

FIRE PREVENTION; GENERAL PROVISIONS

§ 33.20 PURPOSE.

This subchapter is to provide the city with rules and regulations to:

- (A) Regulate and improve public safety by promoting the control of fire hazards;
- (B) Regulate the installation, use, and maintenance of equipment;
- (C) Regulate the use of structures, premises, and open areas;
- (D) Providing for the abatement of fire hazards;
- (E) Establish the responsibilities and procedures for code enforcement; and
- (F) Set forth the standards for compliance and achievement of these objectives.

('74 Code, § 10-1) (Ord. 79-44, passed 2-21-80)

§ 33.21 FIRE PREVENTION CODE — ADOPTION; ENFORCEMENT.

(A) *Adoption.* The Florida Fire Prevention Code, adopted by the State Fire Marshal, which shall operate in conjunction with the Florida Building Code, is hereby adopted as the fire prevention code of the city.

(B) *Enforcement.* The city shall enforce the Florida Fire Prevention Code as the minimum fire safety code. Such enforcement requires inspection of each new building and periodic inspection of each existing building subject to the Florida Fire Prevention Code.

('74 Code, § 10-3) (Ord. 79-44, passed 2-21-80; Am. Ord. 87-45, passed 12-17-87; Am. Ord. 92-13, passed 3-14-92; Am. Ord. 96-34, passed 9-5-96; Am. Ord. 2002-37, passed 5-16-02)

§ 33.22 UNIFORM FIRE SAFETY STANDARDS — ADOPTION.

The Uniform Fire Safety Standards, established by the Department of Insurance in accordance with Fla. Stat. § 633.022, are hereby adopted as the fire safety standards of the city.

('74 Code, § 10-4) (Ord. 75-25, passed 7-17-75; Am. Ord. 87-45, passed 12-17-87; Am. Ord. 92-13, passed 3-19-92; Am. Ord. 96-34, passed 9-5-96; Am. Ord. 2002-37, passed 5-16-02)

§ 33.23 BUREAU OF FIRE PREVENTION.

To assist in the performance of the responsibilities and duties placed upon the Fire Chief, a Bureau of Fire Prevention in the Fire Department of the city is created. The Bureau shall perform those duties deemed necessary to safeguard life and property as may be determined by law or, from time to time, by the Fire Chief and City Manager.

('74 Code, § 10-5) (Ord. 79-44, passed 2-21-80)

§ 33.24 FIRE MARSHAL.

(A) *Designation by Fire Chief; administration of Bureau of Fire Prevention; enforcement of fire prevention code.* The Bureau shall operate under the supervision of the Fire Chief. The Fire Chief shall designate a Fire Marshal. The Fire Marshal shall be the administrator of the Bureau of Fire Prevention. The Fire Marshal shall be responsible for the direct administration and enforcement of the fire prevention code and for such other duties and responsibilities assigned to him from time to time by the Fire Chief and the City Manager.

(B) *Qualifications; designation of technical inspectors.* The Fire Marshal shall be appointed on the basis of qualifications for the position as determined by the Fire Chief. The Fire Chief may also designate such number of technical inspectors as shall from time to time be authorized by the City Manager. Such technical inspectors shall be selected on the basis of qualifications for the position as determined by the Fire Chief and appropriate personnel policies and procedures. The Fire Chief may delegate any powers or duties of the Fire Marshal.

(C) *Annual report of activities of Bureau of Fire Prevention.* The Fire Marshal shall make an annual report of the activities of the Bureau of Fire Prevention and shall transmit this report to the City Manager through the Fire Chief. The report shall contain a proceedings under the fire prevention codes with such statistics as the Fire Chief and City Manager may wish to include therein.

('74 Code, § 10-6) (Ord. 79-44, passed 2-21-80)

§ 33.25 INSPECTIONS CONDUCTED BY FIRE MARSHAL.

(A) *Certificate of occupancy; change of occupancy for commercial/industrial premises.* Prior to the issuance of a certificate of occupancy for initial occupancy or change of occupancy for commercial/industrial premises, the Fire Marshal shall inspect and approve the receptacles, processes, vehicles, buildings, or storage places to be used for such purposes.

(B) *Periodic inspection of commercial/industrial premises.* The Fire Marshal shall inspect or cause to be inspected a

commercial/industrial premises on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire. Any person, company, corporation, partnership, or individual who either refuses to allow such inspections or hinders or obstructs the Fire Marshal or his designee in the performance of such inspection, during a reasonably acceptable time of day, shall be subject to penalties hereinafter provided.

(C) *Order to remedy hazardous conditions.* Whenever any inspection reveals any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, the same shall be ordered to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of the premises or buildings.

(1) *Servicing of order.* The servicing of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to the occupant personally or by delivering the same to and leaving it with any person in charge of the premises or by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the person a copy of the order or, if such owner is absent from the jurisdiction of the office making the order, by mailing such copy by certified mail to the owner's last known post office address or street address.

(2) *Failure to comply with order.* Any owner or occupant failing to comply with such order within five (5) days after the servicing of the order shall be liable to penalties as hereinafter provided.

('74 Code, § 10-7) (Ord. 79-44, passed 2-21-80) Penalty, see § 33.99

§ 33.26 FIRE SAFETY INSPECTION FEES.

(A) *Fire safety inspection fees.* The Fire Department shall charge and collect fire safety inspection fees based upon a fee schedule established by resolution.

(B) *Late payment for failure to pay fees.* A late payment fee may be imposed if payments not received within thirty (30) working days after delivery of the notice of the required fee to the entity/facility inspected. The late payment fee shall be five dollars (\$5.00) or five percent (5%) of the delinquent amount, whichever is greater.

(C) *Enforcement.* The failure to remit the annual fire inspection fee and any late fees due shall be a violation of the Code of Ordinances and subject to code enforcement proceedings.

(Ord. 2001-10, passed 3-15-01; Am. Ord. 2002-27, passed 3-21-02; Am. Ord. 2007-62, passed 9-6-07; Am. Ord. 2024-02, passed 2-1-24)

§ 33.27 NEW CONSTRUCTION REQUIREMENTS.

(A) *Backflow prevention for fire protection systems.* An approved double check valve assembly shall be installed on a fire mains serving a structure, except single-family homes and duplexes, as provided in NFPA 13 and NFPA 13R. An approved dual check valve assembly shall be installed on a fire mains serving single-family homes and duplexes (NFPA 13D).

(B) *Fire protection system closet.* A fire protection system closet shall be provided for buildings and structures equipped with a fire alarm or fire sprinkler protection.

(1) Fire protection system closet shall meet the following requirements:

(a) The closet shall house the fire sprinkler system riser, and associated devices, fire alarm system control panel with associated system devices. Portions of the fire alarm system may be located elsewhere in the building subject to approval by the fire and life safety division.

(b) The annual fire alarm registration and copies of the most recent fire alarm, and fire sprinkler, inspection reports shall be posted in the closet.

(c) The closet shall not be used for storage and shall not be used for any other electrical, plumbing or mechanical equipment.

(d) The minimum size of the closet shall be two (2) feet deep by four (4) feet wide, which shall be increased to accommodate the provided equipment.

(e) The door shall be labeled with a sign that reads "RISER ROOM", "FACP", and if mechanical equipment is also located in the room, then the door must be labeled "MECHANICAL ROOM".

(f) A KnoxBox approved by the Palm Bay Fire Department with a master key provided to the Palm Bay Fire Department, shall be required for all properties that are required to have a fire protection system closet.

(2) Fire protection system closets are not required in high-rise buildings and other buildings where a fire pump room and a fire control room are required or provided. Fire protection system closets are not required for fire sprinkler systems provided in single-family homes with fire sprinkler systems.

(Ord. 2024-02, passed 2-1-24)

§ 33.275 AUTOMATIC FIRE SPRINKLER SYSTEM — MULTIPLE FAMILY RESIDENTIAL DWELLINGS.

(A) *Automatic fire sprinkler system.* A multiple family residential dwelling constructed after April 21, 2005, shall be constructed in a manner as to be equipped with an automatic fire sprinkler system installed in compliance with the provisions prescribed in the NFPA (National Fire Protection Association) 13 or 13R, or other standards acceptable to the City Fire Marshal. Multiple family dwellings, for purposes of this section, shall be defined as any residential structure containing three or more separate living units, whether designated as townhouses, condominiums, apartment houses, tenements, garden apartments, or by any other name.

(B) *Supervision.* Where an automatic fire sprinkler system is installed in a multiple family residential dwelling, the system shall be monitored by a central, proprietary, or remote station system as prescribed in the NFPA 72.

(C) This section shall not be applicable to any multiple family residential dwelling currently under construction as evidenced by a valid building permit issued by the Building Division of the City of Palm Bay.

(D) A multiple family residential dwelling which receives a building permit for Substantial Improvement as defined in § 171.001 of this Code shall be required to install and maintain an automatic fire sprinkler system as required by this section.

(Ord. 2005-11, passed 3-17-05) Penalty, see § 10.99

§ 33.28 WATER SUPPLY AND ACCESS FOR CERTAIN BUILDINGS.

When fire hydrants are being installed to meet the required fire flow for a proposed building, at least one (1) hydrant shall be installed on the same side of the road as the proposed building. The distance between building and fire hydrants shall be measured along a paved roadway, driveway, or other stabilized surface accessible by and capable of supporting seventy thousand (70,000) pound emergency vehicles with maximum axle loads of thirty-five thousand (35,000) pounds. Hydrants or alternative water supplies that are proposed to meet the required fire flow shall be installed and operation prior to the delivery of combustible materials to the site. The building/owner may request an extension from the Fire Marshal. Hydrants shall be installed and operation prior to receiving a certificate of occupancy for the building. When a public water supply system is installed, extended, or upgraded in areas of development, other than one- and two-family dwellings, hydrants shall be installed at intervals not to exceed five hundred (500) feet. Fire hydrants must be located not further than fifteen (15) nor less than three (3) feet from an improved surface.

(’74 Code, § 10-63) (Ord. 79-44, passed 2-21-80; Am. Ord. 92-12, passed 3-19-92; Am. Ord. 95-18, passed 3-16-95; Am. Ord. 2004-26, passed 5-20-04) Penalty, see § 10.99

§ 33.29 FIRE LANES ON PRIVATE PROPERTY DEVOTED TO PUBLIC USE.

(A) *Fire lanes established.* Fire lanes shall be established by the Fire Chief on private property, devoted to public use, where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of fire department vehicles for the protection of persons or property, such as at shopping centers, bowling centers, theaters, hospitals, churches, private affairs, and similar occasions.

(B) *Fire lane markings.* Marking of fire lanes designated by the Fire Chief shall be done by the owner or lessee of the private property. Fire lane markings and signs shall be of the type conforming to fire department policies and furnished and erected by the owner or lessee of the private property.

(C) *Obstructing fire lanes.* Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.

(D) *Administrative fee.* The scheduled administrative fee for violation of the hereinabove specified section shall be twenty-three dollars (\$23.00), with three dollars (\$3.00) of the fee dedicated to funding a firefighter education program in accordance with F.A. Stat. §§ 316.008(5)(a) and (b).

(Ord. 95-18, passed 3-16-95; Am. Ord. 2004-27, passed 5-20-04)

FIRE PREVENTION AND PROTECTION; BUILDINGS AND STRUCTURES

§ 33.30 USE OF HAZARDOUS CONSTRUCTION MATERIALS.

Construction materials which, by their nature, generate undue fire hazard shall not be used. These materials shall include, but are not necessarily limited to flammable fiberglass, flammable plastic and vinyl, interior or exterior finishes which have high flame-spread characteristics, exterior mansards with nonpressure-treated or non-fire retardant wood shakes or shingles, or any other roofing material which easily ignitable or encourages the spread of fire and any flammable decorative materials. Wood shakes or shingles which have been chemically treated to be fire retardant must be accompanied by test documents verifying that such treatment will continue to be effective under prolonged exposure to the Brevard County coastal environment.

(Ord. 2024-35, passed 9-19-24)

§ 33.31 WATER SUPPLY AND ACCESS FOR NON-RESIDENTIAL BUILDINGS.

(A) *Water supply for fire protection on lots, parcels, or tracts served by a public water system.* No building, excluding one- and two-family dwellings, shall be constructed or enlarged unless such building is supplied with a water supply for fire

protect on meeting the following requirements:

(1) Buildings protected by automatic fire sprinkler systems. Buildings equipped with automatic fire sprinkler systems throughout shall have as a required fire flow, the flow demand required by the largest fire sprinkler system.

(2) Buildings not protected by automatic fire sprinkler systems. Buildings not equipped with automatic fire sprinkler systems throughout shall have as a required fire flow, the fire flow calculated by using the "Determination of Required Fire Flow" published by the Insurance Services Office, current edition. When the sustained fire flow cannot be obtained, the fire flow may be decreased by the installation of an automatic fire sprinkler system, upgrading of construction, providing a alternate water supplies acceptable to the fire marshal, or a combination of any of the above.

(B) *Water supply for fire protection on lots, parcels or tracts not served by a public water supply system.* Where a public water supply system is not available, the fire flow shall be determined in accordance with NFPA 1, current edition as adopted by the Florida Administrative Code. When a building requires a fire flow of five hundred (500) gallons per minute or less, an approved automatic fire detection system shall be installed in accordance with NFPA 72, current edition as adopted by the Florida Administrative Code. When a building requires a fire flow of more than five hundred (500) gallons per minute, an automatic fire sprinkler system shall be installed in accordance with the current edition of NFPA 13 as adopted by the Florida Administrative Code.

(C) *Hydrants, quantity, and spacing for other than one- and two-family dwellings.* The required fire flow shall be in accordance with the current edition of NFPA 1.

(Ord. 2024-35, passed 9-19-24)

§ 33.32 WATER SUPPLY FOR RESIDENTIAL AREAS.

(A) Hydrants in new one- and two-family residential subdivisions/developments shall be installed at each intersection, with intermediate hydrants spaced at intervals not to exceed eight hundred (800) feet. The maximum distance to a fire hydrant from the closest point to a building shall not exceed six hundred (600) feet. Alternate placement configurations may be acceptable to the Fire Marshal. Hydrant spacing may be increased to two hundred (1,200) feet apart for a new one- and two-family residential units are protected with a 13D automatic fire sprinkler system.

(B) Buildings other than detached one- and two-family dwellings. Fire hydrants shall be provided for buildings other than detached one- and two-family dwellings in accordance with both of the following:

(1) The maximum distance to a fire hydrant from the closest point on a building shall not exceed four hundred (400) feet.

(2) The maximum distance between fire hydrants shall not exceed five hundred (500) feet.

(Ord. 2024-35, passed 9-19-24)

§ 33.33 FIRE ALARM SYSTEMS.

Installations. Fire alarm/automatic detection systems that are installed as an alternate to another code requirement shall be considered as a required system and shall be monitored by approved supervisory facilities.

(Ord. 2024-35, passed 9-19-24)