

Chapter 79 - FIRE PREVENTION AND PROTECTION

Footnotes:

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Cross reference— Code Enforcement Board, § 1.91 et seq.; building and housing regulations, ch. 21; electrical regulations, ch. 63; "E911" system, § 111.31 et seq.; marine fuel, § 159.7 et seq.

State Law reference— Fire prevention and control, F.S. ch. 633; power to provide fire fire protection, F.S. § 125.01(1)(d).

ARTICLE 1. - IN GENERAL

Sec. 79.1. - Fire Rescue Chief; authority of County Administrator to appoint Fire Rescue Chief; Fire Prevention Chief to work under direction of Fire Rescue Chief or Designee.

The County Administrator shall appoint the Fire Rescue Chief with the confirmation of the Martin County Board of County Commissioners. With the concurrence of the County Administrator, the County Fire Prevention Chief, who serves as the County Fire Marshal, shall be appointed by and work under the direction of the Fire Rescue Chief or designee.

(Code 1974, § 15-1; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 449, pt. 1, 10-11-1994; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.2. - Fire Marshal—Duty to enforce certain laws and ordinances.

It shall be the duty of the Fire Marshal to enforce, or cause to be enforced, all laws and ordinances of Martin County covering the following:

79.2.A. Prevention of fire.

79.2.B. Storage and use of explosives and flammable liquids.

79.2.C. Installation and maintenance of automatic fire alarm systems and fire extinguishing equipment.

79.2.D. Means and adequacy of exit and exit egress from places of assembly, education hazard areas, factory-industrial areas, mercantile areas, residential areas and storage areas.

79.2.E. Investigation of the cause and origin of fires.

79.2.F. Maintenance of records of fires throughout the County.

(Code 1974, § 15-2; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Sec. 79.3. - Same—Duty to investigate and make recommendations.

79.3.A. It shall be the duty of the Fire Marshal to investigate and to recommend to the Fire Rescue Chief or designee, for consideration by the Martin County Board of County Commissioners, such additional ordinances or amendments to existing ordinances as the Fire Marshal may deem necessary for safeguarding life and property against fires.

79.3.B. It shall be the duty of the Fire Marshal to recommend to the Fire Rescue Chief or designee, for consideration by the Martin County Board of County Commissioners, such rules and regulations as the Fire Marshal deems best suited for establishing and maintaining protection of the citizens of Martin County and all property therein from the hazards of fire.

(Code 1974, § 15-3; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 449, pt. 1, 10-11-1994; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.4. - Same—Duty to inspect.

The Fire Marshal shall inspect, or cause to be inspected, all existing premises on a periodic basis, 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.

(Code 1974, § 15-5; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 445, pt. 1, 11-23-1994; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Sec. 79.5. - Same—Duty to review building plans.

It shall be the duty of the Fire Marshal to review or cause to be reviewed, building plans for new or existing buildings, for licensing and certificates of occupancy, as may be necessary for the enforcement of laws and ordinances governing the safeguarding of life and property from fire. The Fire Marshal is authorized to make special exceptions for historical structures as provided in F.S. ch. 509, Part I, Public Lodging and Food Service Establishments, § 509.215(4) Fire safety; and F.S. ch. 633, Fire Prevention and Control, § 633.206(2) Uniform fire safety standards, and § 633.208(3) Minimum fire safety standards.

(Code 1974, § 15-6; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 620, pt. 2, 8-6-2002; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Sec. 79.6. - Same—Duty to present fire prevention and public education programs.

It shall be the duty of the Fire Marshal to prepare, or cause to be prepared and presented, fire prevention and public education programs, to civic, institutional and fraternal organizations, with regard to fire safety and prevention of fires.

(Code 1974, § 15-7; Ord. No. 201, pt. 1, 11-23-1982; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Sec. 79.7. - Fees for fire prevention plan reviews.

79.7.A. The Martin County Board of County Commissioners may impose appropriate fees for any plan review by the Fire Marshal that are performed pursuant to or required by any local, state, or federal law. Such fees shall be set by resolution, and be based upon the services required. The Martin County Board of County Commissioners may establish, change, or amend such fees by resolution.

79.7.B. All fees charged under this section shall be due and payable at the time of the application for plan review, permit, or inspection. The Fire Marshal shall not issue any permit until all fees charged under this section are paid. Permits shall bear the signature of the Fire Marshal or designee, and shall include at minimum the following information:

1. Name and address of permit holder.
2. Address or location of job site.
3. Permit number and date of issuance.
4. Scope of work.
5. Inspection requirements.

79.7.C. This section shall not apply to single-family homes and residential duplexes, provided that such are not otherwise required to have fire sprinklers, or meet fire sprinkler requirements under this Code.

(Code 1974, § 15-8; Ord. No. 425, pt. I, 5-25-1993; Ord. No. 1069, pt. 4, 6-12-2018; Ord. No. 1204, pt. I, 9-26-2023)

Sec. 79.8. - Fire prevention inspections.

79.8.A. New businesses, professions and occupations in Martin County will require a fire safety inspection from the Fire Prevention Division to obtain a Business Tax Receipt. Thereafter, all businesses, professions or occupations that are required to have a yearly fire inspection shall be assessed an annual fee by the Fire Prevention Division for the cost of the inspection on or before

September 30 of each year. The Fire Marshal shall not issue a certification of compliance for an existing business, profession or occupation until the property is inspected and determined code compliant and all inspection fees are paid.

79.8.B. Licensed facilities, day cares, multi-family buildings, club houses and places of assembly will require a fire inspection from the Fire Prevention Division to obtain a certificate of occupancy. Thereafter, yearly fire inspections are required. A yearly fire inspection fee shall be assessed annually by the Fire Prevention Division for the cost of the inspection on or before September 30 of each year. The Fire Marshal shall not issue a certification of compliance until the property is inspected and determined code compliant and all inspection fees are paid.

79.8.C. The Martin County Board of County Commissioners may establish, change, or amend fire inspection fees by resolution.

(Ord. No. 1204, § I, 9-26-2023)

Secs. 79.9—79.30. - Reserved.

ARTICLE 2. - EMERGENCY ACCESS INTO RESIDENTIAL GATED COMMUNITIES

Sec. 79.31. - Emergency access into residential gated communities.

79.31.A. All residential gated communities, subdivisions, or developments within Martin County where fire, rescue, emergency medical services and fire prevention services are provided through one or more gates that are not manned 24/7/365, must be equipped with a radio activated remote access system to allow emergency access to the community, subdivision or development by emergency first responders, such as fire/rescue, law enforcement and other 911 emergency-response personnel. In addition, a key switch system shall be installed as a secondary access system. The systems shall simultaneously open all gates and/or traffic arms for the first responder access lane. The gates and/or traffic arms shall remain open until restored by the emergency first responder. If at any time the primary or secondary access system is not functioning, the gate(s)/traffic arm(s) shall be left in the open position until such time that they are repaired.

79.31.B. The radio activated remote access system utilized must be approved by the Fire Marshall prior to installation and then inspected by the Martin County Fire Rescue Department after installation.

79.31.C. Existing gated communities operating automatic security gates at the time this ordinance becomes effective shall have three years from the effective date to comply with the requirements of 79.31.A.

(Ord. No. 1176, pt. I, 3-22-2022)

Secs. 79.32—79.60. - Reserved.

ARTICLE 3. - MARTIN COUNTY BURNING PERMIT

Footnotes:

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Cross reference— *Environmental control, ch. 67; pollution of air, § 67.1; nuisance abatement, § 67.201 et seq.; solid waste, ch. 151.*

State Law reference— *Open burning, F.S. § 590.125.*

Sec. 79.61. - Intent.

It is the intent of this article to regulate open burning in the unincorporated area of Martin County.

(Code 1974, § 15-15; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 308, pt. 1, 9-9-1986; Ord. No. 480, 10-10-1995)

Sec. 79.62. - Burning permit—Required.

79.62.A. It shall be unlawful for any person, firm, corporation or association to start or maintain any fire outside of any structure or authorize any such fire to be started or maintained on any land in the unincorporated area of Martin County without first obtaining a Martin County burning permit, except where allowed under agreement with other authorized permitting agencies. The permit must be issued in writing from the fire station in which district the fire is to occur. The permit will be valid between 9:00 a.m. and 5:00 p.m. The Fire Rescue Chief or designee may extend the period for the permit when no fire hazard or nuisance to the life or property of any person will be created by such extension.

79.62.B. A permit shall not be required under this article for the noncommercial preparation of food, provided that such fire is no larger than necessary for preparing the kind and amount of food being prepared and that the fire is constantly attended by an adult person until the fire is extinguished.

79.62.C. Any burning permitted by the Florida Forest Service will be exempted from the provisions of this section.

79.62.D. The Fire Rescue Chief may enter into separate written agreements with other permitting agencies authorizing them to issue burning permits within the areas specified by the agreement.

(Code 1974, § 15-16; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 308, pt. 1, 9-9-1986; Ord. No. 480, 10-10-1995; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.63. - Same—Conditions for issuance.

A Martin County burning permit may be issued for residential yard waste when the following conditions are met:

- 79.63.A. The fire shall be located 50 feet from any structure and adequate provision shall be made to prevent the fire from spreading, or the fire is contained in a waste burner located in a safe position at least 15 feet from any structure, the fire shall be less than eight feet by eight feet in area;
- 79.63.B. The fire shall be constantly attended by an adult person until the fire is extinguished. The person shall have a garden hose connected to a water supply adequate to extinguish the fire or other extinguishing equipment adequate to extinguish the fire readily available for use; and
- 79.63.C. The fire shall be so located that it does not create a fire hazard or a nuisance to the life or property of any person because of sparks, ash, smoke, odor or other cause; and
- 79.63.D. In any case, a permit shall not be issued for burning that would be in violation of any existing State open burning regulations.

(Code 1974, § 15-17; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 190, pt. 1, 4-13-1982; Ord. No. 308, pt. 1, 9-9-1986; Ord. No. 480, 10-10-1995; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.64. - Expenses incurred by Martin County in extinguishing uncontrolled nonstructure fires.

Any person, firm, corporation or association that allows any nonstructure fire, regardless of origin, to become a major fire hazard so as to necessitate extinguishment by a Martin County Fire Rescue Unit(s) shall be liable to Martin County for all costs incurred by Martin County in the extinguishment of the fire. Reimbursement charges for the extinguishment of illegal and uncontrolled nonstructure fires, regardless of origin, shall be in accordance with a fee schedule established by resolution of the Martin County Board of County Commissioners. The County Administrator shall develop a written policy to be approved by resolution of the Martin County Board of County Commissioners covering administrative reduction or elimination of reimbursement charges.

(Code 1974, § 15-18; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 236, pt. 1, 6-12-1984; Ord. No. 480, 10-10-1995; Ord. No. 774, pt. 1, 11-27-2007; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.65. - Burning restriction.

The Fire Rescue Chief or designee may restrict any or all fires regulated under this article when atmospheric conditions or local circumstances make fires hazardous. A restriction under this section may apply to the entire unincorporated area of the County or any part thereof and shall supersede any burning permit issued.

(Code 1974, § 15-19; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 480, 10-10-1995; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.66. - Appeals.

Any person may appeal the issuance or denial of a burning permit or the issuance of a burning restriction to the County Administrator.

(Code 1974, § 15-20; Ord. No. 94, pt. 1, 1-24-1978; Ord. No. 480, 10-10-1995; Ord. No. 1069, pt. 4, 6-12-2018)

Secs. 79.67—79.90. - Reserved.

ARTICLE 4. - COUNTY FIRE RESCUE DEPARTMENT

Footnotes:

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Editor's note— Ord. No. 1069, pt. 4, adopted June 12, 2018, renamed art. 4 from "County Fire Rescue Division" to "County Fire Rescue Department."

Cross reference— Administration, ch. 1; emergency medical service and transportation, § 87.101 et seq.

DIVISION 1. - GENERALLY

Sec. 79.91. - Duty of the Fire Rescue Chief to supervise the department.

79.91.A. The Fire Rescue Chief shall recommend to the County Administrator the addition or deletion of positions within the County Fire Rescue Department based upon maintaining fire rescue protection throughout Martin County and increasing the efficiency of the fire rescue forces of the Martin County.

