

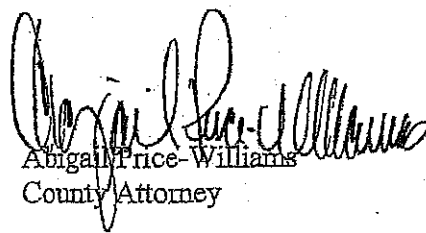


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 7, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(H)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(H)

9-7-16

ORDINANCE NO. 16-89

ORDINANCE RELATING TO FIRE PREVENTION AND SAFETY; REPEALING THE EXISTING CHAPTER 14 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA IN ITS ENTIRETY; CREATING A NEW CHAPTER 14 OF THE CODE; ADOPTING THE CURRENT FLORIDA FIRE PREVENTION CODE AND CERTAIN LOCAL AMENDMENTS; CONFORMING FIRE SAFETY STANDARDS TO REQUIREMENTS OF THE FLORIDA FIRE PREVENTION CODE; PROVIDING DEFINITIONS; AMENDING THE AUTHORITY, PROCEDURE, AND MEMBERSHIP REQUIREMENTS OF THE FIRE PREVENTION AND SAFETY APPEALS BOARD; AMENDING INSPECTION PROCEDURES; RENUMBERING AND REORGANIZING CERTAIN FIRE PREVENTION AND SAFETY PROVISIONS; PROVIDING PENALTIES AND AMENDING SECTION 8CC-10 TO REFLECT CORRESPONDING REVISIONS TO CHAPTER 14 OF THE CODE; REPEALING THE SOUTH FLORIDA FIRE PREVENTION CODE AND ITS INCORPORATION BY REFERENCE INTO THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Chapter 14 of the Code of Miami-Dade County provides applicable fire safety standards for incorporated and unincorporated Miami-Dade County pursuant to Section 1.01(A)(18) of the Home Rule Charter of Miami-Dade County; and

WHEREAS, the State Fire Marshal has adopted the Florida Fire Prevention Code, which is a statewide fire safety code that contains or incorporates by reference all fire safety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures and facilities; and

WHEREAS, the Florida Fire Prevention Code is the applicable fire safety code for all municipalities, counties and special districts with fire safety responsibilities in the State of Florida; and

WHEREAS, there is a current need to update, reorganize, renumber, and otherwise amend Chapter 14 to conform to the Florida Fire Prevention Code and provide greater ease of reference to County residents and businesses; and

WHEREAS, for example, Chapter 18, Article II of the Code of Miami-Dade County provides for a special district known and designated as the Miami-Dade Fire and Rescue Service District, where a uniform level of fire and rescue service is provided to all areas of Miami-Dade County excluding any municipality that opted out of the district; and

WHEREAS, this ordinance reorganizes the provisions of Chapter 14 so that the requirements that apply solely to the Miami-Dade Fire and Rescue Service District and those that apply countywide are organized in separate articles (i.e. Articles II and III, respectively); and

WHEREAS, in addition, Section 633.208, Florida Statutes, provides that a local government may adopt stricter fire safety standards than those found in the Florida Fire Prevention Code if a review of local conditions demonstrates that there is a need to strengthen the minimum requirements of the Florida Fire Prevention Code; and

WHEREAS, in accordance with the procedures provided in Chapter 633, Florida Statutes, this Board finds that local conditions justify the adoption in Miami-Dade County of certain more stringent requirements than the minimum requirements of the Florida Fire Prevention Code; and

WHEREAS, Section 8CC of the Code of Miami-Dade County provides the framework for enforcement activities and a schedule of related civil penalties; and

WHEREAS, as a result of the amendments to Chapter 14 made by this ordinance, corresponding changes are required to be made to Section 8CC-10; and

WHEREAS, this Board finds that it is in the best interest of the public health, safety, and welfare of Miami-Dade County to adopt these amendments,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The foregoing recitals are hereby incorporated into this ordinance and adopted as legislative findings of this Board.

Section 2. Chapter 14 of the Code of Miami-Dade County, Florida, is hereby repealed in its entirety.

Section 3. Chapter 14 of the Code of Miami-Dade County, Florida, is hereby created as follows:¹

>> CHAPTER 14. FIRE PREVENTION

paramedics, EMTs, plan reviewers, and public safety educators, or (ii) services and equipment such as plan review, fire safety house, and fire simulators.

- (C) The manner and duration of the assistance provided will be as mutually agreed between the respective Chief Fire Officials.

Secs. 14-55-14-59. Reserved

Article IV. Local Amendments to the Florida Fire Prevention Code

Sec. 14-60. Purpose and Scope.

(A) This article is intended to supplement the Florida Fire Prevention Code and the rules and regulations of the State Fire Marshal, as amended, and not to conflict with the provisions thereof. The intent and purpose of this article is to provide more stringent fire safety standards in Miami-Dade County for the protection of life and property or to meet special situations arising from historic, geographic, or unusual conditions.

(B) The provisions of this article shall apply in the unincorporated and incorporated areas of Miami-Dade County.

Sec. 14-61. Fire alarms.³¹

(A) Purpose. The purpose of this section is to seek to obtain proper installation, operation, maintenance, testing, and supervision of fire alarm systems and to seek to obtain compliance with Chapter 633, Florida Statutes, the Florida Fire Prevention Code, the Florida Administrative Code Rule 69A-48 and Rule 69A-60, the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code, the edition of NFPA 13 (Standard for the Installation of Sprinkler Systems) adopted by the Florida Fire Prevention Code, and this section.

