

ORDINANCE NO. 2003-43

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF OCOEE RELATING TO FIRE PREVENTION; PROVIDING PROCEDURES TO CHALLENGE LOCAL AMENDMENTS TO THE FLORIDA FIRE CODE; REQUIRING THE INSTALLATION OF A SECURED KEY ACCESS SYSTEM FOR CERTAIN STRUCTURES AS A LOCAL AMENDMENT TO THE FLORIDA FIRE CODE; PROVIDING FOR MAINTENANCE AND ANNUAL INSPECTIONS OF PRIVATELY OWNED FIRE HYDRANTS AS A LOCAL AMENDMENT TO THE FLORIDA FIRE CODE; PROVIDING NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; DIRECTING TRANSMITTAL TO THE FLORIDA BUILDING COMMISSION AND THE STATE FIRE MARSHALL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State Fire Marshal, pursuant to § 633.0215, Florida Statutes, has adopted the Florida Fire Prevention Code which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such fire safety laws and rules; and

WHEREAS, the Florida Fire Prevention Code became law on January 1, 2002 and rescinds all locally adopted fire code requirements; and

WHEREAS, the City Commission desires to adopt procedures for challenging local amendments to the Florida Fire Prevention Code; and

WHEREAS, the City Commission of the City of Ocoee desires to establish Article IV of Chapter 78 of the Code of Ordinances of the City of Ocoee, Florida relating to Fire Prevention; and

WHEREAS, the City Commission of the City of Ocoee desires to adopt a local amendment to the Florida Fire Prevention Code to strengthen the requirements of the minimum fire safety code by requiring certain buildings to install a secured key access system; and

WHEREAS, the City Commission of the City of Ocoee desires to adopt a local amendment to the Florida Fire Prevention Code to strengthen the requirements of the minimum fire safety code by requiring the maintenance and annual inspection of privately owned fire hydrants; and

WHEREAS, the City Commission desires to provide notice to owners of privately owned fire hydrants of the adoption of Section 78-25 of Chapter 78 of the Code of Ordinances of the City of Ocoee, Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

SECTION 1. Authority. The City Commission of the City of Ocoee has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and Section 633.0215, Florida Statutes.

SECTION 2. The City Commission of the City of Ocoee hereby adopts Article IV of Chapter 78 of the Code of Ordinances of the City of Ocoee, Florida relating to Fire Prevention as set forth in Exhibit "A" attached hereto and by this reference made part hereof.

SECTION 3. A new Section 78-8 of Chapter 78 of the Code of Ordinances of the City of Ocoee, Florida is hereby adopted as follows:

§78.8 Procedure for challenging local amendments.

- A. Pursuant to Section 633.025(4)(d), Florida Statutes, any party substantially affected by the adoption of any local amendment to the Florida Fire Prevention

Code may challenge the validity of such amendment and its compliance with Section 633.025, Florida Statutes by filing an appeal with the Ocoee City Commission within ninety (90) days from the effective date of the amendment.

- B. A hearing on the challenge shall be held by the City Commission within forty-five (45) days from receipt of the challenge. The City Commission shall render a decision on the challenge within thirty (30) days from the date of any such hearing.

SECTION 4. Notice. The City Commission hereby directs the Chief of the Ocoee Fire Department, or his designee, to provide written notice of the adoption of Section 78-25 of Chapter 78 of the Code of Ordinances and a copy of the relevant requirements to all owners of privately owned fire hydrants located within the City of Ocoee within thirty (30) days from the effective date of the amendment.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 6. Codification. It is the intention of the City Commission of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical errors which do not affect the intent may be authorized by the City

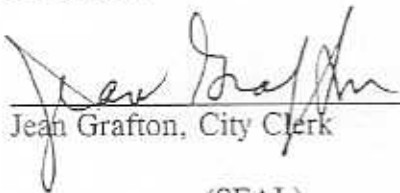
Manager, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 7. Transmittal of New Chapter. The City Clerk is hereby directed to transmit a certified copy of this Ordinance to the Florida Building Commission and the State Fire Marshall within thirty (30) days of enactment thereof. Additionally, an electronic copy of this Ordinance shall be transmitted via electronic mail to the Florida Building Commission at its internet web site, located at www.Floridabuilding.org.

SECTION 8. Effective Date. This Ordinance shall become effective immediately upon passage and adoption.

PASSED AND ADOPTED this 21st day of October, 2003.

