

ORDINANCE NO. 2019- 011

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AMENDING SECTION 12-57 OF THE PALM BEACH COUNTY CODE, TABLE 1.3.8 SCHEDULE OF FIRE INSPECTIONS OF THE PALM BEACH COUNTY LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE; REVISING THE INSPECTION SCHEDULE FOR CERTAIN APARTMENTS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 633, Florida Statutes, every three years the State Fire Marshal adopts in Rule Chapter 69A-60, Florida Administrative Code, an updated statewide minimum firesafety code known as the Florida Fire Prevention Code, which incorporates Florida editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code; and

WHEREAS, pursuant to Chapter 633, Florida Statutes, the updated Florida Fire Prevention Code shall be deemed adopted by, and shall be enforced by, local governments with firesafety responsibilities as the minimum firesafety code; and

WHEREAS, Chapter 633, Florida Statutes, authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum firesafety code; and

WHEREAS, on December 19, 2017, the Board of County Commissioners (“Board”) adopted the Palm Beach County Local Amendments to the Florida Fire Prevention Code (“Local Amendments”), which are set forth Chapter 12, Article IV, Sections 12-56 and 12-57, of the Palm Beach County Code (codifying Ordinance 2017-043); and

WHEREAS, the Board desires to revise the Local Amendments to modify the inspection schedule for certain apartments to provide for annual inspections; and

WHEREAS, the Board of County Commissioners hereby determines that said revised Local Amendment is more stringent than and strengthens the minimum firesafety code, and that adopting said revised Local Amendment will serve the public interest and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. The whereas clauses above are hereby affirmed and incorporated herein.

SECTION 2. Table 1.3.8 Schedule of Fire Inspections of the Local Amendments set forth in Section 12-57 of the Palm Beach County Code is hereby amended as set forth in **Exhibit A** attached hereto and incorporated herein (additions shown by underline and deletions shown by strikethrough).

SECTION 3. Legislative Findings: The Board of County Commissioners hereby determines that said revised Local Amendment is more stringent than the minimum firesafety code and strengthens the minimum firesafety code in accordance with Sections 633.202 and 633.208, Florida Statutes.

SECTION 4. Applicability: The provisions of this Ordinance shall be in full force and effect in Palm Beach County within the boundaries of any fire-rescue municipal service taxing unit (MSTU) established by ordinance, including within the boundaries of any municipality that is lawfully included within any such MSTU; and within any municipality that has entered into an interlocal agreement for fire protection services from Palm Beach County Fire-Rescue and enacted an ordinance to adopt the Palm Beach County Local Amendments within the municipality, unless otherwise provided by the interlocal agreement.

SECTION 5. Repeal of Laws in Conflict: Any laws or ordinances in conflict with this Ordinance which Palm Beach County is authorized to repeal are hereby repealed to the extent of such conflict.

SECTION 6. Severability: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason determined to be unconstitutional, inoperative, void or otherwise invalid, such determination shall not affect the remainder of this Ordinance.

SECTION 7. Enforcement: This Ordinance is enforceable by all means provided by law. Additionally, the County may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach County.

SECTION 8. Inclusion in the Code of Laws and Ordinances: The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 9. Effective Date: The provisions of this Ordinance shall become effective upon the date this Ordinance is filed with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach

County, Florida, on the 12th day of March, 2019.

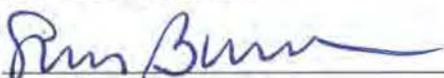
SHARON R. BOCK, CLERK &
COMPTROLLER, BOARD OF
COUNTY COMMISSIONERS

By: 
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: 
Mack Bernard, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: 
County Attorney

Filed with the Department of State on the 14th day of March, 2019.

**TABLE 1.3.8
SCHEDULE OF FIRE INSPECTIONS**

Buildings subject to this code are to be inspected to assure fire code compliance per the following schedule:

Occupancy Type	Inspection Cycle
Assembly	Annual
Educational	Annual
Day Care	Annual
Health Care	Annual
Ambulatory Health Care	Annual
Detention/Correctional	Annual
Residential Board and Care	Annual
Apartments (3-6 units with common area) No Fire Protection Equipment	<u>Annual</u> Every three (3) years
Apartments (3-6 units without common area) No Fire Protection Equipment	<u>Annual</u> Every five (5) years
Apartments (7 units or more)	Annual
Apartments with Fire Protection Equipment	Annual
Hotel Dormitories	Annual
Lodging or Rooming Houses	Annual
Mercantile – Shell	Annual
Mercantile – TNB	Every three (3) years
Business - Shell	Annual
Business - TNB	Every three (3) years
Industrial/Manufacturing	Annual
Storage	Annual
Special Property Use	Annual
Wholesale Fireworks	Quarterly
Mulching Facilities	Semi-Annual



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 14, 2019

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Mr. Timothy Montiglio

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2019-011, which was filed in this office on March 14, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb