

ORDINANCE NO.: 2011-52

AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA, RELATING TO FIRE PREVENTION AND AMENDING CHAPTER 24 (FIRE PREVENTION CODE) OF THE CODE OF THE CITY OF ORLANDO, FLORIDA; ADOPTING NEW CHAPTER 24 (FIRE PREVENTION CODE) OF THE CODE OF THE CITY OF ORLANDO, FLORIDA; IMPLEMENTING THE FLORIDA FIRE PREVENTION CODE; ADOPTING THE FLORIDA FIRE PREVENTION CODE BY REFERENCE AND REFERENCED PROVISION OF NATIONALLY RECOGNIZED CODES; PROVIDING FOR THE GENERAL REGULATION OF FIRE PREVENTION ACTIVITIES WITHIN THE CITY OF ORLANDO; PROVIDING FOR ADMINISTRATION; READOPTING LOCAL TECHNICAL AMENDMENTS AS PRESCRIBED BY FLORIDA STATUTE; PROVIDING FOR SEVERABILITY; DIRECTING TRANSMITTAL TO THE FLORIDA BUILDING COMMISSION AND THE STATE FIRE MARSHAL; PROVIDING FOR SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1998 the Florida Legislature passed enabling legislation creating the Florida Fire Prevention Code; and

WHEREAS, the State Fire Marshal, pursuant to § 633.0215, Florida Statutes, has adopted the Florida Fire Prevention Code which contains all firesafety 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 firesafety laws and rules; and

WHEREAS, the enabling legislation and Florida Statute require the State Fire Marshal to adopt a new edition of the Florida Fire Prevention Code every third year; and

WHEREAS, the new edition of the Florida Fire Prevention Code becomes effective throughout the State of Florida on December 31, 2011; and

WHEREAS, the enforcement of the Florida Fire Prevention Code is the responsibility of local governments; and

WHEREAS, any local amendment to the Florida Fire Prevention Code adopted by a local government shall be readopted on a tri-annual basis in conjunction with the new edition of the Florida Fire Prevention Code; and

WHEREAS, the City of Orlando, pursuant to § 633.025, Florida Statutes, desires to adopt local amendments to the Florida Fire Prevention Code to strengthen the provisions of the state's minimum firesafety code; and

WHEREAS, the City of Orlando desires to adopt certain more stringent firesafety standards in order to meet special situations arising from historic, geographic, or unusual

1 conditions, where such alternative requirements result in a level of protection to life, safety, or
2 property, equal to or greater than the applicable minimum firesafety standards; and

3 **WHEREAS**, the City Council hereby finds that based upon a review of local conditions
4 that the following more stringent conditions are justified and desirable in order to promote the
5 public health, safety, and welfare.

6
7 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
8 **ORLANDO, FLORIDA:**

9
10 **SECTION ONE:** Chapter 24 of the Code of the City of Orlando be, and the same is
11 hereby deleted in its entirety.

12
13 **SECTION TWO:** Chapter 24 of the Code of the City of Orlando be, and the same is
14 hereby established as follows:

15
16 Editor's Note: This ordinance repeals the previous Chapter 24 and replaces it with the following
17 text for consistency with the state-adopted Florida Fire Prevention Code, 2010 edition.

18
19 Sec. 24.01. Scope.

20 Sec. 24.02. Title.

21 Sec. 24.03. Purpose.

22 Sec. 24.04. Application.

23 Sec. 24.05. Equivalencies, Alternatives and Modifications.

24 Sec. 24.06. Units.

25 Sec. 24.07. Enforcement.

26 Sec. 24.08. Authority.

27 Sec. 24.09. Duties and Powers of the Incident Commander.

28 Sec. 24.10. Liability.

29 Sec. 24.11. Board of Appeals.

30 Sec. 24.12. Records and Reports.

31 Sec. 24.13. Permits and Approvals.

32 Sec. 24.14. Certificates of Fitness.

33 Sec. 24.15. Plan Review and Inspection Fees.

34 Sec. 24.16. Technical Assistance.

35 Sec. 24.17. Notice of Violations and Penalties.

36 Sec. 24.18. Sale and Purchase of Fireworks.

37 Sec. 24.19. Additions to NFPA 1, Chapter 3 Definitions.

1 Secs. 24.20--24.23. Reserved.

2 Sec. 24.24. Additions to NFPA 1, Chapter 10 General Fire Safety.

3 Sec. 24.25. Additions to NFPA 1, Chapter 11 Building Services.

4 Sec. 24.26. Additions to NFPA 1, Chapter 12 Features of Fire Protection.

5 Sec. 24.27. Additions to NFPA 1, Chapter 13 Fire Protection Systems.

6 Secs. 24.28, 24.29. Reserved.

7 Sec. 24.30. Additions to NFPA 1, Chapter 18 Fire Department Access and Water Supply.

8 Sec. 24.31. Additions to NFPA 1, Chapter 19 Combustible Waste and Refuse.

9 Sec. 24.32. Reserved.

10 Sec. 24.33. Additions to NFPA 1, Chapter 65 Explosives, Fireworks, and Model Rocketry.

11
12 **Sec. 24.01. Scope.**

13 (a) This Code provides for the prevention of fire and explosion through the regulation of
14 conditions which could cause fire or explosion and panic resulting therefrom. This Code
15 identifies and uses specific standards and codes and sets those requirements necessary for the
16 administration of this Code.

17 (b) 1.1.1. The scope includes, but is not limited to, the following:

18 (1) Inspection of permanent and temporary buildings, processes, equipment,
19 systems, and other fire and related life safety situations

20 (2) Investigation of fires, explosions, hazardous materials incidents, and other
21 related emergency incidents

22 (3) Review of design and construction plans, drawings, and specifications for life
23 safety systems, fire protection systems, access, water supplies, processes, and
24 hazardous materials and other fire and life safety issues

25 (4) Fire and life safety education of fire brigades, employees, responsible parties,
26 and the general public

27 (5) Existing occupancies and conditions, the design and construction of new
28 buildings, remodeling of existing buildings, and additions to existing buildings

29 (6) Design, alteration, modification, construction, maintenance, and testing of fire
30 protection systems and equipment

31 (7) Access requirements for fire department operations

32 (8) Hazards from outside fires in vegetation, trash, building debris, and other
33 materials

34 (9) Regulation and control of special events including but not limited to exhibits,
35 trade shows, amusement parks, haunted houses, and other similar special occupancies

- (10) Interior finish, decorations, furnishings, and other combustibles that contribute to fire spread, fire load, and smoke production
- (11) Storage, use, processing, handling, and on-site transportation of flammable and combustible gases, liquids, and solids
- (12) Storage, use, processing, handling, and on-site transportation of hazardous materials
- (13) Control of emergency operations and scenes
- (14) Conditions affecting fire fighter safety

Sec. 24.02. Title.

- (a) This chapter shall be known as the "City of Orlando Fire Prevention Code", as alternative, this chapter may be known as "City Fire Code", or "Chapter 24".
- (b) The Florida Fire Prevention Code, Rule 69A-60, is hereby adopted as the Fire Prevention Code of the City of Orlando. The Fire Prevention Code of the City of Orlando shall be construed as comprising of the Rule 69A-60 with the local amendments as permitted in Section 633.025, Florida Statutes.
- (c) The Florida Fire Prevention Code adopts NFPA 1, Uniform Fire Code, of the National Fire Protection Association (NFPA), and NFPA 101, Life Safety Code. Chapter 1 of NFPA 1 is re-typed below for clarification and ease of use. The terminology and section numbers are changed to adjust to City of Orlando code format. Local administrative procedures have been added to the appropriate section of NFPA 1, Chapter 1. The entire Florida Fire Prevention Code, Rule 69A-60, is available through the State Fire Marshal's Office. One copy of said code is available in the City Clerk's Office for public use, inspection, and examination.
- (d) 1.1.2. The title of this Code shall be NFPA 1, Uniform Fire Code, of the National Fire Protection Association.
- (e) 1.1.2.1. Anytime a reference is made to NFPA 1 or NFPA 101 within this code it shall be from the currently adopted edition of the Florida Fire Prevention Code.

Sec. 24.03. Purpose.

The purpose of this Code is to prescribe minimum requirements necessary to establish a reasonable level of fire safety and property protection from the hazards created by fire, explosion, and dangerous conditions.

1 **Sec. 24.04. Application.**

2 (a) 1.3.1. This Code shall apply to both new and existing conditions.

3 (b) Except as may be specifically provided herein, the provisions of this Code shall apply to
4 all buildings, structures, vehicles, premises, and conditions within the City of Orlando as set
5 forth herein. The provisions of this Code shall apply equally to existing as well as new buildings,
6 structures, premises and conditions except that existing buildings, structures, premises and
7 conditions not in compliance with this Code may be permitted to continue unless in the opinion
8 of the Fire Chief they constitute a fire hazard to life or property.

9 (c) The provisions of this Code do not apply to one- or two-family dwellings in the normal
10 use or maintenance thereof, except as provided below:

11 Exception No. 1: This Code shall apply whenever the activity or use of such dwelling
12 creates a fire hazard to life or property.

13 Exception No. 2: Where provisions of adopted standards specifically apply to one- or
14 two-family dwellings.

15 (d) 1.3.2. *Referenced Standards.*

16 (1) 1.3.2.1. Details regarding processes, methods, specifications, equipment testing
17 and maintenance, design standards, performance, installation, or other pertinent criteria
18 contains those standards and codes listed in Chapter 2 of this Code shall be considered
19 part of this Code.

20 (2) 1.3.2.2. Where no applicable codes, standards, or requirements are set forth in
21 this Code or contained within other laws, codes, regulations, ordinances, or bylaws
22 adopted by the authority having jurisdiction (AHJ), compliance with applicable codes and
23 standards of NFPA (National Fire Protection Association) or other nationally recognized
24 standards as are approved shall be deemed prima facie evidence of compliance with the
25 intent of this Code. (See Annex J.)

26 (c) 1.3.2.3. Nothing herein shall diminish from the authority of the AHJ to determine
27 compliance with codes or standards for those activities or installations within the AHJ's
28 responsibility.

29 (e) 1.3.3. *Conflicts.*

30 (1) 1.3.3.1. When a requirement differs between this Code and a referenced
31 document, the requirement of this Code shall apply.

32 (2) 1.3.3.2. When a conflict between a general requirement and a specific
33 requirement occurs, the specific requirement shall apply.

(f) 1.3.4. *Multiple Occupancies*. Where two or more classes of occupancies occur in the same building or structure and are so intermingled that separate safeguards are impracticable, means of egress facilities, construction, and other safeguards shall comply with the most restrictive fire safety requirements of the occupancy involved.

(g) 1.3.5. *Vehicles and Vessels*. Vehicles, vessels, or other similar conveyances, when fixed in locations and occupied as buildings, as described by Section 11.6 of NFPA 101, Life Safety Code, shall be treated as buildings and comply with this Code.

(h) *Buildings*.

(1) 1.3.6. Buildings permitted for construction after the adoption of this Code shall comply with the provisions stated herein for new buildings.

(2) 1.3.6.2. Buildings in existence or permitted for construction prior to the adoption of this Code shall comply with the provisions stated herein or referenced for existing buildings (see 10.3.2).

(3) 1.3.6.3. Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform with NFPA 101, Life Safety Code, and the adopted building code of the jurisdiction.

(4) 1.3.6.4. Newly introduced equipment, materials, and operations regulated by this Code shall comply with the requirements for new construction or processes.

(i) 1.3.7. *Severability*. If any provision of this Code or the application of thereof to any person or circumstance is held invalid, the remainder of the Code and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 24.05. Equivalencies, Alternatives and Modifications.

(a) 1.4.1. *Equivalencies*. Nothing in this Code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this Code, provided technical documentation is submitted to the AHJ to demonstrate equivalency and the system, method, or device is approved for the intended purpose.

(b) 1.4.2. *Alternatives*. The specific requirements of this Code shall be permitted to be modified by the authority having jurisdiction to allow alternative arrangements that will secure as nearly equivalent fire safety as practical, but in no case shall the modification afford less fire

safety than, in the judgment of the authority having jurisdiction, that which would be provided by compliance with the corresponding provisions contained in this Code.

(c) 1.4.3. *Modifications.* The AHJ is authorized to modify any of the provisions of this Code upon application in writing by the owner, a lessee, or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of the Code, provided that the intent of the Code shall be complied with, public safety secured, and substantial justice done.

(d) 1.4.4. Buildings with alternative fire protection features approved by the authority having jurisdiction shall be considered as conforming with this Code.

(e) 1.4.5. Each application for an alternative fire protection feature shall be filed with the AHJ and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The AHJ shall keep a record of actions on such applications, and a signed copy of the AHJ's decision shall be provided for the applicant.

(f) 1.4.6. *Approval.* The AHJ shall approve such alternative construction systems, materials, or other methods of design when it is substantiated that the standards of this Code are at least equaled. If, in the opinion of the AHJ, the standards shall not be equaled by the alternative requested, approval for permanent work shall be refused. Consideration shall be given to test or prototype installations.

(g) 1.4.7. *Tests.*

(1) 1.4.7.1. Whenever there is insufficient evidence of compliance with the requirements of this Code or evidence that any material or method of construction does not conform to the requirements of this Code, or to substantiate claims for alternative construction systems, materials, or methods of construction, the AHJ shall be permitted to require tests for proof of compliance to be made by an approved agency at the expense of the owner or his/her agent.

(2) 1.4.7.2. Test methods shall be as specified by this Code for the material in question. If there are not appropriate test methods specified in this Code, the AHJ is authorized to accept an applicable test procedure from another recognized source.

(3) 1.4.7.3. Copies of the results of all such tests shall be retained in accordance with Section 1.11.

Sec. 24.06. Units.

(a) 1.5.1. *International System of Units.* Metric units of measurement in this Code are in accordance with the modernized metric system known as the International System of Units (SI).

(b) 1.5.2. *Primary and Equivalent Values.* If a value for a measurement as given in this Code is followed by an equivalent value in other units, the first stated value shall be regarded as the requirement. A given equivalent value might be approximate.

Sec. 24.07. Enforcement.

(a) 1.6. *Enforcement.* This Code shall be administered and enforced by the AHJ designed by the governing authority.

(b) The AHJ referenced in this Code is the Fire Chief of the Orlando Fire Department as stated in Florida Statute § 633.121.

(c) *Fire Safety Management Division.* The City Fire Code shall be enforced by the Fire Safety Management Division in the Fire Department of the City of Orlando, Florida, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department. The Manager of the Fire Safety Management Division shall be known as the Fire Marshal or the Fire Official.

Sec. 24.08. Authority.

(a) 1.7.1. *Administration.* The provisions of this Code shall apply without restriction, unless specifically exempted.

(b) 1.7.2 *Minimum Qualifications to Enforce this Code.* The AHJ shall establish minimum qualifications for all persons assigned the responsibility of enforcing this Code.

(c) 1.7.3. *Interpretations.*

(1) 1.7.3.1. The AHJ is authorized to render interpretations of this Code and to make and force rules and supplemental regulations in order to carry out the applications and intent of its provisions.

(2) 1.7.3.2. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this Code and shall be available to the public during normal business hours.

(d) 1.7.4. *Enforcement Assistance.*

Police and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this Code when requested to do so by the AHJ.

(e) 1.7.5. *Delegation of Authority.*

(1) *Responsibility for Code Enforcement.* The Manager of the Fire Safety Management Division shall be responsible for the administration and enforcement of this Code to ensure compliance therewith.

1 (2) 1.7.5. *Delegation of Authority.* The AHJ shall be permitted to delegate to other
2 qualified individuals such powers as necessary for the proper administration and
3 enforcement of this Code.

4 (3) *Code Inspectors.* The personnel assigned to the Fire Safety Management
5 Division delegated to carry out the inspection and enforcement procedures required by
6 this Code shall be certified by the State as a Fire Safety Inspector as set forth by Florida
7 Statute § 633.081.

8 (f) 1.7.6. *Inspections.*

9 (1) 1.7.6.1. The AHJ shall be authorized to inspect, at all reasonable times, any
10 building or premises for dangerous or hazardous conditions or materials as set forth in
11 this Code. The AHJ shall have authority to order any person(s) to remove or remedy
12 such dangerous or hazardous condition or material. Any person(s) failing to comply with
13 such order shall be in violation of this Code.

14 (2) 1.7.6.2. The AHJ shall have the authority to order any person(s) remove or
15 remedy such dangerous or hazardous condition or material. Any person(s) failing to
16 comply with such order shall be in violation of this Code.

17 (3) 1.7.6.3. To the full extent permitted by law, any AHJ engaged in fire prevention
18 and inspection work shall be authorized at all reasonable times to enter and examine
19 any building, structure, marine vessel, vehicle, or premises for the purpose of making fire
20 safety inspections.

21 (4) 1.7.6.4. Before entering a private dwelling, the AHJ shall obtain the consent of
22 the occupant thereof or obtain a court warrant authorizing entry for the purpose of
23 inspection except in those instances where an emergency exists.

24 (5) 1.7.6.5. As used in 1.7.6.4, emergency means circumstances that the AHJ
25 knows, or has reason to believe, exist and that reasonably can constitute imminent
26 danger.

27 (6) 1.7.6.6. Persons authorized to enter and inspect buildings, structures, marine
28 vessels, vehicles, and premises as herein set forth shall be identified by proper
29 credentials issued by this governing authority.

30 (g) 1.7.7 Where conditions exist and are deemed hazardous to life or property by the AHJ,
31 the AHJ shall have the authority to summarily abate such hazardous conditions that are in
32 violation of this Code.

33 (h) 1.7.8. *Interference with Enforcement.* Persons shall not interfere or cause conditions that
34 would interfere with any AHJ carrying out any duties or functions prescribed by this Code.

1 (i) 1.7.9. *Impersonation.* Persons shall not use a badge, uniform, or other credentials to
2 impersonate the AHJ.

3 (j) 1.7.10. *Investigation.*

4 (1) *Authority.*

5 (A) 1.7.10.1. *Authority.* The AHJ shall have the authority to investigate the
6 cause, origin, and circumstances of any fire, explosion, or other hazardous
7 condition.

8 (B) The Fire Chief as AHJ has delegated the authority to investigate incidents
9 as described in Section 24.08(i) to the District Chief-Special Investigative
10 Services Division.

11 (2) 1.7.10.2. *Evidence.* The AHJ shall have the authority to take custody of all
12 physical evidence relating to the cause of the fire, explosion, or other hazardous
13 condition.

14 (3) 1.7.10.3. *Limiting Access.* The AHJ shall have the authority to limit access to
15 emergencies or other similar situations.

16 (4) 1.7.10.4. *Trade Secret.* Information that could be related to trade secrets or
17 processes shall not be made part of the public record except as might be directed by a
18 court of law.

19 (k) *Plans and Specifications.*

20 (1) 1.7.11. *Plans and Specifications.* The AHJ shall have the authority to require
21 plans and specifications to ensure compliance with applicable codes and standards.