ATTEST:

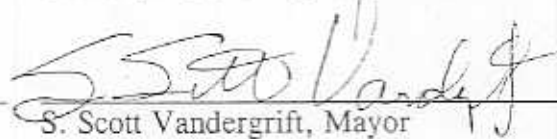


Jean Grafton, City Clerk

(SEAL)

APPROVED:

CITY OF OCOEE, FLORIDA

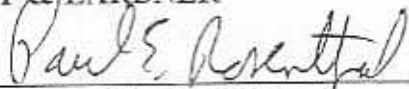


S. Scott Vandergrift, Mayor

ADVERTISED October 9, 2003
READ FIRST TIME October 7, 2003
READ SECOND TIME AND ADOPTED
October 21, 2003
UNDER AGENDA ITEM NO. VI A 3

**FOR USE AND RELIANCE ONLY
BY THE CITY OF OCOEE, FLORIDA
APPROVED AS TO FORM
AND LEGALITY**
this 21 day of October, 2003.

FOLEY & LARDNER

By: 

City Attorney

EXHIBIT A

ARTICLE IV

LOCAL AMENDMENTS

§78-24. Secured key access system required.

- A. A rapid entry key safe or vault with a single lock and alarm tamper switch(es), which is monitored by a central station alarm company twenty-four (24) hours per day, shall be installed in the following structures:
- (1) All new commercial and/or manufacturing buildings with 4,000 square feet or more gross floor area which are issued building permits after November 1, 2003.
 - (2) All existing commercial and/or manufacturing buildings which have a fire alarm system or other fire protection system which are issued building permits for remodeling or renovations after November 1, 2003.
 - (3) All existing commercial and/or manufacturing buildings which have a fire alarm system or other fire protection system for which a new occupational license, other than a renewal license, is required to be obtained by the owner and/or any occupant thereof after November 1, 2003.
- B. The ordering, payment and installation of the rapid entry key safe or vault will be the responsibility of the owner. The device and its installation must meet the prior approval of the Chief of the Ocoee Fire Department or his designee. All keys, material safety data sheets and floor plans that are deemed necessary by the Ocoee Fire Department to achieve safety and effectiveness during fire and rescue operations shall be supplied to the Ocoee Fire Department.

§ 78-25. Privately owned fire hydrants.

- A. Maintenance.
Each owner of a privately owned fire hydrant shall maintain such fire hydrant in accordance with Section 4-4.4 of the 1998 edition of National Fire Protection Association ("NFPA") 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection*.
- B. Inspections and reports.
All existing privately owned fire hydrants located in the City of Ocoee shall be inspected in accordance with the requirements of Section 4-4.3 of the 1998 edition of NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection*. The owner(s) of such privately owned fire hydrant(s) shall cause to be

completed one (1) approved Fire Hydrant Inspection Report for each fire hydrant. Such report shall be submitted to the Ocoee Fire Department Fire Prevention Bureau by the earlier of (i) thirty (30) days after the completion of the report, or (ii) December 31, 2003. Thereafter, each privately owned fire hydrant shall be subject to an annual inspection during the fourth (4th) quarter of each year. The owner(s) of such privately owned fire hydrant(s) shall cause to be completed one (1) approved Fire Hydrant Inspection report for each hydrant. Such report shall be submitted to the Ocoee Fire Department Fire Prevention Bureau by the earlier of (i) thirty (30) days after completion of the report, or (ii) December 31 of each calendar year.

- C. All inspections and reports for privately owned fire hydrants shall be performed by one of the following:
- (1) A general contractor licensed in the State of Florida,
 - (2) A utilities contractor licensed in the State of Florida,
 - (3) A fire protection contractor licensed in the State of Florida,
 - (4) A plumbing contractor licensed in the State of Florida, or
 - (5) The Ocoee Fire Department;

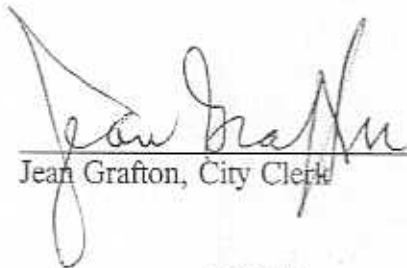
provided, however, that if the Ocoee Fire Department is requested to perform the inspection, such inspection is subject to owner releasing the Ocoee Fire Department and the City of Ocoee from any liability damage that may occur as a result of the inspection.

- D. All privately owned fire hydrants shall be painted the color of Rust-o-leum Safety Red.
- E. Any person violating any provision of this chapter shall, upon conviction, be punishable by a fine not to exceed five hundred dollars (\$500.00).

STATE OF FLORIDA
COUNTY OF ORANGE
CITY OF OCOEE

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2003-43 as adopted by the Ocoee City Commission on October 21, 2003, the original of which is on file in my office.

IN WITNESS WHEREOF, I hereby set my hand and cause the seal of the City of Ocoee to be affixed on this 24th day of October, 2003.



Jean Grafton, City Clerk

(SEAL)