

ORDINANCE NO. 2014-11

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA AMENDING SECTION 50.000 THE MOUNT DORA CODE OF ORDINANCES; TO UPDATE TERMINOLOGY AND REQUIREMENTS CONSISTENT WITH THE CURRENT FLORIDA FIRE PREVENTION CODE, THE CURRENT FLORIDA BUILDING CODE, AND CHANGES TO FLORIDA STATUTES AND TO REFLECT CHANGES TO THE METHOD AND FUNCTION OF THE FIRE DEPARTMENT OPERATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Statutes directed the State Fire Marshal to establish a uniform fire prevention code known as the Florida Fire Prevention Code; and

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

WHEREAS, the City of Mount Dora actively participates in the enforcement of Life Safety regulation for the benefit of the public safety of its citizens; and

WHEREAS, the City of Mount Dora desires to facilitate the enforcement of the Florida Fire Prevention Code by enacting administrative amendments which meet the needs of its citizens; and

WHEREAS, the City of Mount Dora desires to update, consolidate, and reorganize the existing Regulations which meet the needs of its citizens; and

NOTE: Underlined words constitute additions to the City of Mount Dora Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original Code of Ordinances, and any asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Mount Dora, Florida as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. Chapter 50, Part I of Section 50.000 of the City of Mount Dora Code of Ordinances is amended as follows:

The following fire codes, including any codes and standards referenced therein and any appendices, are adopted by reference:

- (1) Currently mandated edition of the Florida Fire Prevention Code; and,
- (2) Rules and Regulations of State Fire Marshall adopted pursuant to Chapter 633, Florida Statutes, and Rule 69A Florida Administrative Code

(Ord. No. 841, § 1, 1-20-04)

Editor's note—

Ord. No. 841, § 1, adopted January 20, 2004, repealed and reenacted § 50.110 in its entirety to read as herein set out. Formerly, § 50.110 pertained to similar subject matter and derived from the Code of 1969, § 7½-1; Ord. No. 605, § 1, adopted January 5, 1993, and Ord. No. 688, § 1, adopted April 15, 1997.

Sec. 50.115. - Fire prevention inspections.

- (a) Before a city business tax registration may be issued for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly flammable materials or rubbish, crude petroleum or any of its by-products, gunpowder or blasting powder, dynamite or explosives of any kind, including fireworks, firecrackers and signaling explosives, the fire chief or the fire chief's designee shall inspect, approve and issue the permit for the receptacles, vehicle, buildings or storage places to be used for any such purposes.
- (b) The fire chief or the fire chief's designee may inspect any building or premises within the limits of the city, other than the interior of occupied residential units. Whenever any of said personnel shall find any building or other structure which,
 - (1) For want of repairs,
 - (2) For lack of sufficient fire escapes,
 - (3) For lack of automatic or other fire alarm apparatus,
 - (4) For lack of fire extinguishing equipment,
 - (5) By reason of age or condition,

- (6) Due to the storage or placement of highly combustible or explosive material,
 - (7) Due to flammable conditions or material, or
 - (8) For any other cause, is especially susceptible to fire, or which is so situated as to endanger property or persons, the fire chief or the fire chief's designee may order such items or materials to be remedied or removed. Such order shall be complied with by the owner or occupant of such premises or building within a reasonable period of time as prescribed by the fire chief or his/her designee.
- (c) The fire chief or the fire chief's designee may, at all reasonable hours, enter any building or premise within the city limits which is open to the public for the purpose of making an inspection or investigation. Inspection of any building or premise within the city limits which is not open to the public shall be arranged through the owner or occupant. If permission is not received for inspection, the city manager may suspend the occupational license of any business located on the premises for which inspection has been requested until such inspection may be performed.
- (d) The fire chief or the fire chief's designee shall have the authority to order the disconnection of utility services from a building, structure or other system in case of an emergency to eliminate an immediate hazard to life or property. The fire chief or the fire chief's designee shall notify the serving utility, and whenever possible, the owner or occupant of the building, structure or system of the decision to disconnect. Notification shall be given prior to the disconnection or as soon thereafter as practical.

(Ord. No. 841, § 2, 1-20-04)

Sec. 50.116. - Entry to buildings.

When notified of a possible fire or other possible emergency condition inside of a building or occupancy, or upon becoming aware through observation of a possible fire or other possible emergency condition inside of a building or occupancy, the fire department shall be authorized to enter the building or occupancy as best determined by the fire department personnel on the scene.

(Ord. No. 841, § 3, 1-20-04)

Sec. 50.117. - Reserved

(Ord. No. 841, § 4, 1-20-04)

Sec. 50.120. - Violations.

- (a) It shall be unlawful for any person to violate the codes adopted in this part, to permit or maintain such violation, or to refuse to obey any section or regulation adopted hereunder, except as a variation may be allowed by action of the fire chief in writing. Proof of such unlawful act shall be rebuttably presumed that of the owner. Prosecution of either the owner or the occupancy shall not be deemed to relieve the other.
- (b) This section shall apply equally to both public and private property. It shall apply to all buildings, their occupancies and equipment. This section shall not apply to the interior of private one- and two-family dwellings.
- (c) The fire chief or his/her designee is designated as the authority having jurisdiction, and he shall be charged with the responsibility of enforcement of this part under the authority of the mayor and city council. At the direction of the fire chief, any authorized fire department, or Building & Fire Prevention Construction Services, personnel shall enforce the fire codes adopted and all applicable fire prevention and protection ordinances.

(Code 1969, § 9-109(b)-(e); Ord. No. 688, § 2, 4-15-97; Ord. No. 841, § 5, 1-20-04)

Sec. 50.130. - Time limitation for compliance of existing structures in violation.

All structures must be in full compliance with this part within a maximum of 30 days of notification of a violation, unless otherwise extended by the fire chief. The fire chief may, in his/her sole and absolute discretion, extend the time for compliance hereunder for up to one year.

(Code 1969, § 9-111; Ord. No. 688, § 3, 4-15-97)

Sec. 50.140. - Campfires and controlled land clearing fires.

- (a) The purpose of this section is to set certain requirements and criteria to regulate and control open burning within the city so as not to pose a threat to health, life, or adjoining properties or to cause an uncontained fire within the city.

- (b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air curtain incinerator shall mean a combustion device that directs air at high velocity through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

Burn permit shall mean a permit for a controlled land clearing fire issued by the fire chief or his/her designee pursuant to this section.

DOF shall mean the State of Florida, Division of Forestry.

Permitted burn shall mean an authorized fire requiring a permit issued through the fire department.

Permittee shall mean the individual or agency applying for and securing a burn permit.

- (c) No person or entity shall openly burn or cause to be burned any trash, lumber, leaves, straw or other combustible material other than a permitted controlled land clearing fire. All controlled land clearing fire permits shall include the following minimum restrictions:

- (1) The permitted burn shall meet all DOF requirements and restrictions;
- (2) The permitted burn shall not be conducted within 500 feet of a public building, residence, office, or retail structure or within 250 feet of any road or street;
- (3) The permitted burn shall be under constant competent adult supervision;
- (4) The permitted burn shall be fully extinguished by the time stated in the permit.

- (d) In addition to the general restrictions required to be included in burn permits, the following conditions and restrictions shall be required and included in the burn permit for any of the specified activities:

- (1) Controlled land clearing fires shall be required to use an air curtain incinerator; in the event that an air curtain incinerator fails to operate properly or ceases to operate properly, the fire department is authorized to immediately extinguish the burning activity and the permittee shall be

responsible for the cost of extinguishing same pursuant to the terms of this section.

- (2) All permitted burns shall be ignited no earlier than 9:00 a.m. on the permitted date and shall be fully extinguished one hour before sunset.
- (3) Campfires shall be used solely for recreational purposes, ceremonial occasions, or outdoor noncommercial preparation of food, shall be under constant adult supervision and shall not be permitted where smoke will be emitted in quantities so as to create a nuisance to nearby residents; the pile of material to be burned shall be no larger than three feet in diameter and no higher than three feet.
 - a. The campfires shall be under constant competent adult supervision;
 - b. A water source capable of extinguishing the fire or a properly sized and classed fire extinguisher on site.
 - c. The campfires shall be fully extinguished before being left unattended.
- (e) The fire chief or his/her designee may require and include in a burn permit any additional conditions and restrictions he determines to be reasonably necessary to protect the health, safety, welfare and property of the residents of the city.
- (f) All applicants for a burn permit shall first obtain a permit through DOF. Upon approval from DOF, the permit number and a copy of the DOF permit must be provided to the fire department prior to the issuance of any burn permit.
- (g) A burn permit may be denied or revoked at any time by the fire chief or his/her designee for any one or more of the following reasons:
 - (1) Failure to provide a DOF permit number and copy of the DOF permit;
 - (2) Failure to provide immediate means of controlling the fire;
 - (3) Extremely dry or windy conditions as determined by the fire chief or his/her designee;

- (4) Failure to provide a competent adult to attend to the burning operation while burning is in progress;
- (5) Determination by the fire chief or his/her designee that the burning activity would significantly impact a residential area, school, medical facility or assembly occupancy;
- (6) Violation of any DOF regulations or restrictions;
- (7) Violation of any ordinance, regulation or restriction of the city;
- (8) Determination by the fire chief or his/her designee that a burning activity may cause a threat to health, safety and welfare;
- (9) Reasonable cause as determined by the fire chief or his/her designee.