22 (2) Prior to issuance of permit for construction of any building other than detached
23 one-and two-family dwellings, plans shall be submitted to the Chief of the Fire
24 Department, or his or her designee, for approval to insure that the proper fire prevention,
25 fire protection, and safety facilities are provided.

26 (l) 1.7.12. *Inspection of Construction and Installations.*

27 (1) 1.7.12.1. The AHJ shall be notified by the person performing the work when the
28 installation is ready for a required inspection.

29 (2) 1.7.12.2. Whenever any installation subject to inspection prior to use is covered
30 or concealed without having first been inspected, the AHJ shall have the authority to
31 require that such work be exposed for inspection.

32 (3) 1.7.12.3. When any construction or installation work is being performed in
33 violation of the plans and specifications as approved by the AHJ, a written notice shall
34 be issued to the responsible party to stop work on that portion of the work that is in
35 violation.

- (4) 1.7.12.4. The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.
- (5) Approval of the fire department access and all tests for fire alarm, detection, and suppression systems, smoke evacuation systems, and life safety systems shall be conducted prior to final inspection and issuance of a certificate of occupancy.
- (6) The AHJ shall have the authority to require any permittee, at the permittee's expense, to provide a qualified and impartial third party, such as a professional engineer or licensed contractor, for verification of compliant fire alarm system installation in accordance with applicable codes.
- (m) 1.7.13 *Certificate of Occupancy*. When the Building Code requires a certificate of occupancy, the certificate of occupancy, shall not be issued until approved by the AHJ for fire code enforcement.
- (n) 1.7.14. *Stop Work or Evacuation*.
- (1) 1.7.14.1. The AHJ shall have the authority to order an operation or use stopped and the immediate evacuation of any occupied building or area when such building has hazardous conditions that present imminent danger.
- (2) 1.7.14.2. Whenever any work is being done contrary to provisions of this Code, the AHJ is hereby authorized to order such work stopped.
- (3) 1.7.14.3. Such work shall immediately stop until authorized by the AHJ to proceed.
- (o) 1.7.15. *Standby Fire Personnel*.
- (1) 1.7.15.1. The AHJ shall have the authority to require standby fire personnel or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest, or activity, an impairment to a fire protection feature, or the number of persons present.
- (2) 1.7.15.2. The owner, agent, or lessee shall employ one or more qualified persons, as required and approved, to be on duty.
- (3) 1.7.15.2.1. The cost of the standby fire personnel shall be at no cost to the AHJ.
- (4) 1.7.15.3. Such standby fire personnel or fire watch personnel shall be subject to the AHJ's orders at all times and shall be identifiable and remain on duty during the times such places are open to the public, when such activity is being conducted, or as required by the AHJ.
- (5) 1.7.15.4. All standby fire personnel and the use thereof shall be approved by the AHJ
- (p) 1.7.16. *Public Fire Education*.

(1) 1.7.16.1. The AHJ shall have the authority to develop and implement a public fire safety education program as deemed necessary for the general welfare with respect to the potential fire hazards within the jurisdiction.

(2) 1.7.16.2. The AHJ shall have the authority to ensure that appropriate or duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public.

Sec. 24.09. Duties and Powers of the Incident Commander.

(a) 1.8.1. *Authority.* The incident commander conducting operations in connection with the extinguishment and control of any fire, explosion, hazardous materials incident, natural disaster, rescue, and/or other emergency shall have authority to direct all operations of fire extinguishment, mitigation of a hazardous materials incident, natural disaster, rescue, and/or control and to take the necessary precautions to save life, protect property, and prevent further injury or damage.

(b) 1.8.2. *Controlling Scene.* During such operation, including the investigation of the cause of such emergency, the incident commander shall be permitted to control or prohibit the approach to the scene of such emergency by any vehicle, vessel, or person.

(c) 1.8.3. *Obstruction of Operations.* No person shall obstruct the operations of the fire department in connection with extinguishing or control of any fire, or actions relative to other emergencies, or disobey any command of the incident commander or any part thereof, or any lawful order of a police officer assisting the fire department.

(d) 1.8.4. *Scene Barrier.* The incident commander in charge of an emergency scene shall have the authority to establish barriers to control access in the vicinity of such emergency and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such emergency scene barrier.

(e) 1.8.5. No person, except as authorized by the incident commander in charge of the emergency, shall be permitted to cross such barriers established in accordance with 1.8.4.

Sec. 24.10. Liability.

(a) 1.9.1. The AHJ, and other individuals charged by the AHJ or the incident commander of emergency operations charged with the enforcement of this Code, or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties.

(b) 1.9.2. The fire department and AHJ, acting in good faith and without malice in the discharge of the organizations' public duty, shall not thereby be rendered liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of such duties.

(c) 1.9.3. This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons, or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code.

Sec. 24.11. Board of Appeals.

(a) 1.10.1. *Establishment of Board of Appeals.*

(1) 1.10.1.1. A Board of Appeals shall be established consisting of members and alternate members who shall be appointed by the appointing official of the jurisdiction by reason of education, experience, and knowledge and are deemed to be competent to sit in judgment on matters concerning this Code and its enforcement.

(2) 1.10.1.2. No more than one of said members or their alternates shall be engaged in the same business, profession, or line of endeavor.

Exception: Where the Board determines a potential conflict of interest may result in lack of quorum, redundant representation is permitted.

(3) 1.10.1.3. The members shall serve for a term of three years, except for the initial appointees who shall serve as follows: two for a term of one year, two for a term of two years, and three for a term of three years.

(4) 1.10.1.4. All members and any alternate members shall be appointed and shall serve in accordance with the terms and conditions of the authority having jurisdiction.

(b) 1.10.2. *Rules of the Board of Appeals.* The Board shall establish rules and regulations for conducting its business and shall render all decisions and findings in writing to the AHJ, with a copy to the appellant.

(c) 1.10.3. *Conflicts of Interest.*

(1) 1.10.3.1. Board members shall not be officers, agents, or employees of the jurisdiction.

(2) 1.10.3.2. No member of the Board of Appeals shall sit in judgment on any case in which the member, personally, is directly interested.

(d) 1.10.4. *Duties of the Board of Appeals.*

(1) 1.10.4.1. The Board of Appeals shall provide for reasonable interpretation of the provisions of this Code and rule on appeals from decisions from the AHJ.

(2) 1.10.4.2. The ruling of the appeals board shall ensure that the intent of the Code is complied with and public safety is secured.

(3) The Board of Appeals shall resolve conflicts between the fire official and local building official in favor of the requirement of the code that offers the greatest degree of life safety or alternatives which would provide an equivalent degree of life safety and an equivalent method of construction.

(e) 1.10.5.1. *Meetings of the Board of Appeals.*

(1) 1.10.5.1. The Board of Appeals shall meet whenever directed by the appointing authority to interpret the provisions of this Code and to consider and rule on any properly filed appeal from a decision of the AHJ, giving at least five days' notice of hearing, but in no case shall it fail to meet on an appeal within 30 calendar days of the filing of notice of appeal.

(f) 1.10.6. *Quorum.* Two-thirds, but not less than four members, of the Board of Appeals shall constitute a quorum. In varying the application of any provision of this Code, or in modifying an order of the AHJ, a majority vote shall be required.

(g) 1.10.7. *Meetings and Records.*

(1) 1.10.7.1. Meetings of the Board of Appeals shall be held at the call of the chair and at such times as the board determines.

(2) 1.10.7.2. All hearings before the Board of Appeals shall be open to the public.

(3) 1.10.7.3. The Board of Appeals shall keep minutes of its proceedings showing the vote of every question, or if the member is absent or fails to vote, indicating such actions.

(4) 1.10.7.4. The Board of Appeals shall also keep records of its examinations and other official actions.

(5) 1.10.7.5. Minutes and records of the Board of Appeals shall be public record.

(h) 1.10.8. *Procedures.* The Board of Appeals shall establish rules and regulations for its own procedures consistent with the provisions of this Code.

(i) 1.10.9. *Means of Appeals.*

(1) 1.10.9.1. Any person shall be permitted to appeal a decision of the AHJ to the Board of Appeals when it is claimed that any one or more of the following conditions exist:

(A) The true intent of the codes or ordinances described in this Code has been incorrectly interpreted.

1 (B) The provisions of the codes or ordinances do not fully apply.

2 (C) A decision is unreasonable or arbitrary as it applies to alternatives or new
3 materials.

4 (2) 1.10.9.2. An appeal shall be submitted to the authority having jurisdiction in
5 writing within 30 calendar days of notification of violation outlining the Code provision
6 from which relief is sought and the remedy proposed.

7 (3) 1.10.9.3. All documentation supporting an appeal shall be submitted to the AHJ.
8

9 **Sec. 24.12. Records and Reports.**

10 (a) 1.11.1. A record of examinations, approvals, equivalencies, and alternates shall be
11 maintained by the AHJ and shall be available for public inspection during business hours in
12 accordance with applicable laws.

13 (b) 1.11.2. The AHJ shall keep a record of all fire prevention inspections, including the date
14 of such inspections and a summary of any violations found to exist, the date of the services of
15 notices, and a record of the final disposition of all violations.

16 (c) *Issuance of Code-Related Documents.* The Fire Chief shall be responsible for the
17 issuance of permits, certificates, notices, and approvals, or orders pertaining to fire control and
18 fire hazards, as provided for in this Code.

19 (d) 1.11.3. *Emergency Response Records.*

20 (1) 1.11.3.1. The fire department shall keep a record of fire and other emergency
21 responses occurring within its jurisdiction and of facts concerning the same, including
22 statistics as to the extent and damage caused by such fires or emergencies.

