

Chapter 9 - FIRE PREVENTION^[1]

Footnotes:

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Editor's note— Ord. No. 1451, § 1, adopted May 17, 2007, repealed the former Ch. 9, §§ 9-1—9-12. Section 2 of said ordinance and enacted a new Ch. 9 as set out herein. The former Ch. 9 pertained to similar subject matter and derived from Ord. No. 821, § 1, adopted April 3, 1986, as amended. See the Code Comparative Table for complete derivation.

Charter reference— Authority to maintain fire department, § 1.06.

Cross reference— Buildings, building code, § 6-1 et seq.; flammable refuse, § 10-9(b); police and firemen's relief and pension fund, § 16-18 et seq.

State Law reference— Fire prevention and control, F.S. Ch. 633.

Sec. 9-1. - Adoption of Florida Fire Prevention Code, National Fire Codes.

There is hereby adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain codes known as the Florida Fire Prevention Code, as promulgated by the Florida Division of State Fire Marshal, same and except such portions as are hereinafter deleted, modified or amended. This shall include and is based upon the NFPA 1, Uniform Fire Code, and -the NFPA 101, Life Safety Code. The Florida Fire Prevention Code to be adopted shall be the most recent edition, and shall hereafter include any amendments thereto as may be adopted from time to time. There shall be one (1) copy of the aforementioned editions filed in the office of the fire marshal of the city, and the same one hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect. The provisions thereof shall be controlling within the corporate limits of the city. In the event of conflict between the provisions of said codes, and the city's ordinances, the more restrictive shall apply.

(Ord. No. 1451, § 2, 5-17-2007)

Sec. 9-2. - Establishment of bureau of fire prevention; duties.

- (a) There is hereby established a Bureau of Fire Prevention within the Fire Department of the City of Cocoa Beach, to be operated under the supervision of the chief of the fire department.
- (b) The chief of the fire department may detail to the bureau of fire prevention such members of the department as may be necessary to carry out the functions of said bureau.
- (c) The bureau of fire prevention shall be responsible for making all inspections required under the Florida Fire Prevention Code, National Fire Codes, and other applicable ordinances of the city.

(Ord. No. 1451, § 2, 5-17-2007)

Sec. 9-3. - Enforcement of codes.

The codes hereby adopted shall be enforced by the bureau of fire prevention of the fire department of the city.

(Ord. No. 1451, § 2, 5-17-2007)

Sec. 9-4. - Definitions.

Whenever the following words or terms are used in the codes hereby adopted they shall mean:

- (1) *Municipality*. City of Cocoa Beach, Florida.
- (2) *Corporation counsel*. City Attorney of Cocoa Beach, Florida.
- (3) *Chief of the bureau of fire prevention*. The fire chief, as set forth in section 9-2(b) of this chapter.
- (4) *Fire official*. The fire chief, as set forth in section 9-2(b) of this chapter.
- (5) *Authority having jurisdiction (AHJ)*. The Fire Department, City of Cocoa Beach, Florida.
- (6) *NFPA*. National Fire Protection Association.
- (7) *FFPC*. Florida Fire Prevention Code.

(Ord. No. 1451, § 2, 5-17-2007)

Sec. 9-5. - Establishment of limits of districts in which storage of explosives and blasting agents, storage and dispensing of Class I flammable liquids and storage of flammable and combustible liquids is to be restricted; providing for civil penalties.

- (a) The storage of explosives and blasting agents, except for temporary storage for use in connection with an approved blasting operation approved by the fire department, shall be prohibited within the corporate limits of the city.
- (b) The storage of flammable and combustible liquids shall meet the requirements of the Florida Fire Prevention Code and the NFPA codes referenced in this chapter. These installations shall only be permitted on publicly-owned property in connection with health care facilities having more than one hundred (100) beds, or in conjunction with public utility operations.

Exceptions:

- (1) Portable containers [not to exceed four (4)] in storage of six (6) gallons in capacity each.
 - (2) Combustible liquid above ground storage tanks, not exceeding one hundred fifty (150) gallons in capacity, used expressly for heating purposes, or for on-site generators, -shall be acceptable for single-family dwellings only.
 - (3) On-site emergency generators for non residential buildings that have been permitted by the Bureau of Fire Prevention of the City of Cocoa Beach.
- (c) The storage of below ground flammable liquids shall be prohibited within the corporate limits of the City of Cocoa Beach, Florida, with the exception of for authorized automotive and marine service facilities with underground storage tanks, subject to fire code requirements, and meeting the requirements of the City of Cocoa Beach Land Development Code (City Code Appendix B) section 4-71 "gasoline pumps (fuel dispensing facilities) and storage tanks".
 - (d) Bulk storage of liquefied petroleum gases shall comply with the requirements of the Florida Fire Prevention Code and the NFPA codes referenced in this chapter. All installations and removals of liquefied petroleum containers and delivery systems require a building permit issued by the chief building and fire officials. The storage system (container, regulators, piping and all components upstream to the point of delivery) for liquefied petroleum gas shall be designed and installed in accordance with the Florida Fire Prevention Code and NFPA 58, as required by the Florida Building Code.

- (e) All liquefied petroleum gas installations shall be concealed by ventilated fencing or landscaping enclosures installed in such a manner that they meet the requirements of the FFPC, or shall be installed underground in accordance with the requirements of the FFPC.
- (f) All vendors of liquefied petroleum gas servicing accounts within the corporate limits of the city shall provide the fire department with the following information, in writing:
 - (1) *New installations.* Name, address and on-site location of LPG container(s) on property prior to installation.
 - (2) *Removal of existing containers.* Name, address and on-site location of container(s) to be removed, time and date of removal, prior to removal.
 - (3) *Account servicing.* Name, address, on-site location of container(s) on property and size of containers of all accounts serviced within the corporate limits of the city.
- (g) Violation of this section is subject to enforcement by:
 - (1) The issuance of Class IV citation in accordance with the provisions of chapter 31 of this Code; or
 - (2) Enforcement by other means including, but not limited to: a summons; a notice to appear in the county or circuit court; an arrest; an action before the special magistrate/code enforcement board; or a civil action for injunctive relief; or,
 - (3) Punished in accordance with general penalty set forth in section 1-8 of this Code.

(Ord. No. 1451, § 2, 5-17-2007; Ord. No. 1504, § 2, 12-3-2009; Ord. No. 1612, § 3, 12-7-2017)

Sec. 9-6. - Penalties.

- (a) The application of penalties shall not be held to prevent the enforced removal of prohibited conditions. It shall be unlawful for any person, firm, corporation, or agent to violate or fail to comply with any provisions of these regulations and regardless of any provision of law to the contrary the violation of any provision of this Code shall be enforced as follows:
 - (1) The issuance of a citation in accordance with the provisions of City Code Chapter 31; or,
 - (2) Enforcement by other means including, but not limited to: a summons; a notice to appear in the county or circuit court; an arrest; an action before the special magistrate/code enforcement board; or a civil action for injunctive relief; or,
 - (3) Punished in accordance with general penalty set forth in City Code Section 1-8.
- (b) Each such person, firm, corporation, or agent shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued.

(Ord. No. 1451, § 2, 5-17-2007)

Sec. 9-7. - Reserved.

Sec. 9-8. - Amendments to Florida Fire Prevention Code.

The Florida Fire Prevention Code is amended, and specific NFPA provisions are adopted, as follows:

NFPA 101, Section 12.3.5.1. The following new assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7:

- (1) Bars

- (2) Dance Halls
- (3) Discotheques
- (4) Nightclubs
- (5) Assembly occupancies with festival seating.

NFPA 101, Chapters 28.3.5, 30.3.5, 32.3.5, 38.3.5, 40.3.5, and 42.3.5. Any new commercial or multifamily horizontal or vertical core buildings (inside corridors), two (2) stories in height or greater with occupancies classified as ordinary hazard, shall have all inside corridors fully protected throughout with automatic sprinkler, alarm and detection systems.

