

ORDINANCE NO. 3036-16

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 50, ENTITLED "FIRE PREVENTION AND PROTECTION," OF THE CITY OF WINTER PARK CODE OF ORDINANCES; PROVIDING FOR THE GENERAL REGULATION OF FIRE PREVENTION AND SAFETY; UPDATING REFERENCES TO, ADOPTING AND IMPLEMENTING THE FLORIDA FIRE PREVENTION CODE; UPDATING AND ADOPTING LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE; PROVIDING FOR THE RENUMBERING AND RELETTERING OF CODE PROVISIONS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, in 1998 the Florida Legislature passed enabling legislation creating the Florida Fire Prevention Code; and

WHEREAS, the enabling legislation and Florida Statutes require the State Fire Marshal to adopt a new edition of the Florida Fire Prevention Code every third year; and

WHEREAS, the enforcement of the Florida Fire Prevention Code is the responsibility of local governments; and

WHEREAS, the City of Winter Park, pursuant to Chapter 633, Florida Statutes, desires to adopt local amendments to the Florida Fire Prevention Code to strengthen the provisions of the state's minimum fire safety code; and

WHEREAS, the City of Winter Park desires to amend Chapter 50 of the City of Winter Park Code of Ordinances to update references to the Florida Fire Prevention Code to adopt the most current version as may be amended from time to time and to update local amendments to the Florida Fire Prevention Code.

WHEREAS, the City Commission finds that this Ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ENACTED BY CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

SECTION 1. Recitals. The City Commission hereby ratifies, approves, and adopts all of the preceding "Whereas" clauses, which constitute the legislative findings of the City Commission.

SECTION 2. Adoption. Chapter 50, entitled "Fire Prevention and Protection," of the City of Winter Park Code of Ordinances is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

CHAPTER 50 – FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

Secs. 50-1—~~50-25~~35. - Reserved.

ARTICLE II. - FIRE PREVENTION AND SAFETY STANDARDS

~~DIVISION 1. - GENERALLY~~

~~Secs. 50-26—50-35. - Reserved.~~

~~DIVISION 2. - STANDARD FIRE PREVENTION CODE~~

Sec. 50-36. - Adopted.

The current adopted edition of the Florida Fire Prevention Code, as may be amended from time to time, including those adopted references and declaratory statements, are hereby recognized and incorporated by reference for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion.

~~There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the Standard Fire Prevention Code, 1991 edition, as adopted by the Southern Building Code Congress International, Inc., and the whole thereof, save and except such portions as are in this article deleted, modified or amended. Such code is adopted and incorporated as fully as if set out at length in this section, and the provisions thereof shall be controlling within the limits of the city. Not less than three copies of such code are filed in the office of the fire marshal.~~

Sec. 50-37. - Definitions.

(a) Whenever the term "fire official" is used in the Florida Fire Prevention Code ~~fire prevention code~~, it shall be held to mean the fire chief and his designated officers and employees.

(b) Whenever the word "municipality" is used in the Florida Fire Prevention Code ~~fire prevention code~~, it shall be held to mean the city.

~~(c) Whenever the term "fire prevention department" is used in the fire prevention code, it shall be held to mean the fire loss management division office of the fire marshal section of the fire department.~~

(Code 1960, § 12-2)

Sec. 50-38. - Fire limits.

The limits referred to in the Florida Fire Prevention Code ~~fire prevention code~~ are hereby established ~~as all of~~ for the entire city limits.

(Code 1960, § 12-3)

Sec. 50-39. - Amendments.

The Florida Fire Prevention Code ~~fire prevention code~~ adopted in this article ~~division~~ is modified and amended in the following particulars:

CHAPTER 1—ADMINISTRATION

102—Powers and Duties of the Fire Official

102.4—Inspections

102.4.3 Inspection of Buildings and Premises. It shall be the duty of the fire official to inspect, or cause to be inspected by the office of the fire marshal section ~~fire loss management division~~ of the fire department or by the fire department officers or members all buildings and premises except the interiors of dwellings as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of the currently adopted edition of the Florida Fire Prevention Code, as may be amended from time to time ~~this code, the Life Safety Code~~, and of any other ordinance affecting the fire hazard.

102.4.4 New Construction, Remodeling or Renovation. With the exception of one- and two-family residences, all plans for new construction, remodeling or renovation shall be approved by the fire official, the fire marshal or his designated representative prior to the issuance of city permits.

102.4.5 Occupational License. Prior to the issuance or transfer of an occupational license or the moving of an occupational license holder's business to a new or additional location, the premises or site to be occupied shall be inspected and approved by the fire official for compliance with the applicable codes and standards.

105—Board of Adjustments and Appeals

105.1—Appointment

There is hereby established a board to be called the board of adjustments and appeals, which shall consist of five members. The said board shall be appointed by the applicable governing body (city commission of the city) and shall be the same board and body as the board of adjustments and appeals established under chapter 22, article II, of the Code of Ordinances of the City of Winter Park, Florida, for appealing decisions of the building official.

105.2—Appeals

105.2.1 General. Whenever it is claimed that the provisions of this code do not apply, or when it is claimed that the true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted, the owner of such building or structure or his duly authorized agent may appeal the decision of the fire official to the board of adjustments and appeals. Notice of appeal shall be in writing and filed within 30 days after the decision is rendered by the fire official. Appeals shall be on forms provided by the fire official. A fee as established by the city shall accompany such notice of appeal.

105.2.2 Unsafe or dangerous building. In case of a building or structure or operation which, in the opinion of the fire official, is unsafe or dangerous, the fire official may, in his order, limit the time for such appeal to a shorter period.

CHAPTER 3. RECOGNIZED STANDARDS AND PUBLICATIONS

301—General

Where provisions of this code do not apply to specific situations involving the protection of life and property from the hazards of fire, smoke and explosion, compliance with nationally recognized standards or publications listed in this chapter, when not in conflict with provisions of the building code or the current edition of the Florida Fire Prevention Code Life Safety Code, whichever is the more restrictive, shall be evidence of compliance with this code. In using the standards or publications listed in this chapter, the most current publication or standard shall be used, unless the city shall have specifically adopted a particular standard or publication, in which case the particular standard or publication shall be used.

CHAPTER 5. GENERAL PRECAUTIONS AGAINST FIRE

501—Open Burning and Incinerators

501.1—~~Bonfires and Outdoor Rubbish~~ Fires

501.1.1 No person shall kindle or maintain any ~~bonfire~~ outdoor fire or authorize any such ~~bonfire~~ to be kindled or maintained without a permit or other proper authorization. No person shall kindle or maintain any other open burning or rubbish fire or authorize any such fire to be kindled or maintained. During construction or demolition of buildings or structures no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity.

501.1.2 ~~When permitted, No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained~~ must meet all provisions of the Florida Forest Service and the Florida Fire Prevention Code open burning requirements, on any private land unless:

~~(1) The location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading within 50 feet of any structure; or~~

~~(2) The fire is contained in an approved waste burner located safely not less than 15 feet from any structure.~~

~~501.1.3 Recreational and cooking fires are subject to the provisions of the current Florida Fire Prevention Code. Bonfires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.~~

~~501.1.4 The fire official may prohibit any or all bonfires when atmospheric conditions or local circumstances make such fires hazardous.~~

~~502— Flammable and Combustible Materials~~

~~502.5— Open Flame or Light Restricted~~

~~502.5.3 No barbecue grills, including but not limited to gas and charcoal grills, and other cooking equipment utilizing an open flame or combustible material shall be used on any balcony, patio or other enclosed or partially enclosed area of any multi-family dwelling, except those balconies, patios or other enclosed areas located within single-story buildings.~~

~~505— Restrictions on Interior Use of Combustible Materials~~

~~505.4— Fire Retardant Paints~~

~~505.4.1 In existing buildings, the required flamespread or smoke developed classification of surfaces may be secured by applying approved fire retardant paints or solutions to surfaces having a higher flamespread rating than permitted. Such treatments shall conform to the requirements of NFPA 703. A certification of application, in form and substance acceptable to the fire official, shall be provided to the fire official.~~

CHAPTER 6. FIRE PROTECTION

~~602— Fire Controls~~

~~602.6— Access to Buildings by Fire Apparatus~~

~~602.6.2 The required width of access roadways shall not be obstructed in any manner, including the parking of vehicles. Installation of No Parking signs or other appropriate notice, or of approved obstructions inhibiting parking, may be required and if installed shall be maintained. The owner or his representative of a building which is adjacent to the fire lane shall be responsible for keeping the fire lane free of obstructions. Signage and road surface markings shall conform to standards adopted by the fire official and traffic engineer.~~

~~602.6.7 All new occupancies or significant renovations, as determined by the fire official, to buildings constructed for business occupancy shall provide a secure key box installed in a location accessible to the fire department. The key box shall be a type approved by the fire official and shall be located and installed as approved by the fire official. The key box shall contain such key or keys as may be required to gain necessary access to the business or commercial premises. All new key boxes shall be connected to any fire alarm or security system existing or installed on the business or commercial premises. The owner and occupant of the premises shall maintain the key box in accordance with rules and regulations promulgated by the fire official.~~

