Chapter 14 FIRE PREVENTION AND PROTECTION[1]

ARTICLE I. IN GENERAL[2]

Secs. 14-1—14-50. Reserved.

ARTICLE II. FIRE SAFETY CODE[3]

Sec. 14-51. Enforcement responsibility.

The Flagler County Department of Emergency Services (department) shall enforce all laws and ordinances relating to the fire safety codes including but not limited to:

(1) The prevention of fires.

(2) The storage, sale, and use of combustible, flammable or explosive materials.

(3) The investigation of the cause, origin, and circumstances of fires.

(4) Building development and construction plan review and approval as it applies to fire and life safety codes.

(5) Review and approval of certificates of occupancy as it applies to fire and life safety codes.

(6) The installation and maintenance of fire alarm systems, fire extinguishing equipment, and the construction of all fire rated components and assemblies.

(7) The means and adequacy of exits in case of fire.

(8) Inspections as required by fire and life safety codes.

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[1]Cross reference(s)—Responsibility for cost incurred in response to arson or response to false fire alarm, § 2-1; alarm systems, Ch. 3; buildings and construction, Ch. 8; land development code, Ch. 18.

State law reference(s)—Authority of board of county commissioners to provide for fire protection, F.S. § 125.01(1)(d); fire prevention and control generally, F.S. ch. 633; conflicts between building code and fire safety codes, F.S. § 553.73(8).

[2]Editor's note(s)—Ordinance No. 06-03, § 1, adopted Jan. 17, 2006, repealed the former art. I, §§ 14-1—14-4, which pertained to in general subject matter [penalty; enforcement of fire safety laws; standard fire prevention code adopted; automatic fire sprinkler systems required] and derived from Ord. No. 88-9, § 1, adopted March 7, 1988; Ord. No. 93-10, adopted July 19, 1993, as amended.

[3]Editor's note(s)—Ordinance No. 06-03, § 1, adopted Jan. 17, 2006, repealed the former art. II, §§ 14-51—14-63, and enacted provisions designated as art. I, §§ 14-51—14-59. At the editor's discretion, said provisions have been included as art. II, as set out herein. The former art. II pertained to similar subject matter and derived from Ord. No. 93-19, §§ I—XIII, adopted Dec. 6, 1993.

Cross reference(s)—Emergency management, Ch. 12.

(9) Responsibilities of this section for evaluations of proposed building plans and inspections of construction for compliance with the fire safety code may be assigned to nondepartment certified fire safety code inspectors and plan reviewers as deemed necessary by the county administrator and such certified inspectors and plan reviewers shall work under the review and supervision of the Flagler County Fire Chief.

(Ord. No. 06-03, § 1, 1-17-06; Ord. No. 08-28, § 1, 10-20-08)

Sec. 14-52. Investigation of fires.

The department shall investigate the cause, origin, and circumstances of fires occurring in the county by which property has been destroyed or damaged to determine whether a fire is the result of carelessness or design. The department shall take charge on every fire scene, shall notify the proper agencies designated by law to pursue the investigation, and shall cooperate with appropriate agencies in the collection and preservation of evidence and in the prosecution of the case.

The department may, in its discretion, refer the violation for prosecution pursuant to Florida Law.

(Ord. No. 06-03, § 1, 1-17-06)

Sec. 14-53. Right of entry.

To the full extent permitted by law, any fire inspector is authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle, or premises for the purpose of making fire safety inspections. Before entering a private or public building or dwelling, the fire inspector shall obtain the consent of the occupant thereof or obtain an administrative warrant from a court of competent jurisdiction authorizing entry for the purpose of inspection, except in those instances where an emergency exists. As used herein, "emergency" means circumstances that the fire inspector believes, or has reason to believe, may constitute a threat to life or property. Refusal to allow entry is subject to enforcement action.

(Ord. No. 06-03, § 1, 1-17-06)

Sec. 14-54. Authority to remedy fire safety code violations.

The department has the authority to investigate and protect property and/or persons from violations of the National Fire Protection Association (NFPA) Codes and Standards.

(Ord. No. 06-03, § 1, 1-17-06)

Sec. 14-55. Enforcement; violation, penalty.

The provisions of this section may be enforced by the department. As set forth in Section 162.21, Florida Statutes, violation of this article is punishable as provided by law and by citation issued by a code enforcement officer who has reasonable cause to believe the person has committed an act in violation of this Code. A violation of this section is a civil infraction punishable by a civil fine not to exceed five hundred dollars ($500.00). The issuance of a citation may be contested in county court. A civil penalty of less than the maximum civil penalty will be assessed if the person cited does not contest the citation.

(Ord. No. 06-03, § 1, 1-17-06)

Sec. 14-56. Building and fire code conflicts.

Conflicts between any provisions of the NFPA and the building codes shall be resolved as set forth in Section 553.73(9)(a) Florida Statutes, as amended. Conflict between provisions of the NFPA and the Florida Building Code shall be resolved by agreement between the chief building official and the chief fire inspector in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(Ord. No. 06-03, § 1, 1-17-06)

Sec. 14-57. Permits.

(a) A permit is required for all of the following actions in the unincorporated areas of the county:

(1) Installation or alteration of fixed fire suppression systems, including, but not limited to, automatic sprinklers, standpipes, commercial hood extinguishing systems, or other private fire protection systems.

(2) The installation of any fire alarm, detection, or fire communication system. Exception: Two-family dwellings.

(3) Any public fireworks display.

(b) Any owner, contractor, or authorized agent who desires a permit required under this code shall first make application to the department to obtain a permit. Permit application shall be accompanied by the necessary plans, licenses, fees, and other documents as required by the department.

(Ord. No. 06-03, § 1, 1-17-06)

Sec. 14-58. Fees.

Fees shall be established by resolution of the board of county commissioners.

(Ord. No. 06-03, § 1, 1-17-06)

Sec. 14-59. Authority of department; incorporation of codes and standards.

The National Fire Protection Association (NFPA) Codes and Standards, as amended, are hereby adopted by reference.

(Ord. No. 06-03, § 1, 1-17-06)