79.91.B. The Fire Rescue Chief shall supervise the County Fire Rescue Department, including all employees or contractors assigned to the department. The Fire Rescue Chief shall be the lead Fire Rescue Officer for Martin County and be responsible for all emergency response and activities involving the County Fire Rescue Department. The Fire Rescue Chief shall ensure that the fire stations and

equipment are maintained in a constant state of readiness to respond to emergencies and that the members of the County Fire Rescue Department receive the training necessary to perform their duties. (Code 1974, § 15-24; Ord. No. 449, pt. 1, 10-11-1994; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— Ord. No. 1069, pt. 4, adopted June 12, 2018, renamed § 79.91 from "Duty of Fire Rescue Chief to supervise division" to "Duty of the Fire Rescue Chief to supervise the department."

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.92. - Establishment of the County Fire Rescue Department.

79.92.A. In order to maintain emergency services listed below throughout Martin County and to increase the efficiency of fire rescue services in Martin County, the Martin County Board of County Commissioners hereby confirms that Martin County Fire Rescue is the County fire rescue department.

79.92.B. The County Fire Rescue Department is responsible for fire, rescue, emergency medical services, fire prevention, and fire inspection/investigation services in the unincorporated areas of Martin County and emergency communications, disaster services, emergency management, aeromedical, hazardous materials incident response, technical rescue response and ocean rescue countywide. These services may extend to or be received from other governmental entities through interlocal or mutual aid agreements.

79.92.C. The County Fire Rescue Department shall maintain staff, equipment and stations in a constant state of readiness; Train staff to be proficient in firefighting and rescue techniques; and provide mutual aid to other departments, municipalities and agencies in accordance with adopted County policy.

(Code 1974, § 15-25; Ord. No. 166, pt. 1, 7-9-1980; Ord. No. 186, pt. 1, 11-10-1981; Ord. No. 341, pt. 1, 10-11-1994; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— Ord. No. 1069, pt. 4, adopted June 12, 2018, renamed § 79.92 from "Establishment of Fire Rescue Division" to "Establishment of the County Fire Rescue Department."

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.93. - Reserved.

Editor's note— Ord. No. 1069, pt. 4, adopted June 12, 2018, moved the provisions in § 79.93 to § 79.92. Former § 79.93 pertained to responsibility of the fire rescue division and derived from the Code of 1974; Ord. No. 166, adopted June 9, 1980 and Ord. No. 449, adopted October 11, 1994.

Secs. 79.94—79.100. - Reserved.

DIVISION 2. - FIRE-RESCUE EMS FEES

Footnotes:

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Cross reference— *Technical rescue incidents cost recovery, § 87.121 et seq.*

Sec. 79.101. - Title.

This division will be known and cited as the "Martin County Fire-Rescue EMS Fees Ordinance."

(Ord. No. 694, pt. 1, 2-14-06)

Sec. 79.102. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section.

Advanced life support (ALS) services means the treatment of life-threatening emergencies through the use of techniques such as endotracheal intubation, the administration of intravenous fluids, medications, telemetry, cardiac monitoring, cardiac defibrillation, and the use of external pacemakers by a qualified paramedic. Advanced life support services are classified in two categories as follows:

1. *Advanced life support, level 1 (ALS1)*: Where medically necessary, the provision of an assessment by an advanced life support (ALS) provider and/or the provision of one or more ALS interventions. An "ALS intervention" is defined as a procedure beyond the scope of an EMT-basic as defined in the National EMS Education and Practice Blueprint.
2. *Advanced life support, level 2 (ALS2)*: Where medically necessary, the administration of at least three separate intravenous administrations of one or more medications or the provision of one or more of the following ALS procedures:
 - * Manual defibrillation/cardioversion.
 - * Endotracheal intubation.
 - * Central venous line.
 - * Cardiac pacing.
 - * Chest decompression.
 - * Surgical airway.
 - * Intraosseous line.

Basic life support (BLS) services include the treatment of medical emergencies by a qualified person through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical anti-shock trousers, administration of a subcutaneous injection using a premeasured auto-injector of epinephrine to a person suffering from an anaphylactic reaction, and other techniques described in the Emergency Medical Technician Basic Training Course Curriculum of the United States Department of Transportation.

(Ord. No. 694, pt. 1, 2-14-06; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.103. - Emergency fees and service charges.