603—Installation and Maintenance of Fire Protection Systems and Appliances

603.1—Installation

~~603.1.3 All premises where buildings or premises of buildings are located more than 150 feet from a fire hydrant system shall be provided with approved on-site fire hydrants and water mains capable of supplying the fire flow required by the fire official. The location and number of on-site hydrants shall be as designated by the fire official, with the minimum arrangement being so as to have a hydrant available for distribution of hose to any portion of any building on the premises at distances not exceeding 500 feet but in no case shall hose lengths be greater than 500 feet. On For all new construction occurring on or after October 1, 1997, a fire hydrant shall be available for distribution of hose to any portion of any building on the premises at distances not exceeding 300 feet but in no case shall hose lengths be greater than 300 feet. Further, all new construction occurring on or after October 1, 1997, shall comply with and meet the schedules and requirements as set forth in the current edition of the Insurance Service Office (ISO) Fire Suppression Rating Schedule Handbook (1993 edition), Ch. 4, "Needed Fire Flow." Public hydrants are recognized as meeting all or part of the above requirements. Plans and specifications for the installation, modification, or alterations of any on-site fire service main or fire hydrant shall be submitted to the fire official, along with hydraulic calculations, for review and approval prior to installation.~~

603.15—Automatic Sprinkler Systems

~~603.15.5 All sprinkler systems shall be supervisory facilities as prescribed in the building code. All water flow and tampering devices shall be monitored by an approved central station according to NFPA 72. One and two family dwellings shall be exempt from these monitoring requirements.~~

603.16—Fire Department Connection

~~603.16.1 Every fire department connection shall be so located, with respect to hydrants, driveways, buildings and landscaping, that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. Where more than one fire department connection serves the same property, all fire department connections shall be grouped at the same location and clearly marked, unless otherwise approved by the fire official.~~

~~At least a three-foot clearance with respect to fire department connections and hydrants shall be maintained at all times.~~

603.17—Addresses

Approved numbers or addresses shall be provided for all new and existing buildings so that the number or address is plainly visible and legible from the street or roadway.

~~Building numbers shall have a minimum height of three inches and suite numbers shall have a minimum height of two inches. All buildings, including individual building suites, shall have the proper address displayed as referenced in Property Maintenance Code Section, 22.304.3.~~

CHAPTER 8. MAINTENANCE OF EXIT WAYS

801—General Provisions

801.1—Scope

~~801.1.1 In every building, means of egress shall be maintained in accordance with this chapter and the Life Safety Code of the city contained in chapter 50 of the Code of Ordinances of the City of Winter Park, Florida.~~

~~801.1.4 No building shall hereafter be altered so as to reduce the capacity of the means of egress to less than required by the building code and Life Safety Code nor shall any change of occupancy be made in any building unless such building conforms with the requirements of such building code and Life Safety Code.~~

802—Exit Obstruction

802.2—Overcrowding

~~The number of occupants of any building or portion thereof shall not be permitted to exceed the allowed or posted capacity, determined in accordance with the building code and Life Safety Code. Signs stating the allowed maximum occupant capacity, as furnished by the fire official, shall be conspicuously posted by the owner of the building in each assembly room, auditorium or room used for a similar purpose.~~

CHAPTER 9. FLAMMABLE AND COMBUSTIBLE LIQUIDS

902.3—Underground Tanks

~~902.3.4 Underground tanks shall be set on firm foundations and surrounded with soft earth or sand well tamped in place. Tanks shall be covered with a minimum of 30 inches of earth, well tamped, plus six inches of reinforced concrete, and the concrete slab shall extend at least one foot~~

~~horizontally beyond the outline of the tank or tanks in all directions. Concrete shall be of class B (2,500 pounds) or better, and the reinforcement shall be of five eighths inch steel rods on 12-inch centers, and all centers shall be tied.~~

CHAPTER 26. FUMIGATION AND THERMAL INSECTICIDAL FOGGING

2602—Special Provisions

2602.2 Notification of Fumigation

The holder of a fumigation or thermal insecticidal fogging permit shall notify the fire prevention department at least 24 hours prior to the beginning of a usual fumigation or fogging operation, except at least two hours shall be required for fumigation in public health emergencies or on shipboard. The notice shall give the location of the building, ship or enclosed space to be fumigated or fogged as well as its character and use, the fumigants or insecticides to be used, the person or persons in charge of the operation, permit holder's name and address and emergency telephone and the date and time when it will be started and completed, and the fire official shall be notified by telephone immediately prior to the start of a thermal fogging operation.

CHAPTER 31. ASSEMBLY OCCUPANCIES

3101—General

3101.13—Overcrowding

~~3101.13.2 Signs stating the maximum occupant content shall be conspicuously posted by the owner of the building in each assembly room, auditorium or room used for a similar purpose. It shall be unlawful to remove or deface such notice. This number shall be determined by the capacity of the exits provided. The owner of the building shall post signs stating the maximum occupant content as furnished by the fire official.~~

~~(Code 1960, § 12-4; Ord. No. 2045, § 2, 6-14-94; Ord. No. 2208, §§ 1-3, 9-9-97; Ord. No. 2261, § 1, 5-26-98)~~

~~**Cross reference**—User and service fees and charges, § 2-189.~~

Sec. 50-40. - Modifications.

~~(a) The fire official shall have power to modify any of the provisions of the fire prevention code adopted in this division upon application in writing by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the fire official thereon shall be entered upon the records of the department, and a signed copy shall be furnished the applicant.~~

(b) Whenever the fire official shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire official to the board of adjustments and appeals within 30 days from the decision appealed.

(Code 1960, § 12-5)

Sec. 50-41. - Penalty for violations.

Any person who shall violate any of the provisions of the fire prevention code adopted in this ~~division~~ article or who shall fail to comply therewith or who shall build in violation of any detailed statement of specifications or plans submitted or approved thereunder or any certificate or permit issued thereunder shall severally for each and every such violation and noncompliance, respectively, be punished as provided in section 1-7.

(Code 1960, § 12-6)

~~Secs. 50-42—50-50. Reserved.~~

~~DIVISION 3.—LIFE SAFETY CODE~~

~~Sec. 50-51.—Adopted.~~

~~The Life Safety Code, 1994 edition, as published by the National Fire Protection Association, is hereby adopted by reference except for chapter 22 and the riser height and tread depth requirements for new stairs in section 5-2.2.2.1. Such edition, together with any modifications and amendments contained herein, shall be known and identified as the life safety code of the city.~~

~~(Ord. No. 1975, § 1(12-11), 5-26-92; Ord. No. 2116, § 1, 10-10-95)~~

~~Sec. 50-52.—Copies.~~

~~(a) At all times there shall be kept on file in the office of the chief of the fire prevention bureau for public use, inspection, and examination three copies of the life safety code adopted by reference in this division.~~

~~(b) There shall be noted on all copies of the life safety code kept on file in the office of the fire marshal the following legend:~~

~~"Adopted by reference as the Life Safety Code of the City of Winter Park, subject to modification and amendment as provided in the Code of Ordinances of the City of Winter Park."~~

~~(Code 1960, § 12-12)~~

Sec. 50-5342. - Relationship to other laws.

(a) Whenever in this Code reference is made to the ~~life safety code~~ Florida Fire Prevention Code, such reference shall refer to the edition currently adopted by ~~reference in this division~~ the Florida State Fire Marshal, as may be amended from time to time.

(b) The regulations and restrictions of the life safety code shall be supplemental and cumulative. However, in the case of a direct conflict with any other provision or provisions of this Code, that provision which imposes higher standards or requirements shall govern.

(Code 1960, § 12-13)

Sec. 50-5443. - Appeals.

Whenever the fire marshal shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure or when it is claimed that the provisions of the ~~life safety code~~ Florida Fire Prevention Code do not apply or that an equally good or more desirable form of construction can be employed in any specific case or when it is claimed that the true intent and meaning of the ~~life safety code~~ Florida Fire Prevention Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his duly authorized agent may appeal from the decision of the fire marshal to the board of adjustments and appeals in the same manner as is provided in chapter 22, article II, of this Code for appealing decisions of the building official. Notice of appeal shall be in writing and filed within 30 days after the decision is rendered by the fire marshal. A fee in the amount established by the city shall accompany such notice of appeal.

(Code 1960, § 12-14)

Cross reference— User and service fees and charges, § 2-189.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 4. Codification. It is the intention of the City Commission and it is hereby ordained that Section 2 of this Ordinance shall become and be made a part of the City Code of Ordinances. The provisions of this Ordinance may be renumbered or relettered to accomplish such intention, and the word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to correct scriveners’ errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

SECTION 5. Conflicts. All ordinances or parts thereof that are in conflict with any provisions of this Ordinance are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

First reading held on the 9th day of May, 2016.

Second reading, public hearing, and adoption held on the 23rd day of May, 2016.

Attest: 
Cynthia S. Bonham, City Clerk


Steven M. Leary, Mayor