

Ordinance No. 39

AN ORDINANCE FOR THE NORTH RIVER FIRE DISTRICT ADOPTING A FIRE PREVENTION CODE FOR THE NORTH RIVER FIRE DISTRICT; ESTABLISHING THE BUREAU OF FIRE PREVENTION, INSPECTION AND INVESTIGATION; ESTABLISHING RULES AND REGULATIONS FOR FIRE PREVENTION AND SAFETY; PROVIDING FOR PENALTY FOR FAILURE TO COMPLY WITH SAID RULES AND REGULATIONS; REPEALING ALL ORDINANCES IN CONFLICT, INCLUDING ORDINANCE 35; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Board of Fire Commissioners of the North River Fire District, pursuant to the provisions of Chapter 2007-280 of the Laws of the State of Florida, has the responsibility to insure that all places of business have proper fire safety provisions; and,

WHEREAS, the North River Fire District is provided supplemental authority pursuant to Chapters 189 and 191 of the Florida Statutes; and,

WHEREAS, pursuant to Florida Statutes 191.008(4), the North River Fire District may "adopt and enforce fire safety standards and codes and enforce the rules of the State Fire Marshal consistent with the exercise of the duties authorized by Chapter 553 or Chapter 633, with respect to fire suppression, prevention, and fire safety code enforcement"; and,

WHEREAS, Chapter 633 Florida Statutes, requires the Board of Fire Commissioners of the North River Fire District to adopt such rules and regulations for the purpose of carrying out the intent and purposes of said act; and,

WHEREAS, it has been determined by said Board of Fire Commissioners that Uniform Rules and Regulations pertaining to Fire Safety and Equipment located within the North River Fire District are necessary for the public health, safety and welfare of the citizens of said fire district; and,

WHEREAS, said Board of Fire Commissioners of the North River Fire District recognize the Florida Fire Prevention Code as adopted by the State of Florida pursuant to Florida Statutes 633.202, and that the National Fire Codes of the National Fire Protection Association Standards ("NFPA"), Adopted Editions, are reasonable rules and regulations and would benefit the residents and businesses located within the said fire district; and,

WHEREAS, the North River Fire District has prepared "The Fire Prevention Code of the North River Fire District" a true and correct copy is attached hereto and incorporated herein as Exhibit 1, that incorporates and adopts standards provided for within the Florida Fire Prevention Code and the National Fire Code; and,

WHEREAS, the Board of Fire Commissioners seeks to adopt by Ordinance "The Fire Prevention Code of the North River Fire District" as the rules and regulations for fire safety within the North

North River Fire District

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GENERAL PROVISIONS

Section 4: Title

The title of this Code shall be the Fire Prevention Code of North River Fire District, herein after referred to as the "Code". One or more copies shall be on file in the Administrative Office of North River Fire District located at 1225 14th Ave W Palmetto, FL 34222, and shall be kept available for public use, inspection, and examination.

Section 5: Definitions

5.1 For the purpose of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The below listed definitions are in addition to the definitions found in the currently adopted edition of the Florida Fire Prevention Code.

5.1.1 Authority Having Jurisdiction (AHJ). The North River Fire District through the Fire Chief or his/her designated State Certified Inspector. For the purpose of this Code the terms "Fire Marshal" and "Authority Having Jurisdiction" are interchangeable.

5.1.2 Building Code. The Florida Building Code as identified in *Section 553.73*, Florida Statutes (FS), as amended from time to time.

5.1.3 NFPA. The National Fire Protection Association as referenced in the Florida Building Code. NFPA Standards or NFPA Codes shall mean the referenced code or standard as compiled and published by the National Fire Protection Association.

5.1.4 National Fire Code. The compilation of the National Fire Protection Association codes, standards, guides, recommended practices, and manuals published by the National Fire Protection Association and as adopted by North River Fire District.

5.1.5 Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A parking area beneath a building is considered a story.

5.1.6 Substantially Altered. A structural alteration increasing the square footage of an existing building such that the square footage of the entire building exceeds the table limits of *Section 23 Table 1* shall be considered a substantial alteration.

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specifically noted in this Code). Structures, vehicles, marine vessels, premises and conditions not in strict compliance with this Code may be permitted to continue unless, in the opinion of the Bureau Chief, they constitute a distinct fire hazard to life or property.

7.2 The provisions of this Code do not apply to one or two-family dwellings in normal use or maintenance thereof, except that this Code shall apply whenever the activity or use of such dwelling creates a distinct fire hazard to life or property or is referenced by the Uniform Fire Safety Standards as provided for under *Section 633.206 FS*, as amended from time to time.

7.3 The provisions of this Code do not apply to those buildings or structures specifically under the Uniform Fire Safety Standards of the State of Florida, as set forth in *Section 633.206, FS*, as amended from time to time.

7.4 The provisions of this Code shall be complied with whenever a building is built, or when an existing building meets the Classification of Rehabilitation Work categories as listed in *Chapter 43 of NFPA 101*.

7.4.1 When the building rehabilitation meets or exceeds the square footage limits as shown in *Section 22 Table 1*, the requirements of *Section 22 Table 1* shall be implemented.

7.5 The provisions of this Code, as far as they are substantially the same as existing provisions of law relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactment.

7.6 The adoption of this Code or the repeal of any other existing provision of law, including regulations or orders, shall not be construed to alter any time limit which may have been imposed by any existing law, regulation or order of the Bureau Chief or other authority relating to compliance with such limits.

7.7 If any provision of this Code is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remaining provisions of this Code.

7.8 Land Use and Zoning Regulation. In Manatee County the land use entitlement and approval process is administered, interpreted, and implemented by the Board of County Commissioners and its designees (the "Approval Process"), and may be administered, interpreted and implemented by Manatee County irrespective of the provisions of this Ordinance. No provision of this Ordinance shall be deemed to constitute a separate and/or additional land use entitlement or approval process by the North River Fire District. In events of conflict between this ordinance and the Approval Process, pursuant to Florida Statutes 191.006, the District Ordinance shall not conflict with any ordinances of the local general-purpose government.

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9.2.1 For the first (1) through third (3) unnecessary/false alarms, inclusive, as set forth in *Section 8* of this Code, occurring in any given twelve (12) month period, a warning shall be issued in writing.

9.2.2 For the fourth (4) and fifth (5) unnecessary/false alarms in the same twelve (12) month period, a fee of \$100.00 shall be assessed.

9.2.3 For the sixth (6) and seventh (7) unnecessary/false alarms in the same twelve (12) month period, a fee of \$250.00 shall be assessed.

9.2.4 All unnecessary/false alarms in excess of seven (7) in the same twelve (12) month period shall be assessed a fee of \$500.00 for each alarm.

9.3 The fees outlined within paragraphs 9.2.2 through 9.2.4 shall apply to any alarm systems which generate an unnecessary or false alarm signal of any kind which results in fire department response. Those fines shall be imposed upon the first unnecessary or false alarm and are purposefully exempt from the stipulations outlined within paragraph 9.2.1.

9.3.1 In the event an unnecessary/false alarm is the result of a fire system service company or fire alarm monitoring company failing to place a system in the test mode or otherwise ensure the prevention of the dispatch of all fire alarm signals during maintenance, testing or for any other reason, the servicing or monitoring company may be assessed a fine of not less than \$100.00 per occurrence.

9.4 Construction Related Nuisance Alarms.

9.4.1 Any contractors, subcontractors, or other construction related fields (i.e., painting, pressure washing, etc.) resulting in a false and/or nuisance alarm shall be assessed a fine of not less than \$100.00 per occurrence.

Section 10: Required Access for Fire Apparatus

10.1 Fire and emergency access may be required by the Bureau Chief and shall meet or exceed the access requirements of *NFPA 1 Chapter 18*, unless otherwise approved by the AHJ. Provide at least two (2) accessible sides of all commercial, professional, industrial and multi-family occupancy buildings.

10.2 Automatic Vehicle Gates:

10.2.1 Plans for each automatic gate system shall be submitted to the district for review and approval prior to the initiation of any construction.

10.2.2 When in the fully open position, gates shall allow not less than fifteen (15) feet horizontal clear space, including any roadway surface, as measured from

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approved by the Bureau. Keys shall be provided to gain access to fire alarm panels, electrical room, sprinkler room, and any other area to which this department may require access. Where required, keys and locks shall be "mastered". Applications for the key box may be obtained from the District.

11.1.1 Installation height of the key box shall be a maximum of six (6) feet above finished grade or as approved by the AHJ.

11.1.2 New buildings requiring a key box shall have a recessed style box installed, unless otherwise approved by the AHJ.

11.2 In the event manual vehicle gates are installed which would impede access to a building, or complex of buildings, the gate shall meet the minimum requirements for access and clearances as specified in *Section 10.2.2* of this Code.

11.2.1 Should the Authority Having Jurisdiction (AHJ) determine that any installed gate hinders access to a building, complex, or fire hydrant, the owner, occupant, or property management must provide an approved lock box or padlock. This device must be keyed to the Fire District responsible for the area where it is installed to ensure that access to the building, complex, or hydrant is not impeded.

11.2.2 Penalty, see *Section 18*.

Section 12: Storage and/or Use of Appliances Prohibited

12.1 No person shall place or maintain gas or propane cylinders on porches, breezeways or balconies or attached garages in multi-unit, multi-story buildings.

12.2 No person shall store or use any charcoal, gas or wood fired heaters, grills, barbecues, or smokers on porches, balconies, or breezeway of any multi-unit, multi-story buildings.

12.3 No person shall store or use any other heat producing device or appliance which is determined by the AHJ to be unsafe due to its application or use.

12.4 Penalty, See *Section 18*.

Section 13: Fire Alarm Systems

13.1 General Requirements

13.1.1 Approved fire alarm systems shall be installed in buildings as required by *Section 22 Table 1* and as follows:

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14.5 Preplanned Sprinkler System Impairments

14.5.1 The requirements of the current edition of *NFPA 25* and Florida Administrative Code (FAC) shall apply to fire sprinkler system impairments.

14.5.2 The AHJ shall be notified by the building/property owner, occupant, the impairment coordinator or the licensed contractor conducting the work which will cause the scheduled impairment, no less than three (3) business days prior to the scheduled impairment. This will allow the building owner, agent, contractor or other responsible parties to notify the AHJ of all arrangements to ensure life safety is upheld.

14.6 Standpipes and/or Hose Connections

14.6.1 Standpipes and/or hose connections shall be required for all multi-story buildings and any building deemed necessary by the AHJ.

14.6.2 Locations for standpipes and/or hose connections shall be required at each level and shall be approved by the AHJ.

14.6.3 Hose connections shall be a 2½ inch connection with a 2½ inch to 1½ inch reducer.

14.6.4 Installations shall be in compliance with *NFPA 14*.

14.6.5 The AHJ may waive this requirement when firefighting access can be accomplished with pre-connected hose to remote locations from firefighting apparatus.

14.6.5.1 Any such waiver as outlined in 14.6.5 shall be authorized in writing from the AHJ and such waiver shall be acquired prior to initiation of any construction.

Section 15: Cease and Desist Order or Stop Work Order

15.1 Whenever the violation of any provision of this Code presents an immediate danger to life, safety or property or when any new construction or existing building is occupied in whole or in part in violation of the provisions of this Code, or when any fire, explosion or other such disaster occurs and presents an immediate danger to life or property, the AHJ shall immediately post, or cause to be posted a Cease and Desist Order, Stop Work Order or other approved signage or documentation on the premises and shall suspend any and all use of the building, marine vessel, structure, or premises until such time that the danger to life or property has been removed or correction of the violation has been made.

15.2 If it is determined by the AHJ that a violation specified in this subsection exists, the AHJ or their designee may issue and deliver the person committing the

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16.1.3 Each vendor shall be properly licensed by the Florida Department of Business and Professional Regulation (DBPR), Division of Hotels and Restaurants and/or the Florida Department of Agriculture, Division of Food Safety.

16.2 Penalty: See Section 18.

Section 17: Certificate of Inspection

17.1 No building shall be occupied in whole or in part without the approval of, and the issuance of a Certificate of Inspection Report being completed and filed by the AHJ.

17.2 Penalty: see Section 18.

Section 18: Penalty

18.1 Any person who shall violate one of the provisions of this Code or the National Fire Codes, as adopted by the District for which another penalty is not provided, or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statement, specifications, or plans submitted or approved thereunder; or shall operate not in accordance with the provision of any certificate, permit, or approval issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the AHJ or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and non-compliance, respectively be punished by a fine of not more than \$250.00 a day with each day of the violation constituting a separate offense.

18.2 The imposition of a penalty for a violation shall not excuse the violation nor shall the violation be permitted to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time and, when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 19: Previous Rules, Regulations and Codes Repealed

All formal rules and regulations or parts thereof conflicting or inconsistent with the provisions of these rules and regulations or of the Code hereby adopted are hereby repealed.

Section 20: Board of Appeals

Whenever any person, firm or corporation is of the opinion that they have been aggrieved, pursuant to *Chapter 69A-60, Florida Fire Prevention Code*, they may

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<i>Residential</i>	3 stories or more or as defined in the FFPC, or as required by the FBC.	Manual pull stations at required exits; flow switch or fire suppression systems *unless exempted by 633.202, or as required by the FBC.	As outlined in NFPA 101**
<i>Mercantile</i>	10,000 square feet or more or 2 stories or more, or as required by the FBC.	Manual pull stations at required exits; Flow switch; area type smoke detection in all spaces where commodity may be stored over 12 feet above finish floor level, as determined by the AHJ, or as required by the FBC.	As outlined in NFPA 101**
<i>Business</i>	15,000 square feet or more or 2 stories and 10,000 square feet or more, or as required by the FBC.	Manual pull stations at required exits; Flow switch, or as required by the FBC.	As outlined in NFPA 101**
<i>Industrial</i>	10,000 square feet or more or 2 stories or more, or as required by the FBC.	Manual pull stations at required exits; Flow Switch and/or suppression systems; area type smoke detection in all areas of air-conditioned controlled space, or as required by the FBC.	As outlined in NFPA 101**
<i>Storage</i>	10,000 square feet or more or 2 stories or more, or as required by the FBC.	Manual pull stations at required exits; Flow switch, or as required by the FBC.	As outlined in NFPA 101**
<i>High Hazard/Special</i>	All buildings regardless of size	As required by the AHJ	As required by the AHJ

*Section 903 of the Florida Building Code may also apply

** Per currently adopted edition of the Florida Fire Prevention Code (FFPC).