

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

Agenda Item #:

5B-1

AGENDA ITEM SUMMARY

Meeting Date: December 15, 2020 [ ] Consent [ ] Regular  
[ ] Workshop [X] Public Hearing

Department: Fire-Rescue

I. EXECUTIVE BRIEF


**Motion and Title:** Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing and replacing Sections 12-56 and 12-57 of Chapter 12, Article IV, of the Palm Beach County Code (codifying Ordinances 2017-043 and 2019-011); providing for incorporation of recitals and findings; providing that the updated Florida Fire Prevention Code shall be deemed adopted; providing for Local Amendments to the updated Florida Fire Prevention Code; providing for applicability; providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the Code; and providing for an effective date.

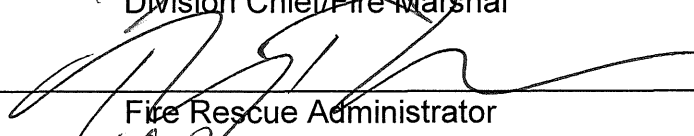
**Summary:** Pursuant to Chapter 633, Florida Statutes, the State Fire Marshal has or will adopt an updated Florida Fire Prevention Code, which establishes the statewide minimum firesafety code, with an anticipated effective date of December 31, 2020. This updated Florida Fire Prevention Code is based on updated Florida editions of the National Fire Protection Association's Fire Code (NFPA 1) and Life Safety Code (NFPA 101). The proposed Palm Beach County Local Amendments to the updated Florida Fire Prevention Code are recommended by the County's Fire Marshal and Fire Code Advisory Board. The Local Amendments establish requirements for life safety features and fire protection features within buildings; collection of fees for plan review and inspection services; and a Fire Code Board. A summary of the proposed changes to the Local Amendments are included as Attachment 2. Countywide (SB)

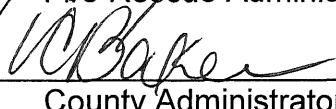
**Background and Policy Issues:** Florida law requires that local governments with firesafety responsibilities enforce the Florida Fire Prevention Code's statewide minimum firesafety code, and authorizes local governments to adopt local amendments that are more stringent than and strengthen the requirements of the minimum firesafety code. The Local Amendments proposed in this Ordinance update the current Local Amendments for the purposes of clarification, applicability, public safety, and changes in technology.

**Attachments:**

1. Proposed Ordinance, with Palm Beach County Local Amendments to the Florida Fire Prevention Code attached as Appendix A
2. Summary of the proposed changes to the Local Amendments

Recommended by:  11-23-2020  
Division Chief/Fire Marshal Date

Approved by:  Date  
Fire Rescue Administrator Date

Approved by:  12/9/2020  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(2,194,340)</u>	<u>(2,955,044)</u>	<u>(2,984,594)</u>	<u>(3,014,440)</u>	<u>(3,044,585)</u>
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u><b>(2,194,340)</b></u>	<u><b>(2,955,044)</b></u>	<u><b>(2,984,594)</b></u>	<u><b>(3,014,440)</b></u>	<u><b>(3,044,585)</b></u>

# ADDITIONAL FTE POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Proposed Budget? Yes X No \_\_\_

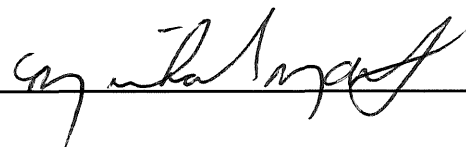
Does this item include the use of federal funds? Yes \_\_\_ No X

Budget Account No.:Fund 1300 Dept 440 Unit 4241 Object \_\_\_\_\_ Rev Source Various

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

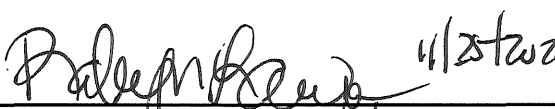
The fiscal impact is based on previous activity levels for the fee types revised by the Local Amendments to become effective December 31, 2020. The fiscal impact for FY 2021 is prorated for nine months and future fiscal years have been increased by 1%.

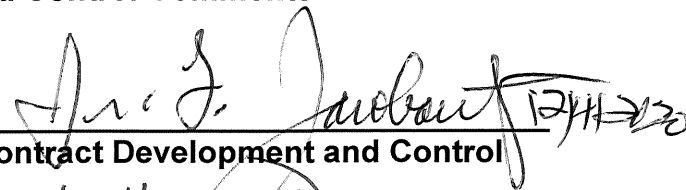
The Bureau of Safety Services (1300-440-4241) generated \$2,896,818 in revenues related to services provided by the Bureau in FY 2020. This figure includes fees for excessive false alarms, existing inspections, occupational license inspections, plan review, annual alarm recertification and water verification.

C. Departmental Fiscal Review: 

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

 11/25/2020  
 OFMB 11/25 AP 11/25

 12/4/2020  
 Contract Development and Control

**B. Legal Sufficiency**

 12/8/2020  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

ORDINANCE NO. 2020-

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING SECTIONS 12-56 AND 12-57 OF CHAPTER 12, ARTICLE IV, OF THE PALM BEACH COUNTY CODE (CODIFYING ORDINANCES 2017-043 AND 2019-011); PROVIDING FOR INCORPORATION OF RECITALS AND FINDINGS; PROVIDING THAT THE UPDATED FLORIDA FIRE PREVENTION CODE SHALL BE DEEMED ADOPTED; PROVIDING FOR LOCAL AMENDMENTS TO THE UPDATED FLORIDA FIRE PREVENTION CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 633, Florida Statutes, every three years the State Fire Marshal adopts in Rule Chapter 69A-60, Florida Administrative Code, an updated Florida Fire Prevention Code, which establishes the statewide minimum firesafety code and incorporates Florida editions of the National Fire Protection Association's Fire Code (NFPA 1 Fire Code) and Life Safety Code (NFPA 101 Life Safety Code); and

**WHEREAS**, it is anticipated that the State Fire Marshal will adopt the updated Florida Fire Prevention Code to be effective December 31, 2020; and

**WHEREAS**, pursuant to Chapter 633, Florida Statutes, the updated Florida Fire Prevention Code adopted by the State Fire Marshal shall be deemed adopted by, and shall be enforced by, local governments with firesafety responsibilities as the minimum firesafety code; and

**WHEREAS**, Chapter 633, Florida Statutes, authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum firesafety code; and

**WHEREAS**, the County's Fire Marshal and Fire Code Advisory Board recommend that the Board of County Commissioners adopt local amendments to the Florida Fire Prevention Code as set forth in **Appendix A** attached hereto; and

**WHEREAS**, at a duly advertised public hearing, the Board of County Commissioners heard and considered the comments of all parties wishing to be heard on this matter; and

**WHEREAS**, the Board of County Commissioners hereby finds and determines that said local amendments are more stringent than and strengthen the Florida Fire Prevention Code's minimum firesafety code in accordance with Sections 633.202 and 633.208, Florida

Statutes, and that adopting said local amendments will serve the public interest and general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,** that:

**SECTION 1.** The foregoing recitals and findings are hereby confirmed and incorporated herein.

**SECTION 2.** Section 12-56 of Chapter 12, Article IV, of the Palm Beach County Code is hereby repealed and replaced in its entirety to read as follows:

(a) In accordance with Sections 633.202 and 633.208, Florida Statutes, the updated Florida Fire Prevention Code to be effective on or about December 31, 2020, which has been or will be adopted by the State Fire Marshal in Rule Chapter 69A-60 of the Florida Administrative Code, as may be amended, including the Florida editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code, is deemed adopted by the County by reference as the minimum firesafety code, and is hereby amended by the Palm Beach County Local Amendments to the Florida Fire Prevention Code as adopted and incorporated by Section 12-57. The updated Florida Fire Prevention Code as amended by the Palm Beach County Local Amendments to the Florida Fire Prevention Code may be hereinafter referred to as “this Code.”

(b) The provisions of this Code shall be in full force and effect in Palm Beach County within the boundaries of any fire-rescue municipal service taxing unit (MSTU) established by ordinance, including within the unincorporated area and within the boundaries of any municipality that is lawfully included within any such MSTU; and within any municipality that has entered into an interlocal agreement for fire protection services from Palm Beach County Fire-Rescue and enacted an ordinance to adopt the Palm Beach County Local Amendments within the municipality, unless otherwise provided by the interlocal agreement.

**SECTION 3.** Section 12-57 of Chapter 12, Article IV, of the Palm Beach County Code is hereby repealed and replaced in its entirety to read as follows:

The Palm Beach County Local Amendments to the Florida Fire Prevention Code set forth in **Appendix A** attached hereto are hereby adopted and incorporated herein and made a part hereof as if fully set forth herein.

**SECTION 4.** **Repeal of Laws in Conflict:** Any laws or ordinances in conflict with this

Ordinance which Palm Beach County is authorized to repeal are hereby repealed to the extent of such conflict.

**SECTION 5. Savings Clause:** Notwithstanding the provisions of Sections 2, 3 and 4 of this Ordinance, all provisions of Chapter 12, Article IV, Sections 12-56 and 12-57, of the Palm Beach County Code (codifying Ordinances 2017-043 and 2019-011) as originally enacted and amended are specifically preserved, and shall remain in full force and effect, for the limited purpose of enforcing any alleged violations of said law which occurred prior to its repeal or replacement.

**SECTION 6. Severability:** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

**SECTION 7. Inclusion in the Code of Laws and Ordinances:** The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION 8. Effective Date:** The provisions of this Ordinance shall become effective December 31, 2020, or upon the State Fire Marshal's adoption of the updated Florida Fire Prevention Code, or upon the date this Ordinance is filed with the Department of State, whichever date is latest.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

SHARON R. BOCK, CLERK &  
COMPTROLLER, BOARD OF  
COUNTY COMMISSIONERS

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Dave Kerner, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY:   
County Attorney

Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



**Palm Beach County  
Local Amendments to the Florida Fire Prevention Code  
Chapter 69A-60, Florida Administrative Code  
Including**

**National Fire Protection Association's  
NFPA 1® Fire Code  
Florida Edition**

**National Fire Protection Association's  
NFPA 101® Life Safety Code  
Florida Edition**

# **Appendix A**

**Effective: December 31, 2020**

**Fire-Rescue Staff**

Reginald K Duren, Fire-Rescue Administrator  
David Woodside, Deputy Chief  
David DeRita, Fire Marshal  
Dave Collado, Staff Captain  
Amanda S. Greaux, Senior Secretary

**Palm Beach County Attorney's Office**

Sharon Burrows, Senior Assistant County Attorney

**Fire Code Board of Appeals**

Vacant, General Contractor  
Kathy Cline, Municipal Fire Representative – Boynton Beach Fire Rescue  
Jacek Tomasik, Building Official – Village of Wellington  
Steve Soderlund, Architect  
John Duffin, Fire Sprinkler Representative  
Roy Pollack, Fire Alarm Contractor  
Vacant, Mechanical Engineer  
George Heisel, Citizen Representative

**Fire-Rescue Fire Code Review Committee**

Dave Woodside, Deputy Chief  
Dave DeRita, Fire Marshal  
Patrick Kennedy, Assistant Chief  
Amanda S. Greaux, Senior Secretary  
Dave Collado, Staff Captain  
Kathi Greenia, Staff Captain  
Tom Fucci, Staff Captain  
Robert Smallacombe, Staff Captain  
Amy Kimberly, Fire Safety Specialist  
Nicole Delrossi, Fire Safety Specialist  
Sue Ellen Calderon, Fire Safety Specialist  
Matthew Doumas, Fire Safety Specialist  
Wesley Jolin, Fire Safety Specialist  
Christopher Henry, Fire Safety Specialist

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## **Chapter 1 Administration & Enforcement**

### **1.1 Scope.**

**1.1.1** The scope includes, but is not limited to, the following:

1. Inspection of permanent and temporary buildings, processes, equipment, systems, and other fire and related life safety situations
2. Investigation of fires, explosions, hazardous materials incidents, and other related emergency incidents
3. Review of design and construction plans, drawings, and specifications for life safety systems, fire protection systems, access, water supplies, processes, and hazardous materials and other fire and life safety issues
4. Fire and life safety education of fire brigades, employees, responsible parties, and the general public
5. Existing occupancies and conditions, the design and construction of new buildings, remodeling of existing buildings, and additions to existing buildings
6. Design, installation, alteration, modification, construction, maintenance, repairs, servicing, and testing of fire protection systems and equipment
7. Installation, use, storage and handling of medical gas systems.
8. Access requirements for fire department operations
9. Hazards from outside fires in vegetation, trash, building debris, and other materials
10. Regulation and control of special events including but not limited to, assemblage of people, exhibits, trade shows, amusement parks, haunted houses, outdoor events, and other similar special temporary and permanent occupancies
11. Interior finish, decorations, furnishings, and other combustibles that contribute to fire spread, fire load, and smoke production
12. Storage, use, processing, handling, and on-site transportation of flammable and combustible gases, liquids, and solids
13. Storage, use, processing, handling, and on-site transportation of hazardous materials
14. Control of emergency operations and scenes
15. Conditions affecting fire fighter safety

16. Arrangement, design, construction and alteration of new and existing means of egress

Exception: the scope of this Code for detached one (1) and two (2) family dwellings and for single use non-commercial agricultural structures on property zoned for single family dwellings shall include only sub-sections 2, 3 (water supplies and access) 4, 8, 9, 12, 13, 14, 15 of Section 1.1.1.

