

## M E M O R A N D U M

**To:** Tom Harmer, Town Manager  
**From:** Paul B. Dezzi, Fire Chief  
**Report date:** September 30, 2020  
**Meeting date:** October 5, 2020  
**Subject:** Ordinance 2020-02, Amending Chapter 94, Fire Prevention Code

### **Recommended Action**

Adopt Ordinance 2020-02.

### **Background**

The purpose of the Longboat Key Fire Prevention Code is to ensure the health, safety, and welfare of the Town's residents, visitors, and businesses. As part of the Fire Department's strategic planning process, Town Code, Chapter 94, Fire Prevention, has been reviewed. Chapter 94 was originally adopted when the Town had water supply issues and the Town needed enhanced Fire Prevention Codes to protect the residents, properties and visitors to the island. Over the years, various Code Sections were added to Chapter 94 in a piecemeal manner. The circumstances that led to the enactment of many of those regulations within the Town Code have been addressed over time. Specifically, the Town currently has a reliable water supply and, has also built in redundancies for that water supply; the Florida Building Code has incorporated fire prevention materials and requirements into its Code to ensure that new construction has fire prevention components within it. Standards for fire alarms, sprinkler requirements, stand pipes and fire doors are constantly being revisited by the State Fire Marshal and private industry leaders, to ensure that life safety standards are being implemented on a Statewide basis within the Florida Building Code.

The Fire Department's review of Chapter 94 was conducted by me and the Town's Fire Marshal. The existing Town Code currently contains provisions that have been superseded by the standards within Florida Fire Prevention Code (which incorporates the National Fire Prevention Code standards). The intent of the recommended code update is not to duplicate or restate the National Fire Prevention Code within the Town Code but to make sure we are consistent and have the necessary implementing language in place. In our professional opinion, we believe that numerous revisions to Chapter 94 are needed to:

- (a) align the Town Code with the minimum requirements of the Florida Fire Prevention Code, 6th Edition, dated December 2017, of Florida Statutes 633.202;
- (b) incorporate terminology in the Florida Fire Prevention Code into the Town Code;

- (c) delete obsolete and impractical provisions currently within the Town Code; and
- (d) better organize the Town Code in a logical, more user-friendly manner.

The Fire Department recommends that the revisions be adopted to avoid unnecessary confusion on the part of property owners and managers on the island regarding fire prevention standards.

The attached Ordinance to update Chapter 94, Fire Code will bring the Town Code up to current standards.

Below is a general summary of the changes to Chapter 94:

- Ordinance 2020-02 incorporates regulations outlined in the Florida Fire Prevention Code as adopted by Florida Statutes and deletes outdated regulations and references.
- Chapter 94 was reorganized to group similar topics together and make the Chapter more user-friendly. For examples, all definitions are now grouped in one location and organized in a more intuitive manner.
- Various terms have been modified and used consistently throughout the Town Code and parallel the terminology in the Florida Fire Prevention Code.
- References to current regulations have been updated throughout the document for consistency.
- General formatting and capitalization have been changed to be consistent with the style utilized in the Town’s Zoning Code.

### Highlighted Changes

1. (*Authority having jurisdiction*)- As referenced throughout Chapter 94. “Authority having jurisdiction” has always been and remains a defined term in the Town Code. We have proposed adding the abbreviation “AHJ” into the definition for use throughout the Chapter. “AHJ” is the acronym terminology used throughout the Florida Fire Prevention Code.
2. “Town Commission” – The “Town Commission” has been capitalized throughout Chapter 94 consistent with other modifications that are being made throughout the Town’s Code of Ordinances.
3. “This Chapter” – The terminology “this Chapter” as referenced throughout Chapter 94 of the Town Code, was changed when necessary to indicate where the Town would defer to the Florida Fire Prevention Code, instead of the Town’s Code, for enforcement of applicable standards.
4. 94.02 (*Definitions*) - All definitions have been relocated to a single location for ease and consistency with the style utilized by the Town of Longboat Key. The following terms were all moved (but the text remains unchanged) to Section 94.02: “emergency”, “emergency non-transport”, “emergency transport”, “inspect/inspection”, “false alarm”, “loaded mile”, “patient”, “reinspect/reinspection”, and “resident.”
5. 94.02 (*Definitions*) - The definition of “Unfriendly Fire” was removed and replaced with “unwanted fire” which is consistent with the Florida Fire