23 (2) 1.11.3.2. The fire department shall report its incident record data, collected in
24 accordance with 1.11.3, to the recognized state agency responsible for collecting such
25 data.

26 (e) 1.11.4. All records required to be kept shall be maintained until their usefulness has
27 been served or as otherwise required by law.
28

29 **Sec. 24.13. Permits and Approvals.**

30 (a) 1.12.1. The AHJ shall be authorized to establish and issue permits, certificates, notices,
31 and approvals, or orders pertaining to fire control and fire hazards pursuant to Section 1.12.

32 (City Fire Code §24.13)

33 (b) 1.12.2. Applications for permits shall be made to the AHJ on forms provided by the
34 jurisdiction and shall include the applicant's answers in full to inquiries set forth on such forms.

- (1) 1.12.2.1. Applications for permits shall be accompanied by such data as required by the AHJ and fees as required by the jurisdiction.
- (2) 1.12.2.2. The AHJ shall review all applications submitted and issue permits as required.
- (3) 1.12.2.3. If an application for permit is rejected by the AHJ, the applicant shall be advised of the reasons for such rejections.
- (4) 1.12.2.4. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of financial responsibility is furnished.
- (c) 1.12.3. *Approvals by Other Authorities Having Jurisdiction*
- (1) 1.12.3.1. The AHJ shall have the authority to require evidence to show that other regulatory agencies having jurisdiction over the design, construction, alteration, repair, equipment, maintenance, process, and relocation of structures have issued approvals.
- (2) 1.12.3.2. The AHJ shall not be held responsible for enforcement of the regulations of such other regulatory agencies unless specifically mandated to enforce those agencies' regulations.
- (d) 1.12.4. *Misrepresentation.*
- (1) 1.12.4.1. Any attempt to misrepresent or otherwise deliberately or knowingly design; install; service; maintain; operate; sell; represent for sale; falsify records; reports; or applications; or other related activity in violation of the requirements prescribed by this Code shall be a violation of this Code.
- (2) 1.12.4.2. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by this jurisdiction.
- (3) 1.12.4.3. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the laws of this jurisdiction.
- (e) 1.12.5. A permit shall be predicated upon compliance with the requirements of this Code and shall constitute written authority issued by the AHJ to maintain, store, use, or handle materials, or to conduct processes that could produce conditions hazardous to life or property, or to install equipment used in connection with such activities.
- (f) 1.12.6. Any permit issued under this Code shall not take the place of any other license or permit required by other regulations or laws of this jurisdiction.
- (g) 1.12.7. Where additional permits are required by other agencies, approval shall be obtained from those other agencies.
- (h) 1.12.8. The AHJ shall have the authority to require an inspection prior to the issuance of a permit.

(i) 1.12.9. A permit issued under this Code shall continue until revoked or for the period of time designated on the permit.

(j) 1.12.10. The permit shall be issued to one person or business only and for the location or purpose described in the permit.

(k) 1.12.11. Any change that affects any of the conditions of the permit shall require a new or amended permit.

(l) 1.12.12. The AHJ shall have the authority to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

(m) 1.12.13. A copy of the permit shall be posted or otherwise readily accessible at each place of operation and shall be subject to inspection as specified by the AHJ.

(n) 1.12.14. Any activity authorized by any permit issued under this Code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this Code applicable thereto and in accordance with the approved plans and specifications.

(o) 1.12.15. No permit issued under this Code shall be interpreted to justify a violation of any provision of this Code or any other applicable law or regulation.

(p) 1.12.16. Any addition or alteration of approved plans or specifications shall be approved in advance by the AHJ, as evidenced by the issuance of a new or amended permit.

(q) 1.12.17. Permits shall be issued by the AHJ and shall bear the name and signature of the AHJ or that of the AHJ's designated representative. In addition, the permit shall indicate the following:

(1) Operation or activities for which the permit is issued

(2) Address or location where the operation or activity is to be conducted

(3) Name and address of the permittee

(4) Permit number and date of issuance

(5) Period of validity of the permit

(6) Inspection requirements and other permit conditions

(r) 1.12.18. Any application for, or acceptance of, any permit requested or issued pursuant to this Code shall constitute agreement and consent by the person making the application or accepting the permit to allow the AHJ to enter the premises at any reasonable time to conduct such inspections as required by this Code.

(s) 1.12.19. *Revocation or Suspension of Permits.*

(1) 1.12.19.1. The AHJ shall be permitted to revoke or suspend a permit or approval issued if any violation of this Code is found upon inspection or in case any false

1 statements or misrepresentations submitted in the application or plans on which the
2 permit or approval was based.

3 (2) 1.12.19.2. Revocation shall be constituted when the permittee is duly notified by
4 the AHJ.

5 (3) 1.12.19.3. Any person who engages in any business, operation, or occupation, or
6 uses any premises, after the fire permit issued therefore has been suspended or
7 revoked pursuant to the provisions of this Code, and before such suspended permit has
8 been reinstated or a new permit issued, shall be in violation of this Code.

9 (4) Every permit issued shall become invalid unless the work authorized by such
10 permit is commenced within 180 days after its issuance, or if the work authorized by
11 such permit is suspended or abandoned for a period of 180 days after the time the work
12 is commenced.

13 (t) 1.12.20. The authority having jurisdiction shall have the authority to issue permits for the
14 operations in Table 1.12.20(a) through Table 1.12.20(d).

15 (u) From the list authorized under NFPA 1, Table 1.12.20(a), the City of Orlando Fire
16 Department requires a Permit for all items listed in (1) through (15) below. In accordance with
17 the detailed requirements of this Code, a permit shall be obtained for the following materials
18 listed below:

19 (1) For the storage, use, or handling of compressed gases in excess of those
20 amounts listed in NFPA 1, Table 1.12.20(b), or to install, repair, abandon, remove, place
21 temporarily out of service, close, or substantially modify a compressed gas system when
22 the compressed gas in use or storage exceeds the amounts listed in NFPA 1, Table
23 1.12.20(b). (2) For the storage, use, handling, or dispensing of liquefied
24 petroleum gas (LP-gas), or to install, modify, or remove any LP-gas system.

25 (3) For the use, operation, repair, or modification of a pipeline for the on-site
26 transportation of flammable combustible liquids; to install, construct, alter, remove,
27 abandon, place temporarily out of service, or otherwise dispose of a flammable or
28 combustible liquid tank; to change the type of contents stored in a flammable or
29 combustible liquid tank to a material other than those for which the tank was designed
30 and constructed.

31 (4) For the storage, handling, or use of Class I flammable liquids in excess of 5 gal
32 inside of any building or in excess of 10 gal outside of any building, except as provided
33 below:

34 Exception No. 1: Storage or use of Class I liquids in the fuel tank of a motor
35 vehicle, aircraft, motorboat, portable or stationary power plant, or portable

1 heating plant unless in the opinion of the fire official would cause an unsafe
2 condition.

3 Exception No. 2: Storage or use of paints, oils, varnishes, or similar flammable
4 mixtures when such liquids are stored for maintenance, painting, or similar
5 purposes for a period of not more than 30 days.

6 Exception No. 3: Any one- or two-family dwelling, provided compliance with all
7 applicable provisions of NFPA codes and standards as listed in Florida
8 Administrative Code, Chapter 69A-60.

9 (5) For the storage, handling, or use of Class II or Class III-A liquids in excess of
10 25 gal in a building or in excess of 60 gal outside a building.

11 Exception: Fuel oil used in conjunction with oil-burning equipment.

12 (6) For the manufacture, possession, sale, or use of explosive materials or high-
13 powered rocketry; for the storage, transport on site, use, or handling of organic peroxide
14 formations or oxidizers in excess of the amounts listed in NFPA 1, Table 1.12.20(c) and
15 (d).

16 (7) For spraying or dipping operations utilizing flammable or combustible liquids or
17 powder coating; for installation or modification of any spray room, spray booth, or
18 preparation workstation; for the operation and maintenance of a facility that
19 manufactures organic coatings.

20 (8) For the storage, handling, assembly, or manufacturing of pyroxylin plastics, for
21 the manufacture of articles of pyroxylin plastics, or for the use of pyroxylin plastics in the
22 manufacturing or assembling of other articles.

23 (9) For the erection or operation of a membrane structure, tent or air supported
24 structure covering an area in excess of 225 square feet. Tents used exclusively for
25 camping purposes shall be exempt. The application for such permit shall be submitted to
26 the Building Official.

27 (10) For open burning or open fires including, but not limited to, bonfires and outdoor
28 rubbish fires, kindling or maintaining any open fire or a fire in any public or private
29 grounds. This does not include cooking fires in a container/equipment (i.e., grill) in the
30 property of a detached single-family dwelling.

31 (11) For the possession, storage, manufacture, sale, or discharge of any quantity of
32 consumer or display fireworks and/or pyrotechnics. This includes sparklers, and the use
33 of special effects and flame effects before a proximate audience.

34 (12) For Temporary Place of Assembly in any building, room, or tent over 1500
35 square feet rented, leased or donated on a temporary basis for the purpose of putting on

a show, exposition, dance, dinner or any other reason in which partitions, curtains, tables and/or chairs will be arranged. This includes exhibits and trade shows.

(13) For the installation, modification, or deletion of fire alarm, fire detection, fire sprinkler, fire pump, standpipe, fire hydrants, underground fire mains, or other fire extinguishing systems and related components or equipment.

(14) For the storage, transport on site, dispensing, use, or handling of hazardous materials in excess of the amounts listed in NFPA 1, Table 1.12.20(d) or to install, repair, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility or other area regulated by NFPA 1, Chapter 60 when the hazardous materials in use or storage exceed the amounts listed in NFPA 1, Table 1.12.20(d).

(15) For Special Outdoor Events, Carnivals, Fairs, Festivals. A permit is issued by the Orlando Police Department as indicated in City Code, Chapter 18A. Before issuance, the permit application is approved by Orlando Fire Department after applicant shows compliance with fire code requirements.

(v) *Transfer and Refund of Permits.* Transfer and Refund of Permits shall be in accordance to City Code §13.05, Sections 111 and 112 respectively, except that all requests for transfer or refund of Fire Permits shall be made to the Fire Official.

Sec. 24.14. Certificates of Fitness.

Certificate of Fitness is null, void, and of no effect. No local fire official is permitted to require a certificate of fitness.

Sec. 24.15. Plan Review and Inspection Fees.

(a) *Plan Review and Inspection Service Fees.* Plans review and inspection service fees shall be set by the City Council of the City of Orlando, by Resolution, which may be amended from time to time. A certified copy of the Resolution setting forth current plans review and inspection service fees shall be on file with the City Clerk and the AHJ. Plans Review and Inspection service fees, in addition to any administrative fees, shall be charged for the following:

(1) Installation, modification, or removal of fire alarm and fire suppression systems requiring Fire Department approval.

(2) Installation, modification, or removal of private underground fire service mains, hydrants, and pumps requiring Fire Department approval.

(3) Installation, modification, or removal of any above ground or underground tank containing a flammable/combustible liquid/gas or compressed flammable liquid/gas requiring Fire Department approval.

- (4) Conducting an inspection to determine compliance with the State of Florida Uniform or Minimum Fire Codes for the purpose of reporting said compliance to a state or county agency.
 - (5) Burning of any material in the open.
 - (6) False alarm of fire.
 - (7) Performing Special Effects or Pyrotechnics activities.
 - (8) Use, handling, or storage of flammable or combustible liquids as required by this Code.
 - (9) Use, handling, or storage of hazardous materials or operation thereof as required by this Code.
 - (10) Temporary places of assembly as required by this Code.
 - (11) Use, handling, or storage of compressed gases or LP-gas as required by this Code.
 - (12) Re-inspections.
 - (13) Establishing fire lanes as set forth in this Code.
 - (14) Whenever it is found that any work requiring a permit under this Code has been started or completed without obtaining the proper permit, the amount of permit fee shall be doubled.
 - (15) A fee for required inspections conducted outside the normal business hours including, but not limited to, festivals and fairs.
- (b) 1.14.1. Where required by the AHJ, for new construction, modification, rehabilitation, construction documents and shop drawings shall be submitted, reviewed, and approved prior to the start of such work as provided in Section 1.14. (City Fire Code § 24.15)
- (c) 1.14.2. The applicant shall be responsible to ensure that the following conditions are met:
- (1) The construction documents include all the fire protection requirements.
 - (2) The shop drawings are correct and in compliance with applicable codes and standards.
 - (3) The contractor maintains an approved set of construction documents on site.
- (d) 1.14.3. It shall be the responsibility of the AHJ to promulgate rules that cover the following:
- (1) Criteria to meet the requirements of Section 1.14. (City Fire Code § 24.15)
 - (2) Review of documents and construction documents within established time frames for the purpose of acceptance or providing reason for nonacceptance.

(e) 1.14.4. Review and approval by the AHJ shall not relieve the applicant of the responsibility of compliance with this Code.

(f) 1.14.5. When required by the AHJ, revised construction documents or shop drawings shall be prepared and submitted for review and approval to illustrate corrections or modifications necessitated by field conditions or other revisions to approved plans.

(g) All designs for engineered fire suppression systems shall include calculations and documentation proving the engineered system design using reliable flow data within one (1) calendar year of application for a permit.

(h) The permittee is required to call for an inspection for the permit issued during and after the authorized work is completed to ascertain compliance with this Code. Failure to call for an inspection is a violation of this Code.

(16) A fee for standby fire personnel.

Sec. 24.16. Technical Assistance.

(a) 1.15.1. The AHJ shall be permitted to require a review by an approved independent third party with the expertise in the matter to be reviewed at the submitter's expense.

(b) 1.15.2. The independent reviewer shall provide an evaluation and recommend necessary changes of the proposed design, operation, process, or new technology to the AHJ.

(c) 1.15.3. The AHJ shall be authorized to require design submittals to bear the stamp of a professional engineer.

(d) 1.15.4. The AHJ shall make the final determination as to whether the provisions of this Code have been met.

Sec. 24.17. Notice of Violations and Penalties.

(a) 1.16.1. Whenever the AHJ determines violations of this Code, a written notice shall be issued to confirm such findings.

(b) 1.16.2. *Serving Notice.*

(1) 1.16.2.1. Any order or notice issued pursuant to this Code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service by mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises.

(2) 1.16.2.2. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order of notice shall be mailed by registered or certified mail, with

1 return receipt requested, to the last know address of the owner, occupant, or both or
2 publication in a newspaper of general circulation wherein the subject premise is located.

3 (c) 1.16.3. Any person who mutilates, destroys, or removes posted orders or notices without
4 the authorization of the AHJ shall be subject to the penalties established in the jurisdiction.

5 (d) 1.16.4. Any person who fails to comply with the provisions of this Code or who fails to
6 carry out an order made pursuant of this Code or violates any condition attached to a permit,
7 approval, or certificate shall be subject to the penalties established by the jurisdiction.

8 (e) 1.16.5. Failure to comply with the time limits of an abatement notice or other corrective
9 notice issued by the AHJ shall result in each day that such violation continues being regarded
10 as a new and separate offense.

11 (f) *Penalty.* Any person who violates any provision of Chapter 24, City of Orlando Fire
12 Prevention Code, shall be punished in accordance with Section 1.08 and Chapter 5 of the Code
13 of the City of Orlando.

14
15 **Sec. 24.18. Sale and Purchase of Fireworks.**

16 (a) *Definitions.*

17 (1) "Seller" means any person, corporation, firm, or co-partnership engaged in the
18 business of selling fireworks. "Seller" shall also include "Manufacturer," "Retailer,"
19 "Seasonal Retailer," "Wholesaler," and "Distributor" as defined in Chapter 791, Florida
20 Statutes, as amended.

21 (2) "Fireworks" as used herein shall have the same definition as used in Chapter
22 791, Florida Statutes, as amended; provided, however, that this Section shall not apply
23 to the sale of blank cartridges for a show or theater, or for signal or ceremonial purposes
24 in athletics or sports.

25 (b) When selling fireworks pursuant to an exception or exemption set forth in Florida
26 Statutes § 791.02, 791.04, or 791.07, the seller of fireworks shall require the purchaser to
27 produce a photo identification or such other documents as are needed to establish the identity
28 of the purchaser. Additionally, the seller shall document and record for each sale:

29 (1) the name, home address, and home telephone number of the purchaser;

30 (2) a detailed description of the documents reviewed to establish the identification of
31 the purchaser;

32 (3) the date of the purchase or sale;

33 (4) the name and home address of the salesperson making the sale;

34 (5) the specific nature of the use which qualified for the exception or exemption
35 relied upon (i.e. "a sale at wholesale", "a sale to be shipped directly out-of-state", etc.);

1 (6) the manufacturer's label name and the quantity for each firework sold; and
2 (7) the proof reviewed by the seller to establish the exception or exemption applied
3 to that sale, which shall at a minimum contain the following information:

4 (A) If the sale is at wholesale between manufacturers, distributors, and
5 wholesalers who have registered with the Division of the State Fire Marshall of
6 the Department of Insurance prior to consummating the sale, the seller shall
7 review the actual permit or certificate issued to the purchaser by the State Fire
8 Marshal, record its number and date of issuance, and retain a photocopy of such
9 permit or certificate for inspection pursuant to City Fire Code § 24.18(c).

10 (B) If the sale is for fireworks that are to be shipped directly out-of-state by
11 the seller, the seller shall record the name, address, and telephone number of
12 the common carrier who will make the delivery and the date said fireworks were
13 delivered to that common carrier by the seller.

14 (C) If the sale of fireworks is to a person holding a permit from any board of
15 county commissioners or governing body of any municipality in the State of
16 Florida prior to consummating the sale, the seller shall review the actual permit;
17 and record the date of the permit, the permit number, and the identity of the
18 governing body issuing the permit; and retain a photocopy of the permit for
19 inspection pursuant to City Fire Code § 24.18(c).

20 (D) If the sale is for the use solely and exclusively in frightening birds from
21 agricultural works or fish hatcheries to a person who has previously filed a
22 statement in writing, with the Sheriff of the county in which the person is engaged
23 in agricultural works or the operation of a fish hatchery, which statement
24 complies with the rules of the Department of Agriculture and Consumer Services,
25 the seller shall prior to consummating the sale review an actual copy of said
26 statement; record the date of the statement, the address of the agricultural use or
27 fish hatchery, and the identity of the Sheriff with whom the statement was filed;
28 and retain a photocopy of the statement for inspection pursuant to City Fire Code
29 § 24.18(c).

30 (E) If the sale is to a proposed purchaser who does not comply with
31 subparagraphs 7(A) or 7(B) above, or does not hold a permit or statement as
32 described in subparagraphs 7(C) or 7(D) above, then the purchaser shall obtain
33 a permit issued by the City of Orlando establishing that the purchaser qualifies
34 for an exemption under Florida Statutes § 791.02, 791.04, or 791.07, and the
35 seller shall review and photocopy the permit; record the date of the permit and

1 the permit number, and retain a photocopy of the permit for inspection pursuant
2 to City Fire Code § 24.18(c).

3 (c) The information required to be photocopied or recorded in sub-section (b) above shall be
4 available for review, inspection, numbering, and/or copying by the City or its agent at the
5 location where the fireworks are being sold during the period that fireworks are being sold.
6 Additionally, said information shall be retained by the seller for a period of one year from the
7 date of sale, and if requested by the City or its agent, shall be produced for review, inspection,
8 numbering, and/or copying at City Hall during normal business hours. The request of the City or
9 its agent shall be in writing and served upon the seller by certified mail, return receipt requested,
10 or by hand delivery to the seller at the last known address of such seller. The seller shall
11 produce the requested information to the City or its agent within five (5) business days after
12 receipt of the written request.

13 (d) Any person, corporation, firm, or co-partnership purchasing fireworks pursuant to
14 Chapter 791, Florida Statutes, shall, upon request, provide to any law enforcement officer or
15 code enforcement officer proof of his/her exempt status, as required herein.

16 (e) Any law enforcement officer or code enforcement officer may seize any fireworks from
17 any purchaser who at the site of the sale refuses to or fails to provide proof of his/her exempt
18 status as required herein.

19 (f) It is unlawful for any seller, as defined herein, to sell fireworks without first obtaining,
20 documenting and recording the information required to be recorded in § 24.18(b) above.

21 (g) It is unlawful for any seller of fireworks to fail to retain the information or records required
22 to be recorded under this Section for a period of one year from the date of sale or to fail to make
23 said information or records available for review, inspection, numbering, and copying as above
24 provided.

25 (h) It is unlawful for any seller of fireworks to fail to produce the information required to be
26 recorded and retained under City Fire Code § 24.18(b) and (c) above within the time limits
27 prescribed herein after the written request of the City or its agent.

28 (i) It is unlawful for any person, corporation, firm, or co-partnership to misrepresent,
29 misstate, or falsify a statutory exemption under Chapter 791, Florida Statutes for the purpose of
30 inducing a sale of fireworks.

31 (j) *Penalties.*

32 (1) Each violation of this Section shall constitute a separate offense punishable as
33 provided in § 1.08 of the City Code.

(2) In addition to the penalties set forth in § 24.18(j)(1) above, City Fire Code § 24.18(d) and (i) may be enforceable through the use of code enforcement processes as described in Chapter 5 of the City Code.

(k) Permits reflecting that a person meets the requirements for an exemption under Chapter 791, Florida Statute may be obtained from the Orlando Fire Department by providing to said Department such information as may be reasonably required to establish that said person qualifies for said exemption. A permit may be valid for up to twelve (12) months from its date of issuance. There shall be no charge for said permit.

(l) The Orlando Fire Department shall either issue a permit or deny a request for a permit as soon as is reasonably practical, but in no event later than three (3) business days of receiving a request for a permit and its supporting information. If an applicant is dissatisfied with the decision of the Orlando Fire Department, the applicant may appeal the decision to the local Board of Appeals.

Sec. 24.19. Additions to NFPA 1, Chapter 3 Definitions.

NFPA 1, Chapter 3 is adopted in its entirety with the following additions.

(a) *Fire Official.* Any authorized person serving as a designated employee, representative, or agent of the Fire Department.

(b) *Fireworks.* Fireworks are defined in Chapter 791, Florida Statutes.

(c) *Grade.* The reference plane representing the average elevation of finished ground level adjoining the building at all exterior walls.

(d) *Special Effect.* A visual or audible effect used for entertainment purposes, often produced to create an illusion.

(h) *Flame Effect.* The combustion of flammable solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience.

(i) *Fire Flow.* The flow rate of a water supply, measured at 20 psi residual pressure, that is available for fire fighting.

Sec. 24.20. Reserved.

Sec. 24.21. Reserved.

1 **Sec. 24.22. Reserved.**

3 **Sec. 24.23. Reserved.**

5 **Sec. 24.24. Additions to NFPA 1, Chapter 10 General Safety Requirements**

6 NFPA 1, Chapter 10 is adopted in its entirety with the following additions:

8 (a) Add to Section 10.1.

9 (1) *Spread of Fire.* No person shall permit any fire to spread so as to endanger life or
10 property or use or operate any device which may be a source of ignition unless proper
11 removal of flammable or combustible material surrounding the operation is accomplished
12 or such other reasonable precautions are taken to ensure against the starting and
13 spreading of unwanted fires.

14 (2) *Maintaining a Fire Hazard.* No person shall maintain a fire hazard.

15 (b) Add to Section 10.2.

16 *Responsibility to Prevent Overcrowding.* The owner, operator, or person in charge of the
17 premises shall be responsible for preventing overcrowding.

18 (1) Signs approved by the AHJ stating the maximum occupant content shall be
19 conspicuously posted and maintained by the owner of the building in each assembly
20 room, auditorium, or room used for a similar purpose where fixed seats are not installed.
21 It shall be unlawful to remove or deface such notice.

22 (2) No person shall fail to leave any premises which are overcrowded when told to
23 do so by the management of the premises, the AHJ, or any authorized enforcement
24 officer.

25 (3) The official maximum occupant content shall be established by the AHJ.

26 (4) Obstruction of Aisles and Passageways. No person shall block, impede, or
27 obstruct any aisle, passageway, hallway, lobby, foyer, or stairway leading to or from any
28 entrance or exit which is required by law in any manner so as to prevent, delay, hinder,
29 or interfere with the free use of such passageway by any person. Special security or
30 security devices which affect the exiting shall be subject to the approval of the AHJ.

31 (5) The AHJ, upon finding any overcrowded conditions or obstructions in aisles,
32 passageways or other means of egress, or upon finding any condition which constitutes
33 a serious menace to life, shall cause the performance, presentation, spectacle,
34 entertainment or other activity to be stopped until such condition or obstruction is
35 corrected.

1 (6) 20.1.4.6 Crowd Mangers ↓

2 (1) Assembly occupancies with at least 50 people shall provide a minimum of one trained crowd
3 manager or when the occupant load exceeds 250 people, the establishment must provide
4 additional trained crowd managers or crowd supervisors at a ratio of one for every 250
5 occupants.

6
7 (c) Add to Section 10.7.

8 *Reporting Hazardous Condition.* Any person, upon discovering evidence of spontaneous
9 heating or other abnormal heating of any merchandise, commodity, cargo, shipment, or other
10 material of any kind in any building, appliance, apparatus, tank, or open stack or pile, or any
11 person upon discovering or being apprised of any uncontrolled hazardous gas leak or
12 hazardous material or combustible or flammable liquid spill, shall immediately notify the Fire
13 Department.

14 (1) Whenever an unwanted fire occurs in any building or on any premises of any
15 kind, the owner, manager, occupant, or any person in control of such building or
16 premises, upon discovery of the fire, or evidence of their having been an unwanted fire,
17 even though it has apparently been extinguished, immediately shall cause notice of
18 existence of such fire, circumstances of same, and the location thereof to be given to the
19 Fire Department. This requirement shall not be construed to forbid the owner, manager,
20 or other person in control of the aforementioned building or premises from using all
21 diligence necessary to extinguish such fire prior to the arrival of the Fire Department.

22 (2) Carelessness with Fire. No person shall deliberately, or through carelessness or
23 negligence, set fire to or cause the burning of any material in such manner as to
24 endanger the safety of any person or property.

25 (d) Add to Section 10.8.

26 (1) *Notification of Fire Department of Inoperative Fire Safety Equipment.* Persons
27 owning, controlling, or otherwise having charge of any fixed fire extinguishing or fire
28 warning system or standpipe system shall notify the Fire Department at any time such
29 system or systems are inoperative or taken out of service. The Fire Department shall
30 also be notified when service is restored.

31 Exception: This Section shall not apply to firms which have established on-
32 premises fire fighting organizations and have coordinated and arranged
33 procedures approved by the AHJ.

(2) *Attachments to Fire Escapes and Fire Protection Equipment.* No person shall attach or fasten any rope, wire, cable, or similar device, except approved standard equipment, to any part of any fire escape, standpipe, auxiliary fire fighting equipment, appliance, or other apparatus.

(e) Add to Section 10.11.2.

Disposal of Hot and Glowing Materials. Hot ashes, cinders, or smoldering coals shall be placed in non-combustible receptacles. Such receptacles, unless resting on a non-combustible floor or on the ground outside the building, shall be placed on non-combustible stands, and in every case shall be kept a distance of at least 2 ft. (0.61 m) laterally away from any combustible material, structure, or any exterior window opening.

(f) Add to Section 10.12.1.

Access to Buildings. The owner of every property protected by a water flow, heat detector, smoke detector, manual fire alarm or any other device or system which will initiate a signal indicating an emergency, requiring immediate action by the Fire Department, will insure access to the entire property protected by the following means:

(1) At least one person who will respond to the property within one (1) hour from alarm initiation and be capable of being contacted by the Supervising Station at all times, and

(2) Keys to all areas shall be made available to the Fire Department in a lock box at the protected property at a location and of a type specified by the Fire Department; the key to which box will be carried only by Fire Department vehicles.

(g) Add to Section 10.12.2.

(1) All gated properties without 24-hour staffed guardhouses and with automatic opening devices, including, but not limited to, multi-family, one- and two-family dwellings, residential board and care, and health care, shall be provided with an automatic optical detector emergency access device approved by the Fire Marshal.

(2) All new gates installed at 24-hour occupancy properties, such as multi-family, one- and two-family dwellings, residential board and care, and health care, shall be automatic gates and be provided with an automatic optical detector emergency access device approved by the Fire Marshal. Existing automatic opening devices may be continued in use subject to the approval of the Fire Marshal.

(3) Manual gates at gated properties which are not required to have automatic opening devices by other sections of this Code shall be provided with a lock box or lock at the protected property at a location and of a type specified by the Fire Marshal, the key to which box will be carried only by Fire Department vehicles.

1 **Sec. 24.25. Additions to NFPA 1, Chapter 11 Building Services.**

2 NFPA 1, Chapter 11 is adopted in its entirety with the following additions:

3
4 (a) Add to Section 11.7.4.

5 *Testing of Emergency and Standby Power Systems.* The owner, operator, or person in charge
6 of the premises shall perform maintenance test of all emergency and standby power systems
7 and shall submit annual reports to the AHJ demonstrating compliance.

8 (b) Add to Section 11.8.

9 (1) *Smoke Removal System in Special Amusement.* All new special amusement
10 buildings or portions thereof having an area greater than 25,000 sq. ft. shall be equipped
11 with an engineered smoke control system acceptable to the AHJ.

12 Exception: In lieu of an engineered smoke control system, a smoke removal system
13 acceptable to the AHJ may be considered. This smoke removal system shall be sized to
14 provide a minimum of four air changes per hour. Gravity inlets should be sized at the
15 lowest level and be sized for a minimum of 75 percent (75%) of the exhaust.

16 The required smoke control system or smoke removal system shall be activated by a
17 manual control installed in a location accessible to the Fire Department. In addition, the
18 systems shall be activated by automatic sprinkler system and smoke detection system
19 when installed.

20 (2) *Testing of Smoke Control Systems.* The owner, operator, or person in charge of
21 the premises shall perform maintenance test of all mechanical smoke control systems in
22 accordance with NFPA 92A and shall submit annual reports to the AHJ demonstrating
23 compliance.

24
25 **Sec. 24.26. Additions to NFPA 1, Chapter 12 Features of Fire Protection.**

26 NFPA 1, Chapter 12 is adopted in its entirety with the following additions:

27
28 (a) Add to Section 12.3.

29 All fire-resistive construction including fire barriers, fire walls, and smoke barriers shall be
30 permanently stenciled with letters no less than six (6) inches in height on the partition reading
31 substantially as follows:

32 "FIRE AND SMOKE BARRIER--PROTECT ALL OPENINGS"

33 (b) Add to Section 12.4.1.

34 (1) All fire and smoke-stop doors shall be kept in operable condition.

35 (2) No fire door may be blocked or obstructed or otherwise made inoperable.

- (3) Fusible links shall be replaced promptly whenever fused or damaged.
- (4) Fire doors designed to be kept normally open shall be marked: "Fire door--do not block."
- (5) Fire doors designed to be kept normally closed (such as stairwell doors) shall be marked: "Fire door--keep closed."
- (6) Hold open devices and automatic door closers, where provided, shall be maintained. During the period that any such device is out of service for repairs, the door it operates shall remain in the closed position.
- (c) Add to Section 12.6.
- (1) *Fire Retardants.* The provisions of subsections (2) and (3) below shall be applicable to all chemical formulations, paints, coatings, or other finishes which are sold, offered for sale, or advertised for sale, and which purport to reduce the surface flame-spread rating or to reduce or eliminate combustible characteristics of furnishing or structures.
- (2) *Approval and Tests.* No person shall sell, offer or advertise for sale, any chemical formulation, paint, coating, or other finish, which purports to reduce flamespread rating or to reduce or eliminate combustible characteristics of furnishing or structures, that has not been granted approval as required by this Code.
- (3) *Applicators of Fire Retardant Coatings.* Every applicator of fire retardant coatings shall certify to the AHJ that applications of such coatings comply with the manufacturer's specifications.
- (4) *General Use of Combustible Decorations.* No person shall install, maintain, or use vegetation, bunting, cotton batting, plastic cloth, textile, excelsior, paper or other combustible material for the purpose of decoration in any building, premises, vehicle or marine vessel to which the public is admitted or invited unless such decorative materials have been made flame resistant with an approved flame retardant material or process in accordance with applicable NFPA codes and standards as listed in this Code.
- Exception: This paragraph shall not apply to materials used in a display or other material which is limited in quantity and approved by the AHJ for such use.
- (5) *Fire Tests.* Tests for determining flammability of combustible decorations shall be conducted in accordance with applicable procedures for the type of combustible decoration involved.
- (6) *Table Covers for Exhibits.* Table covers for exhibits shall be classified as decorative materials and shall comply with subsection (1) above.

1 **Sec. 24.27. Additions to NFPA 1, Chapter 13 Fire Protection Systems.**

2 NFPA 1, Chapter 13 is adopted in its entirety with the following additions:

3
4 (a) Add to Section 13.2.2.1.

5 (1) All Class I standpipe systems installed in the City shall be equipped with a two
6 and one-half (2 ½) inch by one and one-half (1 ½) inch reducer, and a cap with
7 attachment chain.

8 Exception: Open parking structures as defined in NFPA 88A, Standard for
9 Parking Structures, or other structures subject to freezing shall be permitted to
10 have a Class I standpipe system with a dry pipe valve or deluge valve apparatus.

11 (2) Two (2) Siamese connections, one at each end of the building or as remotely
12 located as possible, shall be provided in the path of fire department access.

13 (3) Manual-Dry standpipe systems are prohibited in the City of Orlando. The source
14 of water supply for standpipe systems shall be approved by the AHJ.

15 (4) One riser shall be provided with a roof manifold with two (2) two and one-half (2-
16 1/2) inch outlets; each additional riser shall be provided with one (1) two and one-half (2-
17 1/2) inch Fire Department outlet above the roof.

18 (b) Add to Section 13.3.1.

19 (1) *Supervisory Facilities for Automatic Sprinkler Systems.* All automatic sprinkler
20 systems shall be provided with supervising station facilities approved by the AHJ in
21 accordance with NFPA 72, National Fire Alarm Code, to assure they are in proper
22 operative condition to give automatic notice of any closed water supply valve or other
23 conditions that might interfere with the operation of the system; also, notice of any flow
24 of water in the system due to fire or other cause. Such facilities shall include provision
25 for immediate alarm to the Fire Department in case of fire or suspected fire and for
26 appropriate immediate action to restore the sprinkler system to operative condition in
27 case of any impairment.

28 Exception: Where permitted, a fire suppression system installed in accordance
29 with NFPA 13D, Standard for the Installation of Sprinkler systems in One- and Two
30 Family Dwellings and Manufactured Homes, shall not require electronic supervision.

31 (c) Add to Section 13.3.2.

32 (1) *Automatic Fire Extinguishing System Required.* All new residential occupancies,
33 except detached one- and two-family dwellings, shall be protected throughout by an
34 approved and electrically supervised automatic sprinkler system in accordance with
35 NFPA 13, Standard for the Installation of Sprinkler Systems.

1 Exception No.1: Residential occupancies up to four (4) stories in height may be
2 protected in accordance with NFPA 13R, Standard for the Installation of Sprinkler
3 Systems in Residential Occupancies up to and including Four Stories in Height,
4 where not otherwise required to be protected by sprinklers pursuant to the
5 Building Code or other applicable standards.

6 Exception No.2: Multi-family townhouse residential units separated by structurally
7 independent, four (4) hour fire resistance rated firewalls may be protected in
8 accordance with NFPA 13D, Standard for the Installation of Sprinkler Systems in
9 One- and Two- Family Dwellings and Manufactured Homes, where not otherwise
10 required to be protected by sprinklers pursuant to the Building Code or other
11 applicable standards.

12 (2) All new buildings or buildings with new additions exceeding 5000 sq. ft. in area
13 shall be protected throughout by an approved and electrically supervised automatic
14 sprinkler system in accordance with NFPA 13, Standard for the Installation of Sprinkler
15 Systems.

16 (3) All existing buildings with new occupancies exceeding 10,000 sq. ft. in area shall
17 be protected throughout by an approved and electrically supervised automatic sprinkler
18 system in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems.

19 (4) Whenever this code or the Florida Fire Prevention Code requires the installation of a
20 fire protection sprinkler system in a building or portions thereof, the sprinkler system will
21 be installed throughout all areas of the building and shall be installed in accordance with
22 NFPA 13.

23
24
25 Exception No. 1: Section 24.27(c) subsections (2) and (3) shall not apply to buildings
26 housing occupancies or processes in which the addition of an automatic fire
27 extinguishing system would increase rather than decrease the hazard to life or property
28 of others and shall not apply to those occupancies regulated by Florida Statutes §
29 633.05 pertaining to Uniform Firesafety Standards.

30 Exception No. 2: Section 24.27(c) subsections (2) and (3) shall not apply to structures
31 exclusively used as a greenhouse or aircraft hangars that are protected in accordance
32 with NFPA 409 and exclusively used for storage of aircraft.

33 Exception No. 3: Section 24.27(c) subsections (2) and (3) shall not apply to buildings of
34 non-combustible construction used exclusively for storage of material deemed non-
35 combustible by the Fire Chief.

Exception No. 4: Section 24.27(c) subsections (2) and (3) shall not apply to open air structures where, in the opinion of the Fire Chief, sprinkler installation will not materially increase the level of life safety.

(d) Reserved.

(e) Add to Section 13.4.1.1.

The installation of fire pumps may be required in buildings where height, nature of occupancy or area involved would, in the judgment of the AHJ, reduce the effectiveness of such systems below acceptable standards when supplied only by primary water and pressure systems. Such fire pumps shall meet the requirements in accordance with NFPA codes and standards as listed in this Code. A permanently installed standby power generation system shall be provided if an electric-driven fire pump is installed in a high-rise structure.

Sec. 24.28. Reserved.

Sec. 24.29. Reserved.

Sec. 24.30. Additions to NFPA 1, Chapter 18 Fire Department Access and Water Supply.

NFPA 1, Chapter 18 is adopted in its entirety with the following additions:

(a) Add to Section 18.2.2.1.

The AHJ shall have the authority to establish access areas (fire department access roads) to existing buildings for fire fighting or rescue operations.

(b) Add to Section 18.2.2.4.

Secondary fire department access roads, when necessary, shall be designated by the AHJ.

(c) Add to Section 18.2.2.5.7.

Following approval and establishment by the AHJ, access areas (fire department access roads) shall be posted with appropriate signs by the property owner as approved by the AHJ. It shall be unlawful for any person to obstruct in any manner, including the parking of vehicles, access areas (fire department access roads) posted with appropriate signs. Signs shall conform to Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the Transportation Engineer of the City of Orlando, and shall be fabricated with reflective backing and with translucent letters and border in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), Section 2A-16. It shall be unlawful for any person to erect or post an access area

(fire department access roads) sign on any property without the approval of the AHJ. It shall be unlawful for any property owner to allow an access area (fire department access road) sign to remain erected or posted on his property without the approval of the AHJ.

(d) Add to Section 18.2.3.4

Engineers or designers must contact the AHJ to ascertain current Fire Department Apparatus Specifications for use in designing Fire Department Access Roads prior to submitting plans to the Office of Permitting Services.

(e) Add to Section 18.3.

Fire Hydrants Required.

(1) Other than dwellings, no building shall be hereafter constructed unless all parts of such building are within three hundred (300) feet of a fire hydrant; provided, however, that when the building is protected by an approved and supervised automatic fire sprinkler system, the distance may be increased to five hundred (500) feet. With respect to detached one- and two-family dwellings, the distance shall be increased to five hundred (500) feet. If necessary, additional hydrants will be provided within five hundred (500) feet of the building of sufficient quantity to supply the required fire flow for the building.

(2) No individual fire hydrant delivers more than 1,250 gallons per minute (gpm) of the required fire flow.

(3) The measurement between the building and hydrant shall be made on a surface route capable of meeting the requirements of this Code.

(4) The required fire flow shall be determined as specified in the standard: Determination of Required Fire Flow as published by the Insurance Services Office (ISO). The fire flow for a building when sprinkler protected in accordance with NFPA 13 will be calculated at 50% of a non-sprinkler protected building, but shall not be less than 1000 gpm. Calculations and a water supply analysis shall be provided to demonstrate delivering of fire flow.

(5) All fire hydrants shall be installed in accordance with NFPA codes and standards as listed in this Code. New fire hydrant(s) shall be installed so that the 4 1/2 inch port is facing the roadway by which it is accessed. Hydrant(s) shall also be positioned not more than five (5) feet away from the curb or berm of the roadway.

(6) No hydrant meeting the requirements of this Code shall be installed within fifty (50) feet of the building served thereby.

(7) No fire hydrant will be acceptable as meeting any requirement of this Code unless it will deliver at least 1,000 gpm.

Exception: When the hydrant is serving detached one- and two-family dwellings.

(8) Hydrant Coding. Each fire hydrant shall be painted in accordance with NFPA 291, Recommended Practice for Fire Flow Testing and Marking of Hydrants, as follows unless otherwise specified by the AHJ:

(A) The barrel of a public hydrant shall be silver, and the barrel of a private hydrant shall be chrome yellow;

(B) The top and caps of the hydrant shall be painted according to the available fire flow as follows:

Hydrants flowing 1500 gpm or greater: Light blue.

Hydrants flowing 1000--1499 gpm: Green.

Hydrants flowing 500--999 gpm: Orange.

Hydrants flowing 499 gpm or less: Red.

(C) Hydrants will be repainted as necessary to readily identify the gpm flow coding color.

(9) Hydrant Testing. All owners of a private hydrant shall perform the required testing, inspection, and maintenance of that fire hydrant, annually, in accordance with Florida State Statute 633.065 and shall submit an annual report to the City of Orlando Fire Department Fire Safety Management Division within thirty (30) days of completion of the testing, inspection, and maintenance. All reports submitted shall include static, residual, pitot, and gallons per minute readings, as well as any deficiencies found during such tests and inspections.

Sec. 24.31. Additions to NFPA 1, Chapter 19 Combustible Waste and Refuse.

NFPA 1, Chapter 19 is adopted in its entirety with the following additions:

(a) Add to Section 19.1.

(1) Roofs, courts, yards, vacant lots, vacant buildings, and open spaces shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind. All weeds, grass, vines or other growth, when same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.

(2) All combustible rubbish, oily rags or waste material when kept within a building, shall be securely stored in metal or metal-lined receptacles equipped with tight-fitting covers or in rooms or vaults constructed of non-combustible materials.

(3) It shall be unlawful to accumulate or store combustible waste matter beneath trailers or at any other place within a trailer camp or mobile home park.

Sec. 24.32. Reserved.

Sec. 24.33. Additions to NFPA 1, Chapter 65 Explosives, Fireworks, and Model Rocketry.

NFPA 1, Chapter 65 is adopted in its entirety with the following additions:

(a) Add to Section 65.1.

Fireworks.

(1) Except as permitted by Florida Statutes, it shall be unlawful for any person to possess, manufacture, store, offer for sale, expose for sale, sell at retail or use or explode any fireworks; public displays conducted in accordance with NFPA 1123, Code for Fireworks Displays, shall be permitted when the operator is in possession of a valid permit issued by the City. Every such use or display shall be handled by a competent operator approved by the AHJ and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person.

(2) Applications for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall be granted, sale possession, use and/or distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(3) Permits shall be required for all construction, handling, use, manufacturing, transportation, sale, display of fireworks in the City of Orlando as indicated on City Fire Code Section 24.13(t)(11).

(b) Add to Sections 65.2 and 65.3.

Fireworks/Special Effects.

(1) No person shall discharge any fireworks, as defined in this Code, without a permit. Such permit shall prescribe the explosive compounds or incendiary composition to be used and the amount per show.

(2) Prior to the issuance of a permit for fireworks/special effects, the operator shall file application with the Fire Department, stating qualifications and other information as

deemed necessary by the AHJ to certify that the operator is capable of safely discharging such fireworks as described to the satisfaction of the AHJ.

(3) The location of the fireworks/special effects display shall be specified as to street address, building designation and exact area within the building to assure that the proposed display can safely be discharged as approved.

(4) No permit once issued may be transferred to another location nor to another operator, and any change in the information listed on the permit will necessitate the reapplication for a new permit; the previously issued permit is then void.

(5) At no time shall the amount of explosive compound inside the building listed on the permit exceed the amount necessary for one show date consumption.

(6) No permit shall be issued until the show setup is approved by the AHJ or his/her designee prior to the first show.

(7) No permit shall be issued unless the building listed as the location of the display has had a current fire inspection and is in compliance with the Fire Prevention Code.

(c) Reserved.

(d) Add to Section 65.11.4.

Structures where fireworks, as defined in Florida Statute, Chapter 791, are housed, stored, or sold shall meet all of the following conditions:

(1) Non-combustible construction

(2) Free-standing building with a clear space on all four sides of at least 20 feet.

(3) Protected by a supervised automatic sprinkler system designed for Extra Hazard or an ESFR system.

(4) Protected by a fire alarm system initiated by pull stations and smoke detectors with appropriate notification appliances.

(5) Protected by a smoke exhaust system initiated by smoke detectors throughout the building.

(6) Sales area is limited to 5,000 sq. ft.

Exception: Existing structures or stores currently permitted to house, store, or sell fireworks before the adoption of City Fire Code, Section 24.33(d) may continue to house, store, or sell fireworks so long as conditions of the current permit continue to be satisfied.

SECTION THREE: 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 hereof.

1
2 SECTION FOUR: The City Attorney may correct scrivener's errors found in this ordinance
3 by filing a corrected copy of this ordinance with the City Clerk.
4

5 SECTION FIVE: The City Clerk is hereby directed to transmit a certified copy of this
6 Ordinance to the Florida Building Commission and the State Fire Marshal within thirty (30) days
7 of enactment thereof.
8

9 SECTION SIX: This ordinance shall take effect as provided by law.
10

11 DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a
12 regular meeting, this 5 day of December, 2011.
13

14 DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of
15 Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 1 day of
16 December, 2011.
17

18 DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE, by an
19 affirmative vote of a majority of a quorum present of the City Council of the City of Orlando,
20 Florida, at a regular meeting, this 12 day of December, 2011.
21
22
23

24 BY THE PRESIDING OFFICER OF THE CITY
25 COUNCIL OF THE CITY OF ORLANDO,
26 FLORIDA:

27 Patty Shahan
28 Mayor / Pro Tem

29 ATTEST, BY THE CLERK OF THE
30 CITY COUNCIL OF THE CITY OF
31 ORLANDO, FLORIDA:

32 Alana Brenner

33 Alana Brenner, City Clerk
34

35 APPROVED AS TO FORM AND LEGALITY
36 FOR THE USE AND RELIANCE OF THE
37 CITY OF ORLANDO, FLORIDA:

38 Walter Brankin

39 Assistant City Attorney
40
41
42
43
44
45