NFPA 101, Chapters 36.3.5 and 42.3.5. Any new mercantile, or storage occupancy that is greater than 6,000 square feet shall be protected by an approved and monitored fire sprinkler system install in accordance with the NFPA 13, 2007 edition, and all subsequent amendments thereto.

NFPA 1, Section 13.5. All new construction or modifications of existing structures that exceed fifty (50) per cent of the building's replacement value, the Building Valuation Data is based on the International Code Council (ICC). This data is updated every six months by the ICC. This data is offered as an aid for the AHJ to determine if the permit valuation is underestimated, including all public and private development, requiring the installation of water supply for firefighting or fire flow purposes, within the corporate limits of the City of Cocoa Beach, shall meet all design standards, specifications and minimum flow requirements as set forth by the City of Cocoa Beach Utilities Department and the National Fire Protection Association and the current Insurance Service Organization (ISO) standards for fire flow requirements.

NFPA 1, Section 10.11.7. For other than one- and two-family dwellings, no hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose, shall be used or kindled on any balcony or under any overhanging portion, or within 10 feet of any structure. Listed electric ranges, grills, or similar electrical apparatus shall be permitted. Violation of this section shall constitute a Class III Violation and associated civil penalties in accordance with section 31-11.

(Ord. No. 1451, § 2, 5-17-2007; Ord. No. 1567, § 2, 9-5-2013)

Sec. 9-9. - Fire safety inspection fees.

Fire safety inspection fees shall be adopted by City of Cocoa Beach Resolution.

(Ord. No. 1451, § 2, 5-17-2007)

Sec. 9-10. - General fire protection requirements.

- (a) Carbon monoxide detectors shall be installed with any gas fired appliances or fixed gas powered generators. Exception: Pool heaters that are located greater than 10 (ten) feet from an occupied structure.
- (b) When, under the provisions of this code, the size, occupancy classification or character of a building or group of buildings warrants the installation and construction of one (1) or more fire hydrants on private land or public property to provide proper fire protection for said buildings, the chief of the fire department or his duly authorized representative shall specify the location and number of such hydrants and the size and arrangements of the water mains supplying said hydrants, consistent with the provisions of this code.
- (c) On all structures that provide fire department connections and other fire protection apparatus accessible to vehicles, no parking of vehicles or any other matter shall be permitted within fifteen (15) feet in any direction. The above named areas shall be appropriately marked and striped and signs shall be posted to identify "NO PARKING or NO PARKING FIRE LANE BY ORDER OF THE

FIRE DEPARTMENT" zones. Violation of this section shall constitute a Violation and associated civil penalties in accordance with Sec. 26-29.

- (d) No outside burning of trash, rubbish, shrubs, trees, litter, motor oil, combustible or flammable liquids, wooden pallets, construction waste products or any other materials shall be permitted within the corporate limits of the city. Violation of this section shall constitute a Class III Violation and associated civil penalties in accordance with Sec. 31-11.

Exceptions:

- (1) Controlled burns may be permitted by the city on city property provided all requirements and permits from applicable city, state and federal agencies have been obtained and approved. Burns will be conducted under applicable codes and will be supervised by the fire department.
 - (2) At the discretion of the fire chief /designee, based on life-safety considerations and field conditions, the department may approve and issue a permit for a beach campfire subject to the following conditions: Violation of this section shall constitute a Class II Violation and associated civil penalties in accordance with section 31-11.
 - a. No burn permits shall be issued from March 1 through October 31, turtle season, of each year.
 - b. Burn permits for beach campfires shall be permitted only in the area between the north side of Minutemen Causeway and northern boundary of the city.
 - c. The permit fee shall be established by resolution.
 - d. The permit shall be issued on the day of the request depending upon the wind conditions existing or anticipated. If the permit is revoked on site due to wind conditions only, the permit fee will be refunded by mail. There shall be no refunds issued due to rain.
 - e. Burn permit applicant(s) shall be eighteen (18) years of age or older, reside within Brevard County, and produce a valid state issued identification card.
 - f. Campfires shall be built no farther than one hundred (100) feet from a stub-end street or dune crossover and shall be at least thirty (30) feet from any dune crossover or beach vegetation. No more than one (1) beach campfire per stub end street shall be permitted.
 - g. The beach campfire shall have a base not to exceed three (3) feet in diameter and the flames shall not exceed three (3) feet in height. The fire shall be located in and surrounded by beach sand only. Anything greater shall be considered a bonfire which is prohibited.
 - h. The permit holder shall be present at all times on the site, and shall have the permit available for inspection. The campfire shall not be left unattended. The campfire shall be fully extinguished (no burning, smoldering, smoking, hot embers or debris) prior to midnight of the permit-issue day. All fire debris shall be removed to a disposal container and the site shall be restored to its natural condition.
- (e) It shall be a violation of this section to permit an asphalt kettle intended to be used in a building to read a temperature above six hundred (600) degrees Fahrenheit and said violation of this section shall constitute a Class III violation and associated civil penalties in accordance with section 31-11. The building department shall notify the fire department of violations. Failure to meet the above requirements shall result in an immediate stop work order from the fire department.
- (f) If any fire protection system installed in a structure including fire alarm systems, goes out of service for any reason, the owner or tenant shall notify the fire department within twenty-four (24) hours. Repairs shall be made to the fire protection systems within seventy-two (72) hours. The fire department shall be notified in writing of the date of completion. In the event repairs cannot be completed with seventy-two (72) hours, the plans and schedule for repairs shall be coordinated with

and approved by the fire department. Any repairs, testing, or inspections, of existing standpipe and/or sprinkler system, including underground piping and valves, shall be done by a company that is certified by the State of Florida for installation and repair of fire protection systems.

- (g) Prior to the issuance of a permit for construction of any building, one (1) set of plans including site, construction and all fire protection systems shall be submitted for review to the bureau of fire prevention for approval to ensure that the proper fire prevention, fire protection, and life safety facilities are provided. Upon completion one (1) hard copy and one (1) electronic copy of as-built plans shall be submitted for permanent record at time of certificate of occupancy.
- (h) All structures that are required to have fire alarm, standpipe or sprinkler systems, shall provide a public safety key box for fire department use. The key box shall contain keys for elevator return and door opening, elevator rooms, fire alarm box, electric rooms, storage rooms and any other key necessary for access to occupied floors within the structure for emergency fire and rescue purposes. The key box system may be surface-mounted or flush-mount in an easily accessible location, (as determined by the fire department), at a height of 6 (six) feet to the top of the box. The fire department shall maintain possession of the only key. In the event locks are changed in any of the above-mentioned rooms, the fire department shall be notified immediately.
- (i) All exterior fire alarm pull stations on new and existing buildings shall be protected by a weatherproof guard. All interior pull station on new and existing buildings shall have protective guards installed to deter false alarms.
- (j) Sheetrock or drywall ceilings shall not be wire suspended. Lay-in light fixtures in suspended ceilings shall be supported by the main structure and not by the grid system.
- (k) Hydrant fees and their usage shall be set by City of Cocoa Beach resolution.
- (l) Any structure that is required to install a standpipe system or sprinkler system shall have it installed by a company which is certified by the State of Florida for installation and repair of fire protection systems. Any installations of standpipe and/or sprinkler systems, including underground piping and valves, shall be inspected by the fire department before being covered. All standpipe and sprinkler systems shall be the wet type. All standpipes shall be Class III in accordance with NFPA 14. All fire department connections shall have a signage stating the operating GPM and PSI for the design system it is serving. A single fire pump shall not service more than three (3) structures that are required to have fire protection systems.
- (m) An approved type horn/strobe indicating device shall be installed on the exterior of each building for which a fire alarm system is required by this section. The horn/strobe device shall be installed such that it is readily visible from the street and its location shall be approved by the AHJ. The strobe shall be either red or white in color.
- (n) Steel barbed tape wire, otherwise known as "Razor Ribbon," barbed tape obstacle, "Instabarrier," "Concertina Wire," "Maze," "Monster Maze," "Coil Maze," "Supermaze" or any similar style known by any other name shall not be permitted for use in or on any structure within the corporate limits of the city. This shall include any installation in ductwork, above ceilings, on rooftops, around vents, skylights, roof eaves, parapet walls or any other application.
 - (1) Exception: The above in (n) may be used for the protection and security of critical governmental infrastructure facilities and as determined by the authority having jurisdiction.
- (o) All fire alarm systems shall have UL listed surge suppression devices installed regardless of any internal protective devices within the panel. The required protection shall include AC power protection; telephone line protection and protection on any wiring that enters the building from outside the protected structure (i.e., tamper switch wiring to; 3 backflow preventer). All surge suppression devices shall be installed outside the fire alarm control panel box with a minimum of three (3) feet of wiring between the device and the fire alarm panel. Each device shall be provided with a good ground connection. All protective devices for surge suppression shall be certified to the following UL standards:
 - (1) *Telephone lines*: UL497A

- (2) *Signaling line loops*: UL497B
 - (3) *Initiation or notification circuits*: UL497B
 - (4) *A/C power*: UL1449
- (p) Required fire hydrants shall be installed and operational prior to the construction of any structures. Structures shall include, but not be limited to, subdivisions, townhouses, condominiums, apartments, motels, hotels, office buildings, shopping centers or other developments. This requirement shall be deemed to be satisfied when an operational fire hydrant(s) capable of delivering the necessary flow is located within the prescribed distance measured along a paved right-of-way or approved private road or driveway. The prescribed distance for fire hydrant spacing is three hundred (300) feet between hydrants in commercial, industrial and multifamily areas and not more than six hundred (600) feet in detached single-family districts. Maximum dead-end distance shall not exceed two hundred (200) feet. All new installations or repairs of dead-end lines shall be up-sized one (1) pipe size regardless of length.
- (q) Hydrant location with respect to the fire department connection:
- (1) Whenever a proposed development will be required to install one (1) or more fire hydrants as a condition of approval, a fire hydrant shall be located not more than fifty (50) feet from the fire department connection as measured by normal access routes. If such hydrant is on the same side of the street as the fire department connection, it is preferable that the driveway does not separate the hydrant and the fire department connection.
- (r) Automatic vehicle access control gates:
- (1) Gate installation criteria, including battery backup, siren operated sensors, key switches, opener devices and gate markings shall be reviewed and approved in writing by the authority having jurisdiction prior to installation.
 - (2) In the event the gates become non-operational, they shall remain in the open position until such time as all minimum requirements have been returned to a fully operational status. It shall be the responsibility of the property owner/property management to ensure gates are properly maintained, and repaired as necessary.
 - (3) Lock control access shall unlock upon activation of the building fire alarm system.
- (s) All premises, including existing premises, that the Emergency Services may be called upon to protect in case of fire and that are not readily accessible from public roads shall be provided with suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- (1) Fire and emergency access to at least two (2) sides of all assembly, educational, health care, detention and correctional, residential, mercantile, business industrial, storage or day care occupancy buildings may be required by the authority having jurisdiction. This access shall comply with NFPA 1, Section 3-5, unless otherwise approved by the city.
 - a. Have an unobstructed width of fifteen (15) feet,
 - b. Have a minimum/maximum distance from the building to the closest curb line or edge, as follows:
 - 1. One (1), two (2) and three (3) story buildings, ten (10) feet minimum, fifteen (15) feet maximum;
 - 2. Four (4) or more story buildings, fifteen (15) feet minimum, twenty-five (25) feet maximum.
 - c. If stabilized ground is used it shall be six (6) inches minimum and meet the lime rock bearing ratio of 40 and be compacted to a modified proctor density of ninety-five (95) percent.

- d. Paved, stabilized ground or turf block used for emergency access shall be identified as to location with approved vegetation or markers as required by the authority having jurisdiction.
 - e. Paved, stabilized ground or turf block used for emergency access shall be kept unobstructed at all times and from any future growth, and shall be dedicated on the approved final site plan for the life of the building.
- (2) Where the installation of speed bumps is determined by the city to impede or inhibit the response of emergency vehicles or the safety of emergency personnel or patients, such speed bumps shall be removed by the owner. Existing speed bumps may be modified to meet safety requirements as approved by the city.
 - (3) New speed bumps, when installed on private property, must comply with the following criteria:
 - a. Approved speed bumps shall have minimum twenty-four (24) inch long base with sloping falls, cresting at four (4) inch maximum height.
 - b. The location of such speed bumps shall be approved by the city.
 - (t) Any occupancy that stores any hazardous materials greater than fifty-five (55) gallons of liquid, or a total accumulation of seven hundred fifty (750) pounds of any hazardous material shall display and follow the NFPA 704 placard system.

(Ord. No. 1451, § 2, 5-17-2007; Ord. No. 1567, § 2, 9-5-2013)

Sec. 9-11. - Permit fee structure.

The permit fee structure shall be adopted by City of Cocoa Beach Resolution.

(Ord. No. 1451, § 2, 5-17-2007)

Sec. 9-12. - Hazardous materials.

- (a) *Authority; title.* This section is enacted pursuant to Article VIII, Section 1(f), Florida Constitution, Sections 125.01, 376.19, and 403.182, Florida Statutes and Chapter 252, Part II, Florida Statutes; and shall be known as the "City of Cocoa Beach Hazardous Materials Ordinance."
- (b) *Definitions.* For the purposes of this section, the following terms shall have the following meanings:
 - City* shall mean any officer, employee, or agent thereof, or any person contracted or hired by the city for the purpose of responding to the release or threatened release of hazardous materials.
 - Cost* shall mean any expense or obligation incurred by the city in response to the release of hazardous materials. The term includes, but is not limited to, actual costs of:
 - (1) Personnel such as salary, worker's compensation benefits and medical monitoring;
 - (2) Equipment operation, maintenance and replacement;
 - (3) Disposable materials and supplies used during a specific response;
 - (4) Rental or leasing of equipment used for a specific response;
 - (5) Special technical services;
 - (6) Laboratory costs;
 - (7) Services and supplies contracted or purchased for a specific response; and
 - (8) Any other costs authorized by state or federal law.

Environment shall mean any surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the city, whether on public or private property.

Hazardous material shall mean any material defined, listed, characterized, or classified as hazardous material, hazardous substance, hazardous waste, or toxic substance according to any of the following:

- (1) Chapter 38F-41, Florida Administrative Code, (Florida Substance List).
- (2) Title 40, Code of Federal Regulations Part 261 (Identification and listing of Hazardous Wastes).
- (3) Title 40, Code of Federal Regulations Part 302.4 (Designation of Hazardous Substances).
- (4) Title 40, Code of Federal Regulations Part 355, Appendices A and B (List of Extremely Hazardous Substances).
- (5) Title 49, Code of Federal Regulations Parts 172.101 and 172.102 (Hazardous Materials Tables).
- (6) Any other material, solution, mixture or formulation of which, due to its chemical or physical characteristics, poses a substantial threat to the life, health, or safety of persons or property or to the environment, including, but not limited to, explosives, radioactive materials, petroleum or petroleum products, gases, poisons, etiologic (biologic) agents, flammables and corrosives.

Release shall mean any soiling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, searching, dumping, or disposing of hazardous materials into the environment (including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous material) in such a manner as to endanger the public health or welfare or the environment, or in violation of any federal, state or local law, rule, regulation or order, whether such action is sudden or gradual.

Remedy or remedial action shall mean those actions consistent with permanent remedy taken instead of or in addition to removal actions, including transportation out of city, in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause substantial danger to present or future public health or welfare of the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, on-site treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such action protect the public health and welfare and the environment.

Remove or removal shall mean the cleanup or removal of released hazardous materials from the environment, including such actions as it may be necessary to take in the event of the threat or release of hazardous materials into the environment; such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous materials; the disposal of removed material; and the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health, welfare or the environment which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation of threatened individuals not otherwise provided for, and any emergency assistance which may be provided for.

Respond or response shall mean any activity taken to remove or remedy the effects of a release or threatened release of a hazardous material, including any enforcement activities pertaining thereto.

- (c) *Intentional release of hazardous materials prohibited.*

- (1) No person shall willfully or intentionally cause the release of hazardous materials within the city.
- (2) Any person guilty of violating the provisions of subsection (c)(1) of this section shall, upon conviction, be punished as provided in section 9-6 of this Code.
- (d) *Responsibility for removal and remedial action in event of release of hazardous materials.* The person responsible for release of hazardous materials shall have the responsibility for taking immediate remedial action, and shall immediately contact the city upon the occurrence of the release. Subsequent hazardous materials removal action shall be initiated only after the approval by the city. When the city provides a response for release of hazardous materials, it shall have the authority to take whatever remedial action or removal procedures it determines to be necessary to negate or minimize the effect of the release. If the city responds to a release of a hazardous material, the chief of fire or his designee shall be authorized to arrange for the necessary remedial action or removal, and any emergency purchase order not to exceed fifty thousand dollars (\$50,000.00) shall be authorized for the removal and proper disposal of the hazardous waste in accordance with all applicable regulations of state and federal agencies.
- (e) *Reimbursement of costs incurred by city; supplemental relief.* Except as otherwise provided by law, any person responsible for the release of a hazardous material shall reimburse the city for all costs incurred by the city in response to such release. The city shall also have the right to bring an action for injunctive relief in a court of competent jurisdiction to enjoin or restrain any continuing or repetitive release of hazardous materials.

(Ord. No. 1451, § 2, 5-17-2007)

Sec. 9-13. - Unsafe work practices.

- (a) The fire chief or designee shall have the authority to issue a stop work order that meets the requirements of NFPA 1, upon discovering any imminent danger. These situations include, but are not limited to, operations such as: confined spaces, trenching, excavating, working above grade, and handling of hazardous materials. Once the safety violations are corrected the stop work order will be rescinded. Violation of this section shall constitute a Class IV violation and associated civil penalties in accordance with Sec. 31-11.
- (b) The fire chief or designee shall also notify the local OSHA office regarding violations under (a).

(Ord. No. 1451, § 2, 5-17-2007)

Sec. 9-14. - Classes of violations and associated civil penalties in accordance with chapter 31 of the City Code.

(a)	Means of egress locked and/or obstructed	Class IV
(b)	Over occupancy load	Class IV
(c)	Failure to comply with section 9-5, storage of explosive, blasting agent, and flammable liquids	Class IV
(d)	Dispensing or storing flammable, or combustible liquids into an unapproved container	Class IV

(e)	Failure to comply with NFPA 1, 10.11.7, cooking devices	Class III
(f)	Outside burning of any kind or type	Class III
(g)	Failure to obtain a beach campfire permit	Class III
(h)	Failure to maintain a tar kettle below 600 degrees Fahrenheit	Class III
(i)	Reserved	
(j)	Failure of a fire alarm or sprinkler contractor to properly place a system into the "test" mode	Class III per occurrence
(k)	Failure to properly maintain a fire protection system	Class III
(l)	Failure to properly display premises identification	Class III
(m)	Unsafe work practice	Class I

(Ord. No. 1567, § 2, 9-5-2013)

Editor's note— Ord. No. 1567, § 2, adopted Sept. 5, 2013, repealed the former § 9-14, and enacted a new section as set out herein. The former § 9-14 pertained to classes of violations and associated civil penalties in accordance with section 31-11 and derived from Ord. No. 1451, § 2, adopted May 17, 2007.

Cross reference— Classes of violations and associated civil penalties, § 31-11.