- Prevention Code and NFPA definition. These changes make the language and regulation consistent with the verbiage in the Florida Fire Prevention Code.
6. 94.02 (*Definitions*) – Added “Florida Fire Prevention Code”, “National Fire Prevention Association”/ “NFPA”, and “AHJ” as defined terms for references.
  7. 94.03 (*Adoption of National Fire Prevention Code*) - Modified the title of this Section of the Code to replace “National Fire Code” with the “Florida Fire Prevention Code.” The Florida Fire Prevention Code adopts parts of the National Fire Prevention Code and is annually revisited and reviewed by the State Fire Marshal’s office in Tallahassee. This modification with respect to the Florida Fire Prevention Code governing the review criteria used by the Town is incorporated throughout the Chapter 94.
  8. 94.03(B) (*Adoption of the Florida Fire Prevention Code*) - The references to the Florida Fire Prevention Code standards that are incorporated into Chapter 633, Florida Statutes, have been updated, corrected and are referenced as adopted in this Section. Language has also been included that provides that “in the event of a conflict between the provision of this Chapter of the Town Code and the Florida Fire Prevention Code, the more stringent requirement shall take precedence.”
  9. 94.04 (*Application*) - This Section was updated to reflect the applicability of the Florida Fire Prevention Code standards within the Town.
  10. 94.12 (*Right of entry; implies consent*). - The definition of “*Emergency*” currently in this Section of Code was moved to the definitions section in 94.02 (*Definitions*), and the remaining Sections of the paragraph were renumbered.
  11. 94.13 (*Authority to investigate fires and explosions*) – Corrected references within this Section for consistency purposes.
  12. 94.14 (*Permits, approval and certificates*) – Corrected references within this Section for consistency purposes. Replaced “this Chapter” with the Florida Fire Prevention Code.
  13. 94.15 (*Violation procedure; authority to abate*) – Corrected references within this Section for consistency purposes. Replaced “this Chapter” with the Florida Fire Prevention Code.
  14. 94.16 (*Required Records*) – Corrected references within this Section for consistency purposes. Clarified that Fire Department record retention is subject to retention schedules established pursuant to Florida Statutes, not Town Code. Restated the requirement under Florida Fire Prevention Code “copies of all required tests or maintenance records of the fire systems for all structure or buildings shall be made available to the AHJ upon request.”
  15. 94.17 (*Inspection of construction or installation work*) – Corrected references within this Section for consistency purposes.

16. 94.17.1 (*Periodic fire inspections; inspection fees*) – Renumbered this Section as 94.18. Moved the definitions of “*inspect/inspection*” and “*reinspect/reinspection*” currently in this Section of Code to the definitions Section in 94.02 (*Definitions*) and renumbered the remaining Sections of the paragraph. Corrected references within this Section for consistency purposes. The mandatory minimum requirement for re-inspections “at least every 18 months” has been increased to 24 months, as the current inspection period is not always feasible (i.e., emergency, pandemic circumstances, etc.) Provided authority for the Fire Chief “to reduce,” and not just waive, inspection fines imposed upon buildings.
17. 94.18 (*Approval of plans and installations*) – Section was renumbered to 94.19. Corrected references within this Section for consistency purposes, and deferred to applicable Florida law for record retention schedules of plans.
18. 94.25 (*Discovery of unfriendly fire*) - Removed the term “unfriendly fire” and replaced the term with “unwanted fire” for consistency with the Florida Fire Prevention Code. The new regulation for unwanted fire parallels the State’s regulation and provides: “The owner, manager, occupant, or any person in control of a building or premises, upon discovery of an unwanted fire or evidence of a previous unwanted fire that had apparently been extinguished, shall immediately notify the Fire Department. This requirement should not be construed to forbid the owner, manager, or other person in control of the building or premises from using all diligence necessary to extinguish such fire prior to the arrival of the Fire Department.”
19. 94.26 (*Reporting Hazardous Conditions; Maintaining Hazard*) – Prior language in the Code requiring the Fire Department to be notified before painting the interiors of buildings has been removed, as it is no longer enforceable under applicable Florida law. The remaining paragraph was renumbered.
20. 94.28 (*Open sources of ignition*) - Corrected references within this Section for consistency purposes.
21. 94.29 (*Unauthorized Burning*) - Corrected references within this Section for consistency purposes.
22. 94.30(A) (*False Alarm*) - Corrected references within this Section for consistency purposes.
23. 94.30(D) (*False Alarm*) - Corrected references within this Section for consistency purposes. Provided authority for the Fire Chief “to waive” and not reduce false alarm fines.
24. 94.31 (*Posting fire safety regulations*) - Corrected references within this Section for consistency purposes.
25. 94.33 (*Required access for fire apparatus*) - The Section title was changed to include hydrants and other Fire Department equipment to better align with the regulations within the Section. Deleted provisions relating to gate

- openers, fire lanes, and speed bumps that are no longer applicable. Also, included language providing for a minimum of 36 inches of clear space to be maintained around the circumference of fire hydrants unless otherwise required or approved by the AHJ. This language tracks the applicable regulation provided for in the Florida Fire Prevention Code for clearance surrounding hydrants. Renumbered the remaining paragraphs and corrected references within this Section for consistency purposes.
26. 94.34 (*Key box system*). Added “access box” to the title. Replaced the existing language with language that more accurately tracks the Florida Fire Prevention Code’s regulation to now State, “The AHJ shall have the authority to require a key box or access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The key box or access box(es) shall be of a type approved by the AHJ.”
  27. 94.37 (*Clearance between heating and lighting equipment*) – Removed “this Chapter” and replaced it with the “Florida Fire Prevention Code.”
  28. 94.38 (*Fumigation*) Removed “National Fire Code” and replaced it with the “Florida Fire Prevention Code.”
  29. 94.39 (*Storage on roofs, fire escapes*). Added “or fire escape balconies” to more accurately reflect the subject of the regulation. Also, added fire escapes to the regulated list.
  30. 94.40 (*Duty to prevent overcrowding*) -Corrected references within this Section for consistency purposes.
  31. 94.41 (*Obstruction of aisles and passageways*) - Corrected references within this Section for consistency purposes.
  32. 94.43 (*Combustible decorations*) - Corrected references within this Section for consistency purposes.
  33. 94.44 (*Making of occupancies for emergency use*) - Removed language in the existing Code that is inconsistent with the Town’s Sign Code and the Florida Fire Prevention Code. Regulation as amended will read: (a) Numerals shall be not less than (3) three inches in height for residential buildings, structures, or portions thereof, and at least (6) six inches in height for all other buildings, structures, or portions thereof. (b) Where address identification is required by the AHJ on other elevations of buildings, structures, or portions thereof, such numbers shall be not less than three inches in height for residential and at least six inches in height for all other buildings, structures, or portions thereof.
  34. 94.45 (*Automatic Detection and Alarm Systems*) - Removed obsolete provisions in the Code and replaced it with the Florida Fire Prevention Code and NFPA 72 National Fire Alarm Code. Included a provision that failure to comply with the fire detection and alarm systems shall result in an enforcement proceeding brought by the AHJ in accordance with applicable Florida Statutes.

35. 94.46 (*Automatic Extinguishing Systems*). Removed language and the table in the existing Code that is inconsistent with the Florida Fire Prevention Code. Added new language that provides that automatic extinguishing systems shall comply with the Florida Fire Prevention Code and NFPA 13 National Fire Sprinkler Code; and that failure to comply with the Florida Fire Prevention Code and NFPA 13 National Fire Sprinkler Code shall result in an enforcement proceeding brought by the AHJ in accordance with applicable Florida Statutes.
36. 94.47 (*Standpipes required*) - Removed language in the existing Code that is inconsistent with the Florida Fire Prevention Code; and added language that standpipes shall comply with the Florida Fire Prevention Code and NFPA 14 Standpipe and hose systems.
37. 94.48 (*Alarm annunciator*) - Removed language in the existing Code that is inconsistent with the Florida Fire Prevention Code; and added language that alarm annunciators shall comply with the Florida Fire Prevention Code and NFPA 72.
38. 94.49 (*Fire station connections*), 94.50 (*Emergency electrical power*), and 94.51 (*Construction design requirements*) - Removed the Sections in their entirety. Electrical and construction design requirements are regulated by the Florida Building Code.
39. 94.52 (*Alternative electric and water supply systems*). Removed and renumbered this Section as 94.49. Corrected references within this Section for consistency purposes.
40. 94.55 (*Definitions*) - Moved all of the definitions in this Section to the definitions section in 94.02 (*Definitions*).
41. 94.56 (*Emergency transport fees*) - Corrected references within this Section for consistency purposes.
42. 94.99 (*Penalty*) - Corrected references within this Section for consistency purposes.
43. 94.52 (*Emergency Medical and Aid Fees*) - This Section number was renumbered to 94.49 and other references were changed for consistency purposes.

Adoption of Ordinance 2020-02 will reorganize Chapter 94 of the Town Code to make it a more user-friendly document, provide consistency with other Town Code Ordinances, remove obsolete regulations from the Town Code, and provide for consistency with the Florida Fire Prevention Code and the Florida Statewide Building Code.

First reading of Ordinance 2020-02 was held at the Town Commission's September 14, 2020 Regular Meeting and then forwarded to the October 5, 2020 Regular Meeting for second reading, public hearing and adoption.

### **Staff Recommendation**

Adopt Ordinance 2020-02.

**Attachments**

- A. Ordinance 2020-02 (Available in the Town Clerk's Office)
- B. PowerPoint Presentation (Available in the Town Clerk's office)

**End of Agenda Item**