**1.1.2 Title.** In accordance with Sections 633.202 and 633.208, Florida Statutes, the “Florida Fire Prevention Code” adopted by the State Fire Marshal in Rule Chapter 69A-60 of the Florida Administrative Code, as may be amended, including the Florida editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code, is deemed adopted by reference as the minimum fire safety code, and is amended as set forth herein and referenced below by the NFPA 1 section number. The amendments adopted herein shall be known as the “Palm Beach County Local Amendments to the Florida Fire Prevention Code.” The Florida Fire Prevention Code (FFPC) as amended by the Palm Beach County Local Amendments to the Florida Fire Prevention Code may be hereinafter referred to as “this Code.”

**1.3 Application.**

**1.3.1.1** The provisions of this Code shall be in full force and effect in Palm Beach County within the boundaries of any fire-rescue municipal service taxing unit (MSTU) established by ordinance, including within the unincorporated area and within the boundaries of any municipality that is lawfully included within any such MSTU; and within any municipality that has entered into an interlocal agreement for fire protection services from Palm Beach County Fire-Rescue and enacted an ordinance to adopt the Palm Beach County Local Amendments within the municipality, unless otherwise provided by the interlocal agreement.

**1.3.8** There is hereby established a Fire Prevention Bureau, known as The Community Risk Reduction Division (CRRD), which shall be under the direction of the authority having jurisdiction (AHJ). The functions of this Division are to be the following:

- (a) To inspect buildings/businesses as set forth in Table 1.3.8.1 for the purpose of ascertaining and causing to be corrected any violations of

- the provisions of this Code. The Division will follow the schedule set forth in Table 1.3.8.1 forthwith to the extent reasonably practicable,
- (b) To review plans and conduct subsequent inspections to assure compliance with this Code,
  - (c) To investigate the origin, cause, and circumstances of any fire, and
  - (d) To provide public education in the areas of fire and life safety.

**TABLE 1.3.8.1**  
**SCHEDULE OF FIRE INSPECTIONS**

Buildings/Businesses subject to this Code are to be inspected to assure fire code compliance per the following schedule:

Occupancy Type	Inspection Cycle
Assembly	Annual
Educational	Annual
Day Care	Annual
Health Care	Annual
Ambulatory Health Care	Annual
Detention/Correctional	Annual
Residential Board and Care	Annual
Apartments (3-6 units with common area) No Fire Protection Equipment Systems	Annual
Apartments (3-6 units without common area) No Fire Protection Equipment Systems	Annual
Apartments (7units or more)	Annual
Apartments with Fire Protection Equipment Systems	Annual
Hotel Dormitories	Annual
Lodging or Rooming Houses	Annual

Mercantile - Shell	Annual
Mercantile - TNB	Every three (3) years
Business - Shell	Annual
Business - TNB	Every three (3) years
Industrial/Manufacturing	Annual
Storage	Annual
Special Property Use	Annual
Wholesale Fireworks	Quarterly
Mulching Facilities	Semi-Annual

Additional inspections may be scheduled by the AHJ based on new construction, alteration of building construction or occupancy, or in response to complaints or observed fire code violations.

Inspection Fees shall be assessed in accordance with Table 1.14.7 of this Code.

#### **1.4 Equivalencies, Alternatives, and Modifications.**

**1.4.6.1** All fire safety systems, equipment, and devices installed in lieu of or as an alternative to other code requirements, as permitted by this code, shall be considered required systems, and shall comply with the appropriate standard.

#### **1.7 Authority.**

**1.7.7.4** Before conducting an inspection of a building, structure or premises, the AHJ shall obtain consent from the owner, occupant, or other person having charge thereof, or obtain an inspection warrant pursuant to Florida Law, except in those instances where an emergency exists.

**1.7.11.4** Florida's Public Records Law shall govern what information will be



made part of the public record.

**1.7.16.1.1** The authority to order immediate evacuation of an occupied building or the summary abatement of a hazardous condition, as provided in sections 1.7.8, 1.7.16, and 1.16.5, shall reside only with the AHJ or the AHJs' designee. The immediate evacuation or summary abatement shall be limited to the action necessary to remove, abate or remedy the imminently dangerous condition or to remove occupants from the imminently dangerous condition. Such order shall be immediately effective and shall recite with particularity the facts supporting the immediate evacuation or summary abatement.

**1.7.16.1.2** Anyone whose property interests are adversely affected by the summary abatement or immediate evacuation shall be entitled to a subsequent hearing before the Fire Code Board of Appeals, as is established by Section 1.10 of this Code. Upon the Fire Code Board's receipt of a written notice requesting a hearing to review an immediate evacuation or summary abatement order, the Fire Code Board shall set such a hearing for a date no later than five (5) working days from the Fire Code Board's receipt of the written notice. The Fire Code Board's written decision, with its supporting factual findings, shall be mailed by certified mail to the appellant within two (2) working days after the hearing. In all other respects, the procedures of Section 1.10 shall apply.

**1.7.19 Permitting and Inspection.** The inspection or permitting of any building or plan by any jurisdiction 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. No jurisdiction nor any employee thereof shall be liable in part for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, nor for any failure of any component of such building, which may occur subsequent to such inspection or permitting, pursuant to this Code.

**1.7.20 Administrative Orders.** From time to time, when deemed necessary, the AHJ or the AHJs designee, with the approval of the Fire-Rescue Administrator, may draft Administrative Orders for the purpose of clarifying and carrying out the intent of this code. All Administrative Orders shall be on file in the office of the AHJ. Additional copies shall be kept at the Plans Review Office and the Inspection Office for distribution to the public.

Such orders shall be enforced as if a part of this Code and be in full effect upon approval of the Fire Rescue Administrator.

**1.7.21** In accordance with Section 633.208(3)(d), Florida Statutes, any substantially affected party shall be entitled to a hearing before the AHJ to challenge a Palm Beach County Local Amendment as provided for therein. The challenge must be filed in writing with the AHJ, must state with specificity the basis for the challenge, and shall contain such data and documentation upon which the challenging party seeks to rely. Unless the AHJ agrees to stay enforcement of the Local Amendment, or other good cause is shown, the challenging party shall be entitled to a hearing within forty-five (45) days of the AHJ's receipt of the challenge. The challenging party shall be notified of the date and location of the hearing.

The AHJ shall be authorized to conduct hearings on Local Amendment challenges brought pursuant to Section 633.208(3)(d), Florida Statutes. At the hearing, the AHJ shall provide the challenging party and County staff an opportunity to present testimony and evidence. All testimony shall be under oath. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. The burden of proof shall be on the challenging party, but the Local Amendment shall not be presumed to be valid or invalid. The AHJ shall render a written decision containing a summary of the testimony and evidence presented and the AHJ's findings and conclusions.

The AHJ's decision may be appealed by the challenging party to the Fire Code Board of Appeals within thirty (30) days after the AHJ's issuance of a written order. Such appeal shall not be a hearing de novo. The appeal shall be limited to appellate review of the record created before the AHJ. The Board shall reverse the decision of the AHJ only if it determines that there is no substantial competent evidence to support the AHJ's decision.

If the written order of the AHJ or the Fire Code Board of Appeals determines that the challenged Local Amendment or any part thereof does not comply with the applicable statutory requirements, then said Local Amendment or part thereof shall be deemed void effective as of the date of the written order. Such holding shall not affect the remainder of the Local Amendments or this Code.

The decision of the Fire Code Board of Appeals under this subsection shall be final action which may be appealed by the challenging party to the State Department of Financial Services in accordance with Section 633.208(3)(d), Florida Statutes.

**1.10 Fire Code Board of Appeals.** Section 10.1 is amended and replaced in its entirety to read as set forth herein.

**1.10.1 Fire Code Board of Appeals Created.** There is hereby created a Fire Code Board of Appeals, herein after referred to as the “Fire Code Board”, consisting of eight (8) members who are qualified by training and experience to vary the application of the provisions of this Code, and act on related matters, and to perform such other duties as established herein. The Board shall be appointed by the Board of County Commissioners. All members must reside within Palm Beach County at the time of appointment and while serving on the Fire Code Board and shall be qualified electors of Palm Beach County. The Fire Code Board shall adopt rules and regulations for conducting its business. The AHJ shall designate a representative to act as Secretary to the Fire Code Board. Public Notice of all Fire Code Board meetings shall be provided. All Fire Code Board meetings shall be open to the public and shall comply with the applicable requirements of the Florida “Government in the Sunshine” and “Public Records” laws. Minutes shall be taken at each meeting. The Fire Code Board shall be subject to the uniform policies and procedures established by the Board of County Commissioners as currently set forth in Resolution No. 2013-0193, as may be further amended by action of the Board of County Commissioners. All Fire Code Board meetings shall be governed by Robert’s Rules of Order. Fire Code Board members shall be governed by the applicable provisions of the state Ethics Code and the applicable provisions of the Palm Beach County Code of Ethics.

**1.10.1.1 Membership.** The membership of the Fire Code Board of Appeals shall be as follows:

1. One (1) Florida or Palm Beach County certified general contractor.
2. One (1) Palm Beach County municipal fire service representative.
3. One (1) Palm Beach County municipal building official.
4. One (1) registered architect.
5. One (1) certified fire sprinkler contractor.

6. One (1) certified fire alarm contractor.
7. One (1) registered engineer, practicing in the mechanical field.
8. One (1) citizen of Palm Beach County, not eligible under other membership categories.

Where a member is required to be registered or certified, same shall be issued by the State of Florida unless otherwise specified.

**1.10.1.1.1 Term.** The members shall serve no more than three (3) consecutive three (3) year terms. Any vacancy occurring during a term shall be filled for the unexpired portion of the term and shall not count towards the member's term limits. The member's terms shall begin on October 1 and end on September 30. Current members' terms shall expire on September 30 of the year in which their term expires.

**1.10.1.1.2 Removal/Absences.** All members shall be subject to the rules, adopted by the Board of County Commissioners, governing Board participation and attendance.

**1.10.1.1.3 Vote Calculation.** Each member shall have a full vote.

**1.10.1.1.4 Chair.** The Fire Code Board shall select one of its members to serve as chair and one member to serve as vice chair.

## **1.10.2 Review of Code.**

**1.10.2.1 Recommendations to the Board of County Commissioners.** The Fire Code Board shall review this Code and make recommendations, in the form of specific amendments, to the Board of County Commissioners for corrections, additions, substitutions or deletions to said Code for the purposes of clarification, applicability, public safety, and changes in technology, so as to maintain this Code as an effective and responsive document.

**1.10.2.2 Fire Code Advisory Board.** When sitting solely in its advisory capacity, the Fire Code Board shall be known as the Fire Code Advisory Board and shall be composed of the same members as the Fire Code Board. Persons appointed to the Fire Code shall be deemed to be likewise appointed to the Fire Code Advisory Board.

### **1.10.3 Appeals**

**1.10.3.1 Means of Appeal.** Whenever it is claimed that the provisions of this Code do not apply or have been misapplied, or when it is claimed that the true intent and meaning of this Code or any of the regulations there under have been misconstrued or misapplied, or when it is claimed that a decision is unreasonable or arbitrary as it applies to alternatives, the owner or his duly authorized agent may appeal the decision of the AHJ to the Fire Code Board of Appeals. Notice of appeal shall be in writing and filed with the AHJ within thirty (30) days after the decision is rendered by the AHJ. Appeals shall be on forms provided by the AHJ.

#### **1.10.3.2 Procedures on Appeal.**

**1.10.3.2.1 Hearing.** Upon receipt of the notice of appeal by the AHJ, a hearing shall be held at the next regularly scheduled meeting of the Fire Code Board, with notice to the appellant, the AHJ, and the members of the Fire Code Board, at least five (5) working days' prior to said hearing. Special meetings may also be called by the Board provided that five (5) working day notice is given to both parties. If the applicant requires a special meeting to be called, the appeal fee shall be One Hundred Dollars (\$100.00). Both the appellant and the AHJ, or their representatives, shall attend the hearing and may present evidence at same. The Fire Code Board shall consider each appeal on its own merits and shall base its decision only on the evidence presented at said hearing.

