

ORDINANCE 14-28

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO FIRE PROTECTION AND PREVENTION BY DELETING SEC. 38-32 IN ITS ENTIRETY AND RENUMBERING SECTIONS 38-33 THROUGH 38-45; BY AMENDING SEC. 38-32 *DEFINITIONS*, BY ADDING A DEFINITION FOR "AHJ OR AUTHORITY HAVING JURISDICTION"; BY AMENDING SEC. 38-35 *FIRE PROTECTION, HYDRANT AND FLOW REQUIREMENTS*, SUBSECTION (A) TO DELETE THE CHARGE TO REVIEW PLANS; BY AMENDING SUBSECTION (B)(1)C TO PROVIDE A SAFE CLEARANCE AROUND ALL SIDES OF ALL PUBLIC OR PRIVATE FIRE HYDRANTS; BY ADDING SUBSECTION (B)(3)C TO ADDRESS THE SIDE OF STREET LOCATION OF FIRE HYDRANTS; BY ADDING SUBSECTION (B)(4) TO PROVIDE LOCATION OF FIRE HYDRANTS TO ANY FIRE DEPARTMENT CONNECTION; BY ADDING SUBSECTION (B)(5) REGARDING MEASUREMENTS TO EXCLUDE ACROSS MEDIAN STRIPS OR ACROSS TWO-LANE DIVIDED ROADWAYS IN COMMERCIAL/INDUSTRIAL ZONED DISTRICTS; BY ADDING SUBSECTION (B)(6) REGARDING HYDRANT DISTRIBUTION IN AREAS WITH DIVIDED OR MULTILANE ROAD SYSTEMS; BY ADDING SUBSECTION (B)(7) REGARDING INSTALLATION AND OPERATION OF WATER SUPPLY AND FIRE HYDRANTS PRIOR TO ANY CONSTRUCTION; BY ADDING SUBSECTION (B)(8) REGARDING ADDITIONAL HYDRANTS ON PUBLIC OR PRIVATE PROPERTY TO BE SPECIFIED BY FIRE OFFICIAL FOR ADEQUATE PROTECTION; BY ADDING SUBSECTION (D)(1) - (4) TO PROVIDE FIRE PROTECTION SPECIFICATIONS AND REQUIREMENTS; BY AMENDING SEC. 38-38 *MERCANTILE, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS TO COMPLY*, TO PROVIDE THAT ALL EXISTING BUILDINGS AND BUILDINGS TO BE ERECTED AND BUILDING ADDITIONS SHALL CONFORM WITH FIRE CODE AND SPECIAL FIRE DISTRICTS STANDARDS; BY AMENDING SEC. 38-40 *PROPERTY MAINTENANCE*, TO PROVIDE THAT MAINTENANCE OF PROPERTY SHALL NOT CONSTITUTE A HAZARD OR UNREASONABLY INTERFERE WITH FIRE DEPARTMENT; BY AMENDING SEC. 38-42 *OPEN BURNING*, BY ADDING SUBSECTION (B) TO PROHIBIT THE USE OR OPERATION OF OUTDOOR HEATING DEVICES OR BURNING OF UNAPPROVED FUEL; BY ADDING SUBSECTION (C) TO PROVIDE THE AHJ (FIRE DEPARTMENT) WITH LEGAL AUTHORITY TO PROHIBIT OPEN FIRES DEEMED HAZARDOUS; BY AMENDING SUBSECTION (D)(1) TO PROVIDE REQUIREMENT OF A PERMIT FOR CAMPFIRE OR OTHER FIRE USED FOR NONCOMMERCIAL PURPOSES; BY AMENDING SUBSECTION (D)(3) TO AMEND THE ALLOWANCE OF OPEN BURNING BY REMOVING THE SUPERVISION OF CITY FIRE DEPARTMENT UPON APPROVAL BY MOTION OF THE CITY COMMISSION, TO SUPERVISION OF THE APPROPRIATE

PUBLIC CONTROL OFFICIAL; BY AMENDING SEC. 38-43 LANDS IN CITY EXEMPT FROM COUNTY ORDINANCE ON OPEN BURNING, TO DELETE REFERENCE TO THE PROVISIONS OF COUNTY ORDINANCE NO. 76-18; BY ADDING SEC. 38-44 APPROVED ACCESS BOX, TO PROVIDE THE REQUIREMENT OF AN APPROVED ACCESS BOX IN ALL COMMERCIAL BUILDINGS AND THE GUIDELINES FOR SUCH; BY AMENDING THE TITLE TO ARTICLE III TO READ FIRE PUBLIC SAFETY FACILITIES IMPACT FEE; BY AMENDING SEC. 38-81 REQUIRED; EXCEPTION, TO ADD IMPACT FEE AS SET FORTH IN THE LAND DEVELOPMENT CODE; BY AMENDING SEC. 38-83 AMOUNT, BY DELETING REFERENCE TO THE FIRE FACILITIES FEE AND PAYMENT REQUIREMENTS AND ADDING THE FIRE PUBLIC SAFETY FACILITIES IMPACT FEE IS SET FORTH IN THE LAND DEVELOPMENT CODE; BY AMENDING SEC. 38-84 REFUNDS AND FEE FOR SPECIAL NEEDS, SUBSECTION (a) TO REPLACE FIRE PUBLIC SAFETY FACILITIES FEES PAID UNDER THIS ARTICLE WITH FIRE PUBLIC SAFETY FACILITIES IMPACT FEE PAID UNDER THE LAND DEVELOPMENT CODE; BY AMENDING SUBSECTION (b) TO REPLACE SPECIAL PUBLIC SAFETY FACILITIES FEE WITH SPECIAL FIRE PUBLIC SAFETY FACILITIES IMPACT FEE, AND REPLACE THIS ARTICLE WITH THE LAND DEVELOPMENT CODE; BY AMENDING SEC. 38-85 USE OF PROCEEDS, TO ADD IMPACT TO THE FIRE PUBLIC SAFETY FACILITIES FEE AND TO DELETE REFERENCE TO BEING NECESSARY FOR PROTECTION OF THE PUBLIC; BY AMENDING SEC. 38-86 TRUST FUNDS ESTABLISHED, TO ADD IMPACT TO THE FIRE PUBLIC SAFETY FACILITIES FEES AND TO DELETE THE REVIEW OF THE FEE AMOUNT BY THE CITY COMMISSION TO DETERMINE IF CURRENT FEE IS APPROPRIATE AND DELETE THAT FUNDS FROM FIRE DISTRICT REVENUES RELATIVE TO CAPITAL EXPENDITURES FROM FIRE CAPITAL IMPROVEMENT TRUST FUND WILL BE DEPOSITED IN SUCH TRUST FUND; BY AMENDING SEC. 38-87 WAIVER OF FEE, TO ADD IMPACT TO THE FIRE PUBLIC SAFETY FACILITIES FEE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Commission seeks to amend Chapter 38 as proposed by the Fire Chief to bring it into compliance with state and national standards along with flexibility to meet the city needs; and

WHEREAS, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That Chapter 38 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

CHAPTER 38 FIRE PROTECTION AND PREVENTION

ARTICLE I IN GENERAL

Secs. 38-1—38-30. - Reserved.

ARTICLE II STANDARDS

Sec. 38-31. - Fire prevention codes; adopted.

- (a) There is hereby adopted by the city that the current edition of the Florida Fire Prevention Code published by the fire marshal of the State of Florida is hereby adopted and incorporated by reference as fully as if set out at length in this section; and from the effective date on which this section shall take effect, the provisions of such code shall be controlling within the limits of the city.
- (b) The fire prevention division shall make periodic inspection of all buildings or structures and is empowered to issue citations for violations.

Sec. 38-32. - Definitions.

The following words, terms and phrases, when used in the Florida Fire Prevention Code or this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AHJ or Authority Having Jurisdiction means an organization office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation or a procedure.

Bureau of fire prevention means the fire prevention division of the fire department of the city or any equivalent.

Chief of the bureau of fire prevention and chief of the fire department mean the fire chief or his designee.

Corporate counsel means the city attorney.

Fire marshal means the fire chief or his designee.

Municipality means the municipality of the city.

Sec. 38-33. - Reserved.

Sec. 38-34. - Committee designated to determine new materials, process or occupancies requiring permits.

The city manager and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits in addition to those now enumerated in the code. The fire marshal shall post such a list in a conspicuous place in his office, and distribute copies to interested persons.

Sec. 38-35. - Fire protection, hydrant and flow requirements for new development.

- (a) When plans are submitted to the city for approval of proposed subdivisions, mobile home parks or other developments, the fire marshal shall review the developments for compliance to adopted fire codes. Plans for any structural development or remodeling shall be reviewed by the fire marshal for compliance to the adopted fire codes.
- (b) The following hydrant specifications are considered to be minimal, and the fire chief or designee may require a higher level of fire protection for specific developments:
 - (1) All fire hydrants, public or private, shall be:
 - a. Accessible at all times, with hose connections readily available;
 - b. Not less than 25 feet from a building without the specific approval of the fire official;
 - c. Installed and maintained with a clearance of seven and one half feet in front of and to the sides of the fire hydrant, four foot clearance to the rear of the fire hydrant;
 - d. Without visual obstruction from roadways;
 - e. Protected by six-inch concrete, reinforced posts not less than three feet above and below surrounding grade and painted for high visibility, when located in paved areas or parking lots or other areas of traffic hazard;
 - f. Set with the lowest hose connection at least 18 inches above the finished surrounding grade; and
 - g. Painted chrome-yellow.
 - (2) Fire hydrants in single-family subdivision areas, shall be:
 - a. Spaced not more than 500 vehicular travel feet between hydrants;

