) *Required fire flow.*
- (1) [Generally.] The "required fire flow" is the rate of flow needed for fire fighting purposes to confine a major fire to the buildings within a block or other contiguous group. The determination of this flow depends upon the size, construction, occupancy and exposure of buildings within and surrounding the block or group of buildings, and upon the existence of automatic sprinkler protection. The determination of required fire flow in each case shall be made by the city engineer according to the criteria established by this section and by the Guide for Determination of Required Fire Flow, Published by the Insurance Services Office, December 1974 edition, which is adopted and incorporated herein by reference.

Note: Buildings located in commercial, industrial or multi unit residential districts may reduce fire flow requirements by up to fifty (50) percent for complete automatic sprinkler protection. Automatic sprinkler installations must be in accordance with NFPA standards as adopted by the City Code.

- (2) *Supplemental flow systems.* If the minimum fire flow requirements set out in this section cannot be met by the water supply utility, then the applicant for a building permit shall be responsible for installing the necessary provisions to improve the system to an acceptable level as determined by the city engineer.
- (3) *Main sizes.* Main sizes and system patterns shall be subject to approval of all applicable agencies pursuant to fire and normal flow demand criteria.
- (4) *Distribution systems.* The supply mains shall be of adequate size and have properly arranged connections to the arterial mains which shall extend throughout the systems and have numerous connections to the secondary feeders that supply the minor distribution. All distribution systems shall be designed to reduce dead-end mains and provide a loop for new and existing mains.

Note: Dead-end mains shall not exceed six hundred (600) feet in length. This requirement may be waived by the fire chief or designee where deemed unnecessary or impractical for the safety of the public.

- (c) *Testing fire flow.*
- (1) The City of Miramar Fire-Rescue Department has established fifty-five (55) psi as the maximum allowable normal operating pressure (static pressure) when computing the available water supply for all new automatic sprinkler systems.

(Ord. No. 97-35, § 1, 6-4-97)

Sec. 9-78. Fire hydrants.

All new fire hydrants shall be compression type with the bottom valve opening to be five and one-fourth (5¼) inches in diameter. They shall be erected so as to have the center of the steamer connection a minimum of eighteen (18) inches above the crown of the nearest roadway or eighteen (18) inches above the surrounding ground and with the steamer opening of four and one-half (4½) inches (maximum height) in size with four (4) National Standard Threads per inch. All fire hydrants shall be "traffic type" to breakaway upon impact. The fire hydrant main body valve shall open against the flow and shall close with the flow.

(Ord. No. 97-35, § 1, 6-4-97)

Sec. 9-79. Visibility and access to fire hydrants.

- (a) No fire hydrant shall be substantially obscured or access impeded from the adjacent roadway or access way by placing walls, vehicles, plants or other form of visual screening. No visual screen or physical blockage shall be placed to any point within four (4) feet of the front and sides, or four (4) feet behind the fire hydrant. One (1) blue double-reflective department of transportation type road marker is to be adhered to the hard surfaces roadway in the middle of the lane nearest to, and directly in front of the newly installed fire hydrants.
- (b) Fire hydrants located on commercial sites housing industrial, storage, mercantile, business, educational, institutional, and assembly occupancies shall have a space four (4) feet on both sides of the centerline that must be kept open at all times. A no parking sign or other designation indicating that parking is prohibited shall be provided in the four-foot space on both sides of the centerline of the hydrant.
- (c) The city is authorized to have removed, at the violators expense, any obstruction of the fire hydrant that might impede or hinder fire department or utility department operations.
- (d) All pavement markings shall be of thermoplastic paint.

(Ord. No. 97-35, § 1, 6-4-97)

Sec. 9-80. Use of fire hydrants.

- (a) No person shall use or operate any fire hydrant or other valve or any fire system intended for use by the fire department for extinguishing fires or testing any portion of the system, unless such person secures prior written approval from the fire department or utility director of the city.
- (b) No person shall remove, tamper with, or otherwise disturb any fire hydrant or firefighting appliance except for the purpose of extinguishing fires, firefighting training, or making necessary repairs without first obtaining written approval by the fire department or utility director of the city.