(B) Scope of regulation. The provisions of this section shall apply to all fire alarm systems, except household fire alarm systems and household fire alarm systems within the individual living units of multi-family dwellings, within the geographical area of Miami-Dade County.

(C) Definitions. The following definitions shall be applicable to Sections 14-61 and 14-62 of this Code.

³¹ Formerly Section 14-66 of the Code.

- (1) Alarm Signal. A signal indicating an emergency that requires immediate action including, but not limited to, a signal indicative of fire.
- (2) Annunciator. A unit containing one or more indicator lamps, alphanumeric displays, or other equivalent means in which each indication provides status information about a circuit, condition, or location.
- (3) Authority Having Jurisdiction (AHJ). The Chief Fire Official responsible for approving equipment, materials, an installation, or a procedure.
- (4) Central Station. A supervising station that is listed for central station service.
- (5) Central Station Fire Alarm System. A system or group of systems in which the operations of circuits and devices are transmitted automatically to, recorded in, maintained by, and supervised from a listed central station that has competent and experienced servers and operators who, upon receipt of a signal, take such action as required by this Code. Such service is to be controlled and operated by a person, firm, or corporation whose business is the furnishing, maintaining, or monitoring of supervised fire alarm systems.
- (6) Central Station Service. The use of a system or a group of systems in which the operations of circuits and devices at a protected property are signaled to, recorded in, and supervised from a listed central station that has competent and experienced operators who, upon receipt of a signal, take such action as required by this Code. Related activities at the protected property, such as equipment installation, inspection, testing, maintenance, and runner service, are the responsibility of the central station or a listed fire alarm service local company.
- (7) Certificate (Certificated). Posted verification of a systematic program by an authorized independent third party verification organization that uses randomly selected follow-up inspections of the certificated systems installed under the program which allows such organization to verify that a fire alarm system complies with all the requirements of the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code. A system installed under such a program is identified by the issuance of a certificate and is designated as a certificated system.

- (8) Combination System. A fire alarm system in which components are used, in whole or in part, in common with a non-fire signaling system.
- (9) Evacuation Signal. A distinctive signal intended to be recognized by the occupants as requiring evacuation of the building or zone.
- (10) Fire Alarm Control Unit (Fire Alarm Control Panel). A system component that receives inputs from automatic and manual fire alarm devices and might supply power to detection devices and to a transponder(s) or off-premises transmitter(s). The control unit might also provide transfer of power to the notification appliances and transfer of condition to relays or devices connected to the control unit. The fire alarm control unit can be a local fire alarm control unit or a master control unit.
- (11) Fire Alarm Signal. A signal initiated by a fire alarm-initiating device such as a manual fire alarm box, automatic fire detector, water flow switch, or other device in which activation is indicative of the presence of a fire or a fire signature.
- (12) Fire Alarm System. A system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals or any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related emergency requiring urgent attention and to which Fire Department personnel may reasonably be expected to respond, but does not include household alarms installed in one (1) or two (2) family dwellings.
- (13) Fire Department Notification. The immediate and automatic notification of the local fire jurisdiction by electronic means in accordance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code, that a fire alarm signal has been reported to the fire alarm system.
- (14) Household Fire Alarm System. A system of devices that is listed for residential use and installed in a one-or-two family dwelling other than facilities that are required to be licensed.
- (15) Listed. Equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with

evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

- (16) Master Control Unit (Panel). A control unit that serves the protected premises or portion of the protected premises as a local control unit and accepts inputs from other fire alarm control units.
- (17) Nuisance Alarm. Any alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or any alarm activated by a cause that cannot be determined.
- (18) Placard (Placarded). Posted verification of a systematic program by an authorized independent third party verification organization that uses randomly selected follow-up inspections of the certificated systems installed under the program which allows such organization to verify that a fire alarm system complies with all the requirements of the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code. A system installed under such a program is identified by the issuance of a placard and is designated as a placarded system.
- (19) Proprietary Supervising Station. A location to which alarm or supervisory signaling devices on proprietary fire alarm systems are connected and where personnel are in attendance at all times to supervise operation and investigate all signals.
- (20) Proprietary Supervising Station Fire Alarm System. An installation of fire alarm systems that serves contiguous and noncontiguous properties, under one ownership, from a proprietary supervising station located at the protected property, or at one of multiple non-contiguous protected properties, at which trained, competent personnel are in constant attendance.
- (21) Protected Premises. The physical location protected by a fire alarm system.
- (22) Protected Premises (Local) Fire Alarm System. A protected premises system that sounds an alarm at the protected premises as the result of the manual operation of a fire alarm box or the operation of protection equipment or systems including, but not limited to, water

flowing in a sprinkler system, the discharge of carbon dioxide, the detection of smoke, or the detection of heat.

- (23) Remote Supervising Station Fire Alarm System. A system installed in accordance with this Code to transmit alarm, supervisory, and trouble signals from one or more protected premises to a remote location where appropriate action is taken.
- (24) Runner. A fire alarm service technician who is qualified to inspect, test and maintain fire alarm systems in accordance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code, who is licensed pursuant to Chapter 489 Part II, Florida Statutes, and who is available at all times to respond to signals at a protected premises.
- (25) Runner Service. The service provided by a runner at the protected premises, including resetting and silencing of all equipment transmitting fire alarm or supervisory signals to an off-premises location and the restoration or repair of the fire alarm system.
- (26) Signal. A status indication communicated by electrical or other means.
- (27) Sprinkler system. For fire protection purposes, an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The installation includes one or more automatic water supplies. The portion of the sprinkler system aboveground is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are attached in a systematic pattern. The valve controlling each system riser is located in the system riser or its supply piping. Each sprinkler system riser includes a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.
- (28) Supervision. The monitoring of supervisory signals by qualified personnel from an approved monitoring facility in compliance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code.
- (29) Supervisory Signal. A signal indicating the need for action in connection with the supervision of guard tours, the fire suppression systems or equipment, or the maintenance features of related systems.

