

**ORDINANCE NO. 2017-054**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 9, "FIRE PREVENTION AND PROTECTION," BY AMENDING ARTICLE I, "IN GENERAL," BY ENACTING NEW SECTIONS 9-1, "PURPOSE," 9-2, "ADOPTION OF STATE LAWS," AND 9-3, "ENFORCEMENT AUTHORITY," IN ORDER TO PROVIDE FOR SAME; AMENDING ARTICLE II, "OPEN BURNING," BY AMENDING SECTIONS 9-26, "DEFINITIONS," 9-27, "ADOPTION OF STATE ADMINISTRATIVE RULES," AND 9-28, "ADDITIONAL REGULATIONS;" AMENDING ARTICLE III, "FIRE WATCH AND EMERGENCY MEDICAL SERVICE DETAILS," BY AMENDING SECTIONS 9-30, "AUTHORIZATION," 9-31, "COST RECOVERY," AND 9-32, "PERSONNEL," TO PROVIDE CLARIFICATION FOR SAME; AMENDING ARTICLE IV, "REQUIREMENTS FOR COMMERCIAL AND MULTIPLE UNIT RESIDENTIAL BUILDINGS," BY AMENDING SECTIONS 9-40, "GENERAL REQUIREMENTS," 9-41, "TWENTY-FOUR HOUR EMERGENCY SERVICE CONTRACTS," 9-42, "FIRE SYSTEM USER PERMITS," AND REPEALING SECTION 9-43, "FIRE SYSTEM USER FEES," IN ITS ENTIRETY TO PROVIDE FOR UPDATED DEFINITIONS AND REGULATIONS; ENACTING NEW SECTIONS 9-44, "FIRE DEPARTMENT ACCESS," 9-45, "FIRE DEPARTMENT ANNUAL INSPECTIONS," AND 9-46, "USE OF BARBEQUE GRILLS IN MULTI-RESIDENTIAL OCCUPANCIES," IN ORDER TO PROVIDE UPDATED REQUIRMENTS FOR COMMERCIAL AND MULTI-UNIT RESIDENTIAL BUILDINGS; AMENDING ARTICLE V, "FIRE DEPARTMENT FEES," BY AMENDING SECTIONS 9-50, "FEE SCHEDULES FOR ANNUAL FIRE INSPECTIONS, FIRE SUPPRESSION SYSTEMS, FIRE ALARM SYSTEMS, FIRE PUMPS, AND CHEMICAL STORAGE OR USE, CONSTRUCTION FIRE PLAN REVIEW AND CONSTRUCTION INSPECTION FEES," AND RENAMING IT, "FEE SCHEDULE;" AMENDING SECTION 9-51, "FIRE SAFETY PUBLIC EDUCATION;" ENACTING A NEW SECTION 9-52, "HAZARDOUS SUBSTANCES; RECOVERY OF COSTS," TO PROVIDE FOR UPDATED**

**FEES; ENACTING A NEW ARTICLE VI, "APPEALS," AND A NEW SECTION 9-53, "APPEALS," IN ORDER TO PROVIDE A METHOD FOR APPEALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Coconut Creek desires to update the Fire Prevention and Protection Chapter contained within the City's Code of Ordinances in order to provide for updated regulations and fees in order to protect the health, safety, and welfare of the residents of the City of Coconut Creek; and

**WHEREAS**, the City has the authority, pursuant to Article III, Section 2(b) of the Florida Constitution and Section 166.021, Florida Statutes, to adopt such provisions in order to protect the health, safety, and welfare of its residents.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1: Ratification.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2:** That the City's Code of Ordinances shall be amended by amending Chapter 9, "Fire Prevention and Protection," by Amending Article I, "In General," by enacting new Sections 9-1, "Purpose," 9-2, "Adoption of State Laws," and 9-3, "Enforcement Authority;" amending Article II, "Open Burning," by amending Sections 9-26, "Definitions," 9-27, "Adoption of State Administrative Rules," and 9-28, "Additional Regulations;" amending Article III, "Fire Watch and Emergency Medical Service Details," by amending Sections 9-30, "Authorization," 9-31, "Cost Recovery," and 9-32, "Personnel;" amending Article IV, "Requirements for Commercial and Multiple Unit Residential Buildings," by amending Sections 9-40, "General Requirements," 9-41, "Twenty-Four Hour Emergency Service Contracts," 9-42, "Fire System User Permits," and repealing Section 9-43, "Fire System User Fees," in its entirety; enacting new Sections 9-44, "Fire Department Access," 9-45, "Fire Department Annual Inspections," and 9-46, "Use of Barbeque Grills in Multi-Residential Occupancies;" amending Article V, "Fire Department Fees," by amending Section 9-50, "Fee Schedules for Annual Fire

Inspections, Fire Suppression Systems, Fire Alarm Systems, Fire Pumps, and Chemical Storage or Use, Construction Fire Plan Review and Construction Inspection Fees,” and renaming it, “Fee Schedules;” amending Section 9-51, “Fire Safety Public Education;” enacting a new Section 9-52, “Hazardous Substances; Recovery of Costs;” and enacting a new Article VI, “Appeals,” and a new Section 9-53, “Appeals,” to read as follows:

## **Chapter 9 - FIRE PREVENTION AND PROTECTION<sup>[1]</sup>**

### **ARTICLE I. - IN GENERAL**

#### **Secs. 9-1, 9-2. – Reserved.**

#### **Sec 9-1 – Purpose.**

This chapter is hereby adopted to provide the City with rules and regulations to improve public safety by promoting the control of fire hazards and other emergencies; maintaining a fire prevention program; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth standards for compliance and achievement of these objectives.

#### **Sec 9-2 - Adoption of State Law.**

- (a) The following laws, regulations, codes and standards are hereby adopted by the City and incorporated herein by reference for the purpose of prescribing regulations for fire prevention and control:
- (1) The Florida Fire Prevention Code, as revised from time to time;
  - (2) The Broward County Amendments to the Florida Fire Prevention Code, as revised from time to time;
  - (3) The Florida Building Code, in effect in Broward County, Florida, including all amendments, as revised from time to time;
  - (4) Chapter 633, “Fire Protection and Control”, Fla. Stat., and all administrative codes and rules promulgated thereunder, including the National Fire Protection Association Standards, as amended from time to time; and
  - (5) Any other duly enacted or promulgated law, regulation, or rule or standard having force and effect of law in any municipality in Broward County, pertaining to fire prevention and control.

#### **Sec 9-3 - Enforcement Authority.**

- (A) All laws and regulations issued by the Florida Legislature and State Fire Marshal pursuant to Chapter 633, Fla. Stat., shall be enforceable by the proper authorities

of the City, and the City's Fire Marshal, or designee. The City's Fire Marshal is hereby authorized to perform within the City any duties that may be imposed upon him/her by such law, or in accordance therewith, and to have such assistance, as needed, from other City officials in the discharge of such duties.

- (B) The Fire Marshal or designee may order the immediate evacuation of any occupied building or structure or assembly area when such building, structure or assembly area is deemed hazardous due to fire hazard, obstruction of exits, overcrowding of the premises, or any other hazard or potential which presents immediate danger to the occupants. The premises, or any portion thereof, may not be reoccupied until it has been examined and deemed free of the hazard or potential danger which caused the evacuation to be ordered. Persons refusing to obey either a verbal or written order of the Fire Marshal or designee shall be subject to any and all applicable penalties as provided by law.

**Secs. 9-4—9-25. - Reserved.**

## **ARTICLE II. - OPEN BURNING**<sup>[2]</sup>

### **Sec. 9-26. - Definition.**

For the purposes of this article, "open burning" or "visible emissions" means any outdoor fire or combustion which produces or may produce air pollution, exempting "prescribed burns" conducted by the ~~State Division of Forestry~~ Florida Forest Service, or successor state division, in conjunction with the ~~eCity's fFire dDepartment.~~

### **Sec. 9-27. - Adoption of state administrative rulescode.**

~~Chapter 17- Section-62-256, "Open Burning," F.A.C., and Chapter 590, "Forest Protection," Fla. Stat., of the Florida Administrative Code, entitled Open Burning and Frost Protection Fires, and any amendments thereto, excluding Section 17-5.070(1), (a), (1), (2) and (3) and Section 17-5.070(1), (b), is~~ are hereby adopted and incorporated herein by reference.

### **Sec. 9-28. - Additional regulations.**

The following additional regulations regarding open burning are hereby adopted ~~and shall be complied with~~ within the eCity:

- (1) *Permit required.* In addition to any permit required by any other governmental entity, all open burning within the eCity is hereby prohibited unless conducted

under a permit issued ~~by the community development department~~ by the Fire Marshal or designee.

- (2) *Application required.* Any person desiring to conduct open burning within the ~~e~~City shall first submit an application to the ~~community development department~~ Fire Marshal or designee, on a form provided by the City, which shall include the following information:
- a. Name and address of applicant (applicant must be owner of the proposed burning site);
  - b. Status of applicant (corporation, individual, partnership);
  - c. Name and address of officer or principal acting as representative for applicant, when applicable;
  - d. Location of open burning (attach sketch and location map);
  - e. Purpose of open burning;
  - f. Commencement date and completion date of open burning and actual number of days of open burning;
  - g. Whether air curtain incinerator will be utilized during open burning;
  - h. Approximate distance to nearest public right-of-way from the location of the burning site and distance to any occupied or unoccupied building from the legal boundary of the property on which open burning ~~will~~ is proposed to take place;
  - i. Name, address and contact information of the person who will be responsible for physically monitoring the open burning from start to finish.
- (3) *Application review.* All applications for open burning permits submitted shall be reviewed by the Fire Marshal or designee, community Sustainable dDevelopment dDepartment and the public safety Police dDepartment. ~~The community development department shall review the application for compliance with the provisions of Chapter 17-5 62-256 of the Florida Administrative Code, and 590.125 F.S., and the provisions of this article. The~~

~~director of public safety shall also review the application and shall have the discretion to deny the application if, in his/her opinion, it is determined that the open burning activities are of such a unique character and nature so as to pose an unreasonable risk, danger and hazard to the health, safety and welfare of the residents of the eCity, the permit shall be denied. If the application permit is denied, by either the community development department or the public safety department, the applicant may appeal pursuant to this Chapter to the city council for review of the staff recommendations.~~

~~(4) Fee schedule. All open burning permit applicants shall pay the following fees prior to issuance of the permit:~~

~~a. One hundred dollars (\$100.00) per acre of area to be cleared; and~~

~~b. Two hundred dollars (\$200.00) per day of open burning.~~

~~(54) Per acre to be cleared shall mean the acreage of property that will actually be cleared, not the total acreage of the subject parcel. Setback requirements. The following setback requirements shall be complied with at all times during the course of open burning:~~

~~a. One thousand (1,000) feet from the legal boundary of the property upon which the open burning will take place to the nearest occupied or unoccupied building on an adjoining property;~~

~~b. One thousand (1,000) feet from the location of the open burning site to the nearest public right-of-way.~~

**Sec. 9-29. - Reserved.**

### **ARTICLE III. - Fire Watch and Emergency Medical Service Details.**

**Sec. 9-30. - Authorization.**

The ~~f~~Fire department Marshal, or designee, is hereby authorized to establish or require a "Fire Watch" and/or "Emergency Medical Services" detail when in ~~the~~his/her opinion of the fire department or designee, a fire code violation exists, unsafe conditions exist, a fire safety system is out of service for more than four (4) hours, when temporary cooking is set up to provide food to the public, or where additional fire or emergency medical personnel may be needed for special events or for large scale or prolonged emergency incidents.

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### **Sec. 9-31. - Cost recovery.**

The ~~f~~Fire department Marshal, or designee, is hereby authorized to bill the property owners, occupants, insurance companies and all other responsible parties for all actual costs, plus administrative expenses, incurred as a result of the established detail for standby fire watch or standby rescue service. All bills shall be due within thirty (30) days from the invoice date. When the detail is scheduled in advance for special events, the organizer of the event shall make full payment for the details to the fire department City prior to their approving after the event.

### **Sec. 9-32. – Fire Watch Personnel.**

The Fire Watch and/or Emergency Medical Service detail may be staffed with State of Florida certified firefighters, State of Florida certified police officers, State of Florida certified Fire Inspectors, and where special circumstances may exist, the ~~e~~City ~~f~~Fire administrator Marshal, or designee, may permit these details to be staffed with private sector personnel possessing the requisite licensing and training.

### **Secs. 9-33—9-39. - Reserved.**

## **ARTICLE IV. - REQUIREMENTS FOR COMMERCIAL AND MULTIPLE UNIT RESIDENTIAL BUILDINGS**

### **Sec. 9-40. - General requirements.**

The owners, agents, occupants, representatives, and the contractors of commercial and multiple unit residential buildings shall keep the ~~f~~Fire ~~d~~Department notified as to the names and phone numbers of their emergency call-out personnel. This includes~~the~~ names of at least three (3) persons who will be "on-call", twenty-four (24) hours a day, seven (7) days a week, and shall be able to respond to their building within thirty (30) minutes of being notified by the ~~f~~Fire ~~d~~Department. These persons shall be authorized by the building owner and/or occupants to make decisions necessary to bring the building into code compliance and or remedy all unsafe conditions. If the emergency call-out personnel do not reach the scene within thirty (30) minutes of the ~~f~~Fire ~~d~~Department notification, or if the fire department is unable to make contact with the emergency call-out personnel using the phone numbers provided by the buildings owners or occupants, the ~~f~~Fire ~~d~~Department is hereby authorized to establish a "Fire Watch" detail at the building owner's or occupants' expense pursuant to this Chapter Article III.

### **Sec. 9-41. - Twenty-four-(24) hour emergency service contracts.**

The owners and occupants of commercial and multiple unit residential buildings equipped with fire alarm systems shall be required to maintain a twenty-four- (24) hour emergency service contract with a licensed fire alarm contractor. The contract shall require the contractor to respond to the building within one (1) hour of request for fire alarms in the "trouble mode" and for malfunctioning fire alarm systems. A copy of this contract shall be provided to the fFire dDepartment at the time of the annual fire inspection.

#### **Sec. 9-42. - Fire system user permits.**

All detection and suppression systems including, but not limited to, fire alarm, fire sprinkler, and fire standpipe systems shall be required to be approved for use by the fFire dDepartment. The registration of these existing systems by the owner or owner's representatives, and the approval of the fFire dDepartment shall occur at the time of the annual fire inspection. Newly installed system registrations and approval by the fFire dDepartment shall occur during the construction building permit approval process conducted by the fFire dDepartment.

#### **Sec. 9-43. - ~~Fire system user fees~~Reserved.**

~~The building owners and /or occupants shall pay a fire system user permit fee of one hundred dollars (\$100.00) per building per year at the time of annual fire inspection. In addition, the building owners and /or occupants shall pay a one-hundred dollar (\$100.00) "fire system failure response fee" each time a fire emergency response is required, and the fire system is found to be in the "trouble mode" and/or not operational. The fire system user permit fee shall be waived provided that the system certification is current pursuant to the current edition of the Florida Fire Prevention Code, and that a twenty-four (24) hour emergency service contract with a licensed fire system contractor is maintained, and provided that all emergency call-out personnel names and phone numbers are kept current, and further that emergency call out personnel arrive at the building within thirty (30) minutes each and every time requested by the fFire dDepartment during the prior twelve (12) calendar months.~~

#### **Sec. 9-44 – Fire Department Access**

- (1) All Community access gates shall be provided with a "KNOX" key switch on or near a key pad entry system.
  - a. A gate key stored in a KNOX key box may be substituted for the key switch in certain circumstances as approved by the Fire Marshal or designee.
  - b. During power failure, all access gates shall be designed to fail in the open position.



- (2) All large commercial occupancies, clubhouses and other buildings designed for limited occupancy shall have a "KNOX" style key box mounted in a location approved by the Fire Marshal or designee.
- (3) Where required the key box shall contain at a minimum the following keys.
  - a. Locked points of ingress
  - b. Locked mechanical equipment rooms
  - c. Locked meter rooms
  - d. Elevator control keys
- (4) All multi-unit and commercial buildings shall have an outside means for disconnecting power. Multi-unit and commercial building exterior meter room doors may be locked with an FPL (WB) padlock. If they are to be locked by another padlock a key shall be stored in a "KNOX" key box located where approved by the Fire Marshal or designee.

#### **Sec. 9-45 – Fire Department Annual Inspections.**

The Fire Department will conduct annual life safety inspections on all multi-family and commercial occupancies as required by applicable law, including the Florida Fire Prevention Code, as amended from time to time, and the current Broward County Amendments to the Florida Fire Prevention Code, as amended from time to time. The owner of a commercial business and/or multi-family shall be responsible for payment of the inspection fees at the time of the inspection unless otherwise noted in a lease agreement for the rented premises.

#### **Sec. 9-46 – Use of Barbeque Grills in Multi-Family Residential Occupancies.**

Barbeque grills, hibachis and other similar outdoor cooking devices shall not be used or stored on balconies, terraces or porches on multi-story buildings regardless of the floor. They shall be used only outside the building and at a safe distance from all buildings, structures, or overhangs as determined by the Florida Fire Prevention Code and other applicable law.

**Secs. 9-447—9-49. - Reserved.**

### **ARTICLE V. - FIRE DEPARTMENT FEES**

**Sec. 9-50. – Fee Schedules for annual fire inspections, fire reinspections, fire suppression systems, fire alarm systems, fire pumps, and chemical storage or use, construction fire plan review and construction inspection fees.**

- (a) Fire Inspection of Residential buildings exceedinghaving two (2) or more adjoining units:

1. One Dollar and Seventy-five cents (\$1.75) per residential dwelling unit;
2. Thirty-Five Dollars (\$35.00) for each fire alarm system, fire suppression system, fire pump, and for chemical storage or use exceeding fifty (50) gallons capacity;
3. Minimum total fee of Forty-Five Dollars (\$45.00) and a maximum total fee of \$500.00 per detached building per year.

(b) Fire Inspection of Commercial buildings:

1. One Dollars and Seventy-five cents (\$1.75) per thousand square feet;
2. Thirty-Five Dollars (\$35.00) for each fire alarm system, fire suppression system, fire pump, and for chemical storage or use exceeding fifty (50) gallons capacity;
3. ~~m~~Minimum total fee of Forty-Five Dollars (\$45.00) and a maximum total fee of Five Hundred Dollars (\$500.00) per detached building per year.

(c) Re-inspection fee:

1. Seventy-five percent (75%) of the original annual fire inspection fee for each re-inspection needed to achieve compliance ~~with the codes.~~

(d) Plan review and construction inspection fee:

1. One Dollar and Five cents (\$1.05) per square foot for all plans reviewed by the ~~f~~Fire dDepartment.

(e) Construction re-inspection fee:

1. Fifty Dollars (\$50.00) will be charged for each construction re-inspection.

(f) Stand-alone fire alarm and/or fire sprinkler system plan reviews and testing:

1. Two cents (\$0.02) per square foot;
2. Maximum charge – is Four Hundred Dollars (\$400.00) per system.

~~Plan review and construction inspection fee:~~

3. One Hundred Dollars (\$100.00) for single location non-water fire suppression systems.

(g) Fire plan review and construction inspections for propane tanks, generators, pool heaters, and other miscellaneous single stand-alone permits excluding fire system user permits:

1. Fifty-Dollars (\$50.00).

(h) Fire inspector or fire plans examiner fee to attend pre-construction meetings at the request of the owner or developer:

1. Thirty-Five Dollars (\$36.00) per hour.

(i) Open Burning Permit Fees.

Fee schedule. All open burning permit applicants shall pay the following fees prior to issuance of the permit:

a. One hundred dollars (\$100.00) per acre of area to be cleared; and

b. Two hundred dollars (\$200.00) per day of open burning.

Per acre to be cleared shall mean the acreage of property that will actually be cleared, not the total acreage of the subject parcel.

(j) Fire System User Fees

The building owners and /or occupants shall pay a fire system user permit fee of one hundred dollars (\$100.00) per building per year at the time of annual fire inspection. In addition, the building owners and /or occupants shall pay a One-Hundred Dollar (\$100.00) "fire system failure response fee" each time a fire emergency response is required, and the fire system is found to be in the "trouble mode" and/or not operational. The fire system user permit fee shall be waived provided that the system certification is current pursuant to the current edition of the Florida Fire Prevention Code, and that a twenty-four-(24) hour emergency service contract with a licensed fire system contractor is maintained, and provided that all emergency call-out personnel names and phone numbers are kept current, and further that emergency call-out personnel arrive at the building within thirty (30) minutes each and every time requested by the Fire Department during the prior twelve (12) calendar months.

## **Sec. 9-51. - Fire safety public education.**

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Residents and employees of businesses located within the City of Coconut Creek shall be permitted to attend Fire Safety Public Education classes at no charge. Non-resident adults (eighteen (18) years and older) shall pay a fire safety public education fee of twenty-five dollars (\$25.00) per person, per class. Non-resident students ~~(up to the age of eighteen (18))~~ (seventeen (17) years of age and younger) shall pay a fire safety public education fee of fifteen dollars (\$15.00) per person, per class, with valid student ~~ID~~ identification card or other acceptable documentation.

**Sec. 9-52. – Hazardous Substance; recovery of costs.**

(a) Definitions. As used in this section, the following terms shall be defined as follows:

- (1) Costs means those necessary and reasonable costs incurred by the City in connection with investigating, mitigating, minimizing, removing or abating discharges of hazardous substances, including, but not limited to, the following: actual labor costs of City personnel or its authorized agents, cost of equipment operation and rental, cost of expendable items including, but not limited to, firefighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums, acid suits, acid gloves, goggles and protective clothing. This shall also include the cost of enforcing this section, including the cost of all investigations, court costs, and attorney's fees.
- (2) Discharge means any intentional or unintentional action or omission resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance upon public or private property located within the corporate limits of the City. The intrusion into a canal, pond, lake, or other waterway by an automotive vehicle, motorcycle, or construction/agricultural vehicle shall constitute a discharge of materials due to the presence of hydrocarbon materials such as fuel and oils.
- (3) Hazardous substances means any substances or materials in a quantity or form, which, in the determination of the City Manager, or his/her authorized designee, poses an unreasonable and imminent risk to the life, health, safety or welfare of persons or property within the City, and shall include, but not be limited to those hazardous substances listed in the National Fire Protection Association Hazardous Materials Code or the U.S. Environmental Protection Agency's extremely hazardous substances list, as defined in Chapter 403, "Environmental Control," Fla. Stat. Hazardous substances shall also mean any substance which is found at the scene where City employees or agents have been called to remove a suspected hazardous substance and said substance is unidentifiable by the employees or agents of the City at the scene based on reasonable and diligent investigation.

(4) Person means one (1) or more individuals, partnerships, corporations, joint ventures, associations or any other entities or any combination thereof.

(b) Fire and/or Police Department authorized to remove or abate; liability of person responsible; record of costs.

(1) The Fire and/or Police Departments of the City are hereby authorized to take such steps as necessary to clean up, remove or abate the effects of any hazardous substances discharged upon or into public or private property or facilities located within the corporate limits of the City in order to prevent imminent threat to health or life safety.

(2) Any person or persons who suffer, cause, allow or permit an unauthorized discharge of hazardous substances that requires emergency action by the Fire and/or Police Departments of the City or their authorized agents in order to protect the public health, safety or welfare shall be jointly and severally liable to the city for the costs incurred by the City in investigating, mitigating, minimizing, removing and abating any such discharge.

(3) When responding to the emergency caused by the unauthorized discharge of hazardous substances, the Fire and/or Police Departments of the City shall keep a detailed record of the costs attributable thereto.

(4) The Fire Department is authorized to deploy its dive rescue team to assist in any recovery of a motor vehicle. A fee of one thousand dollars (\$1,000.00) shall be assessed to the owner of the motor vehicle that required use of the dive rescue team. The owner will be liable to the City for the fee and any additional costs associated with the removal of hazardous substances or its source.

(c) City to be reimbursed for abatement costs, etc.; failure to reimburse City; etc.

(1) Any person or persons who suffer, cause, allow or permit an unauthorized discharge of hazardous substances shall reimburse the City for the full amount of all costs, as defined herein, associated with the investigating mitigating, minimizing, removing and abating any such discharge within a period of thirty (30) days after receipt of an itemized bill for such costs from the City.

- (2) Any person or persons who suffer, cause, allow or permit an unauthorized discharge of hazardous substances and who fails to reimburse the City within the time set forth herein, shall be subject to a fine equal to the greater of fifty dollars (\$50.00) per day or ten (10) per cent of the total amount of the bill for each additional day that the bill for such costs remains unpaid.
- (3) This section provides for strict liability for all costs of a person or persons who suffer, cause, allow or permit the discharge of hazardous materials within the City.
- (4) The remedy provided in this section shall be supplemental and in addition to all other available remedies at law and equity.

## **ARTICLE VI - APPEALS**

### **Sec. 9-53 - Appeals.**

Whenever the Fire Marshal, or designee, shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Marshal or designee to the Broward County Board of Rules and Appeals within thirty (30) calendar days of the decision.

**Section 3: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 4: Severability.** That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 5: Codification.** That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 6: Effective Date.** That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 14<sup>TH</sup> DAY OF DECEMBER, 2017.

PASSED SECOND READING THIS 11<sup>TH</sup> DAY OF JANUARY, 2018.

/s/ Rebecca A. Tooley  
Rebecca A. Tooley, Mayor

Attest:

/s/ Leslie Wallace May  
Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

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KAH  
11/27/2017

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