(Ord. No. 97-35, § 1, 6-4-97)

Sec. 9-81. Fire hydrant location.

- (a) The maximum space between fire hydrants:
 - (1) Every street intersection shall have one (1) fire hydrant on at least one (1) corner of the intersection unless situated at four-lane or more divided trafficway where two (2) hydrants will be required. This requirement may be waived by the fire chief or designee where deemed unnecessary or impractical for the safety of the public.
 - (2) In high value or high life hazard districts, the intermediate distance between hydrants shall not exceed three hundred (300) feet with hydrants so located that all buildings in the complex can be reached by comparatively short hose lines from more than one (1) hydrant. In single-family residential districts, the intermediate distance between hydrants cannot exceed five hundred (500) feet.
 - (3) In all new commercial buildings, a hydrant shall be installed within three hundred (300) feet of any portion of the exterior of the structure.

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- (4) Fire hydrants shall be located within three (3) feet of the curb line of fire lanes, streets, or private streets when installed along such access ways. Exception: This requirement may be waived by the fire chief or designee where deemed unnecessary or impractical for the safety of the public.
 - (5) The distance for measure shall be by centerline of traffic way as the fire apparatus would normally travel and/or driveway access on the property where additional hydrants are to be located on private property where the apparatus would normally travel.

(Ord. No. 97-35, § 1, 6-4-97)

Sec. 9-82. Fire hydrant protection.

Permanent barrier. Fire hydrants located in parking areas shall be protected by a permanent barrier approved by the fire chief that will prevent physical damage from vehicles.

(Ord. No. 97-35, § 1, 6-4-97)

Sec. 9-83. Color coding hydrants.

Color coding of hydrants shall be indicated by the gallons per minute flow. All fire hydrants shall be painted yellow (Rust-Oleum #944 safety yellow or approved equal) and color coded as follows:

Class Flow Color of Bonnets and Caps

A	1,000 gpm or greater	Green
B	500—1,000 gpm	Orange
C	Less than 500 gpm	Red

(Ord. No. 97-35, § 1, 6-4-97)

Sec. 9-84. Back-flow protection for fire sprinkler systems.

- (a) All backflow preventors shall be of reduced pressure type with a relief vent to the atmosphere.

Exception: Non-industrial occupancies that are not hazardous to the potable water system as determined by the city engineer may not require a relief vent.

- (b) The use of a backflow preventor for more than one (1) building is prohibited.
- (c) All backflow preventors shall be installed above ground.
- (d) All backflow preventors must be protected by a permanent barrier as approved by the fire chief.

(Ord. No. 97-35, § 1, 6-4-97)

Sec. 9-85. Fire department connections.

- (a) *Definition:* A connection through which the public fire department can pump water into the automatic sprinkler, standpipes or other system furnishing water for fire extinguishment.
- (b) *Location:*

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- (1) Fire department connections for automatic sprinkler systems, standpipes or other systems furnishing water for fire extinguishment shall be located within forty (40) feet of a fire hydrant.
 - (2) The fire department connection and the nearest fire hydrant shall be located on the same side of the roadway or fire lane.
 - (3) Fire department connections and the nearest hydrant shall be located within three (3) feet of the curb line of fire lanes, streets.

Exception: This requirement may be waived by the fire chief or designee where deemed unnecessary or impractical for the safety of the public.

- (c) There shall be a space four (4) feet on both sides of the centerline that must be kept open at all times. The area in front of the fire department connection shall be designated by yellow painting, striping, or markings on the curbs and roadways. Signs shall be provided following these guidelines: twenty-four (24) inches (height) by eighteen (18) inches (width), white background with red letters, stating "No Parking Tow-Away Zone". These signs shall be seven (7) feet in height from the roadway to the top of the sign.
- (d) The city is authorized to have removed, at the violators expense, any obstruction of the fire department connection that might impede or hinder fire department or utility department operations.
- (e) All pavement markings shall be of thermoplastic paint.

(Ord. No. 97-35, § 1, 6-4-97)

ARTICLE VII. EMERGENCY ACCESS FOR PUBLIC SAFETY PERSONNEL⁵

Sec. 9-86. Vehicular access.

- (a) *Means of access for fire department access.* All means of access to property within the city shall comply with the current edition of the Florida Fire Prevention Code and the following requirements:
 - (1) All means of access shall be surfaced with solid pavement, natural or concrete stones or by grass turf reinforced by concrete grids designed to accommodate fire apparatus weighing a minimum of thirty-two (32) tons.
 - (2) Turns in means of access shall be constructed with a minimum radius of twenty-five (25) feet at the inside curb line and a radius of fifty (50) feet at the outside curb line.
 - (3) "No Parking" signs or approved designation indicating that parking is prohibited shall be provided at all normal and emergency access points throughout the planned community/property.
 - (4) The current owner of the means of access shall be the responsible party to maintain and enforce no parking regulations.
 - (5) The maximum allowable distance of any dead-end road shall be six hundred (600) feet. Any access road greater than one hundred fifty (150) feet shall have a method approved by the fire chief or designee for emergency vehicle turn around.

⁵Editor's note(s)—Ord. No. 11-05, § 2, adopted January 26, 2011, amended the title of Art. VII to read as herein set out. Prior to inclusion of said ordinance, Art. VII was entitled, "Emergency Access for Fire Department Equipment and Operations." See also the Code Comparative Table.

Exception: This requirement may be waived by the fire chief or designee where deemed unnecessary or impractical for the safety of the public.

- (6) Every dead-end roadway shall be provided at the closed end with an approved turnaround no less than one hundred (100) feet in diameter.

Exception: This requirement may be waived by the fire chief where deemed unnecessary or impractical for the safety of the public.

- (7) Planned developments shall have a minimum of one (1) primary access point and a secondary access point for emergency vehicles.

Exception: This requirement may be waived by the fire chief or designee where deemed unnecessary or impractical for the safety of the public.

- (8) Access points to any community or property shall remain free from obstructions, including, but not limited to, speed humps, barricades or planters on the ingress or egress sides of any community or property.

(b) *Access gates.*

- (1) Access gates to gated communities shall be the types approved by the fire chief or designee.
- (2) All access gates shall be designed to unlock with a readily accessible manual releasing device.
- (3) During a power failure, all access gates shall be designed to fail in the open position.
- (4) All entrance roads at gated communities shall be a minimum of fourteen (14) feet in width for single lanes and twenty (20) feet in width for double lanes, and a clear height of fourteen (14) feet. Such required minimum lane and heights shall remain unobstructed from bollards, medians, or any other type of devices unless approved by the fire chief or designee.
- (5) All gates shall be programmed to open when emergency vehicles are entering or exiting any community/property in an emergency situation.
- (6) Buildings that have a set back of more than one hundred fifty (150) feet from a public roadway, or have a set back of more than fifty (50) feet and are more than thirty (30) feet in height shall be supported with a designated fire lane. Fire lanes shall also be marked by yellow stripping, (preferably thermal plastic paint), or marking of curbs and proper signage at seventy-five (75) feet increments as to ensure that the minimum road width is not obstructed.
- (7) At no time will the access gate obstruct the required twenty (20) feet minimum (single lane) and fourteen (14) feet (multiple lanes).

(Ord. No. 98-34, § 1, 5-20-98; Ord. No. 11-05, § 2, 1-26-11)

Sec. 9-87. Gated access system requirements.

- (a) *Access system requirements.* Gated communities within the city shall install, at the expense of the community association or other responsible party, a remote control system and backup access system at each resident access entry point of the community in compliance with this section no later than ninety (90) days after the adoption of this section.
- (b) *Remote control system.* The remote control system required by this section is the system that has been specifically approved by the fire department for use and compatibility with the remote control devices maintained by the city's public safety personnel.

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- (c) *Backup access system.* The backup access system required by this section is the Knox Single Key Switch (Model No. 3502).
 - (d) *Ability to communicate with fire-rescue department.* Gated communities within the city shall provide, at the expense of the community association or other responsible party, a communications platform at each entrance of the community capable of transmitting dial call telephonic communications to the City of Miramar Fire-Rescue Department. This requirement may be satisfied by the presence of a twenty-four-hour guard at the entrance with access to telephonic communications and knowledge of the City of Miramar Fire-Rescue Department's contact information in cases of emergency. Any other platform designed to meet the requirements of this section shall be pre-programmed with easy to locate telephonic access to the City of Miramar Fire-Rescue Department.
 - (e) *Personnel access authorization.* Police and fire-rescue personnel shall be authorized to gain access to any gated community within the city to perform the duties of such public safety personnel in accordance with applicable law.
 - (f) *System maintenance.* Maintenance of the installed remote control and backup access systems shall be the responsibility of the community where they are installed.

(Ord. No. 11-05, § 3, 1-26-11)

ARTICLE VIII. FIRE ALARMS

Sec. 9-88. False alarms.

- (a) *Definitions.*
 - (1) *Contractor* shall mean a company or individual that has a certificate of competency from Broward County designating that company or individual as a specialty electrician in burglar and fire rescue alarms.
 - (2) *Alarm company* shall mean a private alarm-monitoring agency that contracts with property owners to monitor alarm systems.
 - (3) *False fire-rescue alarm* shall mean the activation of any alarm system signal that results in the response of the fire-rescue department caused by negligence, intentional misuse, malicious activation of the alarm system or malicious notification of a fire-rescue emergency via telephone to public safety emergency communications center.
 - (4) *Fire alarm signal* shall mean the audible transmission or other type of signal or message of a fire or rescue alarm to the fire-rescue department, as a result of the activation of a fire or rescue detection system, or activation of a fire suppression system.
 - (5) *Rescue alarm* is any alarm monitor used for the health, safety and welfare of the public.
 - (6) *Fire alarm system* shall mean any mechanical, electronic or electrical device which is designed or used to detect the presence of fire, products of combustion, or the activation of fire suppression systems or equipment. Signal station residential smoke detectors are not considered fire alarm systems.
 - (7) *Fire alarm malfunction* shall mean the activation of any alarm which results in the response of the fire-rescue department caused by mechanical failure, malfunction, improper installation, lack of proper maintenance or any other fire rescue alarm response for which the fire-rescue department personnel are unable to gain access to the premises to determine the apparent cause of the alarm activation.

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- (8) *Notice of false alarm (NOFA)* is a written notice of a false fire-rescue alarm or fire-rescue alarm malfunction resulting in a response by the fire-rescue department that is served either by personal service to property owner or any authorized occupant, posted on the front entrance to the structure by a representative of the Miramar Fire-Rescue Department or delivered by certified mail to the most recent owner listed on the Broward County tax register.
- (9) *Single station (residential) smoke detector* shall mean an assembly incorporating the detector, control equipment and alarm sounding device in one (1) unit powered by either unit containing batteries or electrical power wired in from the structure's electrical utility provider.
- (10) *Fee* shall mean the assessment of a monetary charge payable to the City of Miramar, authorized pursuant to this chapter, to defer the expenses of responding to a false alarm or alarm malfunction.
- (11) *Owner* means any person who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises.
- (12) *Enforcement official* shall mean the fire-rescue chief or his/her designated representative.
- (13) *Calendar year* shall mean January 1 to December 31.
- (14) *Year 2K compliant* shall mean all mechanical and electrical devices installed in accordance with this article shall be certified to operate in the year 2000.
- (b) *Identity of fire rescue alarm user.* Every person who installs, owns, leases, possesses or operates a fire-rescue alarm system within the City of Miramar shall notify the community development department of the existence of said fire-rescue alarm system prior to the system being activated. It shall be the sole responsibility of the company installing any fire-rescue equipment to provide the owner and or occupants with a copy of the most current City of Miramar Fire-Rescue Ordinance. An "application for permit for fire-rescue alarm systems" form shall be completed and forwarded to the community development department prior to the system being activated along with the current permit fee. The application shall include the following:
- (1) The name(s), address, business, home and pager numbers of the owner, lessee, operator, manager or persons with the ability to open the premises wherein the fire-rescue alarm is installed.
 - (2) The names and phone numbers of all person(s) who can be notified by the fire-rescue officer in the event of a fire-rescue emergency or a fire alarm activation.
 - (3) If any information provided on this application changes, the owner, occupant or manager is required to notify the fire-rescue department within fifteen (15) calendar days of such changes.
 - (4) All alarm companies must be registered and receive a permit approval from the fire life safety division.
 - a. Residential shall be at the time of activation or change in monitoring company.
 - b. Commercial shall be annually at time of business tax receipt, activation or change of monitoring company.
- (c) *Intentional activation of fire rescue alarms prohibited if a true rescue emergency does not exist.* It is unlawful for any person to intentionally activate any fire-rescue alarm system or fire alarm signal except in the event of an actual emergency that requires a response of the fire-rescue department. Any testing of fire-rescue alarm system or signals must not be effected until the fire-rescue department has been notified prior to such test-taking place. Notification of an alarm test to alarm monitoring company does not satisfy the requirement to notify the fire-rescue department.
- (d) *Right of access.* Any member of the fire-rescue department is hereby authorized to enter any structure, with mechanical force if necessary, that has a fire-rescue alarm activated if there is reasonable suspicion that a fire-rescue emergency could exist inside the structure or on the property. This authorization applies to any

time of day or night. Nothing in this section is intended to preclude entry into property or structures by the fire-rescue department if they have reasonable suspicion to believe that a fire-rescue emergency exists without having an alarm activation and fire-rescue assistance or intervention is, or could be required.

(e) *Civil liability.*

- (1) The City of Miramar, the fire-rescue department, the fire-rescue chief and all fire-rescue employees shall not be liable for failure to respond to a known repeated false alarm premises that has had over two (2) false alarms in any twenty-four-hour period.
- (2) Fire rescue department response to false fire-rescue alarms or fire-rescue alarm malfunctions shall be subject to fees as provided in section 9-92(i)2.

(f) *Alarms as a result of single station smoke detectors exempt.* Fire-rescue department response to alarms initiated by residential single station smoke detectors is exempt from false alarm fees and permit requirements. The fire-rescue chief has determined that repeated false alarms represent a threat to safety.

(g) *Fire rescue watch.* If a fire-rescue alarm system and/or suppression, except for a single-family and duplex residential property, is disabled for any reason while the building is occupied, the fire-rescue department shall be notified and a fire-rescue watch shall be required. The fire-rescue watch must be satisfied by use of City of Miramar Firefighters and/or emergency apparatus unless waived by the fire-rescue chief or his/her designee. Cost of the fire-rescue watch will be based on the overtime rate for the employee and any associate costs for the operation of the apparatus. Fees for the fire-rescue watch will be assessed to the property owner.

(h) *Appeal.*

- (1) Any person who is levied a fine for a false alarm has the right to appeal as provided for in Section 9-42 of this Code.
- (2) Violation of this article may, at the option of the city, be prosecuted as provided by law pertaining to civil or criminal prosecutions in county court for failure to comply with this Code.

(i) Fees shall be set and amended by resolution of the city commission.

(j) *Billing procedures.*

- (1) The finance/support services department will be responsible for billing and collecting fees assessed under Section 9-87. If assessed fees are not paid within 45 days after billing, finance/support services shall inform fire-rescue to take appropriate action.
- (2) Fees charged shall be due when rendered. Payments will be considered past due 19 days from the billing date and will be subject to an appropriate late charge.

(Ord. No. 98-38, § 1, 6-17-98; Ord. No. 07-10, § 3, 2-21-07; Ord. No. 11-05, § 4, 1-26-11; Ord. No. 14-16, § 13, 6-17-14)

Note(s)—Formerly § 9-87.

ARTICLE IX. AUTOMATED EXTERNAL DEFIBRILLATORS AND STOP THE BLEED KITS

Sec. 9-89. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automated external defibrillator("AED") means a defibrillator device that:

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- (1) Is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;
 - (2) Is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed; and
 - (3) Upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

Stop the Bleed kit ("SBK") is:

- (1) Capable of stopping severe bleeding through clotting, pressure, tourniquets, and other proven effective means of stopping blood loss; and
- (2) Upon a blood loss emergency, is able to stem blood loss rapidly to prevent massive blood loss.

(Ord. No. 19-19, § 2, 7-10-19)

Sec. 9-90. AEDs and SBKs required.

AEDs and SBKs required. At least one AED and SBK shall be installed in each of the following buildings, structures, or portions thereof located within the geographical boundaries of the city:

- (1) Gymnasiums, fitness centers, athletic clubs and indoor recreational centers;
- (2) Assembly occupancies with an occupant load of 100 or greater, including places of worship;
- (3) All hotels, motels, and apartments and condominiums with capacity for 100 occupants or greater;
- (4) All medical facilities, to include assisted living facilities as defined by Florida Statutes, as amended, nursing homes, ambulatory health care facilities, dentists, urgent care medical centers, doctor's offices, adult day care facilities;
- (5) Office buildings with interior corridors and a square footage greater than 20,000 square feet; and
- (6) Commercial and retail spaces with a square footage greater than 30,000 square feet.

(Ord. No. 19-19, § 2, 7-10-19)

Sec. 9-91. Installation and operation.

- (1) The fire chief, or designee, shall inspect all AEDs and SBKs for operation prior to being placed in service or available for use, and on an annual basis.
- (2) AEDs and SBKs 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 of a door, permanently affixed to a wall, and whose top is no more than 48 inches above the floor;
 - iii. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons;
 - iv. Placed near the elevator(s) on every floor of the building, if the building contains an elevator. If the building does not have an elevator, the automated external defibrillator shall be placed in the area of the main entrance;

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- v. AEDs shall be located on each floor such that the maximum length of travel measured from the most remote point on a floor to any automated external defibrillator, shall not exceed 250 feet;
 - vi. AEDs shall be located on each floor such that the maximum length of travel between and two automated external defibrillators shall not exceed 500 feet;
 - vii. AEDs shall be located below a visible sign having a minimum area of 70 square inches and containing the letters "AED" and the universally recognizable symbol; and
 - viii. SBKs shall be located below an SBK sticker, which shall be provided by the City. The SBK sticker may also be placed on the cabinet containing the SBK.
- (3) AEDs shall contain two sets of adult pads and bandage scissors.
 - (4) SBKs, with the exception of large occupancy SBKs, shall minimally contain:
 - a. Two (2) commercially manufactured tourniquets;
 - b. Four (4) gloves;
 - c. One (1) scissor;
 - d. Two (2) three-inch gauze rolls;
 - e. Two (2) gauze combine pads.
 - (5) Places of occupancy that hold five hundred (500) or more persons must have a large occupancy SBK, which minimally must contain:
 - a. Eight (8) commercially manufactured tourniquets;
 - b. Eight (8) gloves;
 - c. Two (2) scissors;
 - d. Eight (8) 3-inch gauze rolls;
 - e. Eight (8) gauze combine pads.
 - (6) All AEDs and SBKs shall be used in accordance with the manufacturer's guidelines.
 - (7) It shall be the responsibility of the owner of the building to:
 - i. Install AEDs and SBKs.
 - ii. Maintain AEDs and SBKs in accordance with manufacturer's recommended maintenance requirements as required herein.
 - (8) If an AED or SBK is removed for repair, a replacement shall be provided immediately.

(Ord. No. 19-19, § 2, 7-10-19)

Sec. 9-92. Fees.

Fees for AED and SBK permits and inspections shall be set by resolution, and will be included in the fee booklet.

(Ord. No. 19-19, § 2, 7-10-19)

Sec. 9-93. Penalties.

It shall constitute a violation of the City Code, punishable as provided in section 1-13 of the Code, to intentionally or willfully:

- (1) Render an AED inoperative except during such time as the AED is being serviced, tested, repaired, or recharged, except pursuant to court order;
- (2) Obliterate the serial number on an AED for purposes of falsifying service records;
- (3) Improperly service, recharge, repair, test, or inspect an AED;
- (4) Use the inspection certificate and allow another person to use said inspection certificate number; and
- (5) Hold an inspector certificate and allow another person to use said inspection certificate number.
- (6) Maintain an expired SBK.

