

Chapter 9C FIRE PREVENTION*

*Editor's note--Ord. No. 1060-92, <sec> 2, adopted Sept. 2, 1992, amended Ch. 9C to read as herein set out in <sec><sec> 9C-1--9C-12. Prior to inclusion of said ordinance, Ch. 9C, <sec><sec> 9C-1--9C-14.1 pertained to similar subject matter and derived from Ord. No. 743-84, <sec> 1, adopted April 4, 1984; Ord. No. 978-90, <sec> 1, adopted March 7, 1990; Ord. No. 983-90, <sec><sec> 1--3, adopted April 4, 1990; Ord. No. 993-90, <sec> 2, adopted Sept. 5, 1990.

Cross reference(s)--Building regulations, Ch. 7; code enforcement board, Ch. 9A; fees for fire inspection, burning permits, <sec> 15-45.

Sec. 9C-1. Intent and purpose.

These regulations are enacted in exercise of the police powers of the City of Punta Gorda, for the promotion and preservation of the public health, safety, comfort, order, appearance, convenience, morals and general welfare, as authorized by Chapter 166, Florida Statutes, and all the provisions of this chapter shall be liberally construed for that purpose.

(Ord. No. 1060-92, <sec> 2, 9-2-92; Ord. No. 1106-94 <sec> 2, 9-7-94)

Sec. 9C-2. Applicability.

The provisions of this chapter shall apply equally to both public and private property and it shall apply to all premises and their occupancies except as otherwise specified by law.

(Ord. No. 1060-92, <sec> 2, 9-2-92)

Sec. 9C-3. Fire prevention code adopted; exception.

The fire prevention code of the National Fire Protection Association, NFPA No. 1 and the Florida Fire Prevention Code and its incorporated standards, including any local amendments adopted pursuant to the prevising section of 633.202 F.S, a copy of which is maintained in the Fire Department of the City of Punta Gorda, Florida, and as same is amended from time to time, is hereby adopted, except that the Life Safety Code, NFPA 101 shall be amended in instances of conflicting construction requirements by the latest adopted edition of the Florida Building Code.

(Ord. No. 1060, <sec> 2, 9-2-92; Ord No. 1173-97 <sec> 16, 1-3-97; Ord No. 1261-99, <sec> 1, 10-20-99; Ord. No. 1411-05, <sec> 1, 7-6-05; Ord. No. 1862-16, <sec> 1, 12-07-2016)

Sec. 9C-4. Responsibility; areas of enforcement.

The Fire Chief shall be responsible for the enforcement of all laws, ordinances and codes of the City covering the following:

- (a) The prevention of fires.
- (b) The storage and use of explosives and flammables.
- (c) The inspection of installations and maintenance of fire alarm systems, fire-extinguishing equipment, liquefied petroleum gas tanks, above ground, and underground fuel storage tanks, and fabric tents.
- (d) The means and adequacy of exits from all places in which numbers of persons work, live or congregate from time to time for any purpose.
- (e) Scheduling fire safety and fire prevention inspections.
- (f) The investigation of the cause, origin, and circumstances of fires.

(Ord. No. 1060-92, <sec> 2, 9-2-92; 1600-09, <sec> 1, 6-3-09)

Sec. 9C-5. Personnel; compensation.

With the consent of the City Manager, the Fire Chief may designate such number of technical inspectors and fire personnel as shall from time to time be authorized by the City Council, whose tenure and compensation shall be determined by said Council.

(Ord. No. 1060-92, <sec> 2, 9-2-92)

Sec. 9C-6. Inspections.

The Fire Chief shall inspect or cause to be inspected all existing premises other than one- and two-family residences on an annual basis and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

In addition to such annual inspection, the Fire Chief shall inspect or cause to be inspected all buildings under construction other than one- and two-family residences, and all buildings in which a change of occupancy or tenancy occurs. In order to assist the Fire Chief in identifying buildings to be inspected, the building official shall furnish the Fire Chief with a notice of all new building permits granted and all requests for a change of electrical service. No certificate of occupancy will be granted for any new or changed tenancy until the Fire Chief has caused an inspection and certified the premises as acceptable.

Whenever the Fire Chief or any inspector shall find in any building or upon any premises or other places combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable material especially liable to fire and which are so situated as to endanger life or property or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the fire department or egress of occupants in case of fire, he shall order the same to be removed or remedied and such order shall forthwith be complied with by the owner or occupant of such premises or buildings.

Any owner or occupant failing to comply with such order within a reasonable period after the service of said order shall be liable to penalties as hereinafter provided.

A copy of any such order shall be delivered to the occupant and owner, if different, of the premises by certified mail, return receipt requested, directed to the occupant at the premises and to the owner, if different, at his address as shown by the latest City tax roll or by personal service complying with the provisions of Chapter 48, Florida Statutes, as from time to time amended. Service by mail shall be complete upon mailing. Personal service may be made by the fire chief or his nominee.

(Ord. No. 1060-92, <sec> 2, 9-2-92; Ord. No. 1261-99, <sec> 2, 10-20-99)

Sec. 9C-7. Reports.

The Fire Chief shall make or cause to be made a monthly report of fire prevention activities and shall transmit this report to the City Manager for presentation to the City Council.

(Ord. No. 1060-92, <sec> 2, 9-2-92)

Sec. 9C-8. Violation; penalties.

Any person who shall violate any of the provisions of the code hereby adopted or who shall fail to comply therewith or shall violate or fail to comply with any order made thereunder or shall operate not in accordance with the provisions of any permit or directive issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Fire Chief as directed by the board of appeals or by action of the City Council or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and noncompliance respectively be guilty of a misdemeanor, punishable as provided by Section 125.69, Florida Statutes. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified the application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 1060-92, <sec> 2, 9-2-92)

Sec. 9C-9. Amendments to NFPA Standard 24 (fire hydrants).

- (a) The following amendments are hereby made to Section 4-3, Standard 24, NFPA No. 1 adopted by section 9C-3 hereof:
- (1) 4-3.7. All new fire hydrant installation shall conform to section 3.09 of the City's construction specifications and standard details.
 - (2) 4-3.9. Hydrants set in paved areas shall be protected as necessary by four-inch pipes three (3) feet above and below the grade and filled with and set in concrete.
 - (3) 4-3.10. Hydrants must be rotated so that the pumper connections face the main access route.
 - (4) 4-3.11. All required hydrants, public and private, shall be painted red. Hydrants shall be repaired or replaced as necessary by the City public works department personnel, or in the case of private property installation, by the owner thereof. City fire department personnel shall be responsible for inspecting hydrants annually, appearance maintenance, and for removal of any vegetation obstructing the use thereof.
- (b) NFPA is further amended by adding Chapter 9 Fire Hydrant Spacing, Fire Flows, Duration of Flow, as follows:
- (1) 9.1. Fire hydrants shall be installed in accordance with the following minimum requirements. Distance shall be measured by hose lay along the path of vehicular travel.
 - a. 9-1.1. Mobile home parks, mobile home subdivisions and recreational vehicle parks. Fire hydrants shall be installed as may be necessary so that the distance between hydrants does not exceed eight hundred (800) feet. All distribution systems shall be designed to deliver minimum hydrant flow of five hundred (500) gallons per minute at twenty (20) pounds per square inch residual pressure for a minimum of one hour.
 - b. 9-1.2. Single-family residences. Except as defined in 9-1.1, single-family and duplex family unit fire hydrants shall be installed as may be necessary so that the distance between hydrants does not exceed eight hundred (800) feet. All distribution systems shall be designed to deliver minimum hydrant flow of one thousand (1,000) gallons per minute at twenty (20) pounds per square inch residual pressure for a minimum of one hour.
 - c. 9-1.3. Industrial, commercial, multi-family and other high value areas. Examples as defined in NFPA 1231, 3-2.4, 3-2.5. and 3-2.6. Fire hydrants shall be

installed as may be necessary so that the distance between hydrants does not exceed six hundred (600) feet. All distribution systems shall be designed to deliver minimum hydrant flow of one thousand two hundred fifty (1,250) gallons per minute at twenty (20) pounds per square inch residual pressure for a minimum of two (2) hours.

- d. 9-1.4. Heavy manufacturing and heavy industrial area. Examples as defined in NFPA 1231, 3-2.3. Fire hydrants shall be installed so that the distance between hydrants does not exceed six hundred (600) feet. Hydrants and flow shall be designed for a minimum flow of one thousand two hundred fifty (1,250) gallons per minute at twenty (20) pounds per square inch residual pressure for a minimum of two (2) hours from each of two (2) hydrants at the same time.

(Ord. No. 1060-92, <sec> 2, 9-2-92)

Sec. 9C-10. Reserved.

Sec. 9C-11. Construction and burn permits--Penalties.

(a) Any person who shall:

- (1) Begin alteration of, construction of or installation of, any fire protection equipment or system, liquefied petroleum gas tank, fuel storage tank, fire alarm system, fabric tents, or start burning by open fire (not in a fireplace or other approved container for burning) without first obtaining a permit and paying the fee as set by resolution as amended from time to time by the City Council; or
- (2) Substitute any material for that prescribed in the plans and specifications filed with or approved by the Fire Marshal, without first having submitted to him such proposed substitution and having received his approval thereof; or
- (3) Proceed with the work on any fire protection equipment or system, liquefied petroleum gas system, fuel storage tanks, fire alarm system, or fabric tents after having received a lawful order of the fire safety inspector to suspend such work or after the fire safety inspector, in the lawful exercise of his power and duty, has posted a stop work order in a conspicuous place on the premises.

Shall be punished as provided in paragraph (b).

(b) Any person violating paragraph (a) shall:

- (1) Upon conviction, be punished as provided in section 1-6 of the Code, and subsequent continued violations may be so punished from time to time notwithstanding previous convictions or acquittals of the original violation or charge, and providing further that no conviction or acquittals shall be deemed to bar any civil remedy to enforce compliance with the regulations of the fire codes or abate any nuisance arising from a violation thereof; or
- (2) Receive a fine as set by Chapter 9A-32.(d) or (e) as applicable; and/or
- (3) Be brought before the code enforcement board and, upon being found guilty of violation of any provision of this section, be fined in accordance with the law; and/or
- (4) Be brought before the building commission and, upon being found guilty of violation of any provision of this section, be suspended or have contractor's certificates revoked; and/or
- (5) Pay quadruple the amount of permit fee required where construction is commenced before a permit is obtained.
- (6) Pay a fine of two hundred fifty dollars (\$250.00) for open burning without a permit for same.

(Ord. No. 1060-92, <sec> 2, 9-2-92; Ord. No. 1106-94 <sec> 2, 9-7-94)

Sec. 9C-12. Permit fees to be paid.

All construction permit fees shall be paid at the time of the issuance of the permit.

(Ord. No. 1060-92, <sec> 2, 9-2-92; Ord. No. 1261-99, <sec> 3, 10-20-99)