

**ORDINANCE NO. 3640**

AN ORDINANCE  
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 34 EMERGENCY SERVICES, ARTICLE II. ALARM SYSTEMS, BY DELETING IN ITS ENTIRETY DIVISION 3. FIRE ALARM SYSTEMS; AMENDING SUB-PART B, LAND DEVELOPMENT CODE, CHAPTER 102 BUILDING AND CONSTRUCTION REGULATIONS, ARTICLE II. ADMINISTRATION, DIVISION 3. PERMITS, SECTION 102-86(8)c. FEE SCHEDULE – COMMUNITY DEVELOPMENT DEPARTMENT; BUILDING, PERMITTING AND INSPECTIONS DIVISION; DELETING IN ITS ENTIRETY SECTION 102-87 FEE SCHEDULE FOR FIRE DEPARTMENT PERMITS; FIRE PREVENTION BUREAU-APPLICABLE FOR NEW CONSTRUCTION, REMODELING OR ALTERATIONS; AMENDING ARTICLE III. STANDARDS, SECTION 102-121 CONSTRUCTION CODES; DELETING IN THEIR ENTIRETY SECTION 102-122 FIRE DISTRICTS AND SECTION 102-123 FIRE PREVENTION STANDARDS; AMENDING CHAPTER 122 PUBLIC FACILITIES BY DELETING IN ITS ENTIRETY ARTICLE VI FIRE PROTECTION; AMENDING CHAPTER 134 TRAFFIC CIRCULATION AND PARKING, ARTICLE 3. OFF-STREET PARKING AND LOADING; SECTION 134.3.3A. PARKING FACILITY DIMENSIONS AND ACCESSIBILITY; CREATING CHAPTER 40 FIRE PREVENTION AND PROTECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA,** that:

**SECTION 1.** The City Code of the City of Fort Myers, Florida, Chapter 34 Emergency Services, Article II. Alarm Systems, is amended by deleting in its entirety Division 3. Fire Alarm Systems as follows:

**DIVISION 3. FIRE ALARM SYSTEMS Reserved.**

**Sec. 34-91. Definitions. Reserved.**

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

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~~Automatic telephone dialing device or digital alarm communicator system means an alarm system device which automatically sends a coded signal over regular telephone lines by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.~~

~~Central station means a facility that houses the alarm receiving equipment, annunciators, recording equipment and associated test and power supplies; is staffed at all times by a minimum of two (2) competent and experienced personnel who supervise the circuits and investigate signals; and is Underwriters Laboratories (UL) certified meeting the requirements of UL 821 NFPA71 fire alarm systems.~~

~~Citation means notice of violation of this article which includes assessment of a fine pursuant to this article.~~

~~Combination systems means an Underwriters Laboratories (UL) listed system designed to provide for monitoring and the transmission of both fire and burglar alarm functions.~~

~~Dispatch center means the county emergency communications center that receives emergency and/or general information from the public, and which dispatches police, fire and emergency medical personnel.~~

~~Enforcement official means the fire marshal or his designated representative.~~

~~False fire alarm means the activation of any alarm which results in the notification of the fire department~~

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~~caused by the accidental, negligent or intentional misuse of the system which includes, but is not limited to, test transmission of alarm signals without prior notification, construction, weather related, monitoring company error, or when an alarm is reset prior to the arrival of fire personnel. An alarm is not considered a false alarm if the alarm activated is due to malicious causes beyond the control of the owner/occupant.~~

~~*Fine* means the assessment of a monetary charge payable to the city, authorized pursuant to this article.~~

~~*Fire alarm company* means a business:~~

- ~~(a) — Employing fire alarm system agents who shall meet the requirements of FS § 489.518; and~~
- ~~(b) — Which sells, inspects, installs, maintains, repairs or monitors fire alarm systems.~~

~~*Fire alarm malfunction* means the activation of any alarm which results in the response of the fire department caused by mechanical/electrical failure, improper installation or lack of proper maintenance, water flow fluctuation, or when fire personnel or unable to determine the apparent cause of the alarm activation.~~

~~*Fire alarm permit* means a permit issued by the fire prevention bureau allowing the operation of an alarm system within the city.~~

~~*Fire alarm system* means any assembly of equipment arranged to sound a signal internally and/or externally and which may transmit to a central station the occurrence of a fire, hazard, or medical emergency~~

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~~requiring immediate attention and to which fire or medical units are expected to respond. All fire alarm systems shall be installed and maintained in accordance with the State Fire Marshal Rules and Regulations 69A-58. A single station alarm device (independent smoke detector) shall not be deemed to be an alarm system under this article.~~

~~*Fire alarm system agent* means any person who inspects, installs, repairs or performs maintenance on fire alarm systems and is licensed by the State of Florida or works under a state licensed alarm contractor as required by FS ch. 489.~~

~~*Keyholder* means any person authorized to enter the premise who can disable and reset the fire alarm system.~~

~~*National Fire Protection Association 72 (NFPA 72)* means standards for installation, maintenance and monitoring of fire alarm systems as most recently adopted by the state fire marshal.~~

~~*Owner/occupant* means any person who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises.~~

~~*Placed into operation* means an alarm system put in service which has met all requirements of this article.~~

~~*Premise* means any structure or combination of structures and/or any other area within the structure wherein an alarm system is installed.~~

~~*Required alarm system* means a fire alarm system which the owner/occupant of a premise is required by~~

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~~law, local ordinance or as an alternative arrangement to install and maintain in an operative condition.~~

~~*Reset alarm system* means clearing an alarm system of all indicators and placing the system back into normal operation.~~

~~*Serve* shall mean hand delivery by a representative of the fire department to the owner/occupant or keyholder who responded to the premise. In the event the owner/occupant or keyholder fails to respond to the premise serve shall mean placing the form or other matter in the United States mail, return receipt requested, postage prepaid, addressed to the owner or authorized representative.~~

~~*Silence alarm* means an alarm panel feature which deactivates all local audible alarms without resetting the system.~~

~~*Single station alarm device* means an assembly incorporating the detector, control equipment alarm sounding device in one (1) unit operated from a power supply either in the unit, or obtained at the point of installation whose designed intent is not to alert the fire department.~~

~~*Smoke detector* means a device which detects the visible or invisible particles of combustion.~~

### **Sec. 34-92. Permits; inspection; registration. Reserved.**

~~(a) It shall be unlawful for any person to operate a fire alarm system without a valid alarm user permit. Violation of this section shall be punishable as set forth in section 1-14.~~

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~~(b) All alarm user permits will expire on December 31 of each year and must be renewed no later than January 1 of each year. Renewal permits will be issued after completion of an application form provided by the fire prevention bureau and payment of a \$50.00 renewal fee, except those permits for a premises that had no false alarms or alarm malfunctions during the preceding permit period will be renewed upon completion of an application, but without any renewal fee.~~

~~(c) All county school board facilities are required to complete an application and obtain a permit for each alarm system at a school board facility. The total fee for the separate alarm system shall not exceed one hundred dollars (\$100.00) per facility.~~

~~(d) Permits cannot be transferred from one assigned user to a new alarm user. The new alarm user is required to obtain an alarm permit before the alarm system is activated.~~

~~(e) It shall be the sole responsibility of the alarm company to obtain the necessary permit from the proper agency prior to the installation of any fire alarm system and to have the system inspected by a representative designated by the enforcement official prior to the system being placed into operation. Any alarm company failing to obtain a permit prior to the installation of any fire alarm system or failing to have the system inspected prior to being placed into operation shall be subject to a fine as provided for in section 102-90 (g). The fire alarm system shall be inspected per NFPA 72, certificate of compliance,~~

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~~as adopted by the State Fire Marshal Rules and Regulations, Chapter 69A 58. Written verification of such inspection shall be forwarded to the enforcement official no later than fifteen (15) calendar days after the inspection.~~

~~(f) Every person who installs, owns, leases, possesses or operates any fire alarm system within the city shall notify the enforcement official of the existence of said alarm system prior to the alarm system being placed into operation. It shall be the sole responsibility of the company which is installing any fire alarm system to provide the system owner a registration for fire alarm system form, which shall be completed and forwarded to the enforcement official prior to the system being activated, along with a registration fee in the amount of \$50.00. Homeowner/occupant systems are not subject to the registration fee. The registration form shall contain the following information:~~

~~(1) The name(s), address, business and home telephone number of the owner/occupant occupying the premises wherein the fire alarm system is installed.~~

~~(2) The name, contact telephone numbers of a minimum of four (4) persons designated as keyholders who can be notified by the enforcement official in the event of the activation of the fire alarm system, who shall respond to the premises and can disable and reset the system.~~

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- ~~(3) The name and telephone number of the alarm company, central station, system number and account number.~~
- ~~(4) The date the fire alarm system is placed into operation.~~
- ~~(5) Lock Box location, if required.~~
- ~~(6) Number of system smoke detectors.~~
- ~~(7) When any of the information required in subsections (1), (2) or (3) has been changed, it shall be reported in writing to the enforcement official by the owner/occupant within fifteen (15) calendar days of such change.~~
- ~~(8) All information submitted in compliance with this section shall be held in confidence and shall be deemed a confidential record exempt from discovery to the extent permitted by law.~~

**Sec. 34-93. Permit decals. Reserved.**

~~A decal with the alarm users permit number will be issued with the alarm user permit. This decal must be prominently posted on or near the front entrance of the premises so as to be visible from the outside of the structure.~~

**Sec. 34-94. Backup power supply. Reserved.**

~~All alarm systems shall have a backup power supply that will be effective in the event of a power failure or outage in the source of electricity from the utility company.~~



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**Sec. 34-95.            ~~New installations.~~ Reserved.**

~~The provisions in section 34-99 shall not apply to any newly installed fire alarm system for a period of 60 calendar days from the date the alarm system is placed into operation, but shall apply from and after the expiration of the initial 60 calendar day period. The time limit provided for in this section shall be measured from the date shown on the notice. The exemptions set forth in this section shall not apply to any person who has failed to comply with section 34-92.~~

**Sec. 34-96.            ~~Operations.~~ Reserved.**

~~The city, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned alarm system, those duties or responsibilities being solely those of the owner/occupant of the premises. Additionally, it shall be the responsibility of the owner/occupant or keyholder of the premises to silence an activated alarm and thereafter reset the same only after a response by fire department personnel.~~

**Sec. 34-97.            ~~Automatic telephone dialing alarm device or digital alarm communicator system.~~  
Reserved.**

~~(a) It shall be unlawful for any person to install, maintain, operate or use any automatic telephone dialing device or digital alarm communicator system if the system requires connection to the dispatch center of the fire department.~~

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~~(b) — It shall be unlawful for any person to install, maintain, operate or use any automatic telephone dialing device or digital alarm communicator system unless such system is currently approved by the Underwriters laboratories, or its subsidiary laboratories, and has been approved by the enforcement official.~~

~~(c) — Any fire alarm system that is monitored shall be monitored by an Underwriters Laboratories (UL) listed central station which is registered with the enforcement official and holds a current EC or EF1 license with the state or an EY or EH license registered in the county, and registered with the electrical contractors' licensing board. The central station shall provide a copy of the UL certification to the enforcement official on an annual basis.~~

**Sec. 34-98.            ~~Responsibility for activation; owner response; malfunction and corrective action. Reserved.~~**

~~(a) — The responsibility for a fire alarm activation shall be the owner/occupants. A response to an alarm activation shall result when any officer or member of the fire department is notified of said activation. Upon receiving notice of an alarm activation, the central station shall notify the keyholder(s) designated pursuant to section 34-92. The officer who responded to the premises shall serve the keyholder with the fire alarm activation report.~~

~~(b) — It shall be considered a false fire alarm when an activated alarm system is reset by any person prior to the arrival of a member of the fire department and prior to~~

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~~the apparent cause of the alarm activation being determined. A violation of this section shall be punished as set forth in section 1-14.~~

~~(c) When a fire alarm activation is deemed by the enforcement official to be the result of the fire alarm malfunction, the system shall be repaired and in service with 24 hours for residential/institutional occupancies or 72 hours for all other occupancies. An affidavit of service/repair form shall be completed by a fire alarm system agent and signed by the owner/occupant and then returned within 30 calendar days to the enforcement official. Failure to return an affidavit of service/repair form within 30 calendar days from the date of the alarm activation will result in an assessment against the owner/occupant of a fine in the amount of \$500.00.~~

**Sec. 34-99. Fine charges; multiple malfunctions or false alarms. Reserved.**

~~(a) No fine shall be assessed for the first three (3) false alarm activations responded to by the fire department during each calendar year. Any subsequent false alarm(s) responded to at the same alarm location during the calendar year shall be assessed a fine as follows:~~

<i>Number of false fire alarms</i>	<i>Fines per false fire alarms</i>
Fourth	\$100.00
Fifth	150.00
Sixth	75.00
Seventh and above (each)	200.00

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~~(b) — Any alarm system having three (3) or more alarm activations within a twelve (12) month period due to malicious causes beyond the control of the owner/occupant may at the discretion of the enforcement official, be evaluated. Corrections deemed necessary to rectify the problem must be accomplished within thirty (30) calendar days.~~

~~(c) — Fire alarm malfunctions: No fine shall be assessed for the first three (3) alarm malfunctions responded to by the fire department during each calendar year. If the “affidavit of service/repair” form has been satisfactorily completed and returned, any subsequent alarm malfunction(s) responded to at the same alarm location during the calendar year shall be assessed a fine as follows:~~

<del>Number of alarm malfunctions</del>	<del>Fines per alarm malfunction</del>
<del><i>Fourth</i></del>	<del><i>\$25.00</i></del>
<del><i>Fifth</i></del>	<del><i>50.00</i></del>
<del><i>Sixth</i></del>	<del><i>75.00</i></del>
<del><i>Seventh and above (each)</i></del>	<del><i>100.00</i></del>

~~(d) — All alarm systems equipped with more than one hundred and fifty (150) system smoke detectors shall receive one (1) additional exemption from the administrative fines schedule for alarm malfunctions during each calendar year and one (1) exemption for each additional one hundred and fifty (150) system smoke detectors or fraction thereof.~~

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~~(e) Any system determined to have four (4) or more alarm activations/alarms within a ninety (90) calendar day period may, at the discretion of the enforcement official, be ordered to have the system inspected. Corrections deemed necessary to bring the system to proper working order must be accomplished within thirty (30) calendar days.~~

~~(f) Should any fine assessed pursuant to this article remain unpaid in excess of one hundred twenty (120) calendar days from the date the charge is billed, a collection fee in the amount of fifty percent of the outstanding balance may be assessed and may be payable by the owner/occupant of the premises in addition to the original fine. The owner/occupant may also be responsible for any legal fees incurred by the city in the enforcement of this article.~~

~~(g) Monies collected pursuant to this article shall be retained by the city fire prevention bureau and may be set aside in a specific fund to support future enforcement activities against unlicensed contractors.~~

**Sec. 34-100.        ~~Violations; enforcement; appeal of citations and penalties.~~ Reserved.**

~~(a) It shall be unlawful for any person to violate any provision of this article or to permit or maintain such a violation, except such variation as may be allowed by action of the city enforcement official in writing. Proof of such unlawful act shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. The city's decision to prosecute, or not to~~

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~~prosecute, an owner, occupant, or controller of the premises shall not be deemed a waiver of the city's right to enforce this article against any or all such violators. The city may enforce the provisions of this article in the county court or by the code enforcement board of the city.~~

~~(b) The person charged with the violation shall elect either to correct the violation and pay in the manner and the amount indicated on the citation or contest the hearing through the clerk of the county court within ten calendar days of the date of issuance of the citation. The clerk of the county court shall schedule a hearing in the county court and shall provide written notice of the hearing to the person and the officer. Failure to contest the citation within the ten calendar days shall constitute a waiver of the right to contest the citation. A waiver of the right to contest the citation shall be deemed an admission of the violations, and fines and penalties may be imposed accordingly.~~

~~(c) Any decision rendered by the code enforcement may be appealed as provided in section 2-418.~~

~~(d) Any alarm company that fails to comply with all applicable federal, state and local laws, including but not limited to F.S. 489 and 633, and this article, may be subject to penalties and fines as provided in such state and local laws.~~

**SECTION 2.** The City Code of the City of Fort Myers, Florida, Sub-Part B Land Development Code, Chapter 102 Building and Construction Regulations, Article II. Administration, Division 3. Permits, Sec. 102-86(8)c. Fee schedule--Community development department;

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building, permitting and inspections division is hereby amended as follows:

**Sec. 102-86. Fee schedule--Community development department; building, permitting and inspections division.**

- (8) Tent permits and inspections.
  - c. A fee of \$25.00 is required for each additional group of ten tents, or portion thereof. (For additional applicable fees see section ~~102-87(l)~~ 40-4(kk).)

**SECTION 3.** The City Code of the City of Fort Myers, Florida, Sub-Part B Land Development Code, Chapter 102 Building and Construction Regulations, Article II. Administration, Division 3. Permits, Section 102-87 Fee schedule for fire department permits; fire prevention bureau - Applicable for new construction, remodeling or alterations is hereby deleted in its entirety as follows:

**Sec. 102-87. ~~Fee schedule for fire department permits; fire prevention bureau Applicable for new construction, remodeling or alterations.~~ Reserved.**

~~(a) *Work without permit.* The permit fee for any work that is started without a required permit will be doubled, plus any work that is completed without a required permit will be charged an additional \$200.00.~~

~~(b) *Permit extensions, duplicate and expired permits.*~~

~~(1) *Permit extension (before expiration) will be charged 25 percent of the original permit fee.*~~

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~~(2) Second extension (before expiration) of permits will be charged 50 percent of the original permit fee.~~

~~(3) Duplicate permit cards will be charged \$15.00.~~

~~(4) Expired permits require reapplication and are subject to original fees, including plan review.~~

~~(c) Refunds:~~

~~(1) No refunds will be given if work has commenced.~~

~~(2) No refunds will be given if a permit has expired.~~

~~(3) No refunds will be given on any plan review fee.~~

~~(4) No refunds will be given on permits of \$50.00 or less, unless issued in error by the city.~~

~~(5) Refunds of all other permits shall be limited to 50 percent of the permit fee.~~

~~(d) Permit application expiration date. Permit applications will expire 90 days from date of submittal. The applicant will be notified by regular mail at the address given in the application. The applicant will have ten days after notification to pick up the canceled plans and associated paperwork at the fire department. Should plans not be picked up, the application will be voided and the plans and paperwork will be disposed. One extension of time for a period of not more than 60 days may be allowed by the fire marshal for the application, provided the~~



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~~extension is requested in writing and a justifiable hardship cause is demonstrated.~~

~~(e) — *Courtesy inspections.* Any inspections that are not included with a permit shall be \$25.00 per inspection, and shall be paid in advance. (See special inspections in subsection (g) of this section.)~~

~~(f) — *Reinspection fees.*~~

~~(1) — If reinspection is necessary because the work was not ready, was incomplete, was not to code or plan, or access to the inspection is denied, the fee shall be as follows:~~

- ~~a. — Access denied, or plans and/or permits not on the site ————— \$25.00~~
- ~~b. — First reinspection ————— 50.00~~
- ~~c. — Subsequent reinspections ————— 50.00~~

~~(2) — If a third or subsequent reinspection is performed at the request of the permit holder or his agent, the fire official or his designee may, after first issuing a warning notice at the time of or after the second reinspection, and for the same violation, issue a civil citation in the amount of \$100.00 as a first violation. A second citation may be issued in the amount of \$250.00 if a subsequent requested inspection results in the same violation, and a third and subsequent violation may be issued in the amount of \$500.00 until such time as the violation is corrected. Should the inspections be ordered by the fire official,~~

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~~where a known violation continues to exist beyond a reasonable time, or permit expiration, the same penalties shall apply. Failure to finalize a permit within 180 days from date of issue or last inspection shall result in a \$100.00 fine. No subsequent inspections or other permits will be issued until all the fees are paid and the permit has been finalized.~~

~~(g) *Special inspections.* Special inspections performed outside normal working hours, as approved by the fire marshal or his designee, when requested by the permit holder, shall be billed at a minimum fee of \$75.00 for the first hour, portal to portal, and \$60.00 for each hour thereafter, with a minimum fee of \$75.00, which must be paid in advance to the fire prevention bureau.~~

~~(h) *Annual fire inspection fees.* Annual fire inspection fees area as follows:~~

- ~~(1) Initial inspection. . . . . No fee~~
- ~~(2) First reinspection. . . . . No fee~~
- ~~(3) Second reinspection. . . . . \$50.00~~
- ~~(4) Third reinspection. . . . . 50.00~~
- ~~(5) Subsequent reinspections will be subject to legal action.~~

~~(i) *Preliminary inspection fees.* If the preliminary building inspection is being conducted by request of a business entity (i.e., real estate agent/broker, investor, or property owner) for such purposes as a sale, purchase, change of use, or alteration of a building, the fee shall be~~

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~~\$250.00 per inspection. This service will be provided free of charge to citizens who wish to rent or lease a building or tenant space to operate a prospective business.~~

~~(j) *Fire sprinkler systems.* The permit fee for each new fire sprinkler system or addition to an existing fire sprinkler system shall be \$50.00, plus \$50.00 for each new riser or addition to each existing riser and \$3.00 per new head rounded up to the nearest dollar. The permit fee for remodeling without additions shall be \$50.00, plus \$3.00 per relocated head. Revisions to permits issued by the fire prevention bureau shall be subject to a revision fee of \$30.00 plus charges for any additional heads, devices or linear footage.~~

~~(k) *Fire standpipe systems.* Wet or dry, the permit fee for each new standpipe system, or addition to an existing system, shall be \$50.00, plus \$50.00 for each riser or each existing riser altered.~~

~~(l) *Fire pumps.* The permit fee for a new fire pump shall be \$50.00, plus \$75.00 for pumps up to and including 500 gallons per minute (GPM) or \$100.00 for all pumps above 500 GPM. The permit fee for alterations to existing pumps shall be \$40.00.~~

~~(m) *Pre-engineered fire suppression systems, excluding total flood systems.* The permit fee for new installations or alterations to existing systems shall be \$50.00, plus \$20.00 per bottle of suppression agent. This includes, but is not limited to, hood systems, spray booths and mixing rooms.~~

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~~(n) — Total flood pre-engineered fire suppressions systems. The permit fee for new installations of total flood pre-engineered fire suppression systems shall be \$50.00, plus \$65.00 per bottle or container of suppression agent. The permit fee for alterations to existing systems shall be \$50.00, plus \$25.00 per suppression head or detection head altered. This includes, but is not limited to, FM200 and all clean agent systems.~~

~~(o) — Fire alarm systems. The permit fee for new zoned systems shall be \$50.00, plus \$25.00 per indicating and initiating zone. The permit fee for intelligent systems shall be \$50.00, plus \$3.00 per indicating or initiating device. Revisions to permits issued by the fire prevention bureau shall be subject to a revision fee of \$30.00 plus charges for any additional heads, devices or linear footage.~~

~~(p) — Monitoring permit only. The fee for a monitoring permit shall be \$40.00.~~

~~(q) — Burn permit. The fee for a burn permit shall be \$250.00 per 30 day period.~~

~~(r) — Fire hydrant flow test. The fee for fire hydrant flow tests shall be \$75.00.~~

~~(s) — Pyrotechnics, indoor. The permit fee for indoor pyrotechnics shall be \$150.00.~~

~~(t) — Pyrotechnics, outdoor. The permit fee for outdoor pyrotechnics shall be \$150.00.~~

~~(u) — State agency required inspections. The fee for state agency required inspections shall be \$75.00.~~

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~~(v) — *House burn permit.* The fee for a house burn permit shall be \$0.25 per square foot rounded up to the nearest dollar, but a minimum of \$250.00.~~

~~(w) — *Fire watch.* The fee for a fire watch shall be the actual cost of supplying required manpower and equipment for each specific event.~~

~~(x) — *Installation of pollutant storage tanks, underground.* The permit fee for the installation of underground pollutant storage tanks shall be \$50.00, plus \$100.00 per tank.~~

~~(y) — *Installation of pollutant storage tanks, aboveground.* The permit fee for the installation of aboveground pollutant storage tanks shall be \$50.00, plus \$75.00 per tank.~~

~~(z) — *Removal or abandonment in place of pollutant storage tank, underground.* The permit fee for the removal or abandonment in place of an aboveground pollutant storage tanks shall be \$50.00, plus \$75.00 per tank.~~

~~(aa) — *Removal or abandonment in place of pollutant storage tank, aboveground.* The permit fee for the removal or abandonment in place of an aboveground pollutant storage tank shall be \$50.00, plus \$75.00 per tank.~~

~~(bb) — *Liquefied petroleum gas (LPG) tanks installed, underground.* The permit fee for liquefied petroleum gas tanks installed underground shall be \$50.00, plus \$100.00 per tank. This includes residential tanks of 125 pounds or greater.~~

~~(cc) — *Liquefied petroleum gas (LPG) tanks installed, aboveground.* The permit fee for liquefied petroleum gas tanks installed aboveground shall be \$50.00, plus \$75.00 per tank. This includes residential tanks of 125 pounds or greater.~~

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~~(dd) — Liquefied petroleum gas (LPG) tanks removal, underground or abandon in place. The permit fee for underground or abandoned in place liquefied petroleum gas (LPG) tank removal shall be \$50.00, plus \$100.00 per tank. This includes residential tanks of 125 pounds or greater.~~

~~(ee) — Liquefied petroleum gas (LPG) tank(s) removal, aboveground. The permit fee for aboveground liquefied petroleum gas (LPG) tank removal shall be \$50.00, plus \$75.00 per tank. This includes residential tanks of 125 pounds or greater.~~

~~(ff) — Blasting. The permit fee for blasting shall be \$50.00, plus \$0.50 per shot rounded up to the nearest dollar.~~

~~(gg) — Underground fire line. The permit fee for an underground fire line shall be \$50.00, plus \$3.00 per linear foot, with a \$25.00 minimum.~~

~~(hh) — Compliance. Each permit issued by the fire department shall comply with the currently adopted edition of the Florida Fire Prevention Code.~~

~~(ii) — Notarized letter of approval. A notarized letter of approval from the property owner shall be provided to the fire department when requesting a permit to abandon in place any underground tank.~~

~~(jj) — Building permit plan review fee.~~

~~(1) — The building permit plan review fee shall be three tenths of one percent or a minimum of \$15.00, whichever is greater, of the job value.~~

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~~(2) After permit issuance, the plan review fee for revisions or additions shall be \$40.00 or two tenths of one percent of the job value, whichever is greater.~~

~~(kk) *Occupancy permit inspections.* The permit fee for occupancy inspections shall be as follows:~~

<del>Less than 1,000 square feet</del>	<del>\$ 30.00</del>
<del>1,001 2,500 square feet</del>	<del>40.00</del>
<del>2,501 5,000 square feet</del>	<del>50.00</del>
<del>5,001 7,500 square feet</del>	<del>60.00</del>
<del>7,501 10,000 square feet</del>	<del>70.00</del>
<del>10,001 12,500 square feet</del>	<del>80.00</del>
<del>12,501 15,000 square feet</del>	<del>90.00</del>
<del>15,001 17,500 square feet</del>	<del>100.00</del>
<del>17,501 square feet and up</del>	<del>110.00</del>

~~(ll) *Tent inspections.* The fee for tent inspections shall be \$35.00 per event for tents larger than 100 square feet and \$10.00 for each additional tent larger than 100 square feet. Tents 100 square feet or smaller are exempt from permitting and fees, but will be subject to fire inspections. For additional applicable fees, see section 102-86(8).~~

~~(mm) *Temporary outdoor activities on private land.* A single family residence in a single family designated area is exempt from the temporary outdoor activity fee and tent permits.~~

~~(nn) *Tar Kettles.* The permit fee for a single tar kettle shall be \$75.00. All annual tar kettle permits will expire on the 31<sup>st</sup> day of December of each year and must~~

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~~be renewed no later than the 1<sup>st</sup> day of January of each year. Renewal permits will be issued after completion of an application form provided by the fire prevention bureau, submittal of contractor license information and payment of a \$750.00 renewal fee. Permits issued to contractors shall apply to all jobs within the city for unlimited inspections for the calendar year.~~

~~(oo) Master plan reviews of fire alarm and fire sprinkler system \$50.00.~~

**SECTION 4.** The City Code of the City of Fort Myers, Florida, Sub-Part B Land Development Code, Chapter 102 Building and Construction Standards, Article III. Standards, Section 102-121 Construction codes is hereby amended to read as follows:

**Sec. 102-121. Construction codes.**

(a) Recognizing that the state legislature sets the standards for construction in the state, the city recognizes the codes as directed by the state legislature and the state building commission. The codes listed below are the latest codes enacted by the state legislature:

- (1) ~~2004~~ 2010 edition, Florida Building Code, Building, Plumbing, Mechanical, Fuel Gas, Residential, Existing Building, Energy Conservation, and Accessibility effective March 15, 2012.
- (2) ~~2004~~ 2010 edition, Florida Fire Prevention Code effective December 31, 2011.
- (3) ~~1999~~ 2008 edition, National Electrical Code effective July 1, 2009.



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**SECTION 5.** The City Code of the City of Fort Myers, Florida, Sub-Part B Land Development Code, Chapter 102 Building and Construction Standards, Article III. Standards, Section 102-122 Fire districts is hereby deleted in its entirety as follows:

**Sec. 102-122. ~~Fire districts.~~ Reserved.**

~~At the time of adoption of this section on February 3, 2003, the Florida Building Code (FBC) did not address the issue of fire districts as addressed in this section previously. Accordingly, the city cannot require unique design criteria until such time as the FBC addresses this matter. The fire district which will be enforced by the city when and/or if the FBC addresses the subject of fire districts is described as follows:~~

~~Beginning at the waters of the Caloosahatchee River where the line dividing the Royal Palm Hotel property lot and the lot known as Joseph Vivas Home Place Lot intersects with said river; thence northeasterly parallel to Edwards Drive to the westerly line of Fowler Street; thence southeasterly along the westerly line of Fowler Street to the northerly line of Second Street; thence southwesterly along the northerly line of Second Street to the westerly line of Royal Palm Avenue; thence southeasterly along the westerly line of Royal Palm Avenue to the north line of Anderson Avenue [Dr. Martin Luther King Jr. Boulevard]; thence westerly along the north line of Anderson Avenue [Dr. Martin Luther King Jr. Boulevard] to a corner in the street; thence south in a straight line~~

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~~from said corner along the east line of Lee Street 450 feet to a corner; thence westerly parallel with the southerly line of Peck Avenue to a corner lot in the east line of Cleveland Avenue; thence north to a corner at the east line of Carson Street; thence along the easterly line of Carson Street to the north line of West First Street; thence along the northerly line of West First Street and around a curve and along the west line of West First Street to McGregor Boulevard; thence along the northerly side of McGregor Boulevard to the property line of Edison Estates; thence northwesterly along the northeasterly line of Edison Estates, 728 feet, more or less, also continuing in the same northwesterly direction to an intersection with the bulkhead line at the Caloosahatchee River; thence northeasterly along the established bulkhead line to a point of beginning.~~

**SECTION 6.** The City Code of the City of Fort Myers, Florida, Sub-Part B Land Development Code, Chapter 102 Building and Construction Standards, Article III. Standards, Section 102-123 Fire prevention standards is hereby deleted in its entirety as follows:

**Sec. 102-123. Fire prevention standards. Reserved.**

~~(a) All regulations issued by the state fire marshal under the authority of F.S. § 633.01 633.18 shall be enforceable as provided in F.S. § 633.121. The fire chief or designee, shall have such assistance as they find necessary from other officials of the city in the discharge of such duties.~~

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~~(b) — It shall be unlawful for any person to mutilate, destroy, tamper with, or in any manner interfere with any fire alarm system in the city, or with any fire alarm box, wires, or other equipment thereof used in connection with such system; or to willfully tamper with or injure an fire apparatus hose, coupling, water pipe, hydrant or any other appliance whatsoever, connected with, used, or owned by the fire department of the city.~~

~~(c) — It shall be unlawful for any person upon whose poles the wires of any fire alarm system are attached or connected and/or fire alarm boxes or other equipment are installed, to change the location of such wires, alarm boxes, or other equipment or to make any transfer or repairs that will effect any fire alarm system without first having obtained permission from the chief of the fire department or his designee. After having obtained such permission, any person making such changes, alterations, transfers, or repairs required, at his own proper costs, to restore and replace the equipment in a condition satisfactory to the fire chief or his designee.~~

**SECTION 7.** The City Code of the City of Fort Myers, Florida, Sub-Part B Land Development Code, Chapter 122 Public Facilities, is hereby amended by deleting it its entirety Article VI. Fire Protection as follows:

**ARTICLE VI. FIRE PROTECTION Reserved.**

**Sec. 122-351. Administration; adequacy.**

~~(a) — The fire department shall be responsible for administering the standards in this article.~~

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~~(b) Fire protection service will be adequate to protect people and property in the proposed development. In order to provide and ensure adequate fire protection service availability, the proposed development shall meet the requirements in this article.~~

### **Sec. 122-352. Fire hydrants. Reserved.**

~~(a) *Spacing.* Maximum distance between fire hydrants shall be 500 feet in exclusive single family and two family districts, and 300 feet in all other districts including town homes. A fire hydrant spacing of 300 feet shall be required in single family and two family districts where a cul de sac turnaround with a pavement diameter of 90 feet is provided. Cul de sac turnarounds in commercial districts shall have a pavement diameter of 125 feet and the interior diameter may be landscaped based upon approval of the fire department and public works department. See also section 134-58.~~

~~(b) *Other areas.* Where buildings are proposed in an area not meeting the fire hydrant spacing requirements, the owner or developer shall provide the number of fire hydrants prescribed by the fire official under the terms of this section.~~

~~(c) *Color.* All public fire hydrants, public and private, shall be painted yellow and color coded as prescribed by the fire official.~~

### **Sec. 122-353. Fire flow requirements. Reserved.**

~~(a) The following are fire flow requirements for new construction, changes in occupancy or use to a more hazardous classification (according to National Fire~~

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~~Protection Association, chapter 101) or any physical enlargement of existing buildings. All one family and two family dwellings are exempt from these requirements, except new subdivisions as provided in subsection (1) of this section.~~

~~(1) New one family and two family subdivisions.~~

<i>Distance between</i>	<i>Buildings</i>	<i>Needed Fire Flow</i>
<i>(feet)</i>		<i>(gpm)</i>
Over 100		500
30-100		750
11-30		1,000
10 or less		1,500

~~Subdivisions not capable of delivering the required fire flow shall provide automatic sprinkler systems in accordance with National Fire Protection Association #13, 2002 edition, or National Fire Protection Association #13D, 1984 edition.~~

~~(2) Other buildings. All other buildings shall calculate required fire flows in accordance with the formula set forth in subsection (3) of this section. This formula establishes a base flow from which the degree of hazard and credit for sprinkler protection will result in a final needed fire flow. National Fire Protection Association #13D, 2002 edition, shall be used for the purpose of determining hazard classification.~~

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~~NFPA Classification~~ ~~Formula Application~~

~~Light~~ ~~Light~~

~~Ordinary I and II~~ ~~Ordinary~~

~~Ordinary III or higher~~ ~~High~~

~~(3) Formula. Fire flow shall be based on the formula  $F = 18 \text{ by } C$ , multiplied by the square root of  $A$ .~~

~~$F$  = GPM flow at 20 psi residual.~~

~~$C$  = Constant based on type of building construction.~~

~~Coefficients based on construction type:~~

~~1.5 = Wood (type VI)~~

~~1.0 = Ordinary (type V)~~

~~0.8 = Noncombustible (types III and IV)~~

~~0.6 = \*Fire resistive (types I and II)~~

~~$A$  = The square root of the square footage of the structure (total floor area).~~

~~\*Fire resistive construction need only be calculated on the three largest successive floors.~~

~~A four hour resistive wall may be used to reduce total square footage of a building, provided the wall intersects each successive floor of the building.~~

~~$BF$  = Base flow established from the formula  $F = 18C$  multiplied by  $A$ .~~

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~~FF = BF multiplied by 0.75 (light hazard occupancy).~~

~~FF = BF multiplied by 1.0 (ordinary hazard).~~

~~FF = BF multiplied by 1.25 (high hazard).~~

~~If the building is protected by an automatic sprinkler system installed in accordance with all applicable codes, a 50 percent reduction of the final flow (FF) will be allowed. A minimum requirement for all fire sprinkler systems shall comply with article X of this chapter, regarding cross connection control standards. Owners or developers shall make prior provision to install water lines and fire hydrants to meet fire hydrant spacing and fire flow requirements. Where fire mains are existing, but do not meet the fire flow requirements, alternative arrangements can be made prior to construction with the fire official and public works department to install fire suppression systems and adequate fire streams. Because of the concern for public safety, failure to meet the flow requirements or come to an alternative agreement shall be grounds for refusal by the city to issue building permits.~~

**Sec. 122-354.      Private fire mains. Reserved.**

~~Refer to National Fire Protection Association, Standard 1, 2003 edition.~~

**Sec. 122-355.      Fire lanes. Reserved.**

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~~(a) — *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.~~

~~*Fire Lane* means a means of access or other passageway designated and identified to provide access for emergency apparatus where parking is not allowed.~~

~~(b) — *Required; exception.* All buildings that the city fire department may be called upon to protect, that are not readily accessible to an adjacent local street, shall be provided with a suitable fire lane or parallel access drive unless the analysis of the fire official indicates the fire access is unnecessary. Such fire access is necessary for all buildings three or more stories in height which are not adjacent to a local street. Any permitted gates are subject to approval of the fire official.~~

~~(c) — *Fire lanes.* Fire lanes shall have a minimum turning radius of 25 feet inside and 45 feet outside.~~

~~(d) — *Signs.* All existing and proposed fire lanes shall be posted with signs meeting the following specifications:~~

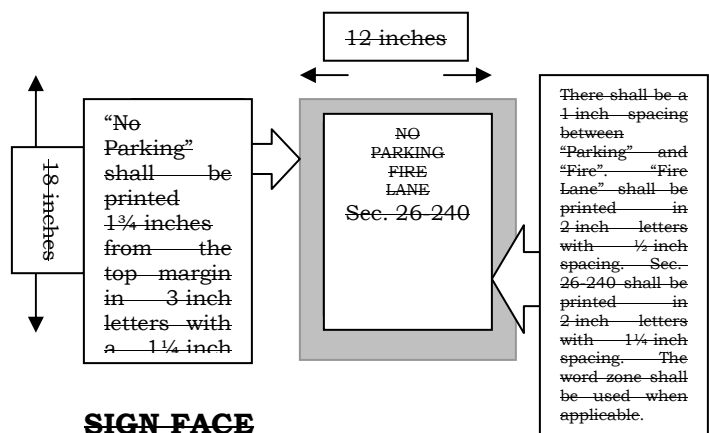
~~(1) — *Face.*~~

~~a. — All lettering shall be upper case and of the type approved by the fire official.~~

~~b. — Wording shall be as follows:~~



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~~\*\*NOTE\*\* The radii (edge) shall be 1 1/2 inches. The margin shall be one half inch. The border shall be one quarter inch.~~

~~(2) Color and reflectorization:~~

- ~~a. Parking prohibition signs shall have a red message on a white background.~~
- ~~b. Letters, symbols and borders shall be reflectorized.~~

~~(3) Placement and location:~~

- ~~a. All signs shall be erected with the bottom of the sign not less than six feet above the pavement or ground.~~
- ~~b. Spacing of parking prohibition signs shall not exceed 50 feet and shall be in accordance with approved plans or as directed by the fire prevention bureau.~~
- ~~c. Signs, sign posts and their foundations shall be mounted and constructed to hold signs in a proper and permanent position, and to resist swaying in the wind or displacement by vandalism.~~

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~~d. Parking prohibition signs shall be erected adjacent to pavement marking indicating parking restriction.~~

~~(c) Pavement markings:~~

~~(1) Fire lanes.~~

~~a. Fire lanes shall be no less than 20 feet in width.~~

~~b. A single four inch wide yellow line shall be painted one inch off the curb structure for the entire length of the fire lane: and at the center of the fire lane and at the opposite side from the curbline.~~

~~c. Lettering to face in alternating directions when traffic flows in two different directions.~~

~~d. Fire Lanes shall be as follows:~~



~~(2) Fire zones. Fire Zones required in accordance with subsection (b) of this section shall be as follows:~~

~~a. Fire zones shall be a minimum of 15 feet in width.~~

~~b. The word "Fire Zone" shall be 20 inches high with a four inch wide paint stroke in all capital letters.~~

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~~c. All fire zone pavement markings shall be in traffic yellow paint.~~

~~d. The balance of the space shall be crosshatched in four inch wide stroke diagonal lines.~~

~~e. Parking prohibition signs stating "No Parking Fire Zone" shall be erected adjacent to pavement markings.~~

~~(f) *Obstructions.* Obstruction of fire department vehicle access fire lanes or fire hydrants by parking, temporary structures or any other means is prohibited and subject to tickets or towing by the police department as any other parking violation, or may be enforced by the fire department.~~

~~(g) *Retention areas.* No new wet or dry retention areas shall be directly adjacent to any structure unless prior approval is received from the fire official.~~

**Sec. 122-356. Standpipes. Reserved.**

~~Sections 603.10.1, 603.10.2, 603.10.3 of the fire prevention code adopted in Section 102-121 shall be deleted and be replaced with the following:~~

~~(1) Class I or class III standpipes shall be installed in all buildings three stories or more in height above the lowest level of fire department vehicle access, and in two story buildings with the second level 30 feet or more above the level of fire department access. The currently adopted NFPA Pamphlet #14 shall be the standard for all standpipes.~~

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**SECTION 8.** The City Code of the City of Fort Myers, Florida, Sub-Part B Land Development Code, Chapter 134 Traffic Circulation and Parking, Article 3. Off-Street Parking and Loading, Section 134.3.3A Parking facility dimensions and accessibility is amended to read as follows:

**Sec. 134.3.3 Parking facility dimensions and accessibility.**

A. The following minimum dimensions for parking facilities shall apply:

Stall and Aisle Dimensions				
Aisle to Stall Angle	Stall Width	Stall Length	Aisle** Width	
90°	10'0"	18'0"	24'0"	(two-way)
60°	10'0"	18'0"	17'0"	(one-way only)
45°	10'0"	18'0"	12'6"	(one-way only)
	8'0"	22'0"	22'0"	(parallel parking)
Handicap Parking	12'0"	18'0"	5'	

\*\*Note: Aisle width for 60° and 45° angle parking must be a minimum of 20 feet if used as a fire access roadway to a building. (See Illustrations 134.3.3-1, 134.3.3-2 and 134.3.3-3 for illustrations of parking.) Parking lots may need fire truck turning radii. (See section ~~122-355(c)~~ 40-8(c). Access aisle width for off-street areas may be a minimum of 20 feet wide if there is no parking along it.

**SECTION 9.** The City Code of the City of Fort Myers, Florida, is hereby amended by creating Chapter 40 Fire Prevention and Protection to read as follows:

**CHAPTER 40 FIRE PREVENTION AND PROTECTION**

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**ARTICLE I. IN GENERAL**

**Sec. 40-1. Definitions.**

The following words, terms and phrases, when used in this ~~article~~ chapter, shall have the meanings ascribed to them in this section the latest version of Merriam-Webster's Collegiate Dictionary:

*Bonfire* means the open burning of cut trees, vegetation or lumber. Total fuel area shall not exceed 12 feet in diameter and 8 feet in height.

*Citation* means a notice of violation of this ~~article~~ chapter which includes assessment of a fine pursuant to this ~~article~~ chapter.

*Dispatch center* means the county emergency communications center that receives emergency and/or general information from the public, and which dispatches police, fire and emergency medical personnel.

*Enforcement official* means the fire marshal or ~~his~~ designated representative of the fire department.

*False fire alarm* means the activation of any alarm which results in the notification of the fire department caused by the accidental, negligent or intentional misuse of the system which includes, but is not limited to, test transmission of alarm signals without prior notification, construction, weather related, monitoring company error, or when an alarm is reset prior to the arrival of fire personnel. An alarm is not considered a false alarm if the alarm activated is due to malicious causes beyond the control of the owner/occupant.

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*Fine* means the assessment of a monetary charge payable to the city, authorized pursuant to this ~~article~~ chapter.

*Fire alarm company* means a business:

- (1) Employing fire alarm system agents who shall meet the requirements of FS § 489.518; and
- (2) Which sells, inspects, installs, maintains, repairs or monitors fire alarm systems.

*Fire alarm malfunction* means the activation of any alarm which results in the response of the fire department caused by mechanical/electrical failure, improper installation or lack of proper maintenance, water flow fluctuation, or when fire personnel or unable to determine the apparent cause of the alarm activation.

*Fire alarm permit* means a permit issued by the fire prevention bureau allowing the operation of an alarm system within the city.

*Fire alarm system agent* means any person who inspects, installs, repairs or performs maintenance on fire alarm systems and is licensed by the State of Florida or works under a state licensed alarm contractor as required by FS ch. 489.

*Fire department access road* means any road or other means developed to allow access and operational setup for fire fighting and rescue apparatus.

*Fire lane* means a fire department access road, which is marked with approved signs or other approved notices for emergency apparatus where parking or standing vehicles is are not allowed-permitted.

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Fire zone means an area designated to allow for unobstructed access to fire hydrants; fire department connections or other fire fighting device where parking or standing vehicles are not permitted.

Hazardous fire area means any land covered by dry grass; heavily wooded or similar type that is in an inaccessible location that a fire originating upon such area would present difficulty in suppression or would result in high fire damage.

*Keyholder* means any person authorized to enter the premise who can disable and reset the fire alarm system.

*National Fire Protection Association 72 (NFPA 72)* means standards for installation, maintenance and monitoring of fire alarm systems as most recently adopted by the state fire marshal.

Open flame devices means flame-employing devices, such as lanterns, welding torches, tar pots, decorative torches, and other devices, machines or processes liable to start or cause a fire.

*Owner/occupant* means any person who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises.

*Placed into operation* means an alarm system put in service which has met all requirements of this ~~article~~ chapter.

Recreational fire means the noncommercial burning of materials other than trash, for pleasure, religious, ceremonial, cooking, or similar purposes in which the fuel

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burned is not contained in an incinerator, a barbecue grill, or a barbecue pit, and the total fuel area is not exceeding 3 feet in diameter and 2 feet in height. (Brush, leaves and grass clippings shall be considered trash when enforcing this requirement).

*Required alarm system* means a fire alarm system which the owner/occupant of a premise is required by law, local ordinance or as an alternative arrangement to install and maintain in an operative condition.

*Reset alarm system* means clearing an alarm system of all indicators and placing the system back into normal operation. Resetting fire alarms prior to the arrival of the fire department is a third degree felony under Florida Statutes 806.310(1).

*Serve* shall mean hand-delivery by a representative of the fire department to the owner/occupant or keyholder who responded to the premise. In the event the owner/occupant or keyholder fails to respond to the premise serve shall mean placing the form or other matter in the United States mail, return receipt requested, postage prepaid, addressed to the owner or authorized representative.

**Sec. 40-2. Florida Fire Prevention Code.**

This chapter is in accordance with the 2010 Florida Fire Prevention Code.

**Sec. 40-3. Fire prevention standards.**

(a) All regulations issued by the state fire marshal under the authority of F.S. §633.01-633.18 shall be enforceable as provided in F.S. §633.121. The fire chief



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marshal or designee, shall have such assistance as determined necessary from other officials of the city in the discharge of such duties.

(b) In accordance with the state legislature, which sets the standards for construction, the city recognizes the latest editions of the following codes:

(1) 2010 Edition, Florida Fire Prevention Code

(2) The standards and code sections of the National Fire Codes, as published by the National Fire Protection Association (NFPA), as adopted by the rules of the Division of the State Fire Marshal, § 69A-3.012.

(c) It shall be unlawful for any person to mutilate, destroy, tamper with, or in any manner interfere with any fire alarm system in the city, or with any fire alarm box, wires, or other equipment thereof used in connection with such system; or to willfully tamper with or ~~injure~~ damage an fire apparatus hose, coupling, water pipe, hydrant or any other appliance whatsoever, connected with, used, or owned by the fire department of the city. Any violations found in conjunction with any part of this chapter or the fire codes, as referenced above, shall be punishable as set forth in section 1-14.

(d) All contractors, subcontractors and specialty contractors shall comply with the provisions in the current city fire prevention policies.

(e) All contractors, subcontractors and specialty contractors must register with the fire prevention bureau and meet the requirements of Florida Statute §633.

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**Sec. 40-4. Fee schedule for fire department permits; fire prevention bureau - applicable for new construction, remodeling or alterations.**

(a) *Work without permit.* The permit fee for any work that is started without a required permit will be doubled, plus any work that is completed without a required permit will be charged an additional \$200.00.

(b) *Permit extensions, duplicate and expired permits.*

(1) Permit extension (before expiration) will be charged 25 percent of the original permit fee.

(2) Second extension (before expiration) of permits will be charged 50 percent of the original permit fee.

(3) Duplicate permit cards will be charged \$15.00.

(4) Expired permits require reapplication and are subject to original fees, including plan review.

(c) *Refunds:*

(1) No refunds will be given if work has commenced.

(2) No refunds will be given if a permit has expired.

(3) No refunds will be given on any plan review fee.

(4) No refunds will be given on permits of \$50.00 or less, unless issued in error by the city.

(5) Refunds of all other permits shall be limited to 50 percent of the permit fee.

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(d) *Permit application expiration date.* Permit applications will expire 90 days from date of submittal. The applicant will be notified by regular mail at the address given in the application. The applicant will have 10 days after notification to pick up the ~~cancelled~~ expired plans and associated paperwork at the fire department. Should plans not be picked up, the application will be voided and the plans and paperwork will be disposed. One extension of time for a period of not more than 60 days may be allowed by the fire marshal for the application, provided the extension is requested in writing and a justifiable hardship cause is demonstrated.

~~(e) *Courtesy inspections.* Any inspections that are not included with a permit shall be \$25.00 per inspection, and shall be paid in advance. (See special inspections in subsection (g) of this section.)~~

~~(f)~~ *Reinspection fees.*

(1) If reinspection is necessary because the work was not ready, was incomplete, was not to code or plan, or access to the inspection is denied, the fee shall be as follows:

- |    |                                                        |         |
|----|--------------------------------------------------------|---------|
| a. | Access denied, or plans and/or permits not on the site | \$25.00 |
| b. | First reinspection                                     | 50.00   |
| c. | Subsequent reinspections                               | 50.00   |

(2) If a third or subsequent reinspection is performed at the request of the permit holder or ~~his~~ agent, the fire ~~official~~ marshal or ~~his~~ designee may, after first issuing a warning

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notice at the time of or after the second reinspection, and for the same violation, issue a civil citation in the amount of \$100.00 as a first violation. A second citation may be issued in the amount of \$250.00 if a subsequent requested inspection results in the same violation, and a third and subsequent violation may be issued in the amount of \$500.00 until such time as the violation is corrected. Should the inspections be ordered by the fire ~~official~~ marshal or designee, where a known violation continues to exist beyond a reasonable time, or permit expiration, the same penalties shall apply. Failure to finalize a permit within 180 days from date of issue or last inspection shall result in a \$100.00 fine. No subsequent inspections or other permits will be issued until all the fees are paid and the permit has been finalized.

(g) *Special inspections.* Special inspections performed outside normal working hours, as approved by the fire marshal or ~~his~~ designee, when requested by the permit holder, shall be billed at a minimum fee of ~~\$75.00~~ \$135.00 for the first two hours, portal-to-portal, and \$60.00 for each hour thereafter, with a minimum fee of ~~\$75.00~~ \$135.00, which must be paid in advance to the fire prevention bureau.

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(hg) *Annual fire inspection fees.* Annual fire inspection fees area as follows:

- |     |                                                           |         |
|-----|-----------------------------------------------------------|---------|
| (1) | Initial inspection. . .                                   | No fee  |
| (2) | First reinspection. . .                                   | No fee  |
| (3) | Second reinspection. . .                                  | \$50.00 |
| (4) | Third reinspection. . .                                   | 50.00   |
| (5) | Subsequent reinspections will be subject to legal action. |         |

~~(i) *Preliminary inspection fees.* If the preliminary building inspection is being conducted by request of a business entity (i.e., real estate agent/broker, investor, or property owner) for such purposes as a sale, purchase, change of use, or alteration of a building, the fee shall be \$250.00 per inspection. This service will be provided free of charge to citizens who wish to rent or lease a building or tenant space to operate a prospective business.~~

(jh) *Fire sprinkler systems.* The permit fee for each new fire sprinkler system or addition to an existing fire sprinkler system shall be \$50.00, plus \$50.00 for each new riser or addition to each existing riser and \$3.00 per new head rounded up to the nearest dollar. The permit fee for remodeling without additions shall be \$50.00, plus \$3.00 per relocated head. Revisions to permits issued by the fire prevention bureau shall be subject to a revision fee of \$30.00 plus charges for any additional heads, ~~devices~~ or linear footage.

(ki) *Fire standpipe systems.* Wet or dry, the permit fee for each new standpipe system, or addition to an

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existing system, shall be \$50.00, plus \$50.00 for each riser or each existing riser altered.

(~~h~~j) *Fire pumps.* The permit fee for a new fire pump shall be \$50.00, plus \$75.00 for pumps up to and including 500 gallons per minute (GPM) or \$100.00 for all pumps above 500 GPM. The permit fee for alterations to existing pumps shall be \$40.00.

(~~k~~) *Fire backflow, double detector check valves.*  
The permit fee for the installation of a new double detector check valve serving fire systems shall be \$50.00. See section 122-495(b)(4).

(~~m~~) *Pre-engineered fire suppression systems, excluding total flood systems.* The permit fee for new installations or alterations to existing systems shall be \$50.00, plus \$20.00 per bottle of suppression agent. This includes, but is not limited to, hood systems, spray booths and mixing rooms.

(~~m~~) *Total flood pre-engineered fire suppressions systems.* The permit fee for new installations of total flood pre-engineered fire suppression systems shall be \$50.00, plus \$65.00 per bottle or container of suppression agent. The permit fee for alterations to existing systems shall be \$50.00, plus \$25.00 per suppression head or detection head altered. This includes, but is not limited to, FM200 and all clean agent systems.

(~~o~~n) *Fire alarm systems.* The permit fee for new zoned systems shall be \$50.00, plus \$25.00 per indicating and initiating zone. The permit fee for intelligent systems shall be \$50.00, plus \$3.00 per indicating or initiating

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device. Revisions to permits issued by the fire prevention bureau shall be subject to a revision fee of \$30.00 plus charges for any additional heads, devices or linear footage.

(~~p~~o) *Monitoring permit only.* The fee for a monitoring permit shall be \$40.00.

(~~q~~) ~~*Burn permit.* The fee for a burn permit shall be \$250.00 per 30 day period.~~

(~~r~~p) *Fire hydrant flow test.* The fee for fire hydrant flow tests shall be \$75.00.

(~~s~~q) *Pyrotechnics, indoor.* The permit fee for indoor pyrotechnics shall be \$150.00.

(~~t~~r) *Pyrotechnics, outdoor.* The permit fee for outdoor pyrotechnics shall be \$150.00.

(~~u~~s) *State agency required inspections.* The fee for state agency required inspections shall be \$75.00, per facility.

(~~v~~t) *House burn permit.* The fee for a house burn permit shall be \$0.25 per square foot rounded up to the nearest dollar, but a minimum of \$250.00.

(~~w~~u) *Fire watch.* The fee for a fire watch shall be the actual cost of supplying required manpower and equipment for each specific event.

(~~x~~v) *Installation of pollutant storage tanks, underground.* The permit fee for the installation of underground pollutant storage tanks shall be \$50.00, plus \$100.00 per tank.

(~~y~~w) *Installation of pollutant storage tanks, aboveground.* The permit fee for the installation of

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aboveground pollutant storage tanks shall be \$50.00, plus \$75.00 per tank.

~~(zx)~~ *Removal or abandonment in place of pollutant storage tank, underground.* The permit fee for the removal or abandonment in place of an aboveground pollutant storage tanks shall be \$50.00, plus ~~\$75.00~~ \$100.00 per tank.

~~(ay)~~ *Removal or abandonment in place of pollutant storage tank, aboveground.* The permit fee for the removal or abandonment in place of an aboveground pollutant storage tank shall be \$50.00, plus \$75.00 per tank.

~~(bz)~~ *Liquefied petroleum gas (LPG) tanks installed, underground.* The permit fee for liquefied petroleum gas tanks installed underground shall be \$50.00, plus \$100.00 per tank. This includes residential tanks of 125 pounds or greater.

~~(eaa)~~ *Liquefied petroleum gas (LPG) tanks installed, aboveground.* The permit fee for liquefied petroleum gas tanks installed aboveground shall be \$50.00, plus \$75.00 per tank. This includes residential tanks of 125 pounds or greater.

~~(dab)~~ *Liquefied petroleum gas (LPG) tanks removal, underground or abandon in place.* The permit fee for underground or abandoned in place liquefied petroleum gas (LPG) tank removal shall be \$50.00, plus \$100.00 per tank. This includes residential tanks of 125 pounds or greater.

~~(ecc)~~ *Liquefied petroleum gas (LPG) tank(s) removal, aboveground.* The permit fee for aboveground liquefied



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petroleum gas (LPG) tank removal shall be \$50.00, plus \$75.00 per tank. This includes residential tanks of 125 pounds or greater.

~~(ffdd)~~ *Blasting.* The permit fee for blasting shall be \$50.00, plus \$0.50 per shot rounded up to the nearest dollar.

~~(ggcc)~~ *Underground fire line.* The permit fee for an underground fire line shall be \$50.00, plus \$3.00 per linear foot, with a \$25.00 minimum. See section 122-154 for fire line tap inspection fees.

~~(hhff)~~ *Compliance.* Each permit issued by the fire department shall comply with the currently adopted edition of the Florida Fire Prevention Code.

~~(igg)~~ *Notarized letter of approval.* A notarized letter of approval from the property owner shall be provided to the fire department when requesting a permit to abandon in place any underground tank.

~~(jhh)~~ *Building permit plan review fee.*

(1) The building permit plan review fee shall be three-tenths of one percent or a minimum of \$15.00, whichever is greater, of the job value.

(2) After permit issuance, the plan review fee for revisions or additions shall be \$40.00 or two-tenths of one percent of the job value, whichever is greater.

~~(kkii)~~ *Occupancy permit inspections.* The permit fee for occupancy inspections shall be as follows:

Less than 1,000 square feet	\$ 30.00
1,001-2,500 square feet	40.00

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2,501-5,000 square feet	50.00
5,001-7,500 square feet	60.00
7,501-10,000 square feet	70.00
10,001-12,500 square feet	80.00
12,501-15,000 square feet	90.00
15,001-17,500 square feet	100.00
17,501 square feet and up	110.00

~~(Hij)~~ *Tent inspections.* The fee for tent inspections shall be \$35.00 per event for tents larger than 100 square feet and \$10.00 for each additional tent larger than 100 square feet. Tents 100 square feet or smaller are exempt from permitting and fees, but will be subject to fire inspections. For additional applicable fees, see section 102-86(8).

~~(kk)~~ *Carnivals.* The fee for carnival inspections shall be \$150.00.

~~(mmll)~~ *Temporary outdoor activities on private land.* A single-family residence in a single-family designated area is exempt from the temporary outdoor activity fee and tent permits.

~~(nnmm)~~ *Tar kettles.* The permit fee for a single tar kettle shall be \$75.00. All annual tar kettle permits will expire on the 31<sup>st</sup> day of December of each year and must be renewed no later than the 1<sup>st</sup> day of January of each year. Renewal permits will be issued after completion of an application form provided by the fire prevention bureau, submittal of contractor license information and payment of a \$750.00 renewal fee. Permits issued to contractors shall

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apply to all jobs within the city for unlimited inspections for the calendar year.

(~~een~~) Master plan reviews of fire alarm and fire sprinkler system shall be \$50.00.

**Sec. 40-5. Fire hydrants.**

(a) *Spacing.* Maximum distance between fire hydrants shall be 500 feet in ~~exclusive~~ single-family and two-family districts, and 300 feet in all other districts including town homes and commercial areas. A fire hydrant spacing of 300 feet shall be required in single-family and two-family districts where a cul-de-sac turnaround with a pavement diameter of 90 feet is provided. Cul-de-sac turnarounds in commercial districts shall have a pavement diameter of 125 feet and the interior diameter may be landscaped based upon approval of the fire department and public works department. See also section ~~134-58~~ 134-2.10.

(b) *Other areas.* Where buildings are proposed in an area not meeting the fire hydrant spacing requirements, the owner or developer shall provide the number of fire hydrants prescribed by the fire ~~official~~ marshal under the terms of this section.

(c) *Color.* All public fire hydrants, ~~public and private~~, shall be painted yellow and all private fire hydrants shall be painted red. Fire hydrants shall be and color coded in accordance with National Fire Protection Association 291, 2007 Edition, or as prescribed by the fire official marshal.

**Sec. 40-6. Fire flow requirements.**

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(a) The following are fire flow requirements for new construction, changes in occupancy or use to a more hazardous classification ~~(according to National Fire Protection Association, chapter 101)~~ or any physical enlargement of existing buildings. All one-family and two-family dwellings are exempt from these requirements, except new subdivisions as provided in subsection (1) of this section.

(1) *New one-family and two-family subdivisions.*

<i>Distance between</i>	
<i>Buildings</i>	<i>Needed Fire Flow</i>
<i>(feet)</i>	<i>(gpm)</i>
Over 100	500
30-101	750
11-31	1,000
10 or less	1,500

Subdivisions not capable of delivering the required fire flow shall provide automatic sprinkler systems in accordance with National Fire Protection Association #13, ~~2002~~2007 Edition, or National Fire Protection Association #13D, ~~1984~~ 2007 Edition.

(2) *Other buildings.* All other buildings shall calculate required fire flows in accordance with the formula set forth in subsection (3) of this section. This formula establishes a base flow from which the degree of hazard and credit for sprinkler protection will result in a final needed fire flow. National Fire Protection

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Association #13D, ~~2002~~2007 Edition, shall be used for the purpose of determining hazard classification.

<i>NFPA Classification</i>	<i>Formula Application</i>
Light	Light
Ordinary I and II	Ordinary
Ordinary III or higher	High

- (3) *Formula.* Fire flow shall be based on the formula  $F = 18 \text{ by } C$ , multiplied by the square root of A.

$F = \text{GPM flow at 20 psi residual.}$

$C = \text{Constant based on type of building construction.}$

Coefficients based on construction type:

1.5 = Wood (type VI)

2.0 = Ordinary (type V)

0.8 = Noncombustible (types III and IV)

0.6 = \*Fire resistive (types I and II)

$A = \text{The square root of the square footage of the structure (total floor area).}$

\*Fire resistive construction need only be calculated on the three largest successive floors.

A building subdivided by fire walls constructed in accordance with the Florida building code is considered to be a separate building.

~~A four hour resistive wall may be used to reduce total square footage of a building,~~

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~~provided the wall intersects each successive floor of the building.~~

BF = Base flow established from the formula  $F = 18C$  multiplied by A.

FF = BF multiplied by 0.75 (light hazard occupancy).

FF = BF multiplied by 1.0 (ordinary hazard).

FF = BF multiplied by 1.25 (high hazard).

If the building is protected by an automatic sprinkler system installed in accordance with all applicable codes, a 50 percent reduction of the final flow (FF) will be allowed. A minimum requirement for all fire sprinkler systems shall comply with the Land Development Code, Chapter 122, Article X, ~~article X of this chapter~~, regarding cross connection control standards. Owners or developers shall make prior provision to install water lines and fire hydrants to meet fire hydrant spacing and fire flow requirements. Where fire mains are existing, but do not meet the fire flow requirements, alternative arrangements can be made prior to construction with the fire ~~official~~ marshal and public works department to install fire suppression systems and adequate fire streams. Because of the concern for public safety, failure to meet the flow requirements or come to an alternative

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agreement shall be grounds for refusal by the city to issue building permits.

**Sec. 40-7. Private fire mains.**

~~Refer to National Fire Protection Association, Standard 1, 2003 Edition.~~ On site private fire hydrants shall be located within a 150 feet radius measured from the center point of the front of the building it serves. Spacing for private fire hydrants shall be in accordance with Section 40-4 and NFPA 24, 2007 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances.

**Sec. 40-8. Fire lanes.**

(a) *Required; exception.* All buildings that the city fire department may be called upon to protect, that are not readily accessible to an adjacent local street, shall be provided with a suitable fire lane or parallel access drive unless the analysis of the fire marshal indicates the fire access is unnecessary. Such fire access is necessary for all buildings three or more stories in height which are not adjacent to a local street. Any permitted gates are subject to approval by the fire official marshal.

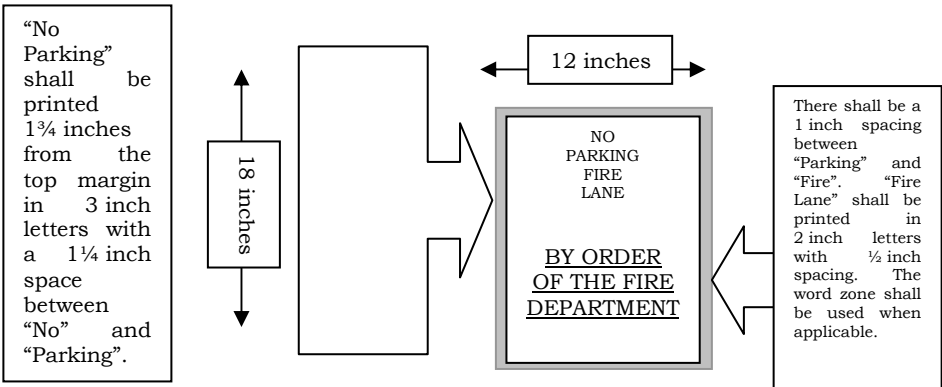
(b) *Fire lanes.* Fire lanes shall have a minimum turning radius of 25 feet inside and 45 feet outside or as approved by the fire marshal.

(c) *Signs.* All existing and proposed fire lanes shall be posted with signs meeting the following specifications:

(1) *Face.*

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- a. All lettering shall be upper case and of the type approved by the fire ~~official~~ marshal.
- b. Wording shall be as follows:



**SIGN FACE**

**\*\*NOTE\*\*** The radii (edge) shall be 1 1/2 inches. The margin shall be one-half inch. The border shall be one-quarter inch.

**(2) Color and reflectorization:**

- a. Parking prohibition signs shall have a red message on a white background.
- b. Letters, symbols and borders shall be reflectorized.

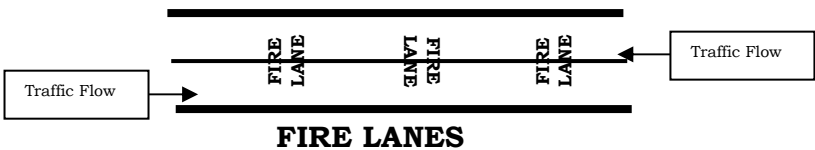
**(3) Placement and location:**

- a. All signs shall be erected with the bottom of the sign not more than 7 feet in height from the roadway to the bottom part of the sign.
- b. Spacing of parking prohibition signs shall not exceed 50 feet and shall be in accordance with approved plans or as directed by the fire prevention bureau.



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- c. Signs, sign posts and their foundations shall be mounted and constructed to hold signs in a proper and permanent position, and to resist swaying in the wind or displacement by vandalism.
  - d. Parking prohibition signs shall be erected adjacent to pavement marking indicating parking restriction.
- (d) Pavement markings:
- (1) *Fire lanes.*
- a. Fire lanes shall be no less than 20 feet in width.
  - b. A single 4 inch wide yellow line shall be painted 1 inch off the curb structure for the entire length of the fire lane; and at the center of the fire lane and at the opposite side from the curbline.
  - c. Lettering to face in alternating directions when traffic flows in two different directions.
  - d. Fire Lanes shall be as follows:



- (2) *Fire zones.* Fire Zones required in accordance with this section shall be as follows:
- a. Fire zones shall be a minimum of 15 feet in width.

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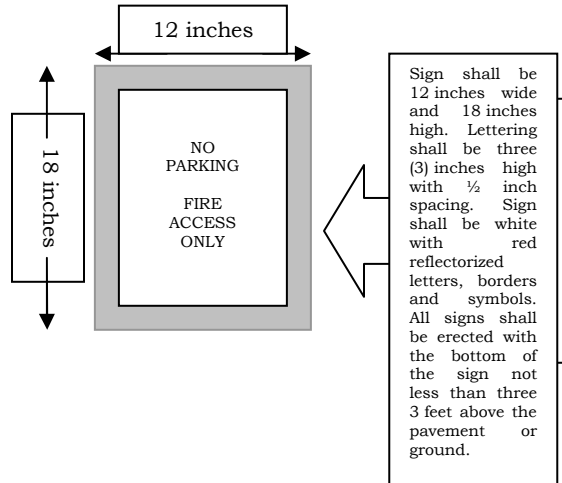
- b. The word "Fire Zone" shall be 20 inches high with a 4 inch wide paint stroke in all capital letters.
- c. All fire zone pavement markings shall be in traffic yellow paint.
- d. The balance of the space shall be crosshatched in 4 inch wide stroke diagonal lines.
- e. Parking prohibition signs stating "No Parking Fire Zone" shall be erected adjacent to pavement markings.

(e) *Emergency Vehicle Access.* Emergency vehicle access shall consist of a 20 foot wide stabilized Limerock Bearing Ratio (LBR) 40 base. Posts shall be corrosion resistant with red reflectors on all sides and spaced a minimum of 20 feet apart with 24 inches of post exposed above ground. The property owner shall maintain the posts, signage, and emergency vehicle access area. If area is grassed over, grass shall be maintained so not to obstruct the posts. Signs shall be posted at both ends of the access road meeting the following specifications:

(1) *Face.*

- a. All lettering shall be upper case and of the type approved by the fire marshal.
- b. Wording shall be as follows:

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(f) *Obstructions.* Obstruction of fire department access roads; fire lanes; fire zones or fire hydrants by parking, temporary structures or any other means is prohibited and subject to tickets or towing by the police department as any other parking violation, or may be enforced by the fire department.

(g) *Retention areas.* No new wet or dry retention areas shall be directly adjacent to any structure unless prior approval is received from the fire ~~official~~ marshal.

**Sec. 40-9. Standpipes.**

Sections 603.10.1, 603.10.2, 603.10.3 of the fire prevention code adopted in Section 40-3 shall be deleted and be replaced with the following:

- (1) Class I or class III standpipes shall be installed in all buildings 3 stories or more in height above the lowest level of fire department vehicle access, and in two-story buildings with the second level 30 feet or more above the level of fire department access. In accordance with the 2007 Edition of NFPA 14,

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Standard for the Installation of Standpipe and  
Hose Systems.

**Sec. 40-10.           Emergency           Vehicle           Access**  
**Control (EVAC) System Installation.**

(a) In accordance with the Florida Fire Prevention Code, Chapter 18 Fire Department Access and Water Supply, all electronic gates for access to structures and properties that do not have an attendant on-duty 24 hours per day shall be provided with an electronic transmitter/receiver system approved by the authority having jurisdiction. Gate systems shall have a battery back with a fail safe override. All existing gates shall comply within 12 months subsequent to the notification date by the authority having jurisdiction.

(b) All non-electronic gates for access to structures and properties that do not have an attendant on-duty 24 hours per day shall be provided with an emergency key box or padlock acceptable to the authority having jurisdiction.

**Sec. 40-11.           Permits; inspection; registration.**

(a) It shall be unlawful for any person to operate a fire alarm system without a valid alarm user permit. Violation of this section shall be punishable as set forth in section 1-14.

(b) All alarm user permits will expire on December 31 of each year and must be renewed no later than January 1 of each year. Renewal permits will be issued after completion of an application form provided by the fire prevention bureau and payment of a \$50.00

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renewal fee, except those permits for a premises that had no false alarms or alarm malfunctions during the preceding permit period will be renewed upon completion of an application, but without any renewal fee.

(c) All county school board facilities are required to complete an application and obtain a fire alarm permit decal for each alarm system at a school board facility. The total fee for the separate alarm system shall not exceed \$100.00 per facility.

(d) Fire alarm ~~Permits~~ permit decals cannot be transferred from one assigned user to a new alarm user. The new alarm user is required to obtain ~~an~~ a fire alarm permit decal before the alarm system is activated.

(e) It shall be the sole responsibility of the alarm company to obtain any ~~the~~ necessary permits or approvals from the proper agency prior to the installation or alteration of any fire alarm system and to have the system inspected by the fire marshal or designee ~~a representative designated by the enforcement official~~ prior to the system being placed into operation. Any alarm company failing to obtain a permit prior to the installation of any fire alarm system or failing to have the system inspected prior to being placed into operation shall be subject to a fine as provided for in section ~~102-90 (g)~~ 40-3. The fire alarm system shall be inspected per NFPA 72, ~~certificate of compliance, as adopted by the State Fire Marshal Rules and Regulations, Chapter 69A-58~~. Written verification of such inspection shall be forwarded to the enforcement official no later than 15 calendar days after the inspection.

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(f) Every person who installs, owns, leases, possesses or operates any fire alarm system within the city shall notify the enforcement official of the existence of said alarm system prior to the alarm system being placed into operation. It shall be the sole responsibility of the company which is installing any fire alarm system to provide the system owner a registration for fire alarm system form, which shall be completed and forwarded to the enforcement official prior to the system being activated, along with a registration fee in the amount of \$50.00. Homeowner/occupant systems are not subject to the registration fee. The registration form shall contain the following information:

- (1) The business name(s), occupancy type, business address, building owner name and phone number; business and ~~home~~ telephone contact number(s), and e-mails of the owner/occupant occupying the premises wherein the fire alarm system is installed. A mailing address shall be provided for use by the fire department.
- (2) The name, contact telephone numbers and emails of a minimum of 4 persons designated as keyholders who can be notified by the ~~enforcement official~~ fire department in the event of the activation of the fire alarm system, who shall respond to the premises and can disable and reset the system.

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- (3) The name and telephone number of the alarm company, central station, system number and account number.
- (4) The date the fire alarm system is placed into operation.
- (5) Lock Box location or EVAC system, if required.
- (6) Number of system smoke detectors.
- (7) When any of the information required in subsections (1), (2) or (3) has been changed, it shall be reported in writing to the ~~enforcement official~~ fire department by the owner/occupant within 15 calendar days of such change.
- (8) All information submitted in compliance with this section shall be held in confidence and shall be deemed a confidential record exempt from discovery to the extent permitted by law.

**Sec. 40-12.            Permit decals.**

A decal with the alarm users permit number will be issued with the alarm user permit. This decal must be prominently posted on or near the front entrance of the premises so as to be visible from the outside of the structure.

**Sec. 40-13.            Backup power supply.**

~~All alarm systems shall have a backup power supply that will be effective in the event of a power failure or outage in the source of electricity from the utility company.~~

- (a) All alarm systems shall have a minimum of 2 independent and reliable power

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supplies, one primary and one secondary, both shall be of adequate capacity for the application. Additional information is outlined in Chapter 4 Fundamentals of Fire Alarm systems of NFPA 72, National Fire Alarm Code.

(b) All alarm systems shall have a backup power supply that will be effective in the event of a power failure or outage in the source of electricity from the utility company.

**Sec. 40-14.            New installations.**

The provisions in section 40-16 shall not apply to any newly installed fire alarm system for a period of 60 calendar days from the date the alarm system is placed into operation, but shall apply from and after the expiration of the initial 60 calendar day period. The time limit provided for in this section shall be measured from the date shown on the notice. The exemptions set forth in this section shall not apply to any person who has failed to comply with section 40-11.

**Sec. 40-15.            Responsibility for activation; owner response; malfunction and corrective action.**

(a) The responsibility for a fire alarm activation shall be the owner/occupants. A response to an alarm activation shall result when any officer or member of the fire department is notified of said activation. Upon receiving notice of an alarm activation, the central station shall notify the keyholder(s) designated pursuant to section ~~34-92~~ 40-11. The officer who responded to the



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premises shall serve the keyholder with the fire alarm activation report.

(b) It shall be considered a false fire alarm when an activated alarm system is reset by any person prior to the arrival of a member of the fire department and prior to the apparent cause of the alarm activation being determined. A violation of this section shall be ~~punished~~ punishable as set forth in section 1-14.

(c) When a fire alarm activation is deemed by the ~~enforcement official~~ fire department to be the result of the fire alarm malfunction, the system shall be repaired and in service with 24 hours for residential/institutional occupancies or 72 hours for all other occupancies. An affidavit of service/repair form shall be completed by a fire alarm system agent and signed by the owner/occupant and then returned within 30 calendar days to the ~~enforcement official~~ fire department. Failure to return an affidavit of service/repair form within 30 calendar days from the date of the alarm activation will result in an assessment against the owner/occupant of a fine in the amount of \$500.00.

**Sec. 40-16.            Fine charges; multiple malfunctions or false alarms.**

(a) No fine shall be assessed for the first 3 false alarm activations responded to by the fire department during each calendar year. Any subsequent false alarm(s) responded to at the same alarm location during the calendar year shall be assessed a fine as follows:

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<i>Number of false fire alarms</i>	<i>Fines per false fire alarms</i>
Fourth	\$100.00
Fifth	150.00
Sixth	75.00
Seventh and above (each)	200.00

(b) Any alarm system having 3 or more alarm activations within a 12 month period due to malicious causes beyond the control of the owner/occupant may at the discretion of the ~~enforcement official~~ fire marshal or designee, be evaluated. Corrections deemed necessary to rectify the problem must be accomplished within 30 calendar days.

(c) Fire alarm malfunctions: No fine shall be assessed for the first 3 alarm malfunctions responded to by the fire department during each calendar year. If the “affidavit of service/repair” form has been satisfactorily completed and returned, any subsequent alarm malfunction(s) responded to at the same alarm location during the calendar year shall be assessed a fine as follows:

Number of alarm malfunctions	Fine per alarm malfunction
Fourth	\$ 25.00
Fifth	50.00
Sixth	75.00
Seventh and above (each)	100.00

(d) All alarm systems equipped with more than 150 system smoke detectors shall receive 1 additional

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exemption from the administrative fines schedule for alarm malfunctions during each calendar year and 1 exemption for each additional 150 system smoke detectors or fraction thereof.

(e) Any system determined to have 4 or more alarm activations/alarms within a 90 calendar day period may, at the discretion of the ~~enforcement official~~ fire marshal or designee, be ordered to have the system inspected. Corrections deemed necessary to bring the system to proper working order must be accomplished within 30 calendar days.

(f) Should any fine assessed pursuant to this ~~article~~ chapter remain unpaid in excess of 120 calendar days from the date the charge is billed, a collection fee in the amount of 50 percent of the outstanding balance may be assessed and may be payable by the owner/occupant of the premises in addition to the original fine. The owner/occupant may also be responsible for any legal fees incurred by the city in the enforcement of this ~~article~~ chapter.

(g) Monies collected pursuant to this ~~article~~ section shall be retained by the city fire prevention bureau and may be set aside in a specific fund to support future enforcement activities against unlicensed contractors.

**Sec. 40-17 – 40-29. Reserved.**

**ARTICLE II. OUTDOOR FIRES**

**Sec. 40-30. Permits and site inspection.**

(a) A site visit shall be completed by the fire marshal or designee prior to any permits being issued for

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operations including, but not limited too, outdoor fires; recreational fires; patio heaters; outdoor fireplaces and open flame devices. Permits may be revoked or suspended for cause by the fire marshal or designee.

(b) Where burning is to be conducted on public property or the property of someone other than the permit applicant, applicant shall provide sufficient proof that permission has been obtained.

(c) The fire marshal or designee shall have the authority to prohibit any or all open flames, open or recreational, and cooking fires or other sources of ignition and shall establish special regulations on the use of any form of fire or smoking material where circumstances make such conditions hazardous. If a condition is determined to be hazardous the fire marshal or designee shall be authorized to require immediate extinguishment of the hazard.

**Sec. 40-31. Requirements.**

(a) Open, recreational, and cooking fires shall be constantly attended, by a competent person, until such fire is extinguished. Bonfires shall be limited to 1 hour durations.

(b) A garden hose, connected to a reliable water supply, or as accepted by the fire marshal or designee, shall be provided within a 35 foot path-of-travel distance to all sides of the fire. Proper fire extinguishers shall be maintained and readily available for use at all times by trained personnel.

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(c) Any fire, as listed within this section, shall be completely extinguished before the site is left unattended. The permit holder will be held responsible for any fees incurred by the fire department for damages resulting from the fire. All debris resulting from said fire shall be removed from the premises within a timely manner.

(d) Other than one- and two-family dwellings (excluding single family attached), no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 feet of any structure.

(e) Burning hours shall be approved by the fire marshal or designee.

(f) A site plan showing the exact location of the fire as well as the distances to any surrounding buildings or other exposures such as vegetation shall be submitted with the original request.

(g) Failure to comply with any part of this section shall result in a citation being issued in accordance with the section 1-14.

**Sec. 40-32. Outdoor; open fires; recreational fires.**

(a) Outdoor fires shall not be built, ignited, or maintained in or upon hazardous fire areas, except by permit from the fire marshal or designee.

(b) Permanent barbecues, portable barbeques, outdoor fireplaces, or grills shall not be used for the disposal of trash, combustible waste material or any

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product that could produce toxic fumes or explosive conditions.

(c) Permitted open fires shall be located not less than 50 feet from any structure. Recreational fires shall not be located within 25 feet of a structure or combustible material unless contained, as approved.

**Sec. 40-33. Patio heaters; outdoor fireplaces and open flame devices.**

(a) Patio heaters shall be listed and used in accordance with their listing, the manufacturer's instructions as well as any applicable portion of NFPA 58, Liquefied Petroleum Gas Code.

(b) Patio heaters shall not be located within 5 feet of exits from an assembly occupancy.

(c) Outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained without prior approval of the fire marshal or designee. Any openings shall be provided with an approved spark arrester, screen, or door.

(d) Welding torches, tar pots, decorative torches, and other devices, machines, or processes liable to start or cause fire shall not be operated or used in or upon any areas, except by permit from the fire marshal or designee.

**Sec. 40-34. Violations; enforcement; appeal of citations and penalties.**

(a) It shall be unlawful for any person to violate any provision of this ~~article~~ chapter or to permit or maintain such a violation, except such variation as may be allowed by action of the ~~city enforcement official~~ fire

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marshal or designee in writing. Proof of such unlawful act shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. The city's decision to prosecute, or not to prosecute, an owner, occupant, or controller of the premises shall not be deemed a waiver of the city's right to enforce this ~~article~~ chapter against any or all such violators. The city may enforce the provisions of this ~~article~~ chapter in the county court or by the code enforcement board of the city.

(b) The person charged with the violation shall elect either to correct the violation and pay in the manner and the amount indicated on the citation or contest the hearing through the clerk of the county court within 10 calendar days of the date of issuance of the citation. The clerk of the county court shall schedule a hearing in the county court and shall provide written notice of the hearing to the person and the officer. Failure to contest the citation within the 10 calendar days shall constitute a waiver of the right to contest the citation. A waiver of the right to contest the citation shall be deemed an admission of the violations, and fines and penalties may be imposed accordingly.

(c) Any decision rendered by the code enforcement board may be appealed as provided in section 2-418.

(d) Any alarm company that fails to comply with all applicable federal, state and local laws, including but not limited to F.S. 489 and 633, and this ~~article~~ chapter,

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may be subject to penalties and fines as provided in such state and local laws.

**Secs. 40-35 – 40-39. Reserved.**

**SECTION 10. Severability.** If for any reason any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

**SECTION 11.** This ordinance shall become effective immediately upon passage.



**ORDINANCE NO. 3640**

**PASSED IN PUBLIC SESSION** of the City Council of the City of Fort Myers, Florida, this 17th day of September, A.D., 2012.

<u>Aye</u>	<u>/s/ Teresa Watkins Brown</u>
<u>Aye</u>	<u>/s/ Johnny W. Streets, Jr.</u>
<u>Aye</u>	<u>/s/ Levon Simms</u>
<u>Aye</u>	<u>/s/ Michael Flanders</u>
<u>Aye</u>	<u>/s/ Forrest Banks</u>
<u>Aye</u>	<u>/s/ Thomas C. Leonardo</u>

Council Members

**APPROVED** this 17th day of September, A.D., 2012, at 5:19 o'clock p.m.

<u>Aye</u>	<u>/s/ Randall P. Henderson, Jr.</u>
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Mayor

**FILED** in the Office of the City Clerk this 17th day of September, A.D., 2012.

/s/ Marie Adams, MMC  
City Clerk