(30) Supervisory Service. The service required to monitor performance of guard tours and the operative condition of fixed suppression systems or other systems for the protection of life and property.

(31) Supervising Station. A facility that receives signals and at which personnel are in attendance at all times to respond to these signals.

(32) Third-Party Verification Organization. An independent organization providing published standards for the operation and administration of a listed central station service program that is acceptable to the authority having jurisdiction and that operates in accordance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code in providing a system for the verification and listing of fire alarm systems for central station service and which provides a certificate or placard indicating compliance.

(33) Trouble Signal. A signal initiated by the fire alarm system or device indicative of a fault in a monitored circuit or component.

(D) Runner Service and Service Contracts. All fire alarm systems shall be required to have in effect at all times a service contract with a licensed fire alarm service contractor, a listed fire alarm service-local company or a listed central station to provide all maintenance, service and testing as required by this Code.

(1) The service contract shall include a provision for runner service available to respond to the protected premises at any and all times within two (2) hours of notification of the runner service of any alarm or supervisory signal, and within four (4) hours of notification of any trouble signal.

(i) The runner shall restore the fire alarm system to complete working order.

(ii) In the event that the runner cannot restore the fire alarm system to complete working order for reasons other than payment, the building, structure, or occupancy may be subject to certain limitations, conditions, and restrictions, including fire watch requirements, or being vacated as determined by the Chief Fire Official.

(iii) The runner may be cancelled, prior to arrival, as described in the relevant provisions of the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code except that a runner

may not be cancelled if the fire alarm, supervisory signal, or trouble signal recurs within 2 hours of the event for which the runner was originally dispatched.

- (2) Posting requirements. A fire alarm user shall conspicuously post at the main entrance to the alarm user's premises a notice stating: (1) the name of an individual or alarm company able and authorized to enter the premises and deactivate the alarm; (2) emergency telephone numbers by which those individuals can be reached at all times; and (3) the name and address of the alarm user. The information must be kept current and failure to update this information within forty-eight (48) hours of any change constitutes a violation of this section.
- (3) The runner at all times shall be provided with a key or other means of accessing the fire alarm control panel at any time.
- (4) The licensed fire alarm service contractor, listed fire alarm service-local company or listed central station shall provide to the Chief Fire Official written notification in such form and manner as approved by the Chief Fire Official not less than thirty (30) days prior to the termination, cancellation, or expiration of the service contract and shall not terminate the services required by the contract for any reason until thirty (30) days after said notification has been received by the Chief Fire Official.
- (E) Serviceability. All fire alarm systems shall be maintained fully functional at all times and all deficiencies shall be reported to the Chief Fire Official in writing in accordance with Florida Administrative Code Rule 69A-48, and shall be repaired not later than four (4) hours after the fire alarm system is out of service or not later than a time determined by the Chief Fire Official.
- (F) Evacuation Signals. All fire alarm systems providing evacuation signals shall provide audible notification signals at the sound pressure levels required in the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code.

If the Chief Fire Official reasonably believes that an existing fire alarm system does not provide adequate sound pressure levels to accomplish evacuation notification, then the Chief Fire Official may require that the user of the existing fire alarm system provide to the Chief Fire Official a written, signed report in such form and manner as approved by the Chief Fire Official from a fire alarm contractor licensed to service fire alarm systems in Miami-Dade County setting forth

the sound pressure levels (dBA) throughout the building. The fire alarm system user shall provide the written, signed report to the Chief Fire Official not later than sixty (60) days after receipt of written notification from the Chief Fire Official to provide the signed written report.

- (G) Annunciators and Fire Alarm Control Units. All protected premises shall be required to have the fire alarm control unit or a remote annunciator located in the building lobby near the main entrance, or, if there is no main entrance or lobby, in a common area where the fire alarm control unit or remote annunciator can be seen and heard by the occupants of the building, structure, or occupancy, or shall be located in another location approved by the authority having jurisdiction.

Existing remote supervising station fire alarm systems which are otherwise in compliance with this section may be exempted from the provisions of Section 14-61(G) of this Code by the Chief Fire Official when it is determined by the Chief Fire Official that a reasonable degree of safety is provided without the addition of a remote annunciator.

- (H) Supervising Stations. All supervising stations shall be listed by a third-party verification organization acceptable to the Chief Fire Official.

- (I) New Installations. All new fire alarm systems requiring emergency forces notification or supervising automatic sprinkler systems shall meet the requirements for central station service or proprietary supervising station fire alarm systems and shall be either a certificated or placarded central station fire alarm system as set forth in the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code or a listed proprietary supervising fire alarm system.

- (1) Verification of compliance with the requirements of this section with respect to the installation of new fire alarm systems, as implemented in accordance with the applicable code(s), specifications, or other criteria applicable to the specific installation, shall be certified by a third-party verification organization acceptable to the Chief Fire Official and shall be evidenced by a certificate or placard.

- (2) The user of all new fire alarm systems and new sprinkler systems with supervision or emergency forces notification shall at all times conspicuously post a certificate or a placard on or within thirty-six (36) inches of the fire alarm control unit, as set forth in the edition of NFPA 72

(National Fire Alarm Code) adopted by the Florida Fire Prevention Code.

- (J) Upgrades, Renovation, Additions, Repairs, or Modernization. Any upgrade, renovation, addition, repair, or modernization of any existing fire alarm system which includes the replacement of the master control unit with anything other than the exact manufacturer and model as the existing master control unit or which includes the addition of a fire alarm control panel which will provide or replace any of the functions of the existing master control unit, except notification, shall be required to have the complete fire alarm system in compliance with all the requirements for new installations. If an upgrade, renovation, addition, repair, or modernization impacts greater than one-half of the entire fire alarm system, then the entire fire alarm system shall be required to be in compliance with Section 14-61 (I) of this Code.
- (K) Proprietary Supervising Station Fire Alarm Systems. All proprietary supervising station fire alarm systems shall be listed by a third party verification organization.
- (L) False Alarms, Inoperable Systems, Remedy of Existing Systems. Any existing fire alarm system determined by the Chief Fire Official to be inoperable for any reason, unless the system has been reported to the Chief Fire Official and is in the process of actively being repaired, or a fire alarm system which has caused more than four nuisance alarms within any three hundred sixty-five (365) day period, shall be required to upgrade the fire alarm system to be in compliance with the new fire alarm requirements set forth in the edition of NFPA 101 (Life Safety Code) adopted by the Florida Fire Prevention Code and Section 14-61(I) of this Code.

Sec. 14-62. Sprinkler systems, fire pumps, and other extinguishing systems.³²

- (A) Purpose. The purpose of this section is to seek to obtain proper installation, operation, maintenance, testing, and supervision of sprinkler systems, fire pumps, and other fire extinguishing systems, and to seek to obtain compliance with Chapter 633, Florida Statutes, the Florida Fire Prevention Code, the Florida Administrative Code Rule 69A-48 and Rule 69A-60, the editions of NFPA 72 (National Fire Alarm Code), NFPA 13 (Standard for the Installation of Sprinkler Systems), and NFPA 13R (Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in

Height) adopted by the Florida Fire Prevention Code, and this section.

- (B) *Scope of Regulations.* The provisions of this section shall apply to all sprinkler systems, except one- and two-family dwelling unit sprinkler systems, within the geographical area of Miami-Dade County.
- (C) *New Sprinkler Systems.* All new sprinkler systems shall be supervised in accordance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code.
- (D) *Compliance with Fire Alarm Standards.* Sprinkler systems, fire pumps and other extinguishing systems required to be supervised in accordance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code, by any applicable code, or this section shall be installed, maintained, serviced and operated in accordance with all applicable codes and standards and Section 14-61 of this Code.

Section 14-63. Standby Services.

- (A) *Standby Fire and/or Inspection Service.* Whenever, in the opinion of the Chief Fire Official based on applicable fire safety standards, it is essential for public safety in any place of public assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall obtain a permit in accordance with Section 14-39 of this Code and employ one or more state-certified firefighter(s) and/or state-certified fire safety inspector, as required and approved by the Chief Fire Official to be on duty at such place. Said firefighter(s) and/or fire safety inspector(s) shall be subject to the Chief Fire Official's orders when so employed and shall be in uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, said firefighter(s) and or fire safety inspector(s) shall follow the procedures established by the Chief Fire Official to assure public safety. Said firefighter(s) and or firesafety inspector(s) shall not be required or permitted, while on duty, to perform any other duties than those herein specified. The owner, agent or lessee

shall be responsible for all cart, vehicle, apparatus, vessel, aircraft, specialized gear, equipment, supplies and administrative costs associated with the employment and support of said firefighter(s) and or fire safety inspector(s) dedicated to or in support of the performance, exhibition, display, contest or activity.

(B) *Standby Rescue Service.* Whenever, in the opinion of the Chief Fire Official based on applicable fire safety standards, it is essential for public safety in any place of public assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall obtain a permit in accordance with Section 14-39 of this Code and employ one or more state-certified paramedic and/or state-certified Emergency Medical Technicians (EMT), as required and approved by the Chief Fire Official, to be on duty at such place. Said paramedic(s) and/or EMT(s), shall be subject to the Chief Fire Official's orders when so employed and shall be in uniform and remain on duty during the time such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, said paramedic(s) and or EMT(s) shall follow the procedures established by the Chief Fire Official to assure public safety. Said paramedic(s) and or EMT(s) shall not be required or permitted, while on duty, to perform any other duties than those herein specified. The owner, agent or lessee shall be responsible for all cart, vehicle, apparatus, vessel, aircraft, specialized gear, equipment, supplies and administrative costs associated with the employment and support of said paramedic(s) and or EMT(s) dedicated to or in support of the performance, exhibition, display, contest or activity.