(i)

The following activities shall not require a permit:

- (1) Activities conducted by the city under the supervision of the fire department with the approval of the fire chief;
- (2) Burning of materials or condemned structures by the fire department for the purpose of training in control and extinguishment of fires; provided, however, no building shall be burned by the fire department for the sole purpose of demolition;
- (3) Use of aboveground or enclosed barbecue grills for outdoor domestic cooking.
- (4) Campfires.

- (j) In the event the fire department is required to respond to any permitted burning activity and extinguish same as a result of a permittee failing to adhere to any regulations or restrictions of DOF or the city or as a result of a burn site being left without competent adult supervision or not being properly and fully extinguished, the permittee shall be required to pay all costs incurred by the city in extinguishing the burn site.

(Ord. No. 688, § 4, 4-15-97; Ord. No. 841, § 6, 1-20-04; Ord. No. 972, § 2, 12-18-07)

(Ord. No. 688, § 5, 4-15-97; Ord. No. 841, § 7, 1-20-04)

Sec. 50.155. - Lock-box allowance.

(a)

1. To provide expedient access to a building which is serviced by a fire alarm or suppression system, lock-box installations shall be required for all new construction or changes in use or occupancy for other than one and two family dwellings, in accordance with the fire department lock-box system.
2. Buildings with a fire alarm system or a monitored fire sprinkler system shall equip the lock-box with a tamper switch tied in to the system.
3. Existing Buildings shall retrofit with a lock-box when undergoing a level 2 alteration (per Existing Building Code), an addition, or a change of use.
4. For commercial buildings which operate on a 24/7 basis and have documentable management, engineering, or security representatives on site, the key box requirement may be waived by the authority having jurisdiction.
5. Other buildings may upon request and approval, utilize a lock-box system.

(b) If allowed, the lock-box shall be located, unless otherwise approved:

- (1) At or near the recognized public entrance (normal point of fire department access), adjacent to the fire alarm annunciator panel if provided, on the exterior of the structure.
- (2) No less than eight feet above grade below the box. (If the lock-box is equipped with a tamper switch tied in to the fire alarm/fire sprinkler monitoring system the minimum height is lowered to 6 feet 8 inches)
- (3) No higher than 12 feet above grade below the box.

(4) For Multi-Tenant Buildings a lock-box may be shared by 2 adjoining tenants with a location approved by the AHJ.

(d) No steps, displays, signs or other fixtures shall be located below the box which may allow persons access to the box without assistance.

(e) The box shall contain the keys for, unless otherwise approved:

- (1) The main entrance door;
 - (2) The alarm room;
 - (3) The mechanical room; and,
 - (4) All other rooms as specified during the plan review or inspection.
 - (5) A card with any access codes for entrance to the building.
 - (6) A laminated card with the contact information of the owner's representative.
- (f) Applications for lock-boxes may be obtained at fire department headquarters and at Building & Fire Prevention Construction Services.

(Ord. No. 841, § 8, 1-20-04)

Sec. 50.157. - Fire watch requirements.

- (a) A fire watch is the action of an on-site person whose sole duty is to watch for the occurrence of fire. If a fire protection system fails, or there are an excessive number of accidental activations or nuisance alarms, a building owner (or their representative) may be required by the fire department to provide a fire watch until the system is repaired. Fire watch personnel shall be a FS 633 Certified Municipal Fire Safety Inspector or Firefighter.
- (b) A fire watch is also required whenever fire protection systems are out of service for more than four hours. A nuisance alarm is defined as "any alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or any alarm activated by a cause that cannot be determined.
- (c) A fire watch log should be maintained at the facility. The log must be available to the fire department at all times during the fire watch. The log should show the following:
 - (1) Address of the facility.
 - (2) Times that the patrol has completed each tour of the facility.

- (3) Name and license number of the person conducting the fire watch.
 - (4) Record of communication(s) to the fire department and monitoring company.
 - (5) Record of other information as directed by the fire department personnel.
- (d) It is the owners' responsibility to request the cancellation of the fire watch once the fire protection system has been fully restored. Once the fire watch has been cancelled, the owner must notify the monitoring company.

(Ord. No. 841, § 9, 1-20-04)

Sec. 50.160. - Approval of plans required.

Building & Fire Prevention Construction Services shall perform a life safety plan review and inspection for fire and life safety code compliance for all new buildings, renovations to buildings, structures, and temporary structures, requiring the issuance of any type of building permit, except one and two-family dwellings. No building permit shall be issued for any structure listed herein unless such structure is deemed to be in compliance upon such review. Building & Fire Prevention Construction Services shall perform a system plan review and inspection of any fire alarm/suppression system for fire and Lifesafety code compliance.

(Ord. No. 841, § 10, 1-20-04)

Editor's note—

Ord. No. 841, § 9, adopted January 20, 2004, repealed and reenacted § 50.160 in its entirety to read as herein set out. Formerly, § 50.160 pertained to similar subject matter and derived from Ord. No. 688, § 6, adopted April 15, 1997.

Sec. 50.170. - Reserved

(Ord. No. 688, § 7, 4-15-97; Ord. No. 718, § 1, 7-7-98; Ord. No. 746, § 1, 11-16-99)

Sec. 50.175. - Reserved

(Ord. No. 841, § 11, 1-20-04)

Sec. 50.180. - Reserved

(Ord. No. 688, § 8, 4-15-97)

Sec. 50.190. - Reserved

(Ord. No. 688, § 9, 4-15-97)

Sec. 50.195. - Fire department connections for sprinkler or standpipe systems.

All new buildings and level 3 Alterations shall require locking caps for the Fire Department Connections for water based Fire Suppression Systems.

(Ord. No. 841, § 12, 1-20-04)

Sec. 50.200. - Fire hydrants.

Public hydrant – Defined as a hydrant on City Right of Way or contained within an easement controlled by the City or under the Cities responsibility thru a written agreement with the property owners.

Private Hydrant – Defined as a hydrant on private property or NOT contained within an easement controlled by the City or under the Cities responsibility thru a written agreement with the property owners.

- (a) All new fire hydrants shall be flow tested per the guidelines of NFPA 291,
- (b) *Recommended Practice for Fire Flow Testing and Marking of Hydrants*, prior to the acceptance of the installation. The flow tests shall illustrate compliance with the required fire flow. *Location and spacing.*
 - a. For new *subdivisions, developments and commercial buildings*; use *Annex H of the Florida Fire Prevention Code, NFPA 1.*
 - b. For *existing subdivisions, developments and buildings*; Fire hydrants shall be spaced every 600 feet along the main in single-family residential areas and every 300 feet along the main for other developments. Location of all hydrants shall be subject to the approval of the fire department.
- (c) *Minimum fire flow.*
 - a. For new *subdivisions, developments and commercial buildings*; use *Section 18.4 of the Florida Fire Prevention Code, NFPA 1.*
 - b. For *existing subdivisions, developments and buildings*; The minimum fire flow shall be 600 gallons per minute (gpm) with 20 pounds per square inch (psi) residual pressure in single-family residential areas, and 1,500 gallons per minute (gpm) with 20 pounds per square inch (psi) residual pressure in all other areas.

Additional fire hydrants may be required based on fire flow calculations using the Insurance Services Office (ISO) rating schedule. Requirements for additional hydrants shall be based on the following criteria: type of construction, occupancy type, square footage, and exposures.

(d)

Markings, classifications, and colors.

The body of public fire hydrants shall be painted safety red in color. The body of private fire hydrants shall be painted silver in color. Color coding of the hydrants to illustrate available fire flow amounts shall be accomplished per the guidelines of NFPA 291, *Recommended Practices for Fire Flow Testing and Marking of Hydrants*.

Fire hydrant markers shall be a blue device visible during daylight and reflective at night which are to be approved by the fire department for permanent installation on the road surface. All fire hydrants installed shall be required to have fire hydrant markers installed. Hydrant markers are to be installed by the developer, owner, or contractor as follows:

- (1) As may comply with the department of transportation regulation.
- (2) Areas such as, but not limited to, parking lots, loading areas, or storage yards shall have marker locations designated by the fire department.
- (3) Center of traffic lane directly in front of the 4" steamer port.

(Ord. No. 688, § 10, 4-15-97; Ord. No. 841, § 13, 1-20-04)

Sec. 50.210. - Reserved.

Editor's note—

Ord. No. 841, § 14, adopted January 20, 2004, repealed § 50.210 in its entirety, which pertained to fire inspection fees and derived from Ord. No. 688, § 11, adopted April 15, 1997.

Sec. 50.220. - Reserved

(Ord. No. 841, § 15, 1-20-04)

Editor's note—

Ord. No. 841, § 15, adopted January 20, 2004, repealed and reenacted § 50.220 in its entirety to read as herein set out. Formerly, § 50.220 pertained to permits and permit fees as required by the standard fire prevention code or city ordinances and derived from Ord. No. 688, § 12, adopted April 15, 1997.

Sec. 50.230. - Reserved

(Ord. No. 688, § 13, 4-15-97; Ord. No. 841, § 16, 1-20-04)

Secs. 50.240, 50.241. - Reserved.

Editor's note—

Ord. No. 841, §§ 17, 18, adopted January 20, 2004, repealed §§ 50.240 and 50.241 in their entirety, which pertained to building, reconstructing, and renovation, and other fees, and derived from Ord. No. 688, § 14, adopted April 15, 1997.

Sec. 50.242. - Reimbursement for extraordinary expense.

(a)

An "extraordinary expense" shall be that expense, and those related costs and fees, that are incurred by the city for extraordinary service, including but not limited to, the city's actual cost of labor and materials associated with the use of any specialized extinguishing or abatement agent, chemical, neutralizer, or similar equipment or materials that are employed to extinguish, confine, neutralize, contain, or clean any hazardous materials that is or may be involved in a fire, accidental spill, or the threat of any fire or accidental spill.

(b)

An "extraordinary service" is one performed by the Mount Dora Fire Department, Police Department, Public Works Department, or any other city department, that is in addition to or above the normal services provided by such department. "Extraordinary services" may include, but not limited to, the abatement and disposition of hazardous materials, spills, or the threat of spills or toxic chemicals, utility line breaks or leakages, and other imminent, perceived, or possible threats to the health, safety, or welfare of the public that may be contemplated by this section and those instances where a property owner has been previously warned about violations of the City Code that, in the judgment of the city staff, are a particular threat to the health, safety or welfare of the public, and for which the owner (or owner's agent, or person in charge of the property) has neglected to comply or has refused to comply therewith.

(c)

Fees and costs for extraordinary expenses or services shall encompass all personnel, equipment, apparatus, materials, supplies, and maintenance expenses

so as to ensure the city's full reimbursement for those services actually rendered. The city manager shall establish the fees and costs.

(d)

Following the extraordinary or dangerous occurrence giving rise to the extraordinary service or expense, the affected department shall submit its extraordinary service related costs, fees, charges, and expenses to the finance department for review. After review, the finance department shall send a bill for the service and expense to the property owner or responsible party with a demand that a full remittance be made within 30 days of receipt of the bill.

(e)

In the event the city is assessed any charge for an occurrence or event from local, state, or federal agencies, the finance department shall include any and all such costs or fees in the bill sent to the property owner or responsible party.

(f)

The city may enforce the provisions of this section by civil actions in a court of competent jurisdiction, for the collection of any amounts due hereunder plus attorney's fees, or other relief that may be appropriate. Further, the city may impose a lien for such expense or service, which lien may be recorded in the public records without the necessity of first bringing suit.

(g)

Nothing in this section shall authorize the delay of any municipal emergency service to any person, firm, organization or corporation, that has not reimbursed the city for a municipal service, or that owes the city for previous extraordinary services.

(Ord. No. 688, § 16, 4-15-97)

Editor's note—

Section 16 of Ord. No. 688, adopted April 15, 1997, amended the Code by the addition of § 50.260; however, said provision has been re-designated as § 50.242, at the editor's discretion, for classification purposes.

SECTION 4. CONFLICT. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.


SECTION 5. CODIFICATION. It is the intent of City Council of the City of Mount Dora that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority when codifying the provisions of this Ordinance.

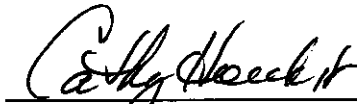
SECTION 6. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held

to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

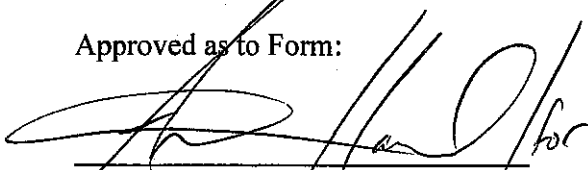
SECTION 7. EFFECTIVE DATE. This Ordinance shall take on February xx, 2014.

PASSED AND ORDAINED this 21 day of October, 2014, by the City Council of the City of Mount Dora, Florida.


Gwen Johns, City Clerk


Cathy Hoechst, Mayor

Approved as to Form:


Clifford B. Shepard, City Attorney

First Reading:

Second Reading:

Date Published: