

ORDINANCE NO. 11- 27

AN ORDINANCE OF THE VILLAGE OF ISLAMORADA, FLORIDA, CREATING SECTION 26-1, "DEFINITIONS", SECTION 26-2, "FIRE OFFICIAL" OF ARTICLE I, "IN GENERAL," OF CHAPTER 26 "FIRE PREVENTION AND PROTECTION"; PROVIDING DEFINITIONS; PROVIDING FOR APPOINTMENT OF FIRE CHIEF AND RESPONSIBILITIES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on December 17, 1998, Islamorada, Village of Islands (the "Village"), adopted the Monroe County Code, as it existed on December 31, 1997, as the Village Code until such time as such provisions were superseded, modified or repealed by action of the Village Council; and

WHEREAS, the Village is authorized to adopt regulations and standards related to fire protection, fire prevention and public safety.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AS FOLLOWS:<sup>1</sup>

**Section 1.**    **Recitals.**        The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.**    **Amendment to the Code.**    That Section 26-1, "Definitions," and Section 26-2, "Fire Chief" of Article I, "In General," of Chapter 26 "Fire Prevention and Protection" of the Village Code are created to read as follows:

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<sup>1/</sup> Provisions added to existing text are shown by underline. Additions after first reading are shown in double underline. Deletions after first reading are shown in ~~strikethrough~~.

## ARTICLE I. IN GENERAL

### Section 26-1. Definitions.

Words as used in this chapter shall have the meanings described below, unless otherwise defined in another article, division, section or paragraph of this chapter:

Combustible exterior finishes means decorations, furnishings, combustible vegetation and other combustible finishes that contribute to fire spread, fire load, and smoke production.

Fire chief or fire official means the office or individual responsible for enforcing the requirements of this chapter, the state fire code and standards, and for approving fire safety equipment, materials, an installation, or a related procedure. The top executive rank or commanding officer in the fire rescue department or chief fire protection officer. The chief is responsible for carrying out the day-to-day tasks of running the fire rescue department, including fire prevention, fire inspection, disaster preparedness, emergency medical services, and related disciplines.

Emergency means a fire, explosion, or hazardous condition that poses an immediate threat to the safety of life or damage to property.

Fire hazard means any situation, process, material, or condition that, on the basis of applicable data, can cause a fire or explosion or that can provide a ready fuel supply to augment the spread or intensity of a fire or explosion, all of which pose a threat to life or property.

Fire watch means the assignment of a person or persons and any necessary equipment to an area for the express purpose of notifying the fire rescue department, the building occupants, or both of an emergency; preventing a fire from occurring; extinguishing small fires; or protecting the public from fire or life safety dangers.

Imminent or impending danger means a condition or practice in an occupancy or structure that poses a danger that could reasonably be expected to cause death, serious physical harm, or serious property loss.

Hazardous material means a chemical or substance that is classified as a physical hazard material or a health hazard material, whether the chemical or substance is in usable or waste condition.

Fire protection system means any fire alarm device or system or fire-extinguishing device or system, or combination thereof, that is designed and installed for detecting, controlling, or extinguishing a fire or otherwise alerting occupants, or the fire rescue department, or both, that a fire has occurred.

**Section 26-2. Fire official.**

(a) Appointment of fire chief. The village manager shall appoint a fire chief who shall be responsible for the enforcement and administration of local and state fire codes and is responsible for the efficient and effective operation of the fire rescue department as well as performing those duties prescribed by the village manager.

(b) Duty and authority to enforce certain laws and ordinances. The fire chief is authorized to administer and enforce this ordinance in addition to laws and rules of the state fire marshal within the village pursuant to F.S. § 633.121 and to administer and enforce the Florida fire prevention code as required by F.S. § 633.025 and as adopted by the village.

(c) Duty to investigate and make recommendations. It shall be the duty of the fire chief or designee to investigate and to recommend to the village manager such additional ordinances or amendments to the village code, as may be deemed necessary for safeguarding life and property against fire or other emergencies.

(d) Duty to inspect.

(1) The fire chief or designee shall be authorized to inspect, at all reasonable times, any building, structure or premises for dangerous or hazardous conditions or materials, with the exception of single family residential dwelling units where there is no emergency or imminent or impending danger.

(2) The fire chief or designee shall have authority to order any person(s) to remove or remedy such dangerous or hazardous condition or material and have the authority to summarily abate such dangerous or hazardous conditions or materials. This may include the assignment of a fire watch.

(3) The fire chief or designee shall be authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle, or premises for the purpose of making fire safety inspections on a periodic basis. Prior to entering, the fire chief or designee shall obtain the consent of the occupant or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists or imminent or impending danger is recognized.

(4) Persons shall not interfere or cause conditions that would interfere with the fire chief or designee carrying out any duties or functions. Any person(s) failing to comply with such order shall be in violation of this ordinance.

(5) The fire chief or designee shall require that all commercial or multi-family structures or related accessory structures that have combustible exterior finishes have a protective finish or approved fire-retardant coating.

(i) Such protective finish or fire-retardant coating shall be tested or shall be listed and labeled for application to the material to which it is applied, and

shall comply with the requirements of NFPA 255, standard method of test of surface burning characteristics of building materials.

- (ii) The owner of any commercial or multi-family structures or related accessory structure that has a combustible exterior finish shall provide the fire chief or designee a signed affidavit attesting to the application and maintenance of exterior finish fire protection.

(e) Stop work, evacuation and revocation or suspension of permits.

(1) The fire chief or designee shall have the authority to order any operation, activity, or use stopped and the immediate evacuation of any occupied building or area when such building or area has hazardous conditions that present an imminent or impending danger.

(2) The fire chief or designee is authorized to issue a stop work order for any work performed in violation of the provisions of this chapter or adopted local or state fire codes. Such work shall immediately stop until authorized by the fire chief or designee to proceed.

(3) The fire chief or designee may recommend suspension or revocation of any permit or approval issued by the village which is in violation of this chapter or any applicable local or state fire codes or standards upon inspection or the discovery of any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

**Section 3. Repeal of Conflicting Provisions.** Any provision of the Code that conflicts with this Ordinance is hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Inclusion in the Code.** It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become a part of the Islamorada, Village of Islands, Florida Code of Ordinances; that the sections of this Ordinance may be

renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 6.**      **Effective Date.**      This Ordinance shall become effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilman Achenberg who moved for its adoption on first reading. This motion was seconded by Councilman Purdo, and upon being put to a vote, the vote was as follows:

Mayor Michael Reckwerdt	YES
Vice Mayor Ken Philipson	NO
Councilman Don Achenberg	YES
Councilman Ted Blackburn	YES
Councilman Dave Purdo	YES

**PASSED** on the first reading this 9<sup>th</sup> day of August, 2011.

The foregoing Ordinance was offered by Vice Mayor Philipson, who moved for its adoption on second reading. This motion was seconded by Councilman Purdo, and upon being put to a vote, the vote was as follows:

Mayor Michael Reckwerdt	YES
Vice Mayor Ken Philipson	YES
Councilman Don Achenberg	YES
Councilman Ted Blackburn	YES
Councilman Dave Purdo	YES

**PASSED AND ADOPTED** on the second reading this 1<sup>ST</sup> day of December, 2011.

Ken Philipson  
KEN PHILIPSON, VICE MAYOR

ATTEST:

Debra Eastman  
DEBRA E. EASTMAN, MMC  
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF ISLAMORADA,  
VILLAGE OF ISLANDS ONLY:

[Signature]  
VILLAGE ATTORNEY