

ORDINANCE NO. \_\_\_\_\_ - 2018

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DELETING CHAPTER 8, "FIRE PROTECTION AND PREVENTION," OF THE ROCKLEDGE CODE OF ORDINANCES IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 8 "FIRE PROTECTION AND PREVENTION;" DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

**WHEREAS**, the Department of Public Safety has reviewed the provisions of Chapter 8 (Fire Protection and Prevention) of the Rockledge Code of Ordinances and has determined that revisions are required as a result of the recent creation of the Department of Public Safety; and

**WHEREAS**, the Rockledge City Council has reviewed the proposed revisions to Chapter 8 of the Rockledge Code of Ordinances that pertain to what is now known as the Fire Division of the Department of Public Safety and find them to be appropriate and necessary for the effectual operations of the Fire Division of the Department of Public Safety.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That Chapter 8 (Fire Protection and Prevention) of the Rockledge Code of Ordinances is deleted in its entirety and replaced with a new Chapter 8 of the Rockledge Code of Ordinances attached hereto as Exhibit "A".

**SECTION 2.** The provisions of this Ordinance are severable, and if any Chapter, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

**SECTION 3.** This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

**ADOPTED** at a regular meeting of the City Council of the City of Rockledge, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chairman, City Council of the  
City of Rockledge, Florida

ATTEST:

\_\_\_\_\_  
City Clerk

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

## EXHIBIT "A"

### Chapter 8 FIRE PROTECTION AND PREVENTION

#### Sec. 8-1. General duties of Director/Chief.

The Public Safety Director/Deputy Chief of the Fire Division of the Department of Public Safety shall have charge and control of the Fire Division, firefighting personnel, fire equipment and apparatus of the City, and of any volunteer fire company whose services may be offered. He/she shall order and superintend the work of such company, and shall make recommendations to the City Manager for consideration of City Council from time to time as he/she may deem appropriate for the better and more adequate protection of the City.

#### Sec. 8-2. Powers of Deputy Fire Chief in absence of Public Safety Director.

In the absence or disability of the Public Safety Director, the Deputy Chief of the Fire Division of the Department of Public Safety shall assume the duties and responsibilities relating to the Fire Division until the absence or disability of the Public Safety Director concludes, or a new Public Safety Director is appointed.

#### Sec. 8-3. Authority of Officer in charge at fire.

The Deputy Chief of the Fire Division of the Department of Public Safety, or the officer in charge during any fire, shall have full and plenary police authority with power to detain all persons in any way interfering with, hindering or impeding the work of the firefighting force, and shall have full power to regulate traffic on any and all streets in the area of the fire.

#### Sec. 8-4. Adoption, enforcement of state regulations.

(a) All rules and regulations issued by the State Fire Marshal, under authority of F.S. § 633.05, shall be enforced by the Deputy Chief of the Fire Division of the Department of Public Safety.

(b) The Deputy Chief of the Fire Division is hereby authorized to perform within the City any duties imposed upon him/her by such law or in accordance therewith, and to have such assistance as he/she shall require from other officials of the City in the discharge of such duties.

Sec. 8-5. Unauthorized use of equipment.

Without written consent of the Deputy Chief of the Fire Division, no engine or other apparatus used for extinguishing fires shall be assigned to any private use or enterprise, or used therein, or carried or placed beyond the location to which it is assigned, except in the case of fighting fires or for repairs.

Sec. 8-6. Obstructing firefighter.

No person shall resist, impede, obstruct or interfere with the movements of the Deputy Chief of the Fire Division or his/her assistants or any regular or volunteer firefighter in the execution of his/her duty.

Sec. 8-7. Refusal to obey firefighter; interference with equipment.

No person shall refuse to obey any lawful order of any officer of the Fire Division of the Department of Public Safety at any fire, or meddle or interfere with any fire vehicle, equipment or apparatus when engaged at or going to any fire.

Sec. 8-8. False fire alarms.

(a) No fee shall be assessed for the first four (4) alarms at the same premises responded to by the Fire Division during each calendar year. Thereafter, the following fees shall be paid by the owner for each false alarm responded to by the Fire Division at the same premises during the calendar year:

MONITORED ALARM SYSTEMS AND NON-MONITORED ALARM SYSTEMS OR ALARMS NOT REPORTED BY ALARM COMPANIES OR MONITORING COMPANIES

<i>Number of alarms</i>	<i>Fee per alarm</i>
First through Fourth	Warning
Fifth	\$25.00
Sixth	\$50.00
Seventh	\$75.00
Eighth	\$100.00
Ninth	\$125.00
Tenth	\$150.00
Eleventh	\$175.00
Twelfth	\$200.00

Thirteenth	\$225.00
Fourteenth	\$250.00
Fifteenth	\$300.00
Sixteenth through Twentieth	\$500.00 each
Twenty-first	Disconnection order for the remainder of the year, plus one more year

(b) Should any fee assessed pursuant to this Chapter remain unpaid in excess of ninety (90) days from the date the charge is billed, a collection fee in the amount of thirty (30) percent of the outstanding balance shall be assessed and shall be payable by the person or company that was billed in addition to the original fee. The owner, lessee, or alarm company shall also be responsible for any legal fees or costs incurred by the City in enforcement of this Chapter.

Sec. 8-9. Unauthorized persons prohibited in vicinity of fires.

No persons, except firefighters, police officers, owners of property immediately contiguous thereto or in danger therefrom and their agents, the media, and representatives and agents of fire insurance companies, shall be allowed in the immediate vicinity of any fire without the express consent of the officer of the Fire Division in command at such fire, or in command of some section or subdivision of the Department of Public Safety.

Sec. 8-10. Crossing fire lines.

No person shall go beyond a certain line to be designated by the Deputy Chief of the Fire Division or other officer in command at a fire.

Sec. 8-11. Parking near fires.

No person, except a member of the Fire Division or public official, shall park within three hundred (300) feet of any fire, or in any manner which will interfere with the proper operation of the apparatus or hose lines, or within any prescribed fire lines which have been established.

Sec. 8-12. Plan review; fire prevention safety inspection and public education training fees.

(a) *Plan review.* A plan review fee equal to 25 percent of the value of the building permit shall be paid for the review of plans for compliance with the Florida Fire Prevention Code and

the standards set forth in this article. Such fee shall be in addition to any building permit fee assessed for a particular permit application. Said fee shall be paid at the time of the submittal of the plans for building permit review.

(b) *Fire prevention safety inspection and public education training.* The following fees shall be applied to those inspections and training practices as outlined herein:

- (1) Adult living facility/adult congregate living facility, annually, per hour or portion thereof - \$50.00
- (2) Group home/community residential home, annually, per hour or portion thereof - \$50.00
- (3) Day care center, annually, per hour or portion thereof - \$50.00
- (4) Medical facility, annually, per hour or portion thereof - \$50.00
- (5) Other requested inspections, per hour or portion thereof - \$50.00
- (6) Review of evacuation/emergency management plans, annually, per plan - \$50.00
- (7) Evacuation evaluation on-site (drill), per hour, per inspector - \$50.00
- (8) Fire extinguisher training:
  - a. Up to 25 persons - \$50.00
  - b. Each additional 25 persons or portion thereof - \$25.00
- (9) Fire drill (exception for schools) - \$50.00
- (10) Code required, permit, annual, school, college, or business tax receipt, per hour or portion thereof - \$50.00
- (11) Fire hydrant test flow, per hour, per inspector - \$50.00
- (12) Re-inspection (second or consecutive) - \$15.00

Sec. 8-13. Open fires, incinerators, and commercial fireplaces; burn permit required.

In accordance with the Florida Forest Fire Laws and Open Burning Regulations, the following shall apply to open fires, incinerators, and commercial fireplaces: The burning of garbage, trash, yard trash or any other open or containerized burning is prohibited in the City limits, except as approved by City Council upon recommendation of the City Manager . If such

approval is granted, there shall be a one hundred dollar (\$100.00) administrative fee payable in advance of the issuance of a burning permit.

(a) Permits are required for all outdoor fires, with the exception of cooking and small recreational fires.

(b) The Deputy Chief of the Fire Division shall have the authority to prohibit an open fire when atmospheric conditions or local circumstances make such a fire hazardous.

(c) Prior to issuance of a permit for an open fire, an applicant must meet the conditions outlined in the Florida Fire Prevention Code.

(d) Any violation of this section may result in a fifty dollar (\$50.00) fine issued by a City police officer, code enforcement officer or fire inspector.

#### Sec. 8-14. Fireworks; displays, use and storage.

In accordance with the Florida Fire Prevention Code, Chapter 65, Explosives, Fireworks, and Model Rocketry, the following shall apply to fireworks and displays:

(a) Applicants for fireworks and pyrotechnical special effects are required to obtain a permit from the Deputy Chief of the Fire Division or his/her designee. All displays must meet the requirements of the Florida Fire Prevention Code along with any conditions imposed by the Fire Division of the Department of Public Safety, and further provide that the display shall be of such a character, and so located, discharged or fired, as in the opinion of the Public Safety Director or the Deputy Chief of the Fire Division or Police Division shall not be hazardous to property or endanger any person.

(b) Permits shall not be required for use of sparklers that are on the current approved sparkler list issued by the Florida Division of the State Fire Marshal.

(c) Floating sky lanterns are not authorized.

(d) Any violation of this section may result in a fifty dollar (\$50.00) fine issued by a City police officer, code enforcement officer or fire inspector.