Chapter 9

FIRE PREVENTION AND PROTECTION*

*Charter References: Creation of fire rescue department, §§ 32, 45.
Cross References: Buildings and building regulations, Ch. 6; electrical standards, § 6-201 et seq.; prerequisites for incineration by private solid waste collectors, § 11-409; fire hydrants, § 39-111, Land Development Regulations, Vol. II.

(a) There is hereby adopted by the city for the purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain codes known as the Florida Fire Prevention Code which includes N.F.P.A. 1 and N.F.P.A. Life Safety Code 101, as it may change from time to time, save and except such portions as are hereinafter deleted, modified or amended but including supplementary regulations, of which codes copies have been and are now filed in the office of the city manager, the office of the building official and the office of the fire chief, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city. The fire official, as referred to in the Florida Fire Prevention Code, shall mean the chief of the department of fire rescue or his designated representative. Nothing in this code is intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability and safety to those prescribed by this code, providing technical documentation is submitted to the authority having jurisdiction to demonstrate equivalency and the system, method or device is approved for the intended purposes.
(b) The specific requirements of this code may be modified by the authority having jurisdiction to allow alternate arrangements that will secure as nearly equivalent safety to life from fire as practical, but in no case shall the modification afford less safety to life than, in the judgment of the authority having jurisdiction, that which would be provided with the compliance with the corresponding provisions contained in this code.
(c) Buildings with alternative fire protection features accepted by the authority having jurisdiction shall be considered as conforming with the code.

(CODE 1963, § 9-1; Ord. No. 2-1993, § 1, 2-9-93; Ord. No. 26-1995, § 9, 9-12-95; Ord. No. 27-2009, §2, 7-28-09)

Cross References: Amendments to the fire code regarding fire hydrants, § 39-114, Land Development Regulations, Vol. II.


Sec. 9-2. Enforcement.
The codes adopted by this chapter shall be enforced by the chief of the department of fire rescue.

(CODE 1963, § 9-2; Ord. No. 27-2009, §2, 7-28-09)
Sec. 9-3. Enforcement assistance.

Police and other law enforcement agencies having authority in this jurisdiction shall render necessary assistance in the enforcement of this code when requested to do so by the chief of the department of fire rescue.

(Code 1963, § 9-3; Ord. No. 27-2009, §2, 7-28-09)

Sec. 9-4. Implied consent.

Any application for, or acceptance of, any permit requested or issued pursuant to this code constitutes agreement and consent by the person making the application or accepting the permit to allow the fire chief to enter the premises at any reasonable time to conduct such inspections as required by this code.

(Code 1963, § 9-4; Ord. No. 27-2009, §2, 7-28-09)

State Law References: Inspection warrants, F.S. § 933.20 et seq.

Sec. 9-5. Authority of the fire chief to stop work contrary to public welfare.

Whenever in the opinion of the fire chief, by reason of defective or illegal work in violation of a provision or requirement of this chapter, the continuance of a building operation is contrary to public welfare, he may order, in writing, all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

(Code 1963, § 9-5; Ord. No. 27-2009, §2, 7-28-09)

Sec. 9-6. Bonfires and outdoor rubbish fires.

(a) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land; except small bonfires for social activities such as cookouts, pep rallies, scout organizations and other similar events may be permitted by securing the permission of the fire chief. Fires for the purpose of burning trash, underbrush, etc., in connection with land clearing are prohibited.

(b) The fire chief may approve the issuance of special burn permits for the purpose of large-scale land clearing operations on a case-by-case basis. Upon approval from the fire chief or his/her designee the following conditions will apply:

(1) A two hundred dollar ($200.00) permit fee shall be paid to the fire department and a city permit shall be issued, upon site approval. The city permit will include all of the conditions required based on fire safety standards as determined by the Florida Division of Forestry and the Titusville Fire and Emergency Services Department.

(2) Individuals burning without a permit or after a violation has been issued or with a revoked permit shall be subject to a five hundred dollar ($500.00) fine for each occurrence. Payment of such fine must be made prior to any continuance of open burning.

(Code 1963, § 9-6; Ord. No. 18-2003, § 1, 4-22-03; Ord. No. 27-2009, §2, 7-28-09)

Sec. 9-7. Fire lanes.

(a) The chief of the department of fire rescue shall be authorized to designate fire lanes on or in any public street, alley, roadway or premises, or on any private or public property, which, in his opinion, would be necessary or desirable for the free movement of fire
apparatus of firefighting personnel responding to or operating at a scene of fire or other emergency.

(b) Designated fire lanes, authorized and required by the chief of the fire rescue department, shall be appropriately identified with signs bearing the words "FIRE LANE, NO PARKING." Said signs and letters shall be standard information-type traffic signs, with red letters on white background.

(c) Vehicles, equipment or materials parked or stored in the area designated or identified as a fire lane shall be removed, ordered to be removed or impounded at the discretion of the chief of the department of fire rescue and all costs of such removal or impounding shall be the responsibility of the violator.

(d) Whoever shall obstruct or cause to be obstructed a properly identified fire lane shall be subjected to the penalties of this code.


Cross References: Streets, § 17-31 et seq.; traffic and motor vehicles, Ch. 20.


Sec. 9-8. Access for fire rescue/combat division, lock boxes.

(a) When access to or within listed occupancies is unduly difficult due to secured openings and immediate access is necessary for life safety and fire combat considerations, a key lock box shall be installed by the owner for use by combat division personnel. The key box shall be of a type, as designated by the fire chief.

(b) For the purposes of this section, listed occupancies include the following:

1. Mercantile occupancies over twenty-five thousand (25,000) square feet in floor area.
2. Factory/industrial occupancies over fifteen thousand (15,000) square feet in floor area.
3. All malls or enclosed shopping centers.
4. School buildings over twenty thousand (20,000) square feet in floor area.
5. Assembly occupancies over three hundred (300) occupant content.
6. All hazardous occupancies.
7. Storage occupancies over twenty-five thousand (25,000) square feet or twenty-five thousand (25,000) cubic feet storage area.
8. Institutional occupancies (medical care facilities, jails, etc.)
9. All high rise structures for accessibility to common and mechanical areas.
10. Other buildings and structures as deemed necessary by the fire chief.

(c) The key lock box shall contain a key for access to the following areas:

1. Keys to points of ingress and egress, whether doors are on the interior or exterior of the building.
2. Keys to mechanical and electrical equipment rooms.
3. Keys to elevator controls.
4. Keys to all common areas of the building which may be secured.
5. Keys to other areas as directed by the fire chief.

All keys contained in the lock box shall be properly identified as to function by a metal tag or stamped identification on the key.

(d) Failure to maintain key lock boxes or maintain the required keys in the lock box shall constitute a violation of this code and each day of noncompliance of these provisions
shall constitute a separate offense. Violations of these provisions may be prosecuted before the municipal code enforcement board or a court of competent jurisdiction.

(e) All occupancies which continuously maintain personnel on premises seven (7) days a week, twenty-four (24) hours a day, and who can provide immediate access for the fire rescue/combat division, shall be exempt from the requirements of this section.

(f) All other commercial occupancies not listed under subsection (b) above shall provide the department of fire rescue with a list of one (1) or more key holders to be called in case of a life safety or fire combat emergency for access to the interior of the structure. Once a key holder has been notified to respond to the scene, failure to respond within thirty (30) minutes shall result in a minimum charge to the business or property owner of eighty-five dollars ($85.00) an hour or fraction of an hour thereof, until such time as access is supplied.


Cross References: Licenses and business regulations, Ch. 11.

Sec. 9-9. Incident security watch, cost recovery.

When an emergency incident causes a building or structure to be no longer secure against unauthorized entry, or when origins of a fire are of a suspect nature, the combat division shall post a security watch until the required investigations have been completed. This watch may be relieved when authorized by the fire marshal's office or fire chief upon adequate security measures being taken to secure the structure. The costs of this security watch shall be borne by the owner of the real property at the following rate of one-hundred dollars ($100.00) per hour, and per engine company, beginning two (2) hours after the combat team has secured the building or structure. The first two (2) hours are considered a combined responsibility smoke/fire regeneration and security watch. The watch is established as a service directly to the property owner and therefore is billed directly to him. Failure to pay these charges shall be considered a violation of the provisions of this code and may be prosecuted before the municipal code enforcement board or before any court of legal jurisdiction.


Sec. 9-10. Hazardous waste cleanup and disposal.

(a) Removal and cleanup of accidental spills of materials classified by state or federal agencies as hazardous, shall be accomplished in the following manner:

(1) The parties responsible for the spill shall have the sole responsibility for taking immediate corrective action and shall immediately contact the fire rescue/combat division. When the fire rescue/combat division provides response for accidental spills it shall have the authority to take whatever action it determines to be necessary to contain the spill.

(2) An emergency purchase order shall be authorized for removal and property disposal of the hazardous waste in accordance with all applicable regulations of the city, state and federal governments by a duly licensed private company.

(3) The department of fire rescue personnel shall be authorized to contact hazardous waste disposal companies to provide expeditious removal of accidental spills. Severity and toxicity of the spill may be considered in evaluating the response capability of each private company for each incident.

(b) Payment for the cleanup shall be made by the party responsible for the spill within five
(5) days. Recovery by the city of any and all expenses incurred in hazardous waste cleanup and disposal shall be through direct billing to the party responsible for the spill and further through any and all remedies provided by law, and shall include attorneys' fees incurred to collect payment.


Cross References: Solid waste, Ch. 16.

Sec. 9-11. Violations.

(a) It is unlawful for any person to violate any of the provisions of this chapter or fail to comply therewith, or to violate or fail to comply with any order made thereunder or to knowingly and willfully resist, obstruct or oppose the fire chief in the lawful execution of any inspection or legal duty, with or without offering or doing violence to the fire chief. It is unlawful for any person to refuse to permit inspection of his property or to build, modify or alter in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder or to fail to comply with such an order as affirmed or modified by a court of competent jurisdiction.

(b) In addition to the penalties imposed above, the fire chief may:

1. Remove or eliminate prohibited conditions.
2. Have the building locked and/or sealed. Such building shall not be entered until the seal is removed by the fire chief.
3. Enjoin the business by court proceedings.

(Code 1963, § 9-19; Ord. No. 27-2009, §2, 7-28-09)


State Law References: Inspection warrants, F.S. § 933.20 et seq.

Sec. 9-12. Occupancy inspection fee schedule.
Each and every occupancy as hereinafter provided shall pay an annual fee for the inspection of the occupancy for compliance with the Florida Fire Prevention Code as adopted in section 9-1 of the Code of Ordinances of the city. Said fee shall be paid within thirty (30) calendar days after the inspection has been completed by the fire department. The fire chief through his designee shall cause an inspection to occur annually of each commercial occupancy type. In addition, any new occupancies or businesses applying for a new business tax receipt or any applicant applying for a transfer of a business tax receipt from one location to another, shall have an inspection pursuant to section 11-50 of the Code of Ordinances of the city. This inspection shall take place prior to the issuance of the business tax receipt, to ensure compliance with the Code of Ordinances. This fee shall be paid prior to issuance of a new business tax receipt. The annual fee to be paid by each occupancy type shall be as follows:

<table>
<thead>
<tr>
<th>Occupancy Type</th>
<th>Annual Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business</td>
<td></td>
</tr>
<tr>
<td>0--3,000 sq. ft.</td>
<td>$50.00</td>
</tr>
<tr>
<td>3,001--30,000 sq. ft.</td>
<td>$100.00</td>
</tr>
<tr>
<td>30,001- 100,000 sq. ft.</td>
<td>$150.00</td>
</tr>
<tr>
<td>100,001 + sq. ft.</td>
<td>$200.00</td>
</tr>
<tr>
<td>Mercantile</td>
<td></td>
</tr>
<tr>
<td>0--3,000 sq. ft.</td>
<td>$50.00</td>
</tr>
<tr>
<td>3,001--30,000 sq. ft.</td>
<td>$100.00</td>
</tr>
<tr>
<td>30,001-100,000 sq. ft.</td>
<td>$150.00</td>
</tr>
<tr>
<td>100,001 + sq. ft.</td>
<td>$200.00</td>
</tr>
<tr>
<td>Assembly</td>
<td></td>
</tr>
<tr>
<td>50--300 persons</td>
<td>$50.00</td>
</tr>
<tr>
<td>301--1,000 persons</td>
<td>$100.00</td>
</tr>
<tr>
<td>1,001-2,000 persons</td>
<td>$150.00</td>
</tr>
<tr>
<td>2,001+ persons</td>
<td>$200.00</td>
</tr>
<tr>
<td>Residential (multi-unit only)</td>
<td></td>
</tr>
<tr>
<td>3--4 units, per building</td>
<td>$75.00</td>
</tr>
<tr>
<td>5--10 units, per building</td>
<td>$150.00</td>
</tr>
<tr>
<td>11+ units, per building</td>
<td>$225.00</td>
</tr>
<tr>
<td>High-rise</td>
<td></td>
</tr>
<tr>
<td>4--10 stories</td>
<td>$300.00 first building. $100.00 each additional building</td>
</tr>
<tr>
<td>11+ stories</td>
<td>$400.00 first building. $100.00 each additional building</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
</tr>
<tr>
<td>Low industrial (3,000--20,000 sq. ft.)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Medium industrial (20,001--60,000 sq. ft.)</td>
<td>$200.00</td>
</tr>
<tr>
<td>High industrial (60,001+ sq. ft.)</td>
<td>$300.00</td>
</tr>
<tr>
<td>Storage</td>
<td></td>
</tr>
<tr>
<td>Storage buildings (300--10,000 sq. ft.)</td>
<td>$50.00</td>
</tr>
<tr>
<td>Storage buildings (10,001 and up sq. ft.)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Rental units under 300 sq. ft.</td>
<td>Exempt</td>
</tr>
<tr>
<td>Fee upon 2d or more re-inspection for any occupancy</td>
<td>2nd re-inspection $25.00</td>
</tr>
<tr>
<td>3rd re-inspection $50.00</td>
<td></td>
</tr>
<tr>
<td>4th re-inspection $75.00</td>
<td></td>
</tr>
</tbody>
</table>

The fire department shall administer the provisions of this Code.

In the event any occupancy fails or refuses to pay the inspection fee, said violator shall be deemed to be in violation of the Code of Ordinances and enforcement shall be processed through the Titusville Code Enforcement Board or as otherwise provided for in the Code of Ordinances. The violator shall be liable for all costs incurred by the city in the collection of said fee. All fees collected shall be set aside and restricted to be utilized for the fire inspection program in the fire emergency services department.

Sec. 9-13. Reserved.

Editors Note: Ordinance No. 10-1997, § 2, adopted May 13, 1997, repealed § 9-14. Formerly, such section pertained to plans review and inspection fees and derived from Ord. No. 2-1993, § 9, 2-9-93.