(Ord. No. 19-19, § 2, 7-10-19)

Sec. 9-94. Applicability.

The owner or, if leased, the tenant, of any existing building, structure, or portion thereof required to have an AED and SBK shall comply with this section within 36 months of the effective date of the ordinance from which this section is derived. After the effective date of this Article, the owner of any new building constructed required to have an AED and SBK shall comply with this Article.

(Ord. No. 19-19, § 2, 7-10-19)

Sec. 9-95. Requirements and procedures.

The following shall be the requirements and procedures for use, training, and data collection of the AED and SBK programs:

- (1) The implementation of an AED or SBK shall occur only after a written notification is made to the fire chief or designee by the individual, entity, organization, or company acquiring an AED and SBK. The written notification must contain the facility or business name, street address, specific location of the AED or SBK, the number of employees at the facility or business, the total number of persons trained or to be trained in the use of the AEDs and SBKs, the name of manufacturer for the AED, and model number of each AED.

It is required that prior to implementation of an AED or SBK, the individual, organization or company must provide training for appropriate use, and maintain proof of training for review on premises. The training for the AED shall consist of a class provided by a nationally-recognized organization, including, but not limited to, the American Heart Association, the American Red Cross, Emergency Care and Safety Institute and the National Safety Council, and shall follow a standardized curriculum. The standardized curriculum shall include, at a minimum: 1) signs and symptoms of sudden cardiac arrest; 2) cardiopulmonary resuscitation; and 3) proper use, maintenance, and inspection of AEDs. The training for the SBK shall consist of a class provided by a nationally recognized organization. The standardized curriculum shall include, at a minimum: 1) tourniquet application and use; and 2) dressing application and use.

- (2) Recertification of users, maintenance, and inspection of the AED and SBK is the responsibility of the occupant and shall be done on a periodic basis, as prescribed by the manufacturer and/or certifying

agency. Recertification of users shall consist of a class, which will review the techniques for using the AED and SBK; and follow a standardized curriculum. Recertification training shall be provided as in paragraph (2) above. Maintenance of the AED device and SBK shall be in accordance with the manufacturer's recommendations.

- (3) Any person who uses an AED is required to contact the city fire rescue department by calling 9-1-1 immediately prior to, or immediately upon use of the AED (F.S. § 401.2915).
- (4) The city fire rescue department shall conduct a quality assurance review after use of an AED or SBK, which includes gathering clinical data and information from the person that used the AED or SBK and from the AED itself.
- (5) The owner and user of the AED or SBK shall not withhold consent for a quality assurance review by the city fire rescue department after the use of an AED or to the retrieval of clinical data from the device itself.
- (6) The city fire rescue department shall verify the presence of the AED and SBK, and may inspect any maintenance records and documentation of training to ensure compliance with the community AED program and SBK.
- (7) The city is not liable for any damages experienced by the AED and by the SBK, or any person or entity arising as a result of: (a) Business's use or misuse of the equipment or supplies; (b) Business's failure to provide services pertaining to the equipment or supplies; or (c) any defects in the equipment or supplies.

(Ord. No. 19-19, § 2, 7-10-19)

Sec. 9-96. Violations.

Violations of this article shall be subject to the imposition of penalties applicable generally to municipal ordinance violations, and in addition, persons and entities violating the provisions of this article shall be subject to the jurisdiction of the code enforcement board established by ordinance.

(Ord. No. 19-19, § 2, 7-10-19)

Sec. 9-97. Immunity from civil liability provisions.

The provisions of F.S. § 768.1325, and specifically the immunity from civil liability for any harm resulting from the use or attempted use of an AED as found in F.S. § 768.1325(3), as may be amended from time to time are hereby adopted and incorporated into this section for all purposes.

(Ord. No. 19-19, § 2, 7-10-19)