

Meeting Date: 11/8/11

Agenda Item 19

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration Workshop

SHORT TITLE An Ordinance of the City of Pompano Beach, Florida, deleting in its entirety Chapter 95, "Fire Prevention," of the Pompano Beach Code of Ordinances; creating a new Chapter 95, "Fire Prevention," providing for adoption and implementation of statewide fire codes; providing standards and requirements for fire prevention and safety; providing for severability; providing for an effective date.

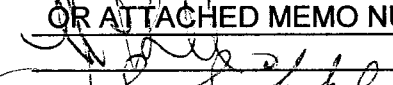
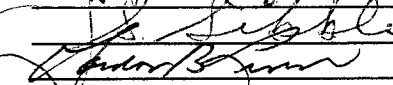
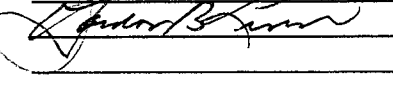
OR MOTION: _____

Summary of Purpose and Why:

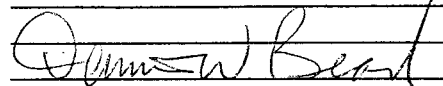
This is a request for Commission approval to replace outdated Chapter 95 of the Code of Ordinances, titled "Fire Prevention", with a completely revised and updated Chapter 95 "Fire Prevention" ordinance that reflects the new statewide Florida Fire Prevention Code, needed local revisions, and an updated fee schedule. This revised ordinance will allow the fire department to regulate codes and standards that are in place throughout the state, but not currently adopted in the city ordinance.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Staff
- (2) Primary staff contact: Harry L. Small, Fire Chief Ext. 4510
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: New fee schedule is anticipated to raise fire prevention fee revenue from approximately \$225,000 to \$588,000 annually.

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Fire Administration	9-30-2011	Approval	
Finance	10-4-2011	Approval	
City Attorney	10/17/11		

Advisory Board
 Planning and Growth Management Director
 Public Works Administrator
 City Manager



ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1st Reading <u>10/25/11</u> APPROVED	1st Reading _____	Results: _____	Results: _____
2nd Reading <u>11/8/11</u>	_____	_____	_____
_____	_____	_____	_____



**Pompano Beach
Fire Rescue**

**FIRE ADMINISTRATION
MEMO # 12-A003**

To: Dennis Beach, City Manager
From: Harry L. Small, Fire Chief
Date: October 4, 2011
Re: Revision of Pompano Beach Fire Prevention Ordinance
Chapter 95, Agenda Item

Please find attached a complete update and revision of City of Pompano Beach Ordinance Chapter 25, "Fire Prevention". The purpose of the revision is to accomplish three (3) primary objectives:

- 1) **Update the city ordinance to reflect the new State of Florida uniform Fire Prevention and Life Safety Code.** Compliance with the statewide code is mandatory for all communities throughout the state. Each county, including Broward, is allowed to add special provisions to enhance fire code rules. This updated city ordinance reflects the state and county rules that will be in place effective January 1, 2012. The Pompano Beach Fire Prevention ordinance has not been amended since 1996.
- 2) **Update the fire prevention fee schedule.** This fee schedule has not been revised in over a decade. Currently, Pompano Beach ranks at the bottom of Broward communities in regards to fire inspection, plan review, and other fire prevention charges. This revision places Pompano Beach in approximately the middle of the ranking with regards to fees and continues to retain conservative rates.
- 3) **Implement and enforce a Hazardous Materials Recovery (95.13) section of the ordinance.** This part of the ordinance allows the fire department to seek reimbursement for its costs to investigate, mitigate, abate, clean up, remove, and generally resolve hazardous materials spills that are caused by the intentional or unintentional release of hazardous materials that would pose an unreasonable risk to life, health, safety, or welfare of persons or property within the city. "Release" also means substantial threat of release. This section of the ordinance is structured similar to Broward County's hazardous materials recovery provisions, as well as several other local community ordinances.

IMPACT

Pompano Beach Fire Prevention Bureau, by state law, already enforces the statewide code and Broward amendments. Therefore, the impact to the community is not significant in regards to permitting and inspections. The purpose of revision is to update the city ordinance to reflect the existing state code and bring both into unison. The affect of the revised fee increases are not expected to overly burden any individual group and would result in bringing

the Pompano Beach fee schedule more in line with the surrounding communities. The cost of inspectors, inspections, plan reviewing, etc. have continued to rise through the years, but have not been offset by fee adjustments in over 10 years. It is anticipated that these revisions will produce an additional \$225,000 for the prevention bureau costs which, in addition to the existing fee revenue, would ultimately produce about \$588,100 in total revenue. The current Fire Prevention Bureau cost annually is approximately \$1.7 million. Finally, the Hazardous Materials Recovery section of the ordinance will allow the fire department to recover costs from negligent actions by companies or individuals that place the community at risk. While these types of incidents do not occur every day their impact and cost is usually substantial.

Please also find attached a spreadsheet reflecting the fees of surrounding communities. Current Pompano Beach Fire Prevention fees are displayed at the top of the chart while the recommended fee schedule is shown near the bottom. Fire Administration staff strongly recommends approval of this item. Please let me know if you need any additional information.

Comparative 2009-2010 Fire Prevention Fee Schedules	Fire Inspection Fees for Mercantile Occupancies		Fire Inspection Fees for Apartment Building				Plan Reviews		Last Change (Date)
	< 2500 Sq Ft.	> 2500 Sq. Ft	Apt 4 Units	Apt 10 Units	Apt 20 Units	Apt 51 Units	Minimum Plan Review Fee	10,000 Sq. Ft. Occupancy	
POMPANO BEACH FIRE RESCUE	25.00	1.75 per 1000sqft	25.00	25.00	35.00	87.50	35.00	500.00	1991-changing
BROWARD COUNTY FIRE RESCUE	200	320	80	80	120	200	360	720	9/27/2005
COCONUT CREEK FIRE RESCUE - Margate	45 min	500 max	45	52.50	70	124.25	.05 per sqft	.05 per sqft	BSO
COOPER CITY FIRE RESCUE-BSO	200	320	80	80	120	200	360	720	Proposed
CORAL SPRINGS FIRE RESCUE-2011 proposed	115	228	111	111	111	222	167	542	Jul-89
DANIA BEACH FIRE RESCUE	100	150	100	100	150	200	75	180	current
DAVIE FIRE RESCUE	60	10 per 1000sqft	40.00	40.00	60.00	100.00	3.5 value	3.5% value	proposed
DEERFIELD BEACH FIRE RESCUE***	63.79	104.08	37.80	94.50	189.00	481.95	110.86	.625	Proposed
FT LAUDERDALE FIRE PREVENTION FEE SCHEDULE	65	85	65	65	65	125	65	800	current
HALLANDALE BEACH FIRE RESCUE	82	127	88	220	440	1122	260	390	7/15/2009
HOLLYWOOD FIRE RESCUE									
LAUDERDALE BY THE SEA FIRE RESCUE***									
LAUDERDALE LAKES FIRE RESCUE***									
LAUDERHILL FIRE DEPARTMENT	106	3 per 1000sqft	75	75	80	204	62	1125	current
LIGHTHOUSE POINT FIRE	65	85	25	25	25	56	50	500	7/8/2008
MARGATE FIRE RESCUE	68	68	86	86	86	126	.05 per sqft	500	2008
MIRAMAR FIRE RESCUE	50	50	50	50	100	125	.04 per sqft	400	current
NORTH LAUDERDALE FIRE RESCUE***									
OAKLAND PARK FIRE RESCUE - no fees charged	0	0	0	0	0	0	0	0	Current
PARKLAND FIRE RESCUE- Coral Springs Fire fees	115	228	111	111	111	222	167	542	Coral Springs
PEMBROKE PINES FIRE-RESCUE	40.75	66.75	24	60	120	242.25	50	500	2007
PLANTATION FIRE-RESCUE	131	131	78	78	80	204	75	5% VALUE	current
POMPANO BEACH FIRE RESCUE (Proposed)	75.00	7.50 per 1,000 over 10,000	75.00	75.00	100.00	255.00	100.00	700.00	1991-changing next year
SOUTHWEST RANCHES FIRE RESCUE* **									
SUNRISE FIRE RESCUE	157.45	178.12	100.37	100.37	100.37	185.98	68.88	1558	Current
TAMARAC FIRE RESCUE-BSO	200	320	80	80	120	200	360	720	BSO
WEST PARK FIRE-RESCUE -no fees	0	0	0	0	0	0	0	0	3/1/2005
WESTON FIRE RESCUE -BSO	200	320	80	80	120	200	360	720	BSO
WILTON MANORS FIRE RESCUE -Annual Fire Prevention Fee	200	300	50	50	100	300	N/A	N/A	5/26/2009

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DELETING IN ITS ENTIRETY CHAPTER 95, "FIRE PREVENTION," OF THE POMPANO BEACH CODE OF ORDINANCES; CREATING A NEW CHAPTER 95, "FIRE PREVENTION," PROVIDING FOR ADOPTION AND IMPLEMENTATION OF STATEWIDE FIRE CODES; PROVIDING STANDARDS AND REQUIREMENTS FOR FIRE PREVENTION AND SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Chapter 95, "Fire Prevention," of the City of Pompano Beach Code of Ordinances is hereby deleted in its entirety.

SECTION 2. That Chapter 95, "Fire Prevention," of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

GENERAL PROVISIONS

§ 95.01 ENFORCEMENT AUTHORITY.

(A) All regulations issued by the State Fire Marshal under authority of Chapter 633, Florida Statutes, shall be enforceable by the proper authorities of the city, and the city's Fire Marshal, or designee, appointed by the Fire Chief. The city's Fire Marshal is hereby authorized to perform within the city any duties that may be imposed upon by such law, or in accordance therewith, and to have such

assistance, as needed, from other officials of the city in the discharge of such duties.

(B) The Fire Chief and the city's Fire Marshal are authorized to enforce this chapter and all rules prescribed by the State Fire Marshal within their respective jurisdictions.

(C) The Fire Chief or his designee may order the immediate evacuation of any occupied building or structure or assembly area when such building, structure or assembly area is deemed hazardous due to fire hazard, obstruction to exits, overcrowding of the premises, or any other hazard or potential which presents immediate danger to the occupants. The premises, or any portion thereof, may not be reoccupied until it has been examined and deemed free of the hazard or potential danger, which caused the evacuation to be ordered. Persons refusing to obey either a verbal or written order of any of the fire-rescue services department officials named above shall be subject to immediate arrest, and said refusal shall constitute a violation of this code.

§ 95.02 ADOPTED FIRE CODES & STANDARDS.

(A) The following codes and standards are hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion:

(1) The Florida Fire Prevention Code, as revised from time to time.

(2) The Florida Building Code, in effect in Broward County, Florida, including all amendments, as revised from time to time.

(B) The inspection or permitting of any building or plan under the requirements of this code shall not be construed as a warranty of the physical condition of such building or the adequacy of such plan. The City of Pompano Beach or its employees shall not be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, or for any failure of any component of such building, which may occur subsequent to such inspection or permitting, pursuant to this code.

§ 95.03 ELECTRICAL REQUIREMENTS.

General requirements for electrical meter rooms, electrical equipment rooms and electrical equipment enclosures:

(1) Dwelling units without meter rooms or electrical equipment enclosures shall have outside disconnecting means.

(2) Meter rooms and electrical equipment enclosures shall have all signage required by the authority having jurisdiction.

§ 95.04 BONFIRES ON THE STREET.

No person shall be permitted to build any bonfire on any public street of the city without the permission of the City Manager.

§ 95.05 RIGHT-OF-WAY OF FIRE DEPARTMENT.

In the event of an alarm of fire being given, the apparatus of the Fire Department shall be given the right-of-way in and on the streets, lanes, alleys, squares, and railroad crossings in going to any fire, and it shall be unlawful for any person to obstruct or neglect to make way for any fire apparatus being thus in or on any streets, lanes, alleys, squares, or crossings.

§ 95.06 PERSONS IN VICINITY OF FIRE.

No person except firefighters, police, owners of property, their agents, and agents of insurance companies shall be allowed within the immediate vicinity of any fire that may occur within the limits of the Fire Department protection without being ordered there by the officer in command of the Fire Department.

§ 95.07 BURNING RUBBISH; PERMIT.

(A) It shall be unlawful for any person to burn any rubbish, refuse, waste, cut timber, cleared growth, and plants or vegetation of any kind whatsoever, except where a permit is issued by the Fire Chief. The application for a permit required by this subsection shall show the material to be burned and the manner in which it is to be burned, and shall conform to the requirements of the Fire Chief. The requirements shall be set out in the permit in the event it is subsequently issued. The city Fire Chief shall place reasonable restrictions and requirements as to how the burning is to be done, which shall be set forth in the permit at the time of issuance.

(B) It is the intent of subsection (A) above to control and regulate the burning of rubbish, waste, and cleared growth and vegetation when this concerns the clearing of land, and nothing herein contained shall be construed so as to restrict or prohibit the burning of small amounts of trash or rubbish when proper precautions and safeguards are employed.

§ 95.08 FIRE DEPARTMENT ACCESS.

All premises which the Fire Department may be called upon to protect in case of fire which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.

(A) Fire lanes shall be provided for all buildings as per the Florida Fire Prevention Code (FFPC).

(B) It shall be unlawful for any person to park any motor vehicle, including automobiles, trucks, motorcycles, motorbikes, or any other vehicles, on, or to obstruct in any way, method, or manner by whatever means on private property which has been designated as a fire zone or fire lane or within 15 feet of a fire hydrant.

(C) The maintenance of all designated fire lanes and fire zones shall be the sole responsibility of the owner of the private property upon which they are located.

(D) All fire lanes signs installed pursuant to this section shall have red lettering, not less than two inches or more than three inches in height, on a white background. Each sign shall be 12 inches wide by 18 inches in height, and shall not be inconsistent with the Manual on Uniform Traffic Control Devices of the State Department of Transportation. The Fire Marshal shall prescribe a uniform sign design for such signs.

(E) Access gates provided with a key pad entry system shall be installed in an accessible location. A coded number will be assigned by the Fire Chief or his designee for department entry.

(F) All access gates shall be designed to unlock with a readily accessible manual releasing device.

(G) During a power failure, all access gates shall be designed to fail in the open position.

(H) A key box shall be installed at the gate in all gated communities. The key box shall be a type approved by the fire chief or his designee.

(I) All multi-building complex's when deemed necessary by the authority having jurisdiction shall provide a sign with the complex's name, as well as, all of the addresses within the complex. This sign shall be placed in the location required by the authority having jurisdiction.

(J) All buildings located on the ocean shall provide a ten (10) inch numerical address in contrasting colors on the rear of the structure for boat traffic to located ocean rescue.

§ 95.09 WATER SUPPLY REQUIREMENTS.

Installation of fire hydrants within public or private rights-of-way within new developments shall be the responsibility of the developer as appurtenances to the on-site mains. Locations, spacing, and details of fire hydrants shall be as

determined by the Fire Chief of the city, or his designee or designees, with consultation with the Utility Director and City Engineer, or their designees, and as listed herein.

(A) The fire hydrant 4½ inch steamer cap shall face the nearest roadway and shall be between 24 inches and 30 inches above ground.

(B) No tree, bush, hedge, shrub, or equipment shall be planted within 15 feet of a hydrant or fire department appliance and all grass and weeds shall be kept trimmed such that the hydrant shall be fully visible from the street.

(C) In every case, at least two hydrants shall be within 400 feet of the entrance of any future building. The Fire Chief or the Fire Marshall, shall have the right to temporarily waive any division of this section as it relates to the hydrant spacing contingent upon future development.

(D) Hydrant testing and maintenance shall be in compliance with the most currently adopted version of NFPA 25. A hard copy of all inspection, maintenance and test records shall be provided to the authority having jurisdiction immediately upon completion.

(E) All hydrants shall be painted:

(1) Private Fire hydrants shall be painted silver.

(2) Public hydrants shall be painted red, or as otherwise required by city ordinance if modified.

(F) Prior to occupancy of any structure, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire District standards. If the final asphalt cap is not in place at the time final occupancy is desired, the hydrant markers shall still be installed and replaced when the final asphalt cap is completed.

(G) Prior to occupancy of any structure, red reflective fire department connection location markers shall be placed on the access roads in accordance with Fire District standards. If the final asphalt cap is not in place at the time final occupancy is desired, the hydrant markers shall still be installed and replaced when the final asphalt cap is completed.

§ 95.10 FIRE PROTECTION SYSTEMS.

Installation of fire protection systems within public or private buildings within new structures shall be the responsibility of the developer. All details regarding fire protection systems shall be as determined by the Fire Chief, or his designee or designees.

(A) Fire pumps shall serve only the building or structure for which it was installed and shall not be shared with other buildings or structures, except that a single fire pump may be shared between a building and up to two parking structures if all of the following are provided:

(1) All buildings and structures are under the same ownership.

(2) A "Unity of Title" for the buildings and structures is provided before the installation permit is issued and filed in the public record.

(3) The fire mains serving each building/structure are installed underground in accordance with NFPA 24.

(B) All newly constructed buildings deemed inaccessible by the Fire Chief or his designee shall have an approved standpipe system installed in accordance with NFPA 14.

§ 95.11 Reserved.

§ 95.12 Reserved.

§ 95.13 HAZARDOUS SUBSTANCE; RECOVERY OF COSTS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COSTS. Necessary and reasonable costs incurred by the city in connection with responding to, investigating, mitigating, abating, cleaning and removing the release of hazardous substances. Such costs shall not include costs incurred for actual fire suppression services which are normally or usually provided by the city. Such costs include, but are not limited to:

(1) Disposable materials and supplies acquired, consumed and expended as a result of the release.

(2) Overtime costs for compensation of city employees for the time devoted specifically to the release.

(3) Rental or leasing of equipment used specifically for the release.

(4) Replacement costs for equipment that is contaminated beyond reuse or repair as a result of the release.

(5) Decontamination of equipment contaminated during the release.

(6) Special technical services specifically required as a result of the release.

(7) Other special services specifically required as a result of the response, e.g., utilities.

(8) Laboratory costs for purposes of analyzing samples taken during the release.

(9) Costs associated with the services, supplies and equipment procured for a specific evaluation.

(10) An hourly labor charge for each employee responding and an hourly operations and maintenance charge for each vehicle responding. There shall be a minimum three (3) hour charge for each response. The city department incurring any of the above-described costs shall keep a detailed record thereof.

HAZARDOUS SUBSTANCE. Any substances or materials defined or listed as a hazardous substance, pollutant or a contaminant in any applicable federal or state law or regulation or any substances or materials in a quantity or form which, in the determination of the respective Fire Chief or his/her authorized designee, poses an imminent risk to the life, health, safety, or welfare of persons or property within the City of Pompano Beach.

PERSON. One or more individuals, partnerships, corporations, joint ventures, associations, or any other entity or any combination thereof.

RELEASE. Any intentional or unintentional action or omission resulting in the discharging, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance upon public or private property located within the corporate limits of the city and which, in the sole determination of the Fire Chief or his authorized designee, poses an unreasonable and imminent risk to the life, health, safety or welfare of persons or property within the city. "Release" also means substantial threat of release.

(B) Any person or persons responsible for causing or allowing a release of a hazardous substance in the city shall reimburse the city for all costs incurred by the city in connection with such release, within 60 days after receipt of an itemized bill for such costs from the city. There shall be assessed a late payment fee of the greater of \$50 per day or 1% of the total amount of such bill per day for each additional day that the bill for such costs remains unpaid.

§ 95.14 PERMITS AND FIRE SERVICE FEES.

(A) The Fire Marshal or the Fire Chief as per NFPA 1 the Florida Fire Prevention Code shall be authorized to establish and issue permits, certificates, and approvals pertaining to conditions, operations, or materials hazardous to life

or property. Applications for permits shall be made to the authority having jurisdiction or Fire Chief on forms provided by the jurisdiction and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the authority having jurisdiction and fees as required by the jurisdiction.

Fee Schedule:

0 to 55 gallons or pounds	\$ 50.00
56 to 110 gallons or pounds	\$100.00
any amount over 111 gallons or pounds	\$150.00

(B) New construction, additions for interior and exterior alterations on buildings without a fire alarm or fire sprinkler system. The Fire Department shall review all new construction, additions and interior and exterior alteration plans for compliance with all applicable codes. A minimum fee in the amount of \$150.00 or \$0.05 per square foot, whichever is greater, shall be levied for all such permits for the area involved. The fee shall encompass fire plan review and fire inspection services required before issuance of final approvals.

(C) New construction, additions for interior and exterior alterations on buildings with a fire alarm or fire sprinkler system. The Fire Department shall review all new construction, additions and interior and exterior alteration plans for compliance with all applicable codes. A minimum fee in the amount of \$150.00 or \$0.07 per square foot, whichever is greater, shall be levied for all such permits for the area involved. The fee shall encompass fire plan review and fire inspection services required before issuance of final approvals.

(D) Fire alarm, sprinkler and standpipe systems. The Fire Department shall review all plans for fire alarm systems, fire sprinkler systems and standpipe systems for compliance with all applicable codes. A fee in the amount of \$150.00 or \$0.03 per square foot, whichever is greater, shall be levied for all such permits for the area involved. This fee shall encompass fire plan review and fire inspection services required before issuance a final approval.

(E) Revision and addendum plans. The Fire Department shall review all revision and addendum plans pertaining to permits already approved by the Fire Department for compliance with all applicable codes. A fee of \$75.00 per hour of review time or portion thereof shall be levied for all such reviews caused in whole or in part by revisions made by the owner. No additional fee shall be imposed for subsequent review of revision and/or addendum plans caused solely as a result of changes made by the Fire Marshal, the Chief of the Fire Prevention Bureau or their designees.

(F) Fireworks display permits. The Fire Department shall review all fireworks display permits for compliance with all applicable codes. A fee of \$150 shall be paid at the time the application is submitted. All inspections and personnel required for fire watch as deemed necessary by the Fire Marshal or the Fire Chief shall be an additional fee paid within 30 days upon completion of the event.

(G) Fire hydrant flow tests. The Fire Department shall witness all hydrant flow tests as required for fire protection systems. A fee of \$150.00 per test shall be levied. All fire flow tests shall be in accordance with NFPA 291 and Broward County Amendments F-22.

(H) Miscellaneous permits. The Fire Department shall, as required by the Florida Fire Prevention Code and as deemed necessary by the Fire Marshal or the Chief of the Fire Prevention Bureau, issue permits for special uses or conditions. A fee in the amount of \$100.00 per permit shall be levied. The fee shall encompass all applicable code research, plan review and inspections as required to achieve compliance with all applicable codes. Such permits shall be non-transferable and shall be good for one calendar year from the date of issuance.

(I) All inspections and/or services under this section requested to be performed at a time which commences during normal city business hours but extends after normal city business hours shall be assessed as an hourly fee, in addition to the fee prescribed in this section, at the rate of time and one half the hourly rate of the employee, per hour per employee for the time required after normal city business hours. For inspections and/or services that are requested to commence at hours that are before or after normal city business hours, a minimum fee, in addition to the fee prescribed by this section, shall be imposed equal to three hours at the hourly rate of time and one half the hourly rate of the employee, per hour per employee and should more than three hours be required to perform the service, the additional fee will be assessed at the rate of time and one half of the employee per hour per employee for inspection and/or service required to be performed before or after normal city business hours.

(J) Fire Department Survey: There shall be a seventy-five dollar (\$75.00) charge for any survey conducted by Pompano Beach Fire Rescue to establish adequacy of water supply, distance to the closest fire station, and/or any other pertinent insurance information.

§ 95.15 ANNUAL INSPECTIONS.

(A) Annual inspections shall be conducted on all businesses or commercial enterprises operating within the city and each business or commercial enterprise shall receive an individual inspection notwithstanding that more than one business or commercial enterprise may be located within a single structure. The owner and/or business shall be responsible for payment of the inspection fees

provided however that the property owner as set forth on the latest tax assessment roll provided to the city by the property appraiser's office shall be ultimately responsible for the payment of the fees set forth herein.

(B) Fees for commercial and industrial properties.

(1) Minimum fee (up to 10,000 square feet)	\$75.00
Additional charge per 1,000 square feet in a non-sprinklered building	\$ 7.50
Additional charge per 1,000 square feet in a sprinklered building	\$ 5.00

(2) Additional fee for administering fire safety inspections and tests of the following systems:

(a) Standpipe system	\$50.00
(b) Sprinkler system	\$50.00
(c) Fire alarm system	\$50.00
(d) Smoke evacuation system	\$50.00

(3) Reinspection fee.

(a) First reinspection	no charge
(b) Second Reinspection	50% of original
(c) Third Reinspection	100% of original
(d) Fourth Reinspection	Issue NTA

(C) Fees for residential properties (hotels, motels, apartments, condos, time share, and the like)

(1) Minimum fee for properties under 15 units)	\$75.00
Buildings over 15 units without fire sprinkler systems per unit	\$ 5.00
Buildings over 15 units with fire sprinkler system per unit	\$ 3.50

(2) Additional fees for administering fire safety inspections and test of the following systems:

- | | | |
|-----|-------------------------|---------|
| (a) | Standpipe system | \$50.00 |
| (b) | Sprinkler system | \$50.00 |
| (c) | Fire alarm system | \$50.00 |
| (d) | Smoke evacuation system | \$50.00 |

(3) Reinspection fees.

- | | | |
|-----|---------------------|------------------|
| (a) | First reinspection | no charge. |
| (b) | Second Reinspection | 50% of original |
| (c) | Third Reinspection | 100% of original |
| (d) | Fourth Reinspection | Issue NTA |

§ 95.16 APPEALS.

Whenever the Fire Marshal shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the Florida Prevention Fire 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 Marshal to the Broward County Board of Rules and Appeals, as provided by the Florida Prevention Fire Code.

§ 95.17 PENALTY.

(A) It shall be unlawful for any person to violate any of the provisions of the Florida Fire Prevention Code adopted in §95.02 or fail to comply with any order made there under, or build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or fail to comply with such an order as affirmed or modified by the Broward County Board of Rules and Appeals, or by a court of competent jurisdiction, within the time fixed herein, and where no specific penalty is otherwise provided, no penalty shall be imposed that is greater than the penalty imposed by state statutes regulating similar conduct. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy the violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(B) It shall be unlawful for any person to violate any provision of this chapter or of the fire codes adopted herein, and violators may be subject to prosecution in the Broward County Court, or owners of property where violations of this chapter exists, may otherwise be prosecuted before the Special Magistrate for Code Enforcement pursuant to the provisions found in Chapter 37 of this code and Chapter 152, Florida Statutes. Prosecution under any of the procedures above shall not preclude the city from seeking additional relief in a court of competent jurisdiction, to remedy matters involving life safety.

(C) The provisions above penalty shall not be held to prevent the removal of hazardous or prohibited conditions by the City through it Authorized Fire personnel, when immediately required to protect the health and safety of the public.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2011.

PASSED SECOND READING this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

MEB/jrm
7/20/11
l:ord/ch95/2011-370



**Pompano Beach
Fire Rescue**

**FIRE ADMINISTRATION
MEMO # 12-A001**

To: Dennis Beach, City Manager
From: Harry L. Small, Fire Chief
Date: October 4, 2011
Re: Request to advertise proposed Fire Prevention Ordinance

CITY OF POMPAHO BEACH
OFFICE OF THE CITY CLERK
2011 OCT -5 AM 9:07

Please request the City Clerk to do the required public advertising for the proposed Fire Prevention Ordinance (Chapter 95). Thank you.

OK

8-5-11

CITY OF POMPAHO BEACH
OFFICE OF CITY MANAGER
2011 OCT -5 AM 8:21

**CITY OF POMPANO BEACH, FLORIDA
NOTICE OF PUBLIC HEARINGS**

YOU ARE HEREBY NOTIFIED of Public Hearings before the City Commission on **Tuesday, October 25, 2011 at 7:00 p.m.**, in the City Commission Chambers of the City Hall Complex, 100 West Atlantic Boulevard, Pompano Beach, Florida, to consider the Ordinances entitled:

P.H. 2012-04: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DELETING IN ITS ENTIRETY CHAPTER 95, "FIRE PREVENTION," OF THE POMPANO BEACH CODE OF ORDINANCES; CREATING A NEW CHAPTER 95, "FIRE PREVENTION," PROVIDING FOR ADOPTION AND IMPLEMENTATION OF STATEWIDE FIRE CODES; PROVIDING STANDARDS AND REQUIREMENTS FOR FIRE PREVENTION AND SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

P.H. 2012-05: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GROUND LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND JJ LAND REALTY, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The aforementioned Ordinances are available for public inspection at the City Clerk's Office, 100 West Atlantic Boulevard, Suite 253, Pompano Beach, Florida 33060. All interested persons are urged to attend the Public Hearings, send a representative, or express their views by letter.

You may either be present in person at the Public Hearings, represented by counsel or letter. All interested persons take due notice of the time and place of the Public Hearings and govern yourselves accordingly.

Any person, who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting, will need a record of the proceedings and for this reason, may need to ensure that a verbatim record of the proceedings is made. This record will include the testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may contact the City Clerk's Office at (954) 786-4611 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

**CITY OF POMPANO BEACH, FLORIDA
BY: MARY L. CHAMBERS, MMC, CITY CLERK**

Published: October 14, 2011
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