The Martin County Board of County Commissioners may establish by resolution certain emergency fees and charges for County fire-rescue services. A fee may be imposed for the provision of BLS and ALS1 and ALS2 services and transports, both via ground (ambulance) and air (helicopter) and a service charge may be imposed for mileage. The County Administrator shall develop a written policy to be approved by resolution of the Martin County Board of County Commissioners covering administrative reduction or elimination of reimbursement charges.

(Ord. No. 694, pt. 1, 2-14-06; Ord. No. 1069, pt. 4, 6-12-2018)

Secs. 79.104—79.109. - Reserved.

DIVISION 3. - RESERVED

Footnotes:

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Editor's note— Part 1 of Ord. No. 831, adopted Oct. 27, 2009, repealed Div. 3, §§ 79.110—79.112, in its entirety. Former Div. 3 pertained to nonresident motor vehicle fire and rescue fees, and derived from Ord. No. 773, adopted Nov. 27, 2007.

Secs. 79.110—79.120. - Reserved.

ARTICLE 5. - FIRE PREVENTION CODE

Footnotes:

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State Law reference— Fire safety standards, F.S. § 633.0215 et seq.

DIVISION 1. - GENERALLY

Subdivision 1. - General Regulations

Sec. 79.121. - Adopted.

The Florida Fire Prevention Code comprised of the National Fire Protection Association NFPA 101 Life Safety Code and NFPA 1 Fire Prevention Code including Florida specific amendments (with the exception of annex C and Chapter 1.10 Board of Appeals) and the referenced and incorporated standards and codes as published and amended from time to time are adopted as the Martin County fire prevention code.

(Code 1974, § 15-30; Ord. No. 137, pt. 1, 3-17-1981; Ord. No. 237, pt. 1, 6-12-1984; Ord. No. 392, pt. 1, 3-12-1991; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.122. - Purpose.

The purpose of the fire prevention code is to establish minimum requirements that will provide a reasonable degree of safety from fire in new and existing buildings and structures.

(Code 1974, § 15-30.1; Ord. No. 392, pt. 1, 3-12-1991)

Sec. 79.123. - Cease and desist orders; orders to correct hazardous conditions; orders to vacate; violations; penalties.

79.123.A If during the conduct of a fire safety inspection it is determined that a violation exists which poses . an immediate danger to the public health, safety or welfare, the Fire Rescue Chief or his designee may issue an order to immediately correct the violation or vacate the building or premises in question, which order shall be immediately effective and shall be final.

79.123.B Any person who violates or fails to comply with any orders so described is guilty of a . misdemeanor, punishable by a fine not to exceed \$500.00 and a definite term of imprisonment not to exceed 60 days.

(Code 1974, § 15-30.2; Ord. No. 392, pt. 1, 3-12-1991; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Secs. 79.124—79.128. - Reserved.

Editor's note— Ord. No. 1069, pt. 4, adopted June 12, 2018, repealed §§ 79.124—79.128. Former §§ 79.124—79.128 pertained to applicability of fire prevention code; single-family subdivisions with minimum lot sizes of one-half acre to meet standards for rural water systems; maintenance; certification and retroactivity and derived from the Code of 1974; Ord. No. 181, adopted June 30, 1981 and Ord. No. 237, adopted June 12,

1984.

Secs. 79.129—79.150. - Reserved.

Subdivision 2. - Fire False Alarms

Footnotes:

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Editor's note— Part 2 of Ord. No. 682, adopted Sept. 27, 2005, renamed Subdiv. 2 to read as herein set out.

Sec. 79.151. - Short title.

This subdivision shall be known as the "Martin County Fire False Alarm Ordinance."

(Code 1974, § 15-36; Ord. No. 409, pt. I, 12-17-1991; Ord. No. 682, pt. 2, 9-27-2005)

Sec. 79.152. - Definitions.

Alarm system means any mechanical, electrical or radio-controlled device or security system designed to detect fire, smoke, heat, or indicate a medical emergency, and which will transmit a signal or message when activated to which the County Fire Rescue Department is expected to respond. The term does not include smoke detectors not connected to an alarm system that is part of a one- or two-family structure, or the use of a telephone by a person.

Alarm user means the person, firm, partnership, association, corporation, company or organization of any kind in control of a building wherein an alarm system is maintained.

Excessive false alarms means three or more false alarms within a 180-day period and such subsequent time until 180 consecutive days pass without a false alarm.

False alarms means the activation of an alarm system through mechanical failure, malfunction, improper installation or negligent or intentional misuse, where no indicated emergency existed, which results in any response by the County Fire Rescue Department.

Fire Rescue Chief means the Martin County Fire Rescue Department Director or designee.

(Code 1974, § 15-36.1; Ord. No. 409, pt. I, 12-17-1991; Ord. No. 682, pt. 2, 9-27-2005; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.153. - Response to alarms; determination of validity.

79.153.A Whenever an alarm system is activated within the jurisdiction of Martin County and a response is made by the County Fire Rescue Department, the Fire Rescue Chief shall determine whether a response occurred.

79.153.B If the Fire Rescue Chief determines the alarm to be false, said officer shall cause a report of the false alarm to be filed. Notification of such shall be mailed or delivered to the address of the alarm advising the alarm user of the false alarm.

79.153.C The Fire Rescue Chief shall have the right to inspect any alarm system to determine whether the system is being used in conformance with this subdivision and other applicable codes.

(Code 1974, § 15-36.2; Ord. No. 409, pt. I, 12-17-1991; Ord. No. 682, pt. 2, 9-27-2005; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.154. - False alarm service charge.

79.154.A Notwithstanding any provision in this subdivision to the contrary, there shall be a three-month grace period following installation of an alarm system in new or existing construction. Such grace period shall commence upon certification of the alarm system by the Fire Rescue Chief. During this grace period no false alarms shall be considered for purposes of subsection B hereunder.

79.154.B It is hereby found and determined that excessive false alarms constitute a public nuisance, and pose an unreasonable danger to health, safety and welfare of the citizens of this County.

79.154.C A false alarm service charge may be charged for excessive false alarms in an amount established by resolution of the Martin County Board of County Commissioners. The Fire Rescue Chief shall issue a notice assessing the penalty provided below, which shall be due and payable within 30 days of issuance.

79.154.D The service charge for any false alarm constituting an excessive false alarm shall be imposed by the Fire Rescue Chief in a written notice of violation made to the alarm user. The County Administrator shall develop a written policy to be approved by resolution of the Martin County Board of County Commissioners covering administrative reduction or elimination of reimbursement charges.

79.154.E. The charges shall be payable to the Martin County Board of County Commissioners.

(Code 1974, § 15-36.3; Ord. No. 409, pt. I, 12-17-1991; Ord. No. 682, pt. 2, 9-27-2005; Ord. No. 1069, pt. 4, 6-12-2018)

Editor's note— The titles of county officers, county employees or county agencies in the above section have been corrected to reflect current titles.

Sec. 79.155. - Enforcement.

The County Attorney may take such measures, including proceeding by a suit in a court of competent jurisdiction, as is necessary to collect any penalties assessed under this subdivision if payment has not been made within the time specified in the notice.

(Code 1974, § 15-36.4; Ord. No. 409, pt. I, 12-17-1991)

Secs. 79.156—79.180. - Reserved.

DIVISION 2. - APPEALS

Footnotes:

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Editor's note— Ord. No. 1067, pt. 4, adopted June 12, 2018, in effect, repealed div. 2, §§ 79.181—79.188. Former div. 2 pertained to the board of appeals and adjustments and derived from the Code of 1974 and Ord. No. 193, adopted November 9, 1982.

Sec. 79.181. - Procedure.

Any person aggrieved by a final order of the Fire Rescue Department regarding this article may appeal such final order to the Code Enforcement Special Magistrate by filing a written notice of appeal with the Fire Prevention Bureau Chief within 30 days of such final action. Such notice shall state the full particulars of the action being appealed from and shall state the grounds or reasons for such appeal. Upon receiving a notice of appeal, the Fire Prevention Bureau Chief shall schedule a hearing before the Code Enforcement Special Magistrate within 30 days of such receipt, and shall notify the appellant in writing at least five days prior thereto, but the appellant may waive such notice. The appellant may appear in person or by an attorney. The Code Enforcement Special Magistrate shall render a decision at such hearing by affirming the decision or action appealed from, reversing it, or partially affirming and reversing it, or otherwise modifying it and attaching such conditions as it deems proper. Such decision shall be reduced to writing within a reasonable time. Appeal from such decision shall be to the circuit court as provided by general law or court rules; except decisions related to interpretation of the Fire Code, which shall be directed to the State Fire Marshal as provided by general law and administrative rules.

(Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.182. - Fire Prevention Bureau Chief order stayed.

Pending final decision of the Code Enforcement Special Magistrate, the order of the Fire Prevention Bureau Chief shall be stayed unless, in the opinion of the Fire Prevention Bureau Chief, there is a distinct fire hazard to life or property of others based on available data.

(Ord. No. 1069, pt. 4, 6-12-2018)

Secs. 79.183—79.220. - Reserved.

ARTICLE 6. - FIREWORKS

Footnotes:

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State Law reference— *Fireworks, F.S. ch. 791.*

Sec. 79.221. - Definitions.

Building shall mean a permanent structure containing no fewer than four outer walls and a roof enclosing said walls, constructed in accordance with the local building code and a duly issued building permit, and for which occupancy is authorized by a duly issued certificate of occupancy. For purposes of this section, the term "building" shall also include a part of the structure, such as a unit or space within a shopping center.

Commercial structure or building shall mean a building constructed and used for the purpose of producing income. For purposes of this article, the term "commercial building" shall not include a building designed, constructed, and used in accordance with the laws for residential occupancy.

Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or any article prepared for the purpose of producing a visible and audible effect by combustion, explosion, deflagration, detonation, or shower of sparks, including but not limited to firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, aerial spinners, and other devices of like construction, any devices containing any explosive or flammable compound, and any tablets or other article containing an explosive substance. The term "fireworks" shall not include auto flares, emergency signaling devices, toy paper caps containing not in excess of 25/100 grain of explosive content per cap, toy pistols, toy canes, and toy guns designed to use these caps, novelty and trick noisemakers, as defined by the National Fire Protection Association, and those items tested and approved as sparklers and listed as such by the State Fire Marshal's annual listing.

NFPA: National Fire Protection Association.

Occupancy: The purpose for which a building or portion thereof is used or intended to be used.

Retailer means any person engaged in the business of selling sparklers to consumers at retail.

Seasonal retailer means any person engaged in the business of selling sparklers at retail in Martin County from June 20 through July 5 and from December 10 through January 2 of each year.

Sparkler means any device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is handheld or ground-based, cannot propel itself through the air, and contains not more than 100 grams of the chemical compound which produces sparks upon burning. Any sparkler that is not approved by the Division of State Fire Marshal is classified as fireworks.

Wholesaler means any person registered with the State Fire Marshal engaged in the business of selling sparklers or fireworks as provided for in F.S. § 791.04.

(Code 1974, § 15-38; Ord. No. 290, pt. 1, 3-11-1986; Ord. No. 547, pt. 1, 6-15-1999; Ord. No. 581, pt. I, 12-5-2000; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.222. - Manufacture, sale and use of fireworks.

79.222.A The manufacture of fireworks in Martin County is prohibited.

- 79.222.B Except as herein provided, it shall be unlawful to sell any fireworks in Martin County.

- 79.222.C It shall be unlawful for any person to possess, use or explode any fireworks at
 - any public assembly in Martin County, unless such use is approved and authorized by the Fire Prevention Bureau Chief or designee.

79.222.D A registered wholesaler, properly licensed and registered with the State Fire Marshal and Martin County at the time of sale, may sell fireworks as provided in State law and as further provided herein.

79.222.E The authorized sale of fireworks may only be made on lands zoned commercial or industrial and only from a permanent commercial building. Such building shall be protected with automatic fire sprinklers and fire alarms in accordance with the appropriate NFPA standards for such occupancy hazard. It shall be unlawful to sell fireworks from tents, open air stands or under a canopy.

(Code 1974, § 15-39; Ord. No. 290, pt. 1, 3-11-1986; Ord. No. 547, pt. 1, 6-15-1999; Ord. No. 581, pt. I, 12-5-2000; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.223. - Seizure and disposal of fireworks.

79.223.A The Sheriff of Martin County and his deputies shall seize, take, remove, or cause to be removed,

- at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this article.

79.223.B

In the interest of public safety and due to the dangers associated with the storage of fireworks, any official seizing illegal fireworks shall arrange for the proper disposal and destruction of said fireworks as soon as possible after their seizure.

(Code 1974, § 15-40; Ord. No. 290, pt. 1, 3-11-1986; Ord. No. 547, pt. 1, 6-15-1999; Ord. No. 581, pt. I, 12-5-2000)

Sec. 79.224. - Enforcement.

The Sheriff of Martin County and his deputies shall be responsible for the enforcement of this article.

(Code 1974, § 15-41; Ord. No. 290, pt. 1, 3-11-1986; Ord. No. 547, pt. 1, 6-15-1999; Ord. No. 581, pt. I, 12-5-2000)

Secs. 79.225—79.250. - Reserved.

ARTICLE 7. - FIRE/RESCUE MUNICIPAL SERVICE TAXING UNITS

Footnotes:

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Cross reference— *Municipal service taxing or benefit units, § 71.71 et seq.*

State Law reference— *Municipal service taxing units, F.S. § 125.01(1)(q), (1)(r), (2)*

Sec. 79.251. - Creation, purpose.

79.251.A There is hereby established, pursuant to the authority granted the County by Florida Statutes,
. fire/rescue municipal service taxing units (MSTUs) which shall be comprised of the specific areas of Martin County's unincorporated area described in this article.

79.251.B The purpose of each fire/rescue MSTU shall be to provide fire protection and fire rescue or similar
. services, including basic life and ambulance services.

(Code 1974, § 15-50; Ord. No. 521, pt. 3, 9-23-1997)

Sec. 79.252. - Governing body; administration.

The Martin County Board of County Commissioners shall be the governing body of each fire/rescue MSTU created by this article. The Martin County Board of County Commissioners may establish such administrative structures and procedures as it deems necessary to effect the purpose and intent of this article.

(Code 1974, § 15-51; Ord. No. 521, pt. 3, 9-23-1997; Ord. No. 1069, pt. 4, 6-12-2018)

Sec. 79.253. - Powers.

79.253.A Each fire/rescue MSTU shall have the power to levy ad valorem taxes; to contract, borrow, and . expend funds; to issue bonds, certificates of indebtedness, revenue certificates, and other obligations of indebtedness; and to exercise any and all other power as granted by general or special law that is necessary to effect the purpose and intent of this article.

79.253.B Each fire/rescue MSTU shall have the authority to enter into contracts with municipalities, . counties, and other governmental units for the purpose of obtaining or providing any or all of the services the fire/rescue MSTU is established to provide.

(Code 1974, § 15-52; Ord. No. 521, pt. 3, 9-23-1997)

Sec. 79.254. - Contracting for services.

79.254.A Any municipality, special district, or other unit of local government contracting for services . provided by a fire/rescue MSTU shall be required to pay for such services in an amount equal to that amount which would be levied by the fire/rescue MSTU if the area of said municipality, special district, or other unit of local government served was included in the fire/rescue MSTU.

79.254.B Any Martin County ordinance(s) pertaining to fire protection and/or fire/rescue services, . applicable to the fire/rescue MSTU, shall be applicable to, and effective within the area of, any municipality, special district, or other unit of local government that contracts with the fire/rescue MSTU for services.

79.254.C All other contractual terms shall be set forth in an interlocal agreement between the municipality, . special district, or other unit of local government and the fire/rescue MSTU.

(Code 1974, § 15-53; Ord. No. 521, pt. 3, 9-23-1997)

Sec. 79.255. - Funding.

79.255.A Each fire/rescue MSTU created hereunder shall be funded through:

1. The levy of an ad valorem tax against the assessed value of all lawfully taxable property situated within the boundaries of the respective fire/rescue MSTU. Such levy, together with all other ad valorem taxes levied for municipal services, shall not exceed ten mills; and
2. Service charges, contractual charges, special assessments, and any other income or source of funds, attributable to the fire/rescue MSTU.

79.255.B Any funds lawfully available from any source may also be utilized to fund the services provided . pursuant to this article.

(Code 1974, § 15-54; Ord. No. 521, pt. 3, 9-23-1997)