**1.10.3.2.2 Fire Code Board Action.** The Fire Code Board, upon an affirmative vote of a majority of the votes present, shall either 1) affirm the decision of the AHJ; 2) modify the decision of the AHJ; or 3) reverse the decision of the AHJ and affirm the appellant's position. The Board's decision, with the reasons therefore, shall be transcribed in writing and a copy shall be mailed, by certified mail, to the appellant, within ten (10) days after the hearing. All such decisions shall be final, subject to judicial review as provided by law.

**1.10.3.2.3 Tie Vote.** In the event the Fire Code Board is deadlocked in a tie vote, the appellant may request the Fire Code Board to defer final action until the next regular meeting date or a specific date certain. The appellant shall

be entitled to one (1) such deferral as of right. The matter shall be deferred and heard de novo, unless the majority then present at the time deferral is requested vote for the matter to be determined upon the record only at the upcoming hearing after deferral.

### **1.10.3.3 Decisions.**

**1.10.3.3.1** The Fire Code Board shall provide for reasonable interpretation of the provisions of this Code and rule on appeals from decisions of the AHJ. The Fire Code Board may approve an equivalent alternative in accordance with Section 1.4 of this Code.

**1.10.3.3.2 Action.** The Fire Code Board shall, in every case, reach a decision without unreasonable or unnecessary delay. If a decision of the Fire Code Board reverses or modifies a refusal, order, or disallowance of the AHJ, the AHJ shall immediately take action in accordance with such decision.

**1.10.3.3.3 AHJ Order Stayed, Exception.** Pending the disposition of an appeal scheduled for hearing, the order or decision of the AHJ sought to be appealed shall be stayed unless the AHJ certifies under oath, based upon available data, that an extreme danger to life or property exists, warranting immediate compliance under this Code. Said certification must be included in the order and be filed with the Fire Code Board within ten (10) days after the notice of appeal is filed.

### **1.10.4 Conflict Resolution.**

**1.10.4.1** Any conflict between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code as applied to a specific project shall be resolved in accordance with Section 553.73(11), Florida Statutes.

**1.10.4.2** The Fire Code Board is hereby designated and authorized to perform the local administrative board functions set forth in Section 553.73(11), Florida Statutes. In accordance with Section 553.73(11), Florida Statutes, the duties and functions of the Fire Code Board shall include the following:

1. To hear and render decisions in appeals of conflict decisions made jointly by the local AHJ and the local building official, in accordance with Section 553.73(11), Florida Statutes.
2. To resolve conflicts between the building code and the fire code, in accordance with Section 553.73(11), Florida Statutes, in those instances where the local AHJ and the local building official are unable to agree on a resolution of said conflict.

**1.10.4.3** If the County has, or does, designate another local board to perform the functions set out in Section 553.73(11), Florida Statutes, then said board and the Fire Code Board shall rotate the duty to fulfill the functions as set forth in this Section 1.10.4 and in Section 553.73(11), Florida Statutes, on an annual basis or as otherwise agreed to by the AHJ and the local building official.

**1.10.4.4** Any conflict between the Building Code and the Fire Code that involves the County's local amendments to either Code shall likewise be resolved in the manner set forth in Section 553.73(11), Florida Statutes, and this Section 1.10.4.

**1.10.5 Additional Powers and Functions.** The Fire Code Board is hereby authorized and empowered to: 1) hear and rule upon appeals from orders of the AHJ in Local Amendment challenges brought pursuant to Section 633.208(3)(d), Florida Statutes, and in accordance with Section 1.7.21 of this Code; 2) hear and rule upon appeals from decisions of the AHJ relating to false alarms as set forth in Section 10.6.6 of this Code; 3) perform any other functions authorized for the Fire Code Board by this Code.

**1.10.6 Fireworks Board of Appeals.** The members of the Fire Code Board shall serve ex-officio as members of the Fireworks Board of Appeals and perform the functions of that Board, all as set forth in Chapter 12, Article III of the Palm Beach County Code, as it may be amended from time to time.

**1.10.7 Conduct of Quasi-Judicial Hearings.** Whenever the Fire Code Board is acting in a quasi-judicial capacity, the County's Procedures for Conduct of Quasi-Judicial Hearings shall apply, as set forth in Resolution 2018-0198, as may be amended from time to time, to the extent not inconsistent with this Section 1.10 or other legal requirements.

**1.10.8** Any decision of the Fire Code Board shall be final and reviewable in the manner prescribed by law.

## **1.12 Permits and Approvals.**

**1.12.7.4** Any permit authorized to be issued by the AHJ pursuant to this Code shall be subject to immediate suspension, revocation or denial by the AHJ upon the AHJ's determination that conditions exist which make the permitted activity imminently dangerous to life or property. The AHJ's order immediately suspending or revoking a permit shall cite with particularity the facts supporting the suspension or revocation. The suspension or revocation shall be effective immediately upon notice to the permittee at the location indicated on the permittee's application. Upon such immediate suspension or revocation of a permit, the permittee shall be entitled to appeal the decision of the AHJ at a subsequent hearing of the Board of Appeals and Adjustments. Upon the Board's receipt of a written notice requesting a hearing with respect to an immediate permit suspension or revocation, the Board shall set such a hearing for a date no later than five (5) working days from the Board's receipt of the written notice. The Board's written decision shall be mailed by certified mail to the permittee within two (2) working days after the hearing. In all other respects, the procedures of Section 1.10 shall apply.

## **1.14 Plan Review.**

**1.14.1.1 Plan Review.** The AHJ shall examine or cause to be examined all plans for construction, alteration or remodeling of any structure, except one- and two-family detached dwellings, including any installed system, and shall ascertain by such examination whether the construction indicated and described is in compliance with the requirements of this Code. Such plans shall include, but not be limited to, construction drawings, specifications, computations and additional data as deemed necessary by the AHJ. All project site plans and civil plans shall be reviewed under the provisions of the applicable sections of this Code.

**1.14.1.2 Annual Facility Plan Review Approval.** In lieu of an individual plan review for existing facilities the Fire Marshal may authorize an annual facility plan review approval to facilitate the Building Department permitting of temporary structures. The plan review approval application shall contain



a general description of the parameters of work intended to be performed during the year. The annual plan review approval shall be assessed with an annual fee and shall be valid one year from the date of issuance. Any deviations from the approval will require plans to be reviewed in accordance with the Building Department policies and procedures. Inspections will be required and the Fire Marshal shall retain the right to make inspections at the facility as deemed necessary.

**1.14.6 Plans Rejection.** If the plans submitted for review do not conform to the requirements of this Code or other fire related laws or ordinances, the AHJ shall reject said plans and, provide in writing the reason(s) for rejection. Plans must then be re-submitted for review in accordance with the Building Department policies and procedures.

**1.14.7** For all work for which plans must be reviewed, as set forth in Section 1.14.1 of this Code, and for all services associated therewith, a fee shall be paid as required at the time of submission of the plans or as required services are performed. For all inspections conducted pursuant to Section 1.3.8 of this Code, a fee shall be imposed for each building, based upon fixed property use. All fees shall be in accordance with Table 1.14.7.1.

<b>Table 1.14.7.1</b>	
<b>Palm Beach County Fire Rescue - Fee Schedule</b>	
<b>Section I, Plan Review Fees</b>	
A. Plan Review Fees, based on the Valuation of the Proposed Work as follows:	Fee
1. \$0 - \$10,000	1% total valuation of \$10,000 with a minimum fee of \$100
2. \$10,001 - \$300,000	\$100 for the 1st \$10,000 plus 0.5% of the balance of the value
3. \$300,001 - \$600,000	\$1,550 for the 1st \$300,000 plus 0.25% of the balance of the value
4. \$600,001 - \$1,000,000	\$2,300 for the 1st \$600,000 plus 0.125% of the balance of the value

5. Greater than \$1,000,001	\$2,800 for the 1st \$1 Million plus 0.1% of the balance of the value
B. Plan Review Fee Examples with Estimated Valuations of:	
1. \$10,000 and under	\$100
2. \$100,000	\$550
3. \$200,000	\$1,050
4. \$300,000	\$1,550
5. \$400,000	\$1,800
6. \$500,000	\$2,050
7. \$600,000	\$2,300
8. \$700,000	\$2,425
9. \$800,000	\$2,550
10. \$900,000	\$2,675
11. \$1,000,000	\$2,800
12. \$1,100,000	\$2,900
13. \$1,200,000	\$3,000
14. \$2,000,000	\$3,800
15. \$2,100,000	\$3,900
C. Plan Revisions	
1. Minor Revision, Pre-Permit	\$0
1a. Minor beyond first, Pre-Permit	10% of original fee
2. Major Revision, Pre-Permit	25% of original fee
3. Revision, Post Permit	\$5/page min \$20
4. Re-stamp	\$2.50/page min \$10
5. Invalid Permit	30%
D. Plan Review Fees, Other	
1. Design Review	Greater of \$250 or \$2.50/Page, paid in advance, no refunds
2. Civil Drawing / Site Plans)	\$500

3. Annual Facility Plan Review	\$1,500
4. Expedited Plan Review fee - A written request for an expedited plan review based on a specific need of the customer such as potential employee layoff, financial hardship, and time constraints. The AHJ or their designee shall have the sole authority to approve or deny the request, subject to the availability of personnel.	\$125/3-hour min + original review fee
5. Emergency Management Plans Review	\$110
E. Refunds - Refunds will be granted only on plan review fees in excess of one hundred (\$100.00) dollars. For plan review fees in excess of one hundred (\$100.00) dollars, fifty (50%) percent of the fee is refundable on valid application and permits. No refund shall be granted once work has commenced. This section shall not apply to plans that do not require Fire Department plan review.	50% of Fee Collected
<b>Section II, Construction Related Fees</b>	
A. Fire Department Water Supply for the determination of adequacy of water supply, distance to closest fire station, and/or any other pertinent insurance information	\$25
B. Water Flow Tests, ALL Hydrants	\$300
C. Completion Agreement, fee assessed for each incomplete code item at the time of execution of the completion agreement	\$250
D. Failure to obtain a permit	4X Original Fee
E. Re-inspection fee starting with the third re-inspection and all subsequent re-inspections associated with uncorrected violations	\$50
F. Business Tax / Occupational License Inspection (Commercial)	\$75
G. Business Tax / Occupational License Inspection (Residential)	\$50
H. After Hours Inspection/per inspector - a written request for a construction related inspection completed outside of normal Monday through Friday hours of operations of the Fire Safety Specialist. The request must state the need. The AHJ or their designee shall have the sole authority to approve the request, subject to the availability of personnel.	\$125/3-hour min

I. Temporary Structures	\$50
<b>Section III, Special Events / Details</b>	
A. Flame Effect Before an Audience	\$100/hr. (min. 3 hours)
B. Use of Pyrotechnics before a proximate audience	\$200/hr. (min. 3 hours)
C. Public display of outdoor Fireworks	\$500 Flat, \$400/hr. Crew, \$400 Standby Engine
<b>** For other events, subsections D through G apply at the applicable rates set forth in the Palm Beach County Fire Rescue Warranty, Vehicle and Staff Charges Rate Schedule in effect at the time of the event.</b>	**
D. Fire Engine	**
E. Quint/Ladder/Aerial Truck	**
F. Rescue Truck	**
G. Personnel, Per Person with 3-Hour Minimum	**
<b>Section IV, Existing Inspections (based on the fixed property use) and Table 1.3.8, Schedule of Fire Inspections</b>	
<i>The below fees will not be imposed for Existing Inspections that are conducted within six (6) months of an Business Tax / Occupational Licensing Inspection.</i>	
A. Assembly with the following Occupant Loads	
1) 50 - 299	\$110
2) 300 - 1,000	\$150
3) 1,001 - 5,000	\$200
4) 5,001 and greater	\$250
B. Educational Schools / Day Cares with the following square footage	
1) 0 - 10,000	\$50
2) 10,001 - 20,000	\$75
3) 20,001 - 50,000	\$150
4) 50,001 - 100,000	\$250
5) 100,001 - 200,000	\$300

