



## **Cedar Hammock Fire Control District**

### **Fire Prevention Code**

#### **Exhibit 1**

**An Ordinance of the Cedar Hammock Fire Control District Adopting a Fire Prevention Code of the Cedar Hammock Fire Control District; Establishing the Bureau of Fire Prevention and Inspection; Establishing Rules and Regulations for Fire Prevention and Safety; Providing a Penalty for Failure to Comply with Said Regulations; Repealing Ordinance No.17-12; and Providing for an Effective Date.**

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# **PREAMBLE**

## **Section 1: Introduction**

An Ordinance to provide the Cedar Hammock Fire Control District with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of fire safety equipment; regulating the use of structures, premises, and open areas; providing for the abatement of fire hazards; establishing the responsibilities and the procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

## **Section 2: Bureau of Fire Prevention, Inspection and Investigation Established**

- 2.1 The Fire Chief shall designate a Fire Official as Fire Marshal. The Fire Marshal of Cedar Hammock Fire Control District shall be responsible for the enforcement of the Fire Prevention Code of Cedar Hammock Fire Control District. To assist in the performance of the responsibilities and duties placed upon the Fire Marshal of Cedar Hammock Fire Control District the Bureau of Fire Prevention, Inspection and Investigation is hereby established, to be under the control of the Fire Chief.
- 2.2 The Bureau of Fire Prevention, Inspection and Investigation (hereinafter referred to as the Bureau) within the Cedar Hammock Fire Control District shall operate under the supervision of the Fire Marshal of the Cedar Hammock Fire Control District. The Fire Marshal shall be responsible for the direct administration and enforcement of the Cedar Hammock Fire Control District Fire Prevention Code. The Fire Marshal may designate such number of Fire Inspectors as shall from time to time be authorized by the Fire Chief of Cedar Hammock Fire Control District.

## **Section 3: Duties and Responsibilities**

- 3.1 It shall be the duty of the Fire Marshal and his/her designees to enforce all rules and regulations of the Cedar Hammock Fire Control District, Florida Statutes and Florida Administrative Codes.
- 3.2 It shall be the duty of the Fire Marshal of the Cedar Hammock Fire Control District to investigate and recommend to the Fire Chief, such additional rules and regulations or amendments to existing rules and regulations as he may deem necessary for safeguarding life and property against fire.

# **GENERAL PROVISIONS**

## **Section 4: Title**

The title of this Code shall be the Fire Prevention Code of the Cedar Hammock Fire Control District, herein after referred to as the "Code". One or more copies shall be on file in the Administrative Office of the Cedar Hammock Fire Control District located at 5200 26<sup>th</sup> Street West, Bradenton, Florida 34207, and shall be kept available for public use, inspection, and examination.

## **Section 5: Definitions**

- 5.1 For the purpose of this Code the following definitions shall apply unless the context clearly indicates or requires a different meaning. The below listed definitions are in addition to the definitions found in the current edition of the Florida Fire Prevention Code.

- 5.1.1 Authority Having Jurisdiction (A.H.J.):** The Cedar Hammock Fire Control District through the Fire Chief or his/her designated State Certified Inspector. For the purpose of this Code the terms “Fire Marshal” and “Authority Having Jurisdiction” are interchangeable.
- 5.1.2 Building Code:** The Florida Building Code as identified in Florida Statute 553.73.
- 5.1.3 NFPA:** The National Fire Protection Association as referenced in the Standard Building Code. NFPA Standard No. (\_\_\_\_) or Code No. (\_\_\_\_) shall mean the referenced code or standard as compiled and published by the National Fire Protection Association.
- 5.1.4 National Fire Code:** The compilation of the National Fire Protection Association codes, standards, recommended practices and manuals published by the National Fire Protection Association and as adopted by the Cedar Hammock Fire Control District.
- 5.1.5 Story:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A parking area beneath a building is considered a story.
- 5.1.6 Substantially Altered:** A structural alteration increasing the square footage of an existing building such that the square footage of the entire building exceeds the table limits of Table 1 shall be considered a substantial alteration.

#### **Section 6: Recognition of Florida Fire Prevention Code**

This Code recognizes the Florida Fire Prevention Code as adopted by the State of Florida pursuant to F.S. 633.202. The same are hereby adopted and incorporated as fully as if set out at length herein. Not less than one copy of the adopted issue of NFPA 1, Fire Prevention Code of the National Fire Protection Association, and the adopted standards and codes of the National Fire Codes shall be filed in the office of the Cedar Hammock Fire Control District and the provisions thereof shall be controlling within the limits of that district. Whenever the Florida Fire Prevention Code as referenced herein and this Fire Prevention Code address an identical issue, the more stringent fire protection provision shall apply.

#### **Section 7: Recognition of Florida Building Code**

This Code recognizes and incorporates, as fully as if set out herein, the Florida Building Code as identified in Section 5. Whenever the Florida Building Code is referenced herein, and this Fire Prevention Code addresses an identical issue, the more stringent fire protection provision shall apply.

#### **Section 8: Recognition of the Manatee County Land Development Code**

This Code recognizes and incorporates, as fully as if set out at length herein, the Manatee County Land Development Code, as adopted and amended, by the Manatee County Board of Commissioners. Whenever the Manatee County Land Development Code and this Code address an identical issue, the more stringent fire protection provision shall apply.

#### **Section 9: Recognition of the Manatee County Utilities Standards**

This Code recognizes and references the Manatee County Utilities Standards, as adopted and amended, by the Manatee County Board of Commissioners. Whenever the Manatee County Utilities Standards and this Code address an identical issue, the more stringent fire protection provision shall apply.

## **Section 10: Recognition of the Manatee County Public Works Standards**

This Code recognizes and references the Manatee County Utilities Standards, as adopted and amended, by the Manatee County Board of Commissioners. Whenever the Manatee County Utilities Standards and this Code address an identical issue, the more stringent fire protection provision shall apply.

## **Section 11: Application**

- 11.1** The provisions of this Code shall apply to all buildings, structures, vehicles, marine vessels, premises and conditions within this jurisdiction. The provisions of this Code shall apply equally to existing as well as new buildings (unless specifically noted in this Code). Structures, vehicles, marine vessels, premises and conditions not in strict compliance with this Code may be permitted to continue unless, in the opinion of the Fire Marshal, they constitute a distinct fire hazard to life or property.
- 11.2** The provisions of this Code do not apply to one or two-family dwellings in the normal use or maintenance thereof, except that this Code shall apply whenever the activity or use of such dwelling creates a distinct fire hazard to life or property or is referenced by the Uniform Standards as referenced in Chapter 633 F.S.
- 11.3** The provisions of this Code do not apply to those buildings or structures specifically under the Uniform Standards of the State, as set forth in Chapter 633 F.S. