

ORDINANCE NO. 601

AN ORDINANCE RELATING TO FIRE PREVENTION AND LIFE SAFETY; PROVIDING FOR THE ADOPTION OF THE NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE 101, 2012 EDITION; PROVIDING FOR JURISDICTION; PROVIDING FOR PURPOSE; PROVIDING FOR MODIFICATION TO NFPA-1 FIRE PREVENTION CODE; PROVIDING FOR FILING OF LIFE SAFETY CODE 101, 2012 EDITION; PROVIDING FOR RESPONSIBILITY OF FIRE CHIEF AND FIRE SAFETY INSPECTOR, INVESTIGATIONS; PROVIDING FOR INSPECTION; PROVIDING PERIODIC INSPECTION; PROVIDING FOR NOTICE TO OWNERS; PROVIDING FOR RECORDS OF FIRES; PROVIDING FOR ORDINANCE LIBERALLY CONSTRUED; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR THE AMENDMENT OF ORDINANCE NO. 469 "REFLECTING NEW FEES", PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mexico Beach is empowered pursuant to Chapter 125, Florida Statutes, to enforce, control, and provide fire protection and fire prevention and to adopt fire prevention and fire safety standard codes and regulations; and

WHEREAS, Florida Statute 633.025 provides that each municipality with fire safety responsibilities shall adopt minimum fire safety standards which shall operate in conjunction with the Florida Building Code; and

WHEREAS, the provisions of Section 633.025, Florida Statutes, requires each municipality to adopt and enforce the codes specified in said section, among which is the National Fire Protection Association as the minimum fire safety code and, in addition, each municipality with fire safety responsibility shall adopt the most recent edition of the National Fire Protection Association 101, Life Safety Code, as part of the minimum fire safety code; and

WHEREAS, the Mexico Beach Volunteer Fire Department recommends the City Council adopt the above-referenced codes as its fire prevention code; and

WHEREAS, the Mexico Beach City Council finds that said section and the National Fire Protection Association 101, Life Safety Code, represents a comprehensive code of fire prevention and fire safety standards; and

WHEREAS, the Mexico Beach City Council finds that due to certain local conditions it is necessary to modify specific provisions of NFPA-1 Fire Protection Code; and

WHEREAS, the Mexico Beach City Council finds the adoption by reference of the above Codes as modified herein, will establish a comprehensive code of fire prevention and protection and as a result thereof will promote the public safety, welfare, and regulate and control fire hazards.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

Section 1. TITLE

The provisions embraced within the following sections shall be known and cited as the Mexico Beach Fire Prevention Code.

Section 2. INCORPORATION BY REFERENCE OF THE CODE

This Code adopts the National Fire Protection Association 101, Life Safety Code, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association and listed in Annex A and Appendices A of the NFPA-1 Fire Prevention Code.

Except to the extent modified herein, all the terms, conditions, covenants, and restrictions contained in the National Fire Protection Association 101, Life Safety Code, are hereby adopted and incorporated into and made a part of this Ordinance by reference as if set out a length herein.

Section 3. JURISDICTION

The terms, conditions, covenants and restrictions contained in the National Fire Protection Association 101, Life Safety Code, as referenced, and as modified herein, together, with the other provisions stated in this Ordinance, shall constitute the minimum standards set forth in this Ordinance; the same being applicable to all buildings or structures and appurtenances thereto located within the incorporated areas of the City of Mexico Beach.

Section 4. PURPOSE

It shall be the purpose of this Ordinance to create a Code which will protect the public safety and general welfare of the residents of the City of Mexico Beach, by setting standards for safety to life and property from fire and other hazards due to the construction, alteration, repair, use and occupancy of buildings, structure or premises.

Section 5. MODIFICATION TO NATIONAL FIRE PROTECTION CODE

The National Fire Protection Association Code is hereby modified by inserting throughout the words "Fire Safety Inspector" in lieu of "Board of Appeals."

Section 6. FILING OF NATIONAL FIRE PROTECTION ASSOCIATION 101, LIFE SAFETY CODE, INCLUDING ALL ANNEXES AND APPENDICES

The National Fire Protection Association 101, Life Safety Code, including all Annexes and Appendices, shall be filed in the Office of the City Clerk for Mexico Beach, Florida, and available for public reference and the provisions thereof controlling within the incorporated area of the City of Mexico Beach, Florida.

Section 7. RESPONSIBILITY OF THE FIRE SAFETY INSPECTOR

The Fire Safety Inspector of the shall be responsible for the enforcement of the City of Mexico Beach Fire Prevention Code. The City of Mexico Beach shall designate a qualified and certified person as the Fire Safety Inspector. The Fire Safety Inspector shall be responsible for the direct administration and enforcement of this Code as may be set forth by the City Council.

Section 8. DUTY OF THE FIRE SAFETY INSPECTOR

It shall be the duty of the Fire Safety Inspector to enforce all laws and ordinances of the City of Mexico Beach covering the following:

- a. The prevention of fires;
- b. The storage, sale, and use of combustible, flammable, or explosive materials;
- c. The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;
- d. The maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;
- e. The means and adequacy of exit in case of fire from schools, hotels, lodging houses, hospitals, churches, halls, theaters, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose;
- f. The investigation of the cause, origin, and circumstances of fires;
- g. The maintenance of fire cause and loss records.

They shall have such other powers and perform such other duties as are set forth in other sections of this ordinance, and as may be conferred and imposed from time to time. The Fire Safety Inspector of the Fire Department may delegate any powers or duties under this ordinance to the Fire Chief.

Section 9. REPORTS

The Fire Chief of the Volunteer Fire Department shall prepare instructions for the Fire Safety Inspector and the Fire Safety Inspector's assistants/employees, and forms for their use in the reports required by this ordinance.

Section 10. FIRE CHIEF

The Fire Chief shall investigate the cause, origin, and circumstances of every fire occurring in the City of Mexico Beach, with the assistance of the State Fire Marshall, by which property has been destroyed or damaged and, so far as possible, shall determine

whether the fire is the of carelessness or design. Such investigations shall begin upon the occurrence of such a fire. The Fire Chief shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. Every fire shall be reported by the Fire Chief in writing to the Fire Safety Inspector within ten (10) days after the occurrence of the same. Such report shall be in such form as shall be prescribed by the Fire Safety Inspector and shall contain a statement of all facts relating to the cause, origin, and circumstances of such fire, the extent of the damage thereof, and the insurance upon such property, and such other information as may be required, including the injury, death, or rescue of persons.

Section 11. INSPECTION

Before permits may be issued as required by this code, the Fire Safety Inspector shall inspect and approve the receptacles, processes, buildings, or storage places to be used for any such purposes.

Section 12. PERIODIC INSPECTION

The Fire Safety Inspector shall inspect or cause to be inspected on a periodic basis all condominiums, hotels, restaurants, and other public and/or private property which are responsible for maintaining a fire suppression system, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

Following the inspection, the owner, occupant, or manager of such property shall post the results of said inspection in a common area, available for public viewing. Should this common area be located outside, the inspection results should be posted in a clear weather-resistant case for protection.

Section 13. NOTICE TO OWNERS

Whenever any fire safety inspector shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the Volunteer Fire Department or egress of occupants in case of fire, the inspector shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner, occupant, or manager of such premises or buildings, subject to the appeals procedure provided for in the Code Enforcement Ordinance.

Any owner, occupant, or manager failing to comply with such order within a reasonable period, but no longer than 72 hours, after the service of said order shall be liable to penalties as hereinafter provided.

The service of any such order may be made upon the occupant, owner, or manager of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, or leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address.

Section 14. RECORDS OF FIRES

The Fire Safety Inspector shall compile and keep a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons, and statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance and, if so, in what amount. Such record shall be made as required.

Section 15. ORDINANCE LIBERALLY CONSTRUED

This Ordinance shall be deemed in exercise of the police powers of the City of Mexico Beach for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of this Code shall be liberally construed for that purpose.

Section 16. VIOLATIONS AND PENALTIES

Any person who shall violate any of the provisions of the Code hereby adopted, or shall fail to comply therewith, or shall violate or fail to comply with any order made thereunder, or shall build in violation of any details, statements, specifications, or plans submitted or approved thereunder, or shall operate not in accordance with the provisions of any certificate, permit, or approval issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Safety Inspector or Code Enforcement Officer shall severally for each and every violation and noncompliance, respectively, be guilty of a violation of this Code and may be levied any and all penalties allowable under Florida Statutes 162.01-162.30. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue.

Section 17. FEES

Subsection "o)" shall read and be added to Ordinance No. 469, as follows:

- o) *Annual fire suppression system inspection:*
- | | |
|----------------------------------|---------------------------|
| <i>Single commercial unit:</i> | <i>\$50.00</i> |
| <i>Condominium/multi-family:</i> | <i>\$150.00 per floor</i> |

Section 18. If any part of this Code is for any reason held to be unconstitutional or otherwise legally defective, such finding shall not be construed to affect the remaining portions of this Code. It is expressly declared by the City Council of the City of Mexico

Beach that any such unconstitutional or otherwise legally defective part did not induce the enactment of this ordinance and that without such part, the remaining portions would have been enacted.

Section 19. REPEAL

All ordinances or parts of ordinances thereof in conflict with the provisions of this ordinance are hereby repealed.

Section 20. EFFECTIVE DATE

This ordinance shall take effect upon passage.

INTRODUCED at the Regular Meeting of the City Council on the 12th day of March, 2013. Adopted at the Regular Meeting of the City Council on the 14th day of May, 2013.

CITY OF MEXICO BEACH, FLORIDA



William A. Cathey, Mayor

ATTEST:

 - on behalf

Chris Hubbard, City Administrator