(C) *Standby Fire-Watch.* Whenever any fire protection system such as (1) Sprinkler systems, (2) Standpipe systems, (3) Fire hose systems, (4) Underground fire service mains, (5) Fire pumps, (6) Water storage tanks, (7) Water spray fixed systems, (8) Foam-water systems, (9) Fire service control valves that is required by this article, the Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal, or any fire safety standards of a municipality which are more stringent than any of the foregoing is impaired for ten hours or more within any 24-hour period, or whenever any fire alarm system that is required by this Chapter, the Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal, or any fire safety standards of a municipality which are more stringent than any of the foregoing is impaired for four hours or more within any 24-hour period the owner, agent or lessee

shall employ one or more state-certified firefighter(s), state-certified fire safety inspector(s), and/or state-certified security guard(s), as required and approved by the Chief Fire Official, to be on duty at such place to perform a standby fire-watch. If the owner, agent or lessee fails to employ said firefighter(s), fire safety inspector(s), and/or security guard(s), the Chief Fire Official may impose the standby fire-watch. Said firefighter(s), fire safety inspector(s), and/or security guard(s) shall be subject to the Chief Fire Official's orders when so employed and shall be in uniform and remain on duty during the time such places are open to the public, or are occupied. Said firefighter(s), fire safety inspector(s) and or security guard(s) shall follow the procedures established by the Chief Fire Official to assure public safety. Said firefighter(s) and or fire safety inspector(s) and or security guard(s) shall not be required or permitted, while on duty, to perform any other duties than those herein specified. The owner, agent or lessee shall be responsible for all cart, vehicle, apparatus, vessel, aircraft, specialized gear, equipment, supplies and administrative costs associated with the employment and support of said firefighter(s), fire safety inspector(s) and or security guard(s) dedicated to or in support of the standby fire-watch.

Section 14-64. Tents, Membrane Structures And Air-Supported Structures.

- (A) Permit Required.* A permit, in accordance with Section 14-39 of this Code, from the Fire Department having jurisdiction shall be required to erect or operate a tent, membrane structure, or air-supported structure covering an area in excess of 900 square feet or of any size where a hazardous use or process occurs (such as cooking operations).
- (B) Scope.* For the purpose of this section, a place of assembly shall include any carnival, circus, dance hall, sideshow, skating rink, tent show, theater, or any other engagement or offering, exhibition, production, or other place of assemblage in or under which 50 or more persons may gather for any purpose.
- (C) Application.* Tents, membrane structures, and air-supported structures covering an area in excess of 900 square feet must meet the applicable provisions of Chapter 11 of the NFPA-101 edition adopted by the Florida Fire Prevention Code as adopted and amended from time to time. Tents, membrane structures, or air-supported structures covering an area in excess of 900 square feet or of any size where a hazardous use

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or process occurs (such as cooking operations) that are exempt from the Florida specific version of NFPA-1 and NFPA-101 or the rules and regulations of the State Fire Marshal as all of same may be amended from time to time are prohibited from use within the boundaries of Miami-Dade County unless the responsible party wishing to use the tent, membrane structure or air supported structure obtains a permit, in accordance with Section 14-39 of this Code.

(D) Structural Design Load Requirements. Tents, membrane structures or air-supported structures and their appurtenances shall comply with the requirements of applicable section(s) of the adopted Florida Building Code.

(E) Flame propagation performance. A certificate or affidavit shall be submitted with the permit application and a copy retained at the premises on which the tent, membrane structure or air-supported structure is located, attesting to the following information relative to the flame propagation performance of the fabric:

- (1) Meets the applicable flame propagation performance criteria contained in NFPA 701 as adopted and amended from time to time.
- (2) Identifies the tent, membrane structure or air-supported structure fabric tested.
- (3) Date the fabric was last tested.

The Chief Fire Official can require re-testing and/or re-certification of the fabric of any tent, membrane structure or air-supported structure to determine compliance with the applicable flame propagation performance criteria based on fabric condition, age of last test, damage, chemical contact or any reasonable cause

(F) Standby Services. Standby services may be required in accordance with section 14-63 of this article.

(G) Food/Cooking Vendors at Short Term Events.

(1) Vendors utilizing any cooking process capable of producing smoke or grease laden vapors shall comply with the following requirements:

- (i) No portion of the tent, membrane structure or air supported structure may be accessible to the general public.
- (ii) The tent, membrane structure or air supported structure shall be outfitted with not more than one sidewall.

- (iii) Egress from the tent, membrane structure or air supported structure shall be unobstructed and immediately available on at least two sides of the structure.
- (iv) Travel distance to reach the outside of the tent, membrane structure or air supported structure shall not exceed 20 feet.
- (v) At the time of inspection and during cooking operations there shall be at least one (1) Class K fire extinguisher and at least one (1) 4 A: 80 B:C extinguisher (additional extinguishers may be required depending on appliances utilized).
- (vi) There shall be at least 10 feet separation from other structures including other tents, membrane structures or air supported structures that are not utilizing any cooking process capable of producing smoke or grease laden vapors.
- (vii) Only electric and gas fueled appliances shall be permitted. Solid fuel burning appliances or devices utilizing briquettes, hardwood, or charcoal shall not be permitted under a tent, membrane structure or air supported structure under any circumstance.
- (viii) Fuel supplies and their related hosing and/or electrical cords shall be installed and maintained in accordance with their applicable NFPA standards.
- (2) Vendors or catering operations not capable of complying with the above requirements must provide exhaust and fire protection in accordance with the edition of NFPA 96 adopted by the Florida Fire Prevention Code for all appliances capable of producing smoke or grease laden vapors.

Section 14-65. Overcrowding

- (A) No person shall permit overcrowding or admittance of any person beyond the approved capacity of any place of public assemblage.
- (1) Occupant Load Posting. Occupant load calculations for all assembly occupancy areas and rooms shall be submitted to

the Chief Fire Official for review and approval. Signs indicating the occupant load approved and the Fire Department approval shall be posted by the main entrance/exit to each assembly area and room. The signs shall be in the form prescribed by and bear the approval markings of the Fire Department having jurisdiction.

(2) Layouts. Plans drawn to scale shall be submitted to the Fire Department having jurisdiction for review and approval showing the arrangement of furnishings and equipment within all assembly occupancies. The arrangements shall substantiate sufficient egress capacity and a compliant arrangement of the means of egress for the approved occupant loads. Where multiple arrangements of furnishing and equipment are used, plans for each arrangement shall be submitted for approval. Approved copies of the layouts shall be maintained at the main exit/entrance of each assembly area. Arrangement of furnishings and equipment that do not substantially match the approved layouts shall be prohibited.

(B) The Chief Fire Official upon finding any overcrowding conditions or obstruction in aisles, passageways or other means of egress; or upon finding any condition which constitutes a serious menace to life, shall cause the performance, presentation, spectacle or entertainment to be stopped until such condition or obstruction is corrected.

Section 14-66. Open Burning

(A) Permits, in accordance with Section 14-39 of this Code, from the Fire Department having jurisdiction shall be required for all open burning.

(B) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless: (1) the location is not less than 50 feet from any structure and adequate provision is made to permit fire from spreading to within 50 feet of any structure, and (2) the fire is contained in an approved waste burner located safely not less than 15 feet from any structure.

(C) Open fires, bonfires and rubbish fires shall be constantly attended until such fire is extinguished. Any person attending such fire shall have a hose connected to the water supply or other fire extinguishing equipment readily available for use.

- (D) The Chief Fire Official may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fire's hazardous or upon reasonable belief based on applicable fire safety standards that such action is necessary to protect lives and/or property.

Section 14-67. Fireworks, Pyrotechnic Displays, and Flame Effects

- (A) Permits, in accordance with Section 14-39 of this Code, from the Chief Fire Official shall be required for all fireworks, or pyrotechnic displays, and flame effect uses. Application for a permit to operate a fireworks display shall be made to the Chief Fire Official at least thirty (30) days prior to the event. Application for a permit to operate a pyrotechnic display or flame effect use shall be made to the Chief Fire Official at least fifteen (15) days prior to the event. All applications must be submitted in the manner prescribed by the Chief Fire Official.
- (1) Applications for a fireworks permit received less than thirty (30) days prior to the event or for a pyrotechnic or flame effect use permit received less than fifteen (15) days prior to the event, may result in additional fees in accordance with the established fee schedule or denial of the permit.
- (2) Applications, at minimum, must contain the following:
- (i) The name, address and telephone number of the organization sponsoring the display, the supplier of the fireworks, the operator (pyrotechnician) and all assistants.
 - (ii) Application shall be signed by the sponsoring organization representative, the operator (pyrotechnician) and approved by the Chief Fire Official in accordance with Section 791.02(1), Florida Statutes.
 - (iii) References for the most recent three firework displays or flame effect use supervised and discharged or used by the designated operator shall be required for review by the Chief Fire Official. Said referenced displays shall be similar in size and complexity and will provide contact persons and telephone numbers.
 - (iv) The date and time of day at which the display is to be held and the duration time for said display.

- (v) The exact location address for the display, event or production.
- (vi) A copy of a location site plan with dimensions indicating the exact location planned for the display site and all grounds and facilities at which the event will be held. This plan shall include the location of all structures, audience viewing areas, roads, trees and overhead utilities within the discharge site, bulk hazardous materials storage, and mortar set-up.
- (vii) Operator and assistant qualifications shall comply with the provisions of NFPA 1123, NFPA 1126 and NFPA 160 of the edition adopted by the Florida Fire Prevention Code. The operator shall be responsible for ensuring that a sufficient number of assistants are available on site for the safe storage and conduct of the fireworks display. Operators shall be at least 21 years of age and all assistants shall be at least 18 years of age. A copy of a valid driver's license or other valid picture ID, acceptable to the AHJ shall be provided for all operators and assistants.
- (viii) The type and number of fireworks to be discharged.
- (ix) The manner and place of storage of fireworks prior to display. The date, time and travel route from the point the fireworks enter Miami-Dade County.
- (x) For aerial displays: (1) Size and number of each type of burst (single, multiple, etc.). Size and number or salutes; (2) Size and number of chain-fused aerial shells; (3) Mortar tube material and method of supporting and stabilizing mortars (rack, trough, or drum).
- (xi) For floating vessels and floating platforms: A drawing showing the deck size, the layout and arrangement of the mortars, and location of the safety shelter(s).
- (xii) For rooftops and limited egress locations: (1) A drawing showing the discharge site size, layout and arrangement of mortars, location and arrangement of the means of escape, location of the safety shelter(s), and the location of any openings into the building and method of securing openings; (2) A report from an engineer stating the roof deck is capable of withstanding the load of the fireworks operation for all structures except rooftops designed as motor vehicle parking decks.

(xiii) For fixed displays: Size, type and description of displays.

(xiii) For flame effects: All information specified for the flame effect plan in NFPA 160.

(3) Permits shall not be issued for fireworks or outdoor pyrotechnic displays between 11:00 p.m. and 9:00 a.m. These time restrictions herein shall not be applicable on January 1, January 18, July 4, and December 31, or any other time where specific permission is granted by ordinance or the fire department having jurisdiction.

(4) Before any permit for a fireworks, pyrotechnic display, or flame effect use shall be issued, the person making said application shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person or any agent or employee thereof in such amount, character and form as the Chief Fire Official determines to be necessary for the protection of the public.

(5) A copy of the certificate of insurance naming the permitting agency as additional insured is required. Minimum required amount of certificates of insurance for permit issuance is as follows: \$1,000,000 for bodily injury, and \$50,000 for property damage per occurrence.

(B) The Chief Fire Official may require standby services in accordance with Section 14-63 of this Code. The expense of such standby services shall be borne by the permit holder. Standby services, if required, shall be on duty from the time the fireworks, pyrotechnic materials, or flame effect fuel are delivered at the site until the termination of the display and the removal of all fireworks, pyrotechnic materials, flame effect fuel, and debris from the site or as determined necessary by the Chief Fire Official. In the case of indoor displays or performances, standby personnel shall be maintained until total restoration of normal function of the fire safety systems has been verified.

(C) The operator of a fireworks display, pyrotechnic display, or flame effects shall not fire or discharge any fireworks or pyrotechnic device, or operate any flame effect until given approval to fire, discharge, or operate the device by the Fire Department standby personnel, if present. The operator shall immediately cease firing, discharging, or operating any fireworks, pyrotechnic device, or flame effect upon receiving direction to cease operation from any Fire Department standby personnel.

(D) Additional Requirements for Outdoor Display of Fireworks on Private Residential Property:

- (1) Written approval from the property owners located adjacent to the proposed display site property is required prior to approval of a permit for outdoor fireworks display.
- (2) Minimum distance separation shall be no less than 300 feet from the nearest dwelling, building, or structure. This includes canopies, chickee huts, or similar structures, bulk storage areas, public highways, railroads or other means of travel.
- (3) Not permitted within 1,000 feet of a school, theater, church, hospital, nursing home, assisted living facility, livestock/animal storage site, or similar structures or institutions.

(E) Protection for Outdoor Fireworks. A minimum of two, two and one-half gallon pressurized water fire extinguishers shall be available in the discharge area the entire time fireworks are on site. Additional extinguishers or equipment may be required if conditions warrant. In addition, adequate water supply for fire protection shall be available at the discharge site.

(F) Pyrotechnics Before a Proximate Audience and Flame Effects Before an Audience

- (1) Any indoor use of pyrotechnics or flame effects shall not be permitted in buildings or any portion thereof unless protected by an approved automatic sprinkler system.
- (2) Indoor use of pyrotechnics and flame effects shall be prohibited in temporary structures such as tents.
- (3) Demonstration of the pyrotechnic display or flame effect shall be required prior to the final approval of a permit. The Chief Fire Official may waive this requirement.

(G) Sky Lanterns: The use of unmanned, free-floating sky lanterns and similar devices utilizing an open flame shall be prohibited.

(H) Requirements for the Sale, Display, Merchandising, Storage and Handling of Sparklers and Novelty Items within Buildings, Structures, Tents, Temporary Membrane Structures and Outdoor Sites.

- (1) All permit applications shall be approved by the appropriate agencies. (Fire Department, Zoning, etc.)
- (2) Precautions shall be taken to protect against fire or spread of fire in all sites located within fields or lots with ground cover such as brush, grass or other overgrowth of vegetation.
- (3) The use, ignition or discharge of any approved sparklers or novelty items is prohibited within buildings or structures where sparklers or novelty items are offered for sale, displayed, or stored, and within 300 feet of any outdoor sales storage or handling sites.
- (4) Buildings or structures used in whole or in part for sales (retail or wholesale), display, merchandising, handling, or storage of sparklers and/or novelty items shall be fully protected throughout with an automatic sprinklers system in accordance with the adopted edition of NFPA 13. Buildings used for other than seasonal retail sales of sparklers shall have the sprinkler system designed for extra-hazard contents.
- (5) No storage or sale of sparklers or novelty items shall be permitted in or from vehicles.

Section 14-68. Fire Department Access Roads and Set-Up Sites

The following Set-Up Site requirements are minimum standards:

- (1) Set-up sites shall be provided at every building over 3 stories in height and shall be located at a minimum on two sides of the building at the approximate center of each side for firefighting and rescue operations. Building configuration may require additional set-up sites.
- (2) Set-up sites shall be no closer than 10 feet and no further than 30 feet from any building. Each site shall be a minimum 21 feet wide and 47 feet long with a cross slope no greater than 5 percent.
- (3) Set-up sites shall be designed and maintained to support the imposed loads of fire apparatus.

Section 14-69. In-Building Public Safety Two-Way Radio Communication Enhancement Systems

- (A) Where required by the Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal or any fire safety

standard of a municipality more stringent than any of the foregoing, or when an in-building public safety two-way radio communication enhancement system is voluntarily installed, it will be installed, inspected, tested and maintained in accordance with the policies, procedures and specifications of the Chief Fire Official.

(B) Monitoring. In-building public safety two-way radio enhancement systems shall transmit all required supervisory and trouble signals to a central station or to the radio service provider contracted to provide the runner service. If signals are transmitted to a central station, the central station must contact the radio service provider contracted to provide the runner service immediately.

(C) Runner Service and Service Contracts. All in-building public safety two-way radio communication enhancement systems shall be required to have in effect at all times a service contract with a licensed radio service provider.

(1) The service contract shall include a provision for runner service available to respond to the protected premises at any and all times within four (4) hours of notification of the runner service of any trouble or supervisory signal.

(2) The runner shall restore the system to complete working order.

(3) In the event that the runner cannot restore the system to complete working order, the building, structure, or occupancy may be subject to certain limitations, conditions, and restrictions, including fire watch requirements, as determined by the authority having jurisdiction until such time as the system is returned to complete working order.

Section 14-70. Multi-Building Complexes and Developments

Commercial and residential developments or complexes, consisting of more than four buildings, served by a system of private fire department access roads, shall provide an illuminated site plan/map of the complex and the following shall apply:

(1) The site plan/map shall be of sufficient size and be located at all emergency vehicle entrances in an area to be clearly viewed from within a responding emergency vehicle.

(2) The map must be a detailed representation of the access road(s) and buildings within the complex.

- (3) The site plan/map shall be constructed with durable materials suitable to withstand outdoor environments and shall be maintained and updated as necessary.
- (4) Each building on the site shall be represented as an outline of the footprint of the building as it is located on the site.
- (5) The building number/address shall be clearly identified for each building on the map.<<

Section 4. Section 8CC of the Code of Miami-Dade County, Florida, is hereby amended as follows.³³

Sec. 8CC-10. Schedule of civil penalties.

[[14-1	Setting fire without permit	200.00
14-4	Creating or maintaining fire hazard	200.00
14-10(4)	Failure of fire alarm user to post on premises names of individuals able to do activate alarm	250.00
14-10(5)	Third false fire alarm in one (1) calendar year	500.00
14-10(5)	Fourth and each additional false fire alarm in one (1) calendar year	1000.00
14-10(6)	Failure to file certificate of inspection	250.00
14-40(A)	Sections 5-201 and 5-204 of South Florida Fire Prevention Code incorporated by reference in Section 14-40(A)	500.00
14-44	Violation of uniform fire safety standards	200.00
14-53	Failure to obtain required permit or violation of condition of permit	200.00
14-56	Violation of South Florida Fire Prevention Code	200.00
14-56	Violation of standards set forth in Section 14-58	200.00

³³ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

<u>14-62</u>	<u>Refusing to allow inspection</u>	<u>200.00</u>
<u>All other Chapter 14 violations</u>		<u>200.00]]</u>

<u>>>14-11</u>	<u>Failure to burn or dispose of material for safety purposes</u>	<u>200.00</u>
<u>14-12</u>	<u>Setting fire without a permit</u>	<u>200.00</u>
<u>14-15</u>	<u>Creating or maintaining a fire hazard</u>	<u>200.00</u>
<u>14-16</u>	<u>Unlawful burning of forest, grass, woods, wildlands or marshes</u>	<u>200.00</u>
<u>14-17</u>	<u>Unlawful setting of fire on rights-of-way</u>	<u>200.00</u>
<u>14-18(F)(1)</u>	<u>First violation of fire alarm posting requirements</u>	<u>250.00</u>
<u>14-18(F)(2)</u>	<u>Second and all subsequent violations of fire alarm posting requirements</u>	<u>500.00</u>
<u>14-18(F)(3)</u>	<u>Third false fire alarm in one calendar year</u>	<u>500.00</u>
<u>14-18(F)(4)</u>	<u>Fourth and each additional false fire alarm in one calendar year</u>	<u>1000.00</u>
<u>14-18(F)(5)</u>	<u>Failure to file timely written inspection and test report</u>	<u>250.00</u>
<u>14-19</u>	<u>Failure to provide statement post vehicle fire or explosion</u>	<u>200.00</u>
<u>14-39</u>	<u>Failure to obtain required permit or violation of condition of permit, or failure to obtain required fire department approval prior to use or occupancy</u>	<u>200.00</u>
<u>14-40</u>	<u>Failure to submit plans for review or failure to obtain approval of plans</u>	<u>200.00</u>
<u>14-43</u>	<u>Violation of minimum fire safety standards, permit requirements, or lawful order of the Chief Fire Official</u>	<u>200.00</u>
<u>14-47</u>	<u>Obstructing, hampering, or interfering with inspection</u>	<u>200.00</u>
<u>14-51</u>	<u>Obstructing or interfering with the operations of the Fire Department</u>	<u>250.00</u>
<u>14-52</u>	<u>Violation of the general requirements at fires and other emergency operations</u>	<u>250.00</u>

<u>14-61</u>	<u>Violation of fire alarm requirements</u>	<u>200.00</u>
<u>14-62</u>	<u>Failure to supervise sprinkler systems, fire pumps, or other extinguishing systems</u>	<u>200.00</u>
<u>14-63</u>	<u>Failure to obtain standby services</u>	<u>200.00</u>
<u>14-64</u>	<u>Failure to obtain a permit for a tent or membrane structure</u>	<u>200.00</u>
<u>14-65</u>	<u>Failure to prevent overcrowding or post required notices</u>	<u>200.00</u>
<u>14-66</u>	<u>Failure to obtain a permit for open burning</u>	<u>200.00</u>
<u>14-67</u>	<u>Failure to comply with requirements for fireworks, pyrotechnic displays, and flame effects</u>	<u>200.00</u>
<u>14-68</u>	<u>Failure to establish and/or maintain access roads and/or set up sites</u>	<u>200.00</u>
<u>14-69</u>	<u>Violations of the general requirements for two-way radio communication enhancement systems</u>	<u>200.00</u>
<u>14-70</u>	<u>Failure to provide adequate site map of a development or multi-building complex</u>	<u>200.00</u> <<

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Section 5. The South Florida Fire Prevention Code, as said code had been amended from time to time, adopted by reference in the Code of Miami-Dade County, Florida, by Section 14-40 (Ord. No. 87-89), is hereby repealed.

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 8. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: September 7, 2016

Approved by County Attorney as
to form and legal sufficiency:

D.F.
ADW

Prepared by:

Daniel Frastai
Michael B. Valdes

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Commissioner Sally A. Heyman