- b. Capable of delivering a minimum fire flow of 500 gpm with required pressure; and
 - c. Located in the public right-of-way or easement in alignment with the side lot lines of abutting properties.
- (3) Fire hydrants in industrial, commercial, multifamily, mobile home park, recreational vehicle park, structures for public congregation and other high-value sites, shall be:
 - a. Spaced not more than 300 vehicular travel feet between hydrants; and
 - b. Capable of providing a minimum fire flow of 750 gpm with required residual pressure.
 - c. Provided on the same side of the street as the proposed project.
- (4) Fire hydrants shall be located in close proximity (no closer than 40ft, no further than 100ft) to any fire department connection (sprinkler or standpipe) and be located on the same side of the street as the proposed connection as determined by the AHJ.
- (5) Other than within residential developments, all measurements as called in this section shall be measured along the same side of the street.
- (6) Streets classified as arterial and collector roadways (as defined in Ordinance 105-31.8.1) should have fire hydrant distribution on both sides of the roadway, utilizing spacing criteria listed above.
- (7) Prior to any construction, water supply and fire hydrants required by and in accordance with this code shall be installed and operational prior to the construction of any building.
- (8) The fire official shall specify additional hydrants on public or private property where required for adequate protection of structures, buildings or other hazards.
- (c) Existing fire hydrants within private property or isolated by physical barriers from the proposed development site may not be utilized for fire protection requirements of the proposed construction.
- (d) The following fire protection specifications are considered to be minimal, and the fire chief or designee may require a higher level of fire protection for specific developments:
 - (1) Size of mains - The minimum size for all main distribution lines to which a fire hydrant is connected to shall be six inches in diameter

and be of a looped system or not exceeding dead end lengths as identified in the City of Dunedin standard detail.

- (2) All fire line and fire department connection lines shall be DR 14 type and/or rated to a minimum of 200 PSI.
- (3) Fire department connection location shall be approved by the AHJ during plan review.
- (4) All fire protection system components such as riser, fire department connection shall be painted red.

Sec. 38-36. - Enforcement of fire codes.

The fire codes shall be enforced by the fire department of the city and the city manager.

Sec. 38-37. - Violations; penalties.

- (a) Any person who shall violate any of the provisions of the codes hereby adopted by reference in section 38-31, or fail to comply with any order made under such codes or who shall build in violation of any detailed statement of the specifications or plans submitted and approved under such codes, or any certificate of permit issued under such codes and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the city or by a court of competent jurisdiction within the time fixed in this article shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor punishable as provided in section 1-15 of this Code of Ordinances.

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 such violations or defects within a reasonable time. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

- (b) The applications of the penalty in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 38-38. - Mercantile, commercial and industrial establishments to comply.

All commercial, mercantile or industrial establishments hereafter erected or buildings in existence permitted for renovation, repairs, alterations, reconstruction, change of occupancy and additions to buildings shall conform to and meet the standards of the fire code and the requirement of any special fire districts as may be established hereafter.

Sec. 38-39. - Interference with inspector.

It shall be unlawful for any person to hinder or interfere with a fire inspector in the discharge of his duties under the provisions of the fire code.

Sec. 38-40. - Property maintenance.

No property, irrespective of zoning, shall be so maintained as to constitute a hazard to fire, health, safety and welfare of the community or be maintained in such manner as to interfere unreasonably with the fire department.

Sec. 38-41. - Interference with fire hydrants.

It shall be unlawful for any person, unless properly authorized, other than an employee of the city or a member of the fire department in the performance of his duty, to take off or unscrew the cap from any city water hydrant in the city or interfere or meddle with such hydrant in any manner or obstruct access to such hydrant in any way.

Sec. 38-42. - Open burning.

Any open burning not specifically allowed by this section is prohibited.

- (a) No person shall ignite, cause to be ignited, permit to be ignited, suffer, allow, burn, conduct or maintain any prohibited open burning.
- (b) No person shall use or operate any outdoor heating device or burn an unapproved fuel for cold or frost protection except as provided in this article.
- (c) The AHJ (Fire Department) shall have the legal authority to prohibit any and all open fires when atmospheric conditions or local circumstances make such fire hazardous.
- (d) Permitted open burning.
 - (1) A campfire or other fire will be allowed that is used solely for recreational purposes, ceremonial occasions, outdoor noncommercial preparation of food or on cold days for warming of outdoor workers, as long as excessive visible emissions are not emitted and a permit is obtained.
 - (2) Open burning for the flaring of waste gases is allowed for reasons of safety, as long as excessive visible emissions are not emitted.
 - (3) Open burning is allowed for the instruction and training of organized firefighters or industrial employees under the supervision of the appropriate public control official.

Sec. 38-43. - Lands in city exempt from county ordinance on open burning.

The city commission hereby exempts all lands within the city from the county Ordinance pertaining to open burning regulations.

Sec 38-44. - Approved Access Box

An Approved Access Box (e.g. Knox accessible) shall be provided in all commercial buildings equipped with a fire alarm or a fire suppression system as well as gated subdivisions or developments. In addition, any commercial building over 10,000 square feet, regardless of fire safety equipment, will also be required to install an Approved Access Box.

New commercial buildings requiring an Approved Access Box must be installed during the construction phase on right side of the main entry door and all required keys or other opening device must be placed inside box prior to occupancy.

Application can be picked up at the Dunedin Fire Administration office.

Secs. 38-45—38-80. - Reserved.

ARTICLE III FIRE PUBLIC SAFETY FACILITIES IMPACT FEE

Sec. 38-81. - Required; exception.

As a condition of the issuance of a certificate of occupancy following the initial construction of or substantial reconstruction of a building, the person constructing such residential, commercial, manufacturing, public assembly or institutional building, or addition thereto, shall pay to the city, the fire public safety facilities impact fee as set forth in the Land Development Code. The only exception for the payment of such fee shall be for additions to existing residential structures not creating another dwelling unit.

Sec. 38-82. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fire public safety facilities capital improvements means the land, building, facilities, vehicles and equipment necessary for the fire department of the city to provide firefighting and fire protection services to the public.

Institutional unit or building means a structure occupied by a group, cooperative, board, agency or organization created for the purposes of carrying on functions of a public or semipublic nature, such as hospitals or schools or congregate-care living facilities (unless separate dwelling units are occupied having cooking and separate bathroom facilities).

Public assembly unit or building means the types of buildings used for the gathering together of persons for purposes, such as civic, social or religious functions, or for recreation or for food or drink consumption or for awaiting transportation. Public assembly buildings shall include, among others, the following: auditoriums, churches, gymnasiums, restaurants, motion picture theaters, museums, passenger depots, public assembly halls, recreation halls, stadiums and theaters.

Sec. 38-83. - Amount.

The fire public safety facilities impact fee is set forth in the Land Development Code.

Sec. 38-84. - Refunds and fee for special needs.

- (a) Refunds of fire public safety facilities impact fee paid under the Land Development Code may be allowed upon application therefor when it is determined that no construction has occurred and the building permit issued for such construction has expired or otherwise been cancelled.
- (b) If any structure has special fire safety needs because of size or type of construction or use, a special fire public safety facilities impact fee shall be paid to the city. Such fee shall be an amount necessary to permit the acquisition of any equipment or other capital asset necessary for the safe provision of fire protection services to the structure. Such fee shall be in addition to any other fee imposed under the Land Development Code and shall be paid prior to the issuance of a building permit for such structure. Alternatively, the owner or developer of such construction may provide to the city the piece of equipment or capital assets as determined to be needed because of such construction.

Sec. 38-85. - Use of proceeds.

The funds accumulated by reason of the collection of the fire public safety facilities impact fee shall be used only for the purchase of fire capital improvements consisting of land, buildings, vehicles and equipment for firefighting and fire protection services.

Sec. 38-86. - Trust funds established.

All fire public safety facilities impact fees received by the city shall be deposited in an appropriate trust fund referred to in this article as the "fire capital improvement trust fund," to be held separately and to be used only for the purposes referred to in section 38-85. Funds from this trust fund may be disbursed in the customary manner in accordance with appropriate law and with the added requirement that the disbursement of such funds shall require the written approval of the city manager upon a finding that the fire capital expenditure is in accordance with the terms of this section. Any funds on deposit in such trust account which are not immediately necessary for

expenditure may be invested by the city, and all income derived from such investment shall be deposited in the trust fund.

Sec. 38-87. - Waiver of fee.

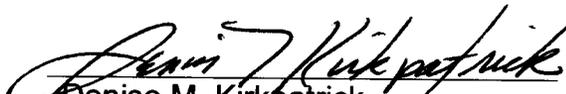
Any occupancy not required under the current fire prevention code to have a fire protection sprinkler system may have the fire public safety facilities impact fee waived upon application for such waiver, if a sprinkler system meeting either NFPA 13, 13D or 13R standards is installed in the structure.

Section 2: That this Ordinance shall be effective upon passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 20th day of November, 2014.


Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED:	<u>October 9, 2014</u>
READ SECOND TIME AND PASSED:	<u>October 23, 2014</u>
READ THIRD TIME AND ADOPTED	<u>November 20, 2014</u>