

ORDINANCE NO. 1286

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES REGARDING THE ADOPTION OF THE FLORIDA FIRE PREVENTION CODE; TO PROVIDE FOR SEPARABILITY, CONFLICTS AND EFFECTIVE DATE.

WHEREAS, the City of Oviedo, Florida provides fire protection and prevention services to the citizens; and

WHEREAS, the City of Oviedo, Florida recognizes the need to provide a minimum level of life safety and building protection within structures.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, as follows:

SECTION 1: That Chapter 26 of the “Code of Ordinance of the City of Oviedo, Florida” is hereby deleted in its entirety and the following is hereby inserted in lieu of:

Sec. 26-1. Fire Prevention Codes Adopted, incorporated by reference.

- (a) The following Codes are hereby adopted by reference as though they were copied herein fully:

The Florida Fire Prevention Code, as published by the Department of Financial Services for the State of Florida, and any amendments thereto as may be adopted.

These codes shall constitute and be known as and may be cited as the “City of Oviedo Fire Code”.

- (b) Any of the above adopted Codes shall not be construed to repeal any portion of the Ordinance of the City of Oviedo relating to fire protection. In the event of a conflict between the Fire Prevention Code and any Ordinance of the City of Oviedo, the regulations set forth in the Ordinance of the City of Oviedo shall apply and shall supersede the provisions of the above adopted Codes.

Sec. 26-2. Amendments to the Florida Fire Prevention Codes.

- (a) The following sections of the Florida Fire Prevention Code shall be revised to read as follows:

102.4.3. Plan Review The Fire Official shall examine, or cause to be examined, all plans for construction, alteration or remodeling of any structure, except one and two family detached dwellings, including any installed system, and shall ascertain by such examination whether the construction indicated and described is in compliance with the requirements of this code. Such plans shall include, but not be limited to, construction

drawings, specifications, computations and additional data as deemed necessary by the Fire Official. All project site plans shall be reviewed under the provisions of the applicable Sections of this Code and the “City of Oviedo Land Development Code”.

102.4.4. Non-Compliance If the plans submitted for review do not conform to the requirements of this code or other fire related laws or ordinance, the Fire Official shall reject said plans and provide the reason(s) for rejection. Plans must then be re-submitted for review in accordance with the Building Department’s policies and procedures.

102.4.5. Fees For all work for which plans must be reviewed, as set forth in Section 102.4.3 of this Code, and for all services associated therewith, a fee shall be paid as required at the time of submission of the plans or as required services are performed. All fees shall be in accordance with the “City of Oviedo Fire/Rescue Fee Schedule”.

102.4.6. Delete

102.4.7. Fire Code Compliance Once all the provisions have been met, the Fire Official shall issue a letter of the Fire Code Compliance to the Building Official prior to the Building Official issuing a Certificate of Occupancy for the premises for which the building permit had been issued.

102.7. Delete

105.2.3. Board of Adjustment’s and Appeals Function as Local Administrative Board The Board of Adjustments and Appeals is hereby designated as the “Local Administrative Board” pursuant to Florida Statute Chapter 553.73 (8). Persons appointed to the Board of Adjustments and Appeals shall be deemed to be likewise appointed to the “Local Administrative Board” pursuant to Florida Statute Chapter 553.73 (8).

301. Delete

503.3. Excessive False Alarms The transmission of more than three (3) false alarm signals by an automatic fire detection system or a medical alarm system within a twelve (12) month time period is excessive and constitutes a serious public nuisance. The activation of four (4) or more false alarms within a twelve (12) month period will be billed in accordance with Resolution No. 505-94 for the actual cost of the call. The Fire Official shall have the authority to reduce or waive the bill on a case-by-case basis.

Exception: Alarms transmitted from one and two family detached dwelling units.

504.8. Use of Grills on Balconies The use of barbecues, gas grills, smokers, or other heat/smoke producing equipment shall be prohibited within any structure or on/in any balcony, garage or porch of any multi-family dwelling unit.

Exception: Units specifically designated for interior use and/or those units protected in accordance with NFPA 96.

602.5.1. Obstructing Fire Hydrants No obstructing material, sign, fence, shrub, tree, wall or other obstacle shall be within (7 1/2) feet from the rear or sides of a hydrant. No obstruction shall be placed or grown in front of a fire hydrant. Fire hydrants shall only be painted with a color approved by the Fire Official.

602.6.6. Gate Access Gated developments shall provide the Fire Department access through the use of remote transmitters and a key code as specified by the Fire Official.

602.6.7. Speed Bumps If installed, speed bumps shall not cause the speed of an emergency vehicle to be reduced below the posted speed limit.

602.6.8. Loading Zones With the approval of the Fire Official, fire lanes fronting a retail establishment may have loading zones if the building is fully fire sprinklered.

603.1.3.2. Location of Fire Hydrants The location and number of hydrants shall be designated by the Fire Official in accordance with the current edition of the City of Oviedo Land Development Code and the ISO Guide for Determining Needed Fire Flow.

603.10.1. Delete

603.15.8 Delete

2002.1 Fireworks Fireworks shall be defined and regulated in accordance with Chapter 791, Florida Statute and Rule 4A-50 of the Florida Administrative Code, with the exception of public displays, pyrotechnic special effects and manufacturing operations, which shall be regulated in accordance with this Code.

Sec. 26-3. Impact fee credits.

The following occupancies shall receive a fire impact fee credit for the installation of a fire suppression system installed in accordance with NFPA 13, 13R, 13D.

- (a) New occupancy construction, which is not required by the State of Florida Fire Prevention Code to have an automatic sprinkler system, shall receive a 20% credit on the fire/rescue impact fee.
- (b) New single-family detached dwelling units shall receive a full credit for the fire/rescue impact fee.

Sec. 26-4. Delete

Sec. 26-5. Penalty

Any person(s) who shall violate any provisions of this code or the Florida State Fire Prevention Code as adopted by the City of Oviedo, for which another penalty is not

provided, or shall fail to comply therewith; or shall violate or fails to comply with any order made thereunder; or shall build in violation of any details, statement specifications, or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the Authority Having Jurisdiction or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and non-compliance, respectively be punished by a fine as set by the City of Oviedo Code Enforcement Board.

Sec. 26-6. Automatic fire sprinkler systems.

Automatic fire sprinkler systems shall be required in all new construction greater than eight thousand (8,000) square feet with the exception of one and two family dwellings.

Sec. 26-7. Investigation of Fire Hazards.

The Chief of the fire department or his designee is hereby authorized and required to call for an investigation of and cooperate with other authorities in investigating all fires which he has reason to believe result from arson or attempted arson.

(Code 1972, 8-9)

Sec. 26-8. Open burning prohibited.

(a) Open burning of land clearing, commercial waste, residential trash, garbage, lawn debris, clippings, trees or other debris on residential, commercial or industrial property is prohibited.

(b) Exceptions:

(1) The following types of burning are permitted if pre-approved by the Fire Official:

- a. Ceremonial fires.
- b. Fire department training fires.
- c. Prescribed burns conducted by the fire department or the State Division of Forestry.
- d. When an emergency condition exists within the City that warrants burning.
- e. Agricultural burning: The burning of vegetative material originating on site in conjunction with the cultivation of land, and including: gardening or horticulture, fruit growing, raising of vegetables, trees, shrubs, plants, pastures or rangeland, in areas of the city zoned agricultural.

(2) The following types of burning do not require pre-approval by the Fire Official and are permitted if conducted in a safe manner and without complaints:

- a. Kilns, ovens or other similarly regulated devices.
- b. Campfires or outdoor cooking fires.
- c. Warming fires conducted at work sites in a barrel when the temperature is below 45 degrees Fahrenheit.

(Code 1972 8-10; Ord. No 1070, 1, 12-7-98)

SECTION 2. The provisions of this ordinance are declared to be separable and if any section, sentence, clause or phase of this ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same hereby repealed.

SECTION 4. This ordinance shall become effective immediately upon its passage and adoption.

FIRST READING: _____

SECOND READING: _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2004, A.D.

DOMINIC PERSAMPIERE
CHAIRMAN, of the City of Council of the City of Oviedo, Florida

THOMAS G. WALTERS
MAYOR, of the City of Council of the City of Oviedo, Florida

ATTEST:

Barbara J. Barbour
CITY CLERK