6) 200,001 and greater	\$350
C. Health Care / Hospitals / Nursing Homes / Ambulatory Health Care, Etc. with the following square footage	
1) Under 5,000	\$75
2) 5001 - 15,000	\$100
3) 15,001 - 30,000	\$150
4) 30,001 - 100,000	\$200
5) 100,001 - 200,000	\$250
6) 200,001 - 500,000	\$300
7) 500,001 and greater	\$350
D. Residential Board and Care with the following square footage	
1) Under 5,000	\$75
2) 5,001 - 15,000	\$100
3) 15,001 - 30,000	\$150
4) 30,001 - 100,000	\$200
5) 100,001 - 200,000	\$250
6) 200,001 - 500,000	\$300
7) 500,001 and greater	\$350
E. Detention / Correctional	
1) Under 15,000	\$100
2) 15,001 - 30,000	\$150
3) 30,001 - 100,000	\$200
4) 100,001 - 200,000	\$250
5) 200,001 - 500,000	\$300
6) 500,001 and greater	\$350
F. Lodging / Rooming Houses / Hotel / Dormitories with the number of units or rooms	
1) 0 - 16	\$55
2) 17 - 100	\$75
3) 100 - 500	\$150

4) 501 and greater	\$200
G. Mercantile / Business and Storage with the following square footage	
1) Under 5,000	\$50
2) 5,001 - 15,000	\$75
3) 15,001 - 30,000	\$100
4) 30,001 - 100,000	\$125
5) 100,001 - 200,000	\$150
6) 200,001 - 500,000	\$175
7) 500,001 and greater	\$200
H. Industrial / Manufacturing with the following square footage	
1) Under 15,000	\$65
2) 15,001 - 30,000	\$150
3) 30,001 - 100,000	\$175
4) 100,001 - 200,000	\$200
5) 200,001 - 500,000	\$250
6) 500,001 and greater	\$300
I. Hazardous Material Facilities with the following square footage	
1) 5,000 and under	\$75
2) 5001 - 15,000	\$125
3) 15,001 - 30,000	\$175
4) 30,001 - 100,000	\$250
5) 100,001 - 200,000	\$300
6) 200,001 - 500,000	\$350
7) 500,001 and greater	\$400
J. Outside Storage of Forest Products with the following Acreage	
1) 0 - 5	\$50
2) Greater than 5 and <= 10	\$100
3) Greater than 10	\$150

K. Multi-Family Residential Properties with Fire Protection Systems having the following number of Units	
1) 0 - 25	\$25
2) 26 - 50	\$50
3) 51 - 100	\$75
4) 101 and greater	\$100
5) High Rise	\$200
L. Wholesale Fireworks	\$50
M. Commercial LP Gas Facilities, All	\$55
N. Mobile Food Truck	\$110
O. Re-inspection Fee - may be assessed starting with the third re-inspection and each subsequent re-inspection associated with an existing inspection where the Fire Safety Specialist within reasonable discretion determines reasonable progress is not being made.	\$50

**1.14.8 Buildings Under Construction.** The permit holder or his agent shall notify the AHJ to conduct the following inspections of buildings and such other inspections as may be necessary. The AHJ shall either approve that portion of the construction or shall notify the permit holder or his agent of any correction to be made to comply with this Code.

1. Frame Inspection: To be made at the time of Building Department inspection. Items to be inspected shall include, but not be limited to:
  - a. Fire hydrant locations
  - b. Fire Department access
  - c. Rough-ins for stair dimensions
  - d. Egress windows
  - e. Smoke detector locations and
  - f. Fire alarm device locations.
2. Fire Protection Systems: To be inspected and tested upon completion of that system or portion of system prior to final fire safety inspection.
3. Final Fire Safety Inspection: To be made upon completion of the building and all installed systems.

**1.14.9 Certificate of Occupancy.** Once all provisions of this Code have

been met, a letter of Fire Code Compliance shall be issued by the AHJ to the Building Official prior to the Building Official issuing a Certificate of Occupancy for the premises for which the building permit had been issued.

## **1.16 Notice of Violations and Penalties.**

**1.16.6 Code Enforcement.** The provisions of this Code and any orders issued pursuant thereto may be enforced by any means lawfully available including, but not limited to, Chapter 162, Florida Statutes, Chapter 8.5 of the Palm Beach County Code, Article 10 of the Palm Beach County Unified Land Development Code, and Section 125.69, Florida Statutes, all as may be amended or re-codified from time to time; the issuance of cease and desist orders; and seeking injunctions in court. It is the purpose of this Code to provide additional cumulative remedies. Each violation of this Code shall constitute a separate offense and be punishable as such.

**1.16.7 Fire Safety Specialist Designation.** The AHJ, and such fire safety specialist that the AHJ may designate, are hereby designated as code enforcement officers for the purpose of issuing citations under the code enforcement systems set forth in Chapter 8.5 of the Palm Beach County Code and Article 10 of the Palm Beach County Unified Land Development Code, all as may be amended or re-codified from time to time.

**1.18 Requirements Not Covered by Code.** Where provisions of this Code do not address specific situations involving protection of life and property from the hazards of fire, smoke and explosion, compliance with nationally accepted standards of good practice shall be evidence of compliance with the intent of this Code.

## **Chapter 3 Definitions**

### **3.1.1.1 Tense, Gender, and Number.**

For the purpose of this Code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in this Chapter. Words used in the present tense include the future tense. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and plural number includes the singular. Words not defined herein shall have the



meanings stated in NFPA Standards, Florida building code or shall be defined using their ordinarily accepted meaning within the context in which they are used.

**3.2.2 Authority Having Jurisdiction (AHJ).** The AHJ shall be the PBC Fire Rescue Administrator or his designee.

**3.3.1.1 Costs.** Those necessary and reasonable expenses incurred by the County in connection with investigating, mitigating, minimizing, removing or abating discharges of hazardous substances, including, but not limited to, the following: actual labor expenses of County personnel or its authorized agents; expenses of equipment operation and rental; and expenses of expendable items including, but not limited to, firefighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums, acid suits, acid gloves, goggles and protective clothing.

**3.3.14.3 Fire Area.** A portion of a building that is separated from the rest by a four (4) hour fire wall that may be constructed to the maximum height allowed based on occupancy and the type of construction. Said wall shall be independent of adjoining occupancies or types of construction. The four (4) hour fire wall shall comply with NFPA 221 and the Florida Building Code, Building Chapter 7.

**3.3.135.1 Gross Floor Area.** The total square footage of a building's footprint as measured from the outside walls. This building measurement shall not include additional building floors; but in multi-story buildings, the square footage of the largest floor shall be utilized in determining the gross floor area for the purposes of determining applicability for Section 13.3.1.1.1.

## **Chapter 4 General Requirements**

**4.5.11 Special Events.** Each special event that requires or has the potential to require the use of fire department personnel and/or equipment shall apply for a Special Events permit. All fees associated with the special event permit will be based on Table 1.14.7, Palm Beach County Fire Rescue Fee Schedule.

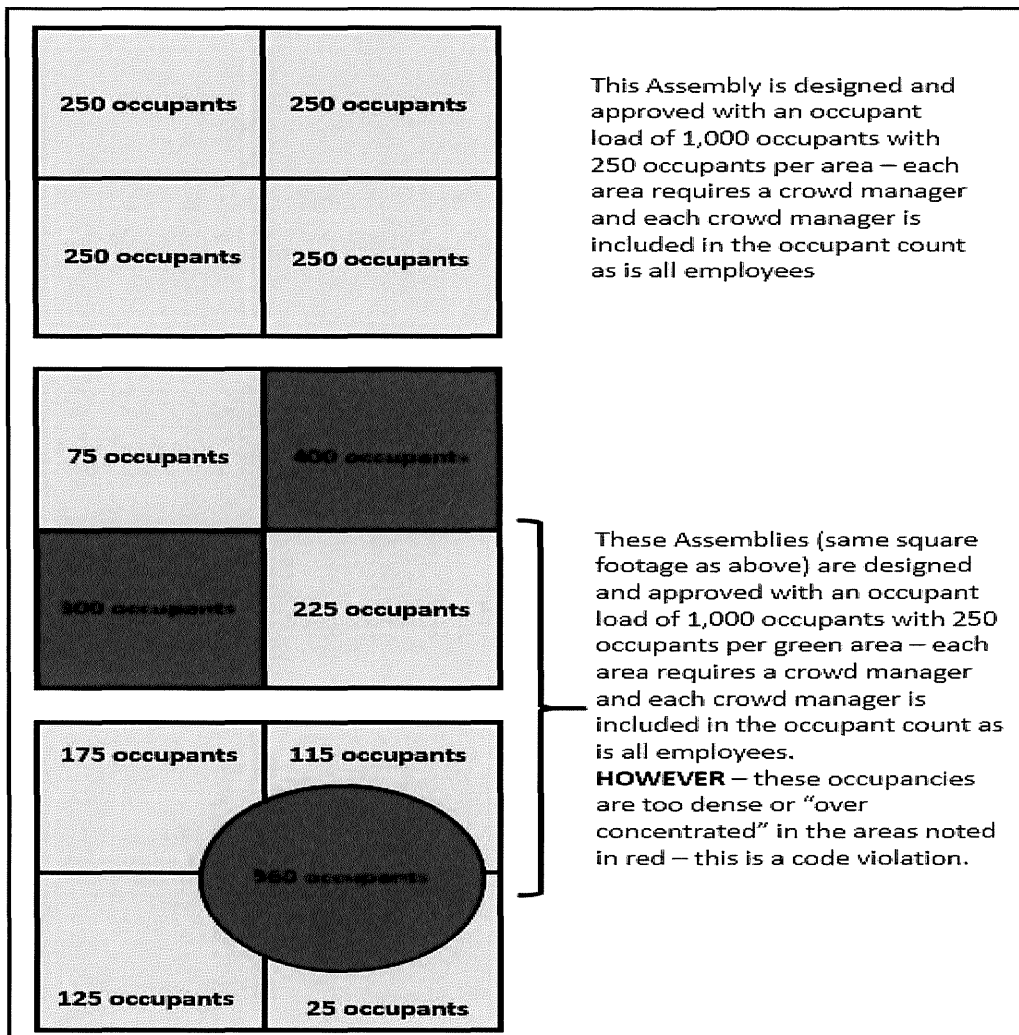
## Chapter 10 General Provisions

### 10.1 Fundamental Requirements

**10.1.1.1 Hazardous Waste.** Where the storage or accumulation of combustible waste matter used in stores, apartment buildings, factories or other similar places is a hazard or menace of fire, said storage of such material shall be removed daily.

**10.1.2.1 Overcrowding/Overconcentration.** The number of occupants of any building or portion thereof shall not be permitted to exceed the allowed or posted capacity or density, determined in accordance with this Code as shown in Figure 10.1.2.1.1.

**Figure 10.1.2.1.1, Occupant Density**



**10.3.1.1 Stocking.** All life safety systems shall be approved and functioning prior to materials being stocked inside a structure.

## **10.6 Reporting of Fires and Other Emergencies.**

### **10.6.5 Annual Certification of Central Stations.**

**10.6.5.1** Central stations shall certify to the AHJ, that they meet the following requirements:

1. That the central station maintains a listing for monitoring fire alarm systems, under the requirements of NFPA 72 for Central Station Service;
2. That the central station provides and maintains two independent means to retransmit a fire alarm signal from a protected-premises to the Fire-Rescue Dispatch Center;
3. That the central station maintains a local phone number within the area of the fire department dispatch center, or provides the fire department with a toll-free number, by which the fire department can contact the central station; and
4. The required certification shall be forwarded to the AHJ starting October 1 through November 30, on an annual basis or immediately on change of any of the criteria as required in this section. The annual certification fee shall be \$115.00.

**10.6.5.2** Central stations which do not provide the acceptable certification to the AHJ shall not monitor required fire alarm systems within the fire department's jurisdiction.

**10.6.5.3** Central stations which monitor required alarm systems shall maintain a record of inspections and repairs, in a form as prescribed by the AHJ. Said records are to be located at a location acceptable to the AHJ, with copies maintained at the central station facility.

### **10.6.6 Excessive False Alarms.**

**10.6.6.1 Maximum No. of False Alarms in a 12-Month Period.** The

transmission of more than three (3) false alarm signals by an automatic fire detection system or a medical alarm system within a twelve (12) month time period is excessive. This period of time shall begin October 1 and continue through September 30 of the following year. No person shall allow or cause the prevention of the transmission of, for any reason, an alarm by an automatic fire detection system or a medical alarm system. This includes systems used by anyone or systems serving the premises of a building occupied or controlled by such person.

#### **10.6.6.2 Charges for Excessive False Alarms in Residential Structures.**

The activation of four (4) or more false alarms within a twelve (12) month period will be handled according to the following:

1. For the fourth through sixth false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a one hundred dollars (\$100.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
2. For the seventh through ninth false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a two hundred dollars (\$200.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
3. For the tenth and each successive false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a three hundred dollars (\$300.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
4. The tenth and each successive false alarm within a twelve (12) month period shall be determined to be a public nuisance. In this event the AHJ may (a) process a complaint for each occurrence to the Palm Beach County Code Enforcement Special Master for corrective action, or (b) enter into an agreement with the owner to implement appropriate corrective action to remedy said nuisance(s); or (c) pursue any other legally available remedies.
5. Funds documented as expended by the owner for corrective action, shall, upon receipt of documentation by the AHJ, be deducted from the debt owed to Palm Beach County for excessive false alarms.
6. The provisions of this section shall not apply to required alarm systems for an initial period of two (2) months from the date the fire alarm system is accepted by the AHJ.
7. False alarms transmitted during a natural disaster shall not be counted

in calculating excessive false alarm fines hereunder. In the event of a hurricane, the natural disaster shall be deemed to commence with the start of a hurricane watch and continue through five (5) calendar days thereafter.

The AHJ shall determine the number and frequency of such false alarm signals and notify the alarm user or building owner of amounts owed and shall make demand thereof, pursuant to the provisions of this Code. The County may initiate proceedings to collect said fines after demand thereof has been made by the AHJ.

#### **10.6.6.3 Charges for Excessive False Alarms in Commercial Structures.**

The activation of four (4) or more false alarms within a twelve (12) month period will be handled according to the following:

1. For the fourth through sixth false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a two hundred fifty dollars (\$250.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
2. For the seventh through ninth false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a five hundred dollars (\$500.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
3. For the tenth and each successive false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a one thousand dollars (\$1,000.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
4. The tenth and each successive false alarm within a twelve (12) month period shall be determined to be a public nuisance. In this event the AHJ may (a) process a complaint for each occurrence to the Palm Beach County Code Enforcement Special Master for corrective action, or (b) enter into an agreement with the owner to implement appropriate corrective action to remedy said nuisance(s); or (c) pursue any other legally available remedies.
5. Funds documented as expended by the owner for corrective action, shall, upon receipt of documentation by the AHJ, be deducted from the debt owed to Palm Beach County for excessive false alarms.
6. The provisions of this section shall not apply to required alarm systems for an initial period of two (2) months from the date the fire alarm system is accepted by the AHJ.
7. False alarms transmitted during a natural disaster shall not be counted

in calculating excessive false alarm fines hereunder. In the event of a hurricane, the natural disaster shall be deemed to commence with the start of a hurricane watch and continue through five (5) calendar days thereafter.

The AHJ shall determine the number and frequency of such false alarm signals and notify the alarm user or building owner of amounts owed and shall make demand thereof, pursuant to the provisions of this Code. The County may initiate proceedings to collect said fines after demand thereof has been made by the AHJ.

**10.6.6.4 Notice and Appeal.** The AHJ shall deliver a written notification advising of the false alarm and fine, if any, to the address of the false alarm location by mail or hand delivery, or by posting in a conspicuous place at or near the premise's entrance if the site is unattended or abandoned. Any such notice shall be deemed sufficient notice to both the alarm user and the building owner.

The alarm user or building owner may challenge a false alarm and fine determination, if any, by first seeking review by the AHJ. A written request for such review must be filed with the AHJ within ten (10) days of the alarm user or building owner's receipt of the false alarm notification. The AHJ shall review all evidence presented by the alarm user or building owner and determine whether the false alarm determination and fine, if any, are supported by a preponderance of the evidence, including any documentation of funds expended for corrective action. The alarm user or building owner may appeal the decision of the AHJ to the Fire Code Board of Appeals and Adjustments in accordance with the provisions and procedures set forth in Section 1.10 of this Code.

## **10.9 Smoking**

**10.9.1.1 Vaping.** Where vaping is considered a fire hazard, the AHJ shall be authorized to order the owner to post "No Vaping" signage in conspicuous location where vaping is prohibited.

## **10.10 Open Flames, Candles, Open Fires and Incinerators**

**10.10.1.5 Applications for Open Burning Permits.** All open burning shall be regulated in accordance with applicable Florida Statutes and regulations,

County Ordinances, this Code, and any applicable inter-local agreements. Applications for open burning permits may be obtained at the Fire-Rescue Station nearest the proposed burn site. Applicants shall be issued an open burning permit only upon submittal of written authorization from the Palm Beach County Health Unit, the Florida Division of Forestry, or the AHJ. Permit holders of commercial/residential land clearing, prescribed burning and agricultural burning permits shall obtain burn authorization daily from the AHJ.

#### **10.10.8 Incinerators and Fireplaces.**

**10.10.8.1** Incinerators, outdoor fireplaces, permanent barbecues, fire pits, grills and similar structures shall not be built, installed, or maintained without prior approval of the AHJ.

**10.10.8.2** Approved Incinerators, outdoor fireplaces, permanent barbecues, fire pits, grills and similar structures shall be maintained in good repair and in a safe condition at all times.

**10.10.8.3** Approved Incinerators, outdoor fireplaces, permanent barbecues, fire pits, grills and similar structures shall be provided with an approved spark arrester, screen or door.

**10.10.8.4 Exception.** Commercial / off the shelf devices with UL or similar approval are allowed to be used following the manufactures recommendations






**10.11.4 Building Addresses.** Approved numerical and/or alphabetical addresses shall be posted for all new and existing buildings in such a fashion that it is plainly visible and legible from the street or roadway. All address related numbers/letters shall be posted on contrasting backgrounds and shall be consistently placed where practical. All building numbers and/or letters shall be a minimum of eight (8") inches in height.

##### **10.11.4.1 Unit Identification.**

1. In multi-unit commercial buildings, all unit identification numbers/letters shall be a minimum of six (6") inches in height.
2. In multi-family residential buildings, all unit identification numbers and letters shall be a minimum of four (4") inches in height.

3. In multi-unit buildings, two stories and up, directional unit identification signs shall be posted outside of each elevator/stairwell. This will apply only when there is an option for direction of travel.
4. Monument signs shall have the range of addresses from the lowest to the highest address. The numbers shall be a minimum of (8") inches in height.

**Figure 10.11.4.1.1, Addressing**

<p>All building numbers and/or letters shall be a minimum of eight (8") inches in height and contrasting in color to the background</p>	
<p>In multi-unit commercial buildings, all unit identification numbers/letters (front and back entrances) shall be a minimum of six (6") inches in height</p>	
<p>In multi-family residential buildings, all unit identification numbers/letters shall be a minimum of four (4") inches in height.</p>	
<p>All marquee/signboard numbers and/or letters shall be a minimum of eight (8") inches in height.</p>	
<p>Monument signs shall have the range of addresses from the lowest to the highest address. The numbers shall be a minimum of 8" in height</p>	



#### **10.11.4.1.2 Additional Posting.**

1. All multi-unit buildings that can be accessed from the rear also shall have the address and unit numbers posted at the rear of the building.
2. When property layout, landscaping, or driveway design limits the visibility of the address, additional signs shall be posted to identify buildings or direction of travel to reach buildings.
3. In buildings which utilize a roadside marquee/signboard, the full building address shall be posted on such marquee/signboard.
4. When the building utilizes multiple addresses, such as multiple occupant mercantile buildings, the address range shall be posted as indicated above.
5. All marquee/signboard numbers and/or letters shall be a minimum of eight (8") inches in height.

#### **10.12 Seasonal and Vacant Buildings and Premises.**

**10.12.1.2 Vacant/Abandoned Building Identification.** A building that is more than two (2) stories in height or over 10,000 sq. ft. that has been designated as vacant or abandoned shall be entered into the CAD (Computer Aided Dispatch) System as such.

#### **10.18 Storage of Combustible Materials**

**10.18.7.1 Vehicles Powered by LP & CNG Gas.** Vehicles and trailers powered by liquefied petroleum and compressed natural gas may be displayed inside a building when in accordance with the guidelines in NFPA 58.

**10.18.8 Motor Vehicles Inside Buildings.** When a motor vehicle is displayed inside a mercantile or assembly building, the purpose of which is other than the retail sale of said motor vehicle, the following conditions must be met:

1. Fuel tanks shall be drained to less than 1/4 of tank capacity; (fuel tanks for diesel powered vehicles need not be drained)
2. Fuel caps shall be taped shut or fitted with a locking cap;
3. The "hot" lead of the battery shall be disconnected.

#### **10.18.8.2 Display of Gasoline Powered Equipment inside a Building.**

Gasoline powered equipment shall not be placed on display within a covered mall or a place of assembly unless an approval is obtained from the AHJ. The position of such equipment within the mall or place of assembly shall be subject to compliance with the conditions of the approval.

## **Chapter 11 Building Services**

### **11.1 Electrical Fire Safety.**

**11.1.1.2** This section shall be enforced in cooperation with the authority responsible for enforcing the electrical code.

**11.1.1.3 Abatement of Electrical Hazards.** When any electrical hazards are identified, measures to abate such conditions shall be taken. All identified electrical conditions in permanent wiring shall be brought to the attention of the authority enforcing the electrical code.

**11.1.9 Electrical Motors.** All electrical motors shall be maintained in a manner free from accumulations of oil, waste and other debris which will interfere with required motor ventilation or create a fire hazard.

**11.1.10 Access.** A minimum of thirty (30") inches of clearance shall be provided in front of electrical control panels for access. Floor markings of contrasting color to the floor shall be installed to designate the required clearance.

**11.1.11 Junction and Electrical Outlet Boxes.** Open junction boxes and open wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

**11.7.2.2 Portable Generators/Combustion Engines.** Portable generators shall be positioned so that the exhaust is directed as follows:

1. At least twenty (20') feet in any direction away from any openings or air intakes.

2. Combustion Engines. Portable combustion engines shall not be located or operated within twenty (20') feet of any building or on a rooftop.

### **11.10 Two-Way Radio Communication Enhancement Systems.**

**11.10.4** In all new and existing buildings and structures, a minimum radio signal-strength of  $-95\text{dBm}$  in the frequency band of 806-821/851-866 MHz shall be maintained. Where this signal strength cannot be achieved, an 800 MHz bi-directional amplified system, with a 24 hour run time on battery or UPS, shall be installed.

**11.10.5** A BDA annunciator is required within 25 feet of the entry door from outside without any intervening doors for monitoring the system.

**11.10.6** All circuits and wiring to include antennas shall be required to meet survivability requirements (with the exception of donor antenna due to high wind conditions incurring during a Hurricane).

**11.10.7** An RF scan is required every 5 years after initial install to ensure system integrity.

**11.10.8** A service contract is required on all new and existing systems.

**11.10.9** A sequence of operations shall be maintained at the BDA control panel for actions to be taken upon notification of any trouble conditions.

**11.10.10** Systems with the capability to monitor indoor antenna circuits, shall send a trouble signal to the FACP when conditions warrant.

## **Chapter 13 Fire Protection Systems**

**13.1.4 Fire Protection Systems Accessibility.** A minimum of 60" of clear space shall be maintained to permit access to and operation of fire protection equipment, fire department inlet connections, or fire protection system

control valves. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment.

**13.1.13 Installation of Non-Required Fire Safety Systems and/or Equipment.** When non-required fire safety systems are to be installed, said system shall (a) require a permit from the AHJ; and (b) be installed as an engineered system or installed in accordance with a standard of recognized good practice. Non-required fire safety systems need not contain all design features or include all components of a required system.

**13.1.14 Fire Department Connection "FDC" Location.** All new fire department connection installations shall be located not more than one hundred (100') feet from a fire hydrant measured along fire department vehicle access. Fire department vehicle access shall be determined by the AHJ.

**13.1.15 Underground Piping and Tracing Requirements.** All newly installed underground piping supplying water based extinguishing systems that utilizes plastic compounds, shall be identified by tracing tape or an approved method, from the point of connection to the base of the riser.

## **13.2 Standpipe Systems**

**13.2.2.1.1** The use of Fire Department pumpers to meet the water supply requirements as specified in NFPA 14, may be accepted by the AHJ provided a flow test of the standpipe is conducted and acceptable to the Chief of Operations.

**13.2.2.1.2** Where a listed pressure regulating device and/or a pressure reducing valve is required for the fire department standpipe hose connection it shall be a listed field adjustable device and not factory set.

**13.2.2.1.3** All tools and appliances used to alter the pressure of field adjustable devices for firefighting operations shall be located in the fire pump room. The tools shall be readily accessible for fire fighter use.

**13.2.2.1.4** Standpipe systems equipped with pressure reducing hose valves shall provide a minimum of two fire department connections.

**13.2.2.7** In residential type occupancies, when acceptable to the AHJ, standpipe hose cabinets may have the fire hose removed and not replaced. Cabinets shall then be marked, "FD Hose Connection." When fire extinguishers are located in the same cabinet as the standpipe connection, the cabinet shall then be marked "Fire Extinguisher and FD Hose Connection."

### **13.3 Automatic Sprinkler.**

#### **13.3.1.1.1 Automatic Sprinkler Systems Shall Be Installed:**

1. In storage occupancies where the storage height has the potential to equal or exceed twelve (12') feet.
2. In hazardous (Group H) occupancies as defined by the building code.
3. In health care occupancies, restrained and unrestrained.
4. In all newly constructed enclosed buildings.
5. In existing buildings that are less than 5000 square feet, undergoing expansion or addition where the new total gross floor area exceeds 4999 square feet and the addition or expansion is greater than 25% of the original gross floor area unless such building or addition is otherwise required to be sprinklered by the code or otherwise by law.

*Exception 1: This section shall not apply to new or existing buildings if, a fire risk analysis prepared by a fire protection engineer is reviewed by the AHJ, and determined that a distinct hazard does not exist. The determination shall be based on, but not limited to, the following criteria:*

1. *Limited combustibility of the structure*
2. *Accessibility of fire apparatus to all areas of structure.*
3. *Low content fire load.*
4. *Availability of adequate water supply/distribution system.*
5. *Remoteness of building(s) to surrounding structures.*
6. *The use of fire loss prevention programs, i.e. fire brigades.*
7. *Low occupant content.*
8. *Controlled public access.*
9. *Fire hazard protection.*

*Exception 2: This section shall not apply to non-residential buildings less than 5000 sq. ft. gross floor area, but more than 2500 sq. ft. gross floor area, provided that building has an automatic fire alarm system installed and said*

*alarm is monitored in accordance with Section 13.7.1.10.6 of this Code, unless such building is otherwise required to be sprinklered by the Code or otherwise by law.*

*Exception 3: This section shall not apply to non-residential buildings 2500 sq. ft. or less gross floor area, unless such building is otherwise required to be sprinklered by the Code or otherwise by law.*

**13.3.1.2.1 Dual Water Supply.** In all new NFPA 13D fire sprinkler systems that are installed in structures, other than one and two family dwellings, where dual purpose water supply piping supplies both the domestic water and the fire sprinkler system, a system or method shall be installed to automatically shut off the water supply to the domestic system only or the domestic supply demand must be added to the hydraulic calculations.

**13.3.1.2.2 Sprinkler Renovation.** When fire sprinkler renovations occur to an area or compartment where the area or compartment is protected by standard response sprinklers and over (50%) fifty percent of the fire sprinklers are replaced, all sprinklers in the area or compartment shall be replaced with quick response sprinkler heads. The requirement shall apply to light hazard sprinkler designs only.

**13.3.1.2.3** For fire sprinkler systems installed in accordance with NFPA 13, a floor control valve shall be provided for each floor over 5000 square feet in area.

**13.3.1.2.4** Fire sprinkler drawings submitted for plan review shall be at a scale of 1/8 inch per foot minimum or greater.

**13.3.2.1.1 Minimum Design Requirements.** All sprinkler systems shall be designed at a point not greater than ninety (90%) percent of the tested water supply curve.

**13.3.2.6.6 Extension of Automatic Sprinklers to Porch or Balcony.** In residential occupancies where a porch or balcony exists that is a part of a living unit and has the potential to be enclosed, the sprinkler system shall be extended to the porch or balcony.

*Exception: one (1) and two (2) family detached dwellings.*

**13.3.3.2.1** All required NFPA 13D fire sprinkler systems installed in structures shall be inspected, tested and maintained in accordance with Florida Fire Prevention Code, NFPA 101 32.2.3.5.8.1 through 32.2.3.5.8.15.

*Exception: Structures subject to the Uniform Fire Safety Standards under Florida Statutes 633.206.*

## **13.7 Detection, Alarm, and Communication Systems.**

**13.7.1.10.5 Information Transmitted by Monitoring Stations.** Monitoring stations, when reporting alarms, shall transmit to the fire department dispatch center, or other location as designated by the AHJ, the following information:

1. Complete address of the alarm.
2. Type of call (i.e. fire alarm, water flow, medical emergency).
3. Alarm user's telephone number.
4. Monitoring station telephone number.
5. Name of Monitoring station operator.
6. Change in status of active alarms (i.e. additional signals, alarm reset).
7. Any other information as requested by the fire department.

**13.7.1.10.6** The fire department shall be notified by an approved central station monitoring facility when any water flow occurs in a required automatic sprinkler system. This requirement does not apply to detached one- and two-family dwellings equipped with non-required systems.

**13.7.1.10.7 Fire Department Notification for Fire Alarm System Renovations and/or Alterations.** For all newly installed fire alarm systems or existing systems that are undergoing renovations/alterations, when the fire department is required to be notified, such notification shall be accomplished through central station monitoring, which shall be listed for central station services, per NFPA 72. The system shall be installed by an approved certificated nationally recognized testing laboratory.

**13.7.1.10.9** All alarm signals received by Central Station Monitoring Facilities from an addressable fire alarm system shall report the type of initiating device.

**13.7.1.14.1 Carbon Monoxide Detectors.** In dwelling units that charge battery operated golf carts or electric vehicles within the garage that is not properly vented, a carbon monoxide detector will be installed and tied to the fire alarm system if a fire alarm system is present.

**13.7.1.14.2** Carbon monoxide detectors required to be tied to the fire alarm system shall report as a carbon monoxide alarm. Carbon monoxide detectors shall be connected directly to the fire alarm panel and shall not be interconnected with any conventional fire alarm initiating device. For the purposes of evacuation, carbon monoxide detectors shall activate an alarm signal.

**13.7.1.14.3** The monitoring station shall process alarm signals in accordance with NFPA 72. An alarm signal from a carbon monoxide detector shall initiate a verification/notification call to the premises and then immediately be retransmitted to the fire departments to respond.

**13.7.1.14.4** Carbon monoxide detectors shall be replaced in accordance with the manufacturers' instructions or when the device becomes defective.

**13.7.1.14.5** Carbon monoxide detectors/alarms are cross sensitive to hydrogen, an explosive gas that can be given off by recharging lead acid batteries. Where households include recharging stations (e.g., for golf cart), the CO detector/alarm should be located away from the recharging station and between the charging station and any living quarters.

**13.7.3.1.1.6 Surge Protection Devices.** Surge protection devices shall be provided on all wires that enter the fire alarm control panels (AC power & phone lines).

1. Surge protection devices shall be replaced every five (5) years.
2. Surge protection devices shall be marked with the date installed in an approved manner.
3. Devices shall be listed for the intended purpose and installed per manufacturer's specifications.

**13.7.3.1.1.7 Environmental Installation Requirements.** All Fire Alarm Control Panels, Power supplies, Communications systems, and Notification Equipment shall be installed in an environmentally friendly space that is- at a minimum - mechanically vented to meet the equipment manufacturers



requirements for temperature and humidity

**13.7.4.1.6.5** For new installations, and for existing installations duct detectors shall report to the fire alarm control panel as a supervisory signal.

## **Chapter 14 Means of Egress**

**14.15.3 Means of Escape.** A window shall not serve as the secondary means of escape when opening onto a sunroom as defined in the Florida Building Code, a porch or balcony enclosure, or an addition. Openings enclosed with insect screening only are considered outside.

## **Chapter 16 Safeguarding Construction, Alteration and Demolition Operations**

**16.4.3.1.1.1 Water For Firefighting.** Water for firefighting purposes shall be available and approved by the AHJ on a construction site before roof construction may begin. Limited combustibles may be allowed on a construction site prior to this if roadway access is approved by AHJ.

**16.4.3.1.3.1.1** Construction may commence prior to the underground water mains and hydrants being installed and in service when approved by the AHJ.

## **Chapter 18 Fire Department Access and Water Supply**

**18.2.2.2.1 Access to Existing Gated Subdivisions or Developments.** In existing communities, where fire department access is provided through gated security, the gate must remain accessible to fire rescue by means of a key access system where the AHJ determines that the closure of the gate would increase fire rescue response time to an emergency.

**18.2.2.2.2 Access to New Gated Subdivisions or Developments.** In new gated communities, subdivisions, or developments where fire department access is provided through one or more gate(s), that are not manned 24/7/365, a Click2Enter "C2E" system shall be installed as the primary

access system for fire rescue entry into the community and a key switch system shall be installed as a secondary access system. These systems shall simultaneously open all gates and/or traffic arms that are in the fire department vehicle access lane. The gates and/or traffic arms shall remain open until restored to the normal position by the fire department. If at any time the primary or secondary access system is not functioning, the gate(s)/traffic arm(s) shall be left in the open position until such time they are repaired.

**18.2.3.3. Multiple Access Roads.** More than one approved fire department access road shall be provided to every facility, building, or portion of a building hereafter constructed or relocated.

*Exception: A single access road may be allowed with approval by the AHJ.*

**18.2.3.5.1.1.1** The twenty (20) foot unobstructed width may be modified with the approval of the Fire Marshal. Reductions shall not impair access by fire department apparatus and approved signs shall be installed indicating the clearance.

**18.2.3.5.3.1** The turning radius for a fire department access road shall be a minimum of 45 feet outside and a maximum of 20 feet inside.

**18.2.3.5.4 Dead Ends.** Dead-end fire department access roads in excess of 150 ft. in length shall be provided with approved provisions for the turning around of fire apparatus. Turnarounds of the following dimensions shall be provided; ninety (90') foot diameter cul-de-sac, ninety (90') foot wye, forty-five (45') foot shunt and ninety (90') foot hammerhead. Diagrams of same appear in Figure 18.2.3.5.4. During construction, when combustibles are brought onto the site in such quantities as deemed hazardous by the AHJ, access roads and a suitable temporary supply of water acceptable to the AHJ shall be provided and maintained. Where the access roadway cannot be provided, approved fire protection system or systems shall be installed as required and approved by the AHJ.

Figure 18.2.3.5.4.1, Dead Ends

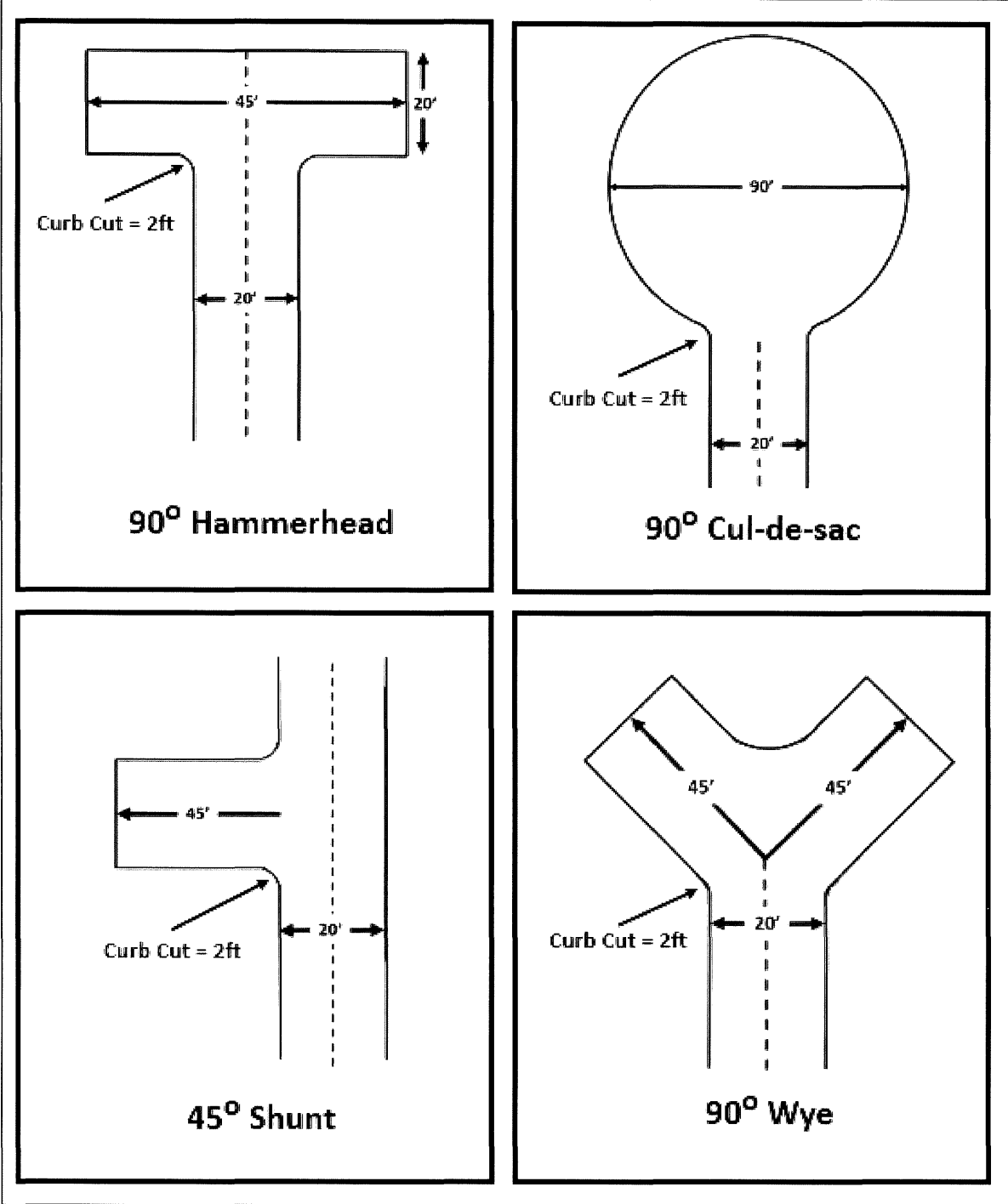
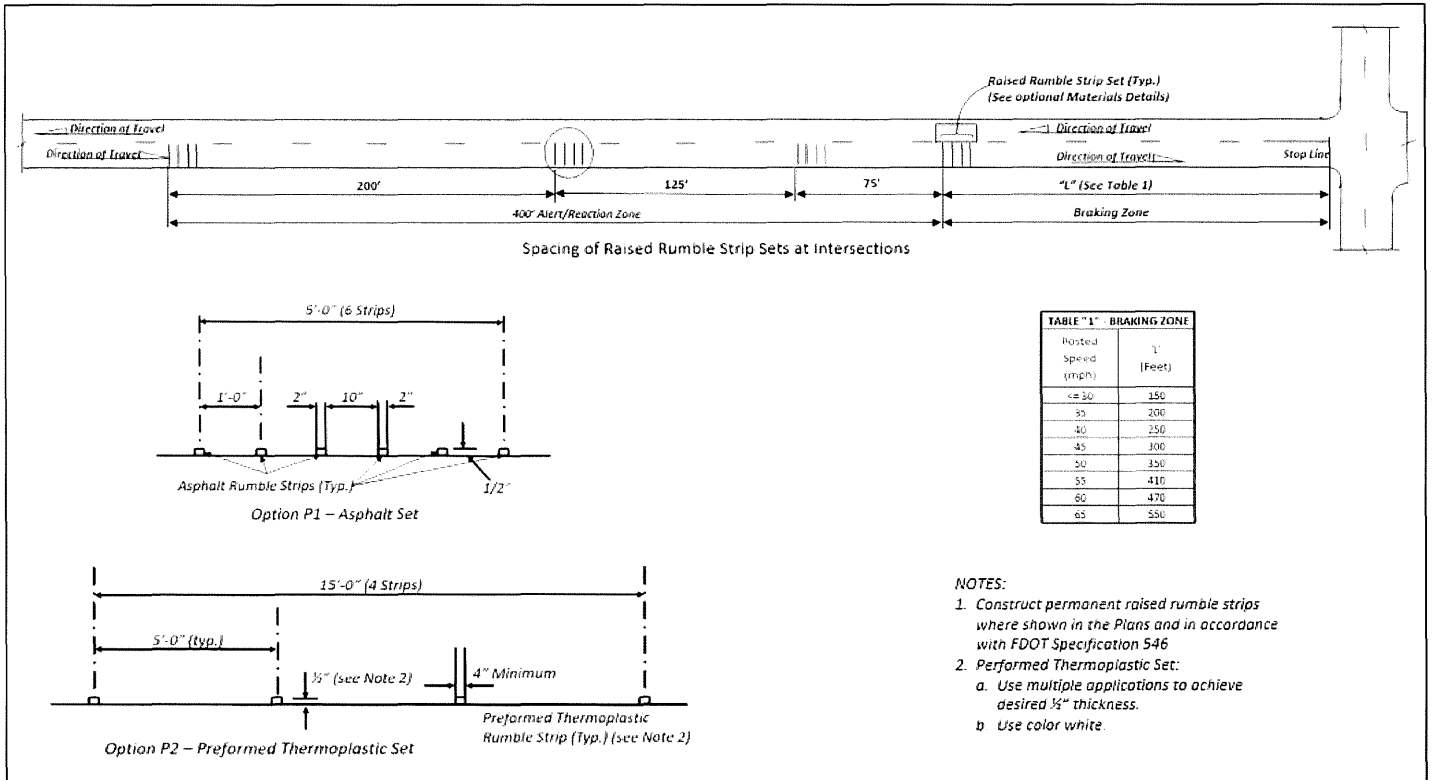


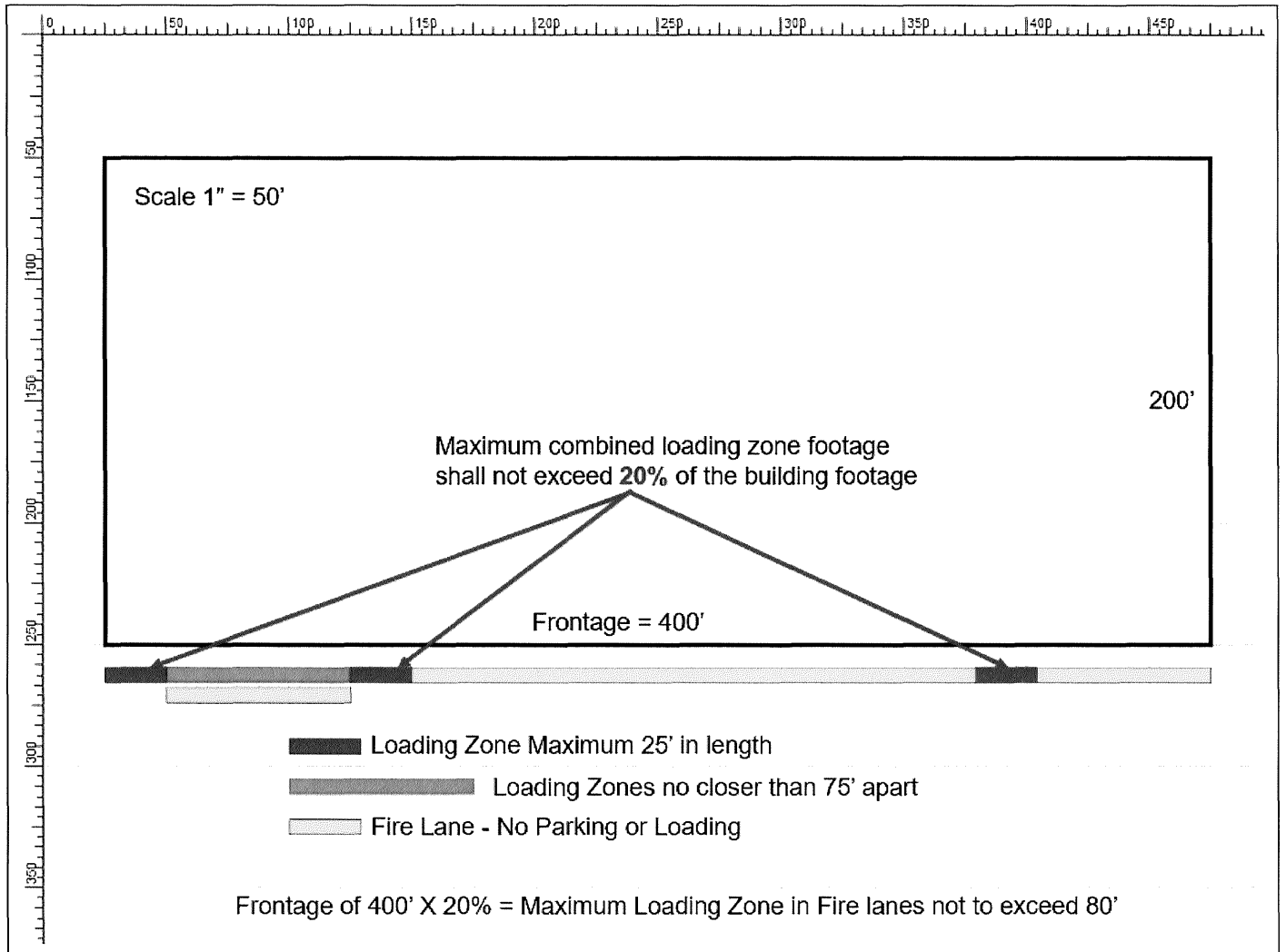


Figure 18.2.3.5.7.2, Rumble Strips



**18.2.4.1.1.1 Loading Zones in Fire Lanes.** Fire lanes fronting a retail establishment may have loading zones. Each zone shall not exceed twenty-five (25') feet in length nor shall the combined loading zone footage exceed twenty (20%) percent of the building frontage. Loading zones shall be located no closer than seventy-five (75') feet apart, with a maximum fifteen (15) minute time limit imposed. See Figure 18.2.4.1.5 for details.

**Figure 18.2.4.1.5, Loading Zones**



### 18.3 Water Supplies

**18.3.1** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction. The approved water supply shall be in accordance with Section 18.4 and Section 18.5.

**18.3.2 Water Supply in Agricultural Areas.** In bona fide agricultural buildings in areas of the County where fire flow requirements cannot be met due to a lack of a water supply system:

1. A drafting site or an approved fire truck fill site, designed by an engineer and installed by a licensed contractor, shall be deemed as an acceptable equivalency to the water supply requirements if one (1) of the following fire protection features is also provided:
  - a. An early detection system installed in accordance with NFPA 72. Said system shall include smoke or heat detectors and central station monitoring; or
  - b. The use of fire resistive methods and materials of construction are used throughout the building.
2. Buildings protected with an engineered fire sprinkler system shall be deemed an acceptable alternative if the system is installed with the following:
  - a. An approved domestic water supply may be used providing required flow for a duration of thirty (30) minutes; and
  - b. Design density from the first sprinkle head of 0.42 gpm/sq. ft. and a minimum design density of 0.19 gpm/sq. ft. over the hydraulically most remote six hundred (600) sq. ft. of the structure; and
  - c. Quick response fire sprinkler heads shall be utilized; and
  - d. Minimum sprinkler head spacing shall be ten (10') feet by ten (10') feet; and
  - e. Monitoring in accordance with Section 13.7.1.10.6 of this code; and
  - f. Fire areas shall not exceed five thousand (5000) sq. ft.

**18.3.2.3 Alternatives to Required Water Supply.** In buildings other than bona fide agricultural occupancies located in areas of the County where fire flow requirements cannot be met due to a lack of a water supply system, an approved fire sprinkler system shall be deemed as an acceptable alternative to the fire flow requirements of this code. Such a fire sprinkler system shall be designed and installed in compliance with the appropriate NFPA standard.

**18.3.2.3.1** Where a fire sprinkler system is required by another code section or law, it may not serve as the alternate to the required water supply without approval by the AHJ.

## **18.4 Fire Flow Requirements for Buildings.**

**18.4.4.1.1 Area Separation.** Portions of buildings that are separated by one or more 4-hour fire walls constructed in accordance with NFPA 221 and the Florida Building Code are allowed to be considered a fire flow area.

## **18.5 Fire Hydrants**

**18.5.2.1 Detached One- and Two-Family Dwellings.** Fire hydrants shall be within five hundred (500') feet of the most remote portion of buildings, measured by vehicular access and building perimeter. The maximum distance between fire hydrants shall not exceed 800 ft.

**18.5.10.1.1 Hydrant Obscurity.** Whenever the AHJ determines that a fire hydrant is not readily visible to arriving fire companies because of curbside parking, features of the terrain, construction, planting or other obstructions, the pavement shall be marked with a reflective blue marker to indicate the location. On unpaved streets, a blue reflector shall be affixed to a post as close as practical to the edge of the roadway, so as to be visible.

**18.5.11 Dry Hydrant Testing Required.** All dry hydrants and drafting sites shall be capable of flowing 1000 (one thousand) gallons per minute and shall be inspected, tested, and maintained annually, in accordance with NFPA 1142, Water Supply for Suburban and Rural Fire Fighting.

**18.5.12 Hydrant locking systems and FDC locking systems** shall be allowed where practical, as approved by the AHJ.

## **Chapter 30 Motor Fuel Dispensing Facilities and Repair Garages**

**30.1.5.3 Testing of Emergency Electrical Disconnects.** Emergency shutoff devices or electrical disconnects for fuel dispensing systems shall be tested annually. A copy of testing results shall be provided to the AHJ upon request.

## **Chapter 31 Forest Products**

**31.3.6 Outside Storage of Wood Chips and Hogged Material.**



**31.3.6.1 Application.** This section applies to new and existing outside storage of wood chips, hogged material, timbers, logs, construction material, land clearing materials, yard waste, organic material, manure, mulch and like products.

**31.3.6.3.1.1 Roadway Access and Clearance.** Access roadways with a minimum clearance of twenty (20') feet shall be provided around and throughout the entire facility and be approved by the AHJ.

**31.3.6.3.2 Pile Size.** Pile sizes shall not exceed one hundred feet by two hundred feet (100'x200'). Pile height shall not exceed fifteen (15') feet. The size and height limitations shall apply to processed and unprocessed material. Story poles shall be provided to determine height limitations.

**31.3.6.3.5 Approved Water Supply.** An approved water supply capable of delivering 1000 gallons per minute (gpm) shall be located within one thousand (1000') feet from the most remote pile measured along vehicle access.

**31.3.6.3.11 Recovery of Costs.** Any and all persons responsible for causing or allowing unauthorized burning of wood chips, hogged material, timbers, logs, construction material, land clearing materials, wood pallets, yard waste, organic material, manure, mulch and like products that requires response by Palm Beach County Fire-Rescue shall be liable to Palm Beach County for the costs incurred by the County in investigating, mitigating, removing, and abating any such fire. The person responsible for the fire and/or the owner of the property shall reimburse the county for the full amount of said costs, within thirty (30) days after receipt of an itemized bill for such costs from the County.

**31.3.7.1.1 Storage and Processing of Forest Products.**

**31.3.7.1.2 Application.** The requirements of 31.3.6 and 31.3.7 shall apply to the storage or processing of wood chips, hogged material, timbers, logs, construction material, land clearing materials, yard waste, organic material, manure, mulch, compost, and like products.

**31.3.7.2** When not protected by a fixed fire-extinguishing system in

accordance with Chapter 13, piles shall not exceed fifteen (15') feet in height, one hundred (100') feet in width, and two hundred (200') feet in length.

## **Chapter 43**

### **Spraying, Dipping, and Coating Using Flammable or Combustible Materials**

#### **43.1 Application.**

**43.1.1.3.7 Incidental spraying.** Incidental spraying operations will be allowed provided the following criteria are met:

1. The spray paint operation must not be the primary occupancy, but must be incidental to the major use of the building or area as determined by the AHJ.
2. There shall be no accumulation of residue.
3. No ignition source shall be allowed within twenty (20') feet in any direction from the object being sprayed. This requirement shall extend from floor to ceiling.

Noncompliance with any of the above provisions shall cause the revocation of the privilege of incidental spraying operations.

## **Chapter 50**

### **Commercial Cooking Equipment**

#### **50.2 General Requirements.**

**50.2.1.1.3 Commercial Cooking Equipment.** Residential cooking equipment shall not be allowed in commercial occupancies.

**50.7 Mobile and Temporary Cooking Operations.** Mobile and Temporary Cooking Operations participating in Special Events will be inspected in accordance to NFPA 96, Annex B per the current edition of the FFPC.

## **Chapter 60**

### **Hazardous Materials**

**60.1.1.1 Liquid.** Above ground storage tanks containing more than 1000 gallons of hazardous materials as defined by this chapter shall be secured in a manner approved by the AHJ based on industry standards or standards of good practice.

**60.1.1.2 Solid.** Any solid hazardous materials in excess of 3500 lbs. as defined by this chapter shall be secured in a manner approved by the AHJ based on industry standards or standards of good practice.

**60.1.1.3 Gas.** Any poisonous gas container in excess of 150-pounds content as defined by this chapter shall be secured in a manner approved by the AHJ based on industry standards or standards of good practice.

## **Chapter 65 Explosives, Fireworks, and Model Rocketry**

### **65.1 General.**

**65.1.1.1 General Requirements for Sales of Consumer Fireworks.** Any provisions of this Code relating to the retail sale of consumer fireworks shall apply to wholesale sales of fireworks.

#### **65.1.2.1 Fireworks Structures, Sales and Storage**

**65.1.2.1.1 Non-combustible Construction.** Structures where fireworks, as defined by Chapter 791, Florida Statutes, are housed, stored, or sold shall be of non-combustible construction. The requirements of Section 7.4.3 of NFPA 1124 shall not apply.

**65.1.2.2 Exterior Storage.** Temporary or permanent exterior storage of consumer fireworks shall be allowed providing the structure or container has both a fire sprinkler and a fire alarm system meeting the respective code requirements of each.

**65.1.2.3 Principal Use.** No other occupancy which is not directly related to the principal use of the structure shall be permitted. Such structures shall be freestanding with a minimum of ten (10') feet from any contiguous building line. A multiple tenant or occupancy building is not allowed. Section 7.4.4

of NFPA 1124 shall not apply.

**65.1.2.4 Fire Extinguishing Systems.** All new and existing buildings shall be protected by an approved fire extinguishing system. The extinguishing system shall be designed by a fire protection engineer licensed in the State of Florida.

## **65.2 Display Fireworks.**

**65.2.3.1 Permits for Public Display.** Permits for fireworks displays, flame effects and pyrotechnics shall be regulated by the applicable provisions of this Code, including NFPA 1123, NPFA 1126 and NFPA 160, and the following:

Any fair, association, amusement park, other organization, individual or group of individuals shall apply to the AHJ of the Palm Beach County Fire-Rescue Department for a permit for the display and loading of fireworks, flame effects or pyrotechnics at least fifteen (15) days in advance of the date of display. The application shall contain all of the following information:

1. The exact location of the display.
2. The number, type and size of the pyrotechnics and/or fireworks to be displayed.
3. The name and qualifications of the individuals performing the display.
4. Proof of liability insurance in the amount of \$1,000,000.00 (one million dollars), minimum, in which the County is named as a co-insured party.
5. A non-refundable application fee, per the PBCFR fee schedule,
6. Any firework/pyrotechnic/flame effect that exceeds one (1) display and lasts longer than (60) sixty minutes shall be billed at a rate of \$400.00 per hour for each additional hour thereafter.

**65.2.3.2 Issuing of Permit.** The AHJ or his designee shall issue a permit to the applicant upon satisfaction of the conditions listed in the above section, including NFPA 1123, NFPA 1126, and NFPA 160.

**65.2.3.3 Law Enforcement to Receive Copy of Written Permit.** A copy of the written permit shall be provided to the Sheriff of the County and/or Local Police Chief.

**Chapter 69**  
**Liquefied Petroleum Gases and Liquefied Natural Gases**

**69.1 General Provisions.**

**69.1.1.4** Portable equipment that utilizes Liquefied Petroleum Gas (LP-Gas) shall be located in areas where there is free circulation of air.

## ***Summary of Changes to Proposed Local Amendments to the FFPC***

Several paragraphs renumbered and rearranged from the previous amendments in order to coincide better with the numbering and location within the current edition of NFPA 1. In addition, several section tiles have been added for clarity.

PP 9, 1.3.8 – (change) BOSS changed to CRRD, responsibilities separated into individual bullets (a) thru (d)

PP 10, Table 1.3.8 – (change) Apartments (3-6 Units w/ and w/o common area, no Fire Protection) changed from every 3 and 5 years respectively to Annual (already in effect per County attorney)

PP 12, 1.7.16.1.2 – (change) “Board of Appeals and Adjustments” changed to “Fire Code Board of Appeals” to correspond to the same terminology as NFPA 1

PP14, 1.10 – (change) “Board of Appeals and Adjustments” changed to “Fire Code Board of Appeals” (changed throughout the document)

PP 15, 1.10.1.1.4 (added) – “Chair. The Fire Code Board shall select one of its members to serve as chair and one member to serve as vice chair.” – added to coincide with NFPA 1

PP 18, 1.10.7 (added per County PA) – “Conduct of Quasi-Judicial Hearings”

PP 20-25, Table 1.14.7 – (change) format change so that it is a completely boxed table for clarification as current edition is partially boxed, all fees remain the same as current edition with the following exceptions/additions noted on the updated format of the Table.

- PP 21, Table 1.14.7, Section I Plan Review Fees, paragraph C, Plan Revisions, bullet 1a. (added) “Minor beyond first, Pre-Permit” fee added as 10% of original fee – change recommended due to system designers repeatedly resubmitting plans with partial corrections with the goal of the plan reviewer designing the system. Plans requiring correction should be corrected when resubmitted.
- PP 21, Table 1.14.7, Section I Plan Review Fees, paragraph C, Plan Revisions, bullet 2. Fee (change) from 10% to 25% of the original plan review fee as major revisions take the same amount of time to review as the original plans submitted
- PP 21, Table 1.14.7, Section I Plan Review Fees, paragraph C, Plan Revisions, bullet 3. Fee (change) from \$10 to \$5/page for posting of revisions
- PP22, Table 1.14.7, Section I Plan Review Fees, paragraph D, “Plan Review Fees, Other”, Line 1 (change) – Design Review, \$5/page reduced to \$2.50/page
- PP22, Table 1.14.7, Section I Plan Review Fees, paragraph D, “Plan Review Fees, Other”, Line 5 (added) “Emergency Management Plans Review” fee added as currently “NO” fee is charged for the review of these comprehensive emergency management plans of ALF’s and such. Fee recommendation \$110 (36 completed June-July 2019)
- PP22, Table 1.14.7, Section II, Construction Related Fees, Line B, “Water Flow Tests, ALL Hydrants” (change) – this is now all-inclusive regardless of the type of hydrant. Dry hydrants are included and the fee for those recommended raised to the same as wet hydrants, \$300.
- PP23, Table 1.14.7, Section III, Special Events / Details (added)
- PP23, Table 1.14.7, Section III, Lines A and B, fees (change) to hourly from one-time fee and includes 3-hour minimum.

## ***Summary of Changes to Proposed Local Amendments to the FFPC***

- PP23, Table 1.14.7, Section III, Line C, (added) \$400 Standby Engine fee
- PP24, Table 1.14.7, Section IV, Existing Inspections, Line C 1), Health Care, Hospital inspection fee "Under 5,000 SF" (change) increased from \$50 to \$75 to coincide with similar square footage of all occupancy types
- PP26, Table 1.14.7, Section IV, Existing Inspections, Line N, (added) inspection fee of Mobile Food Trucks \$110

PP28, 4.5.11, "Special Events" (added), no previous requirements for fees set

PP 29, 10.1.2 – (change) "Overcrowding" changed to "Overcrowding/Overconcentration" with Figure 10.1.2.1.1 (PP 29) added for clarity

PP 30, 10.3.1.1 – (change) "Exceptions" removed as ALL Fire systems are required to be operational, tested and monitored prior to stocking, and only with the AHJ approval.

PP 33, 10.9 Smoking – (added) this section is added and includes vaping

PP 37, 11.7.2.2 – (change) generator distance from any opening of air intakes distance of 10' changed to 20' per recommendation of the CDC

PP 37, 11.10.5 thru 11.10.10 (added) setting a standard for maintaining and testing of BDA systems

PP 43, 13.7.1.14.4 – (change) CO Detector replacement - "but in no case shall they be in service in excess of six years" changed to shall be replaced in accordance "with the manufactures' instructions or when the device becomes defective.

PP 43, 13.7.1.14.5 – (added) charger location due to repeated calls initiated from false alarms caused by improper recharging of lead acid batteries

PP 43, 13.7.3.1.1.7 (added) Environmental Installation Requirements for Fire alarm system components to meet the harsh weather of south Florida

PP 44, 18.2.2.2 – (change) Click2Enter added as the primary device for fire operations to enter new properties that have electric non-manned gates

Page 46, Table 18.2.3.4.7 – (change and addition) changed of "Figure(s) 18.2.3.5.7.1, Speed Humps" and addition of "Figure 18.2.3.5.7.2, Rumble Strips" – only two approved "Traffic calming devices" per the PBC County traffic division

PP 51, Chapter 30, (added) Motor Fuel Dispensing Facilities and Repair Garages, requiring annual testing of the emergency shut-off switches

PP 53, 50.2.1.1.3 – (change), Exception removed as residential cooking appliances are NOT allowed in a commercial setting

PP 53, 50.7 – (added) Mobile and Temporary Cooking Operations added for the requirement of inspecting mobile food trucks

PP 54, 65.1.2.2 – (added) requirements for Exterior Storage of consumer fireworks

PP 56, Chapter 69 (added) location for use of Liquefied Petroleum Gases "LP-Gas"