

Memorandum

To: Mayor Strickland and City Council
From: Herb Hoffman Jr., Fire Chief
Date: February 27, 2008
Subject: Amendment to the Orange City Fire Prevention Ordinance

PURPOSE

Approval to revise our antiquated Fire Protection & Prevention Ordinance. We are currently using the National Fire Prevention Life Safety Code as the adopted code in our Fire Prevention Ordinance. The State of Florida uses the Florida Fire Prevention Code which has some omissions, and revisions to the National version. I feel it is imperative that we change our ordinance so that we concur with the State of Florida and enforce the same code. This still authorizes us to make more stringent or alternative measures to the code.

RECOMMENDATION

Adoption of Ordinance No. 346 amending Chapter 5.5, Fire Protection and Prevention to adopt the Florida Fire Prevention Code, Rule 69A-60 , and any local amendments as permitted in the Florida Statutes.

ORDINANCE NO. 346

AN ORDINANCE OF THE CITY OF ORANGE CITY, VOLUSIA COUNTY, FLORIDA; AMENDING ORANGE CITY CODE CHAPTER 5.5, FIRE PROTECTION AND PREVENTION, ARTICLE II, FIRE PREVENTION CODE, SECTION 5.5-16, ADOPTION OF LIFE SAFETY CODE AND STANDARD FIRE PREVENTION CODE BY UPDATING SAID CODE CONSISTENT WITH STATE LAW; AND BY DELETING SECTION 5.5-17, AMENDMENTS TO STANDARD FIRE PREVENTION CODE, IN ITS ENTIRETY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.

WHEREAS, Section 633.025, Fla. Stat., provides that cities shall enforce the Florida Fire Prevention Code and the Life Safety Code, as the minimum fire safety code, and that the National Fire Protection Association 101, Life Safety Code is deemed adopted as part of the minimum fire safety code; and

WHEREAS, the Orange City Code needs to be updated to be consistent with this statute; and

WHEREAS, words with double underlined type shall constitute additions to the original text; words with ~~strike through~~ shall constitute deletions to the original text.

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

SECTION 1. That the Code of Ordinances for the City of Orange City, Florida is hereby amended by amending Section 5.5-16, as follows:

Sec. 5.5-16. Adoption of Life Safety Code and Standard Fire Prevention Code.

There is hereby adopted by the City of Orange City, for the purpose of prescribing regulations governing public safety and health and general welfare as they relate to protection of life and property from hazards of fire and explosion due to the storage, use or handling of hazardous materials, substances and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, ~~that certain code known as the 101 Life Safety Code, 1981 and 1985 editions and each subsequent revision or addition of the 101 Life Safety Code, and all amendments thereto as hereafter adopted from time to time by the National Fire Protection Association; and also that certain code known as the Standard Fire Protection Code, 1979 and 1985 editions and each subsequent revision or addition of the Standard Fire Prevention Code, and all amendments thereto as hereafter adopted from time to time by the Southern Building Fire Code Congress International; and the same are hereby adopted and incorporated as fully as if set~~

out at length herein. that certain code known as the Florida Fire Prevention Code, Rule 69A-60, and all amendments hereafter adopted from time to time. The Fire Prevention Code of the City of Orange City shall be construed as consisting of Rule 69A-60 with any local amendments as permitted in Section 633.025, Florida Statutes. The Florida Fire Prevention Code adopts NFPA 1, Uniform Fire Code, of the National Fire Protection Association (NFPA), and NFPA 101, Life Safety Code. Chapter 1 of NFPA 1 is retyped below for clarification and ease of use. The terminology and section numbers are changed to adjust to the City of Orange City code format. Local administrative procedures have been added to the appropriate section of NFPA 1, Chapter 1. The entire Florida Fire Prevention Code, Rule 69A-60, is available through the State Fire Marshal's office. One copy of said code is available in the City Clerk's Office for public use, inspection, and examination.

SECTION 2. That the Code of Ordinances for the City of Orange City, Florida is hereby amended by deleting Section 5.5-17, in its entirety.

~~Sec. 5.5-17. Amendments to Standard Fire Prevention Code.~~

~~The fire prevention code, as set forth in section 5.5-16, above, is hereby amended as follows:~~

~~Section 1.04.~~

~~Chapter 1, section 1.04, Responsibility, shall be deleted and in its place a new section 1.04, Responsibility, shall be placed, which shall read as follows:~~

~~Section 1.04. Responsibility.~~

~~The fire chief, hereinafter referred to as the fire official, shall enforce the provisions of this code and all state laws under the jurisdiction of the city pertaining to the prevention, suppression or extinguishing of fires. The fire official shall have the powers of a police officer in performing his duties under this code.~~

~~Section 1.05.~~

~~Chapter 1, section 1.05, Function, shall be deleted and in its place a new section 1.05, Function, shall be placed, which shall read as follows:~~

~~Section 1.05. Function.~~

~~The function of the fire official, or his agent or designee, shall be to inspect all buildings and premises as often as may be necessary for the purpose of ascertaining, and causing to be corrected, any condition which could cause fire, or endanger life from fire, or any violation of the provisions of this and any other law affecting fire safety.~~

SECTION 3: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4: SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 5: CODIFICATION. It is the intention of the City Council of the City of Orange City, Florida, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Orange City, Florida; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; that the word, "Ordinance," may be changed to "Section," "Article," or other appropriate word.

SECTION 6: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

First Reading this _____ day of _____, 2008

ROLL CALL VOTE AS FOLLOWS:

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

Second Reading this _____ day of _____, 2008.

ROLL CALL VOTE AS FOLLOWS:

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2008.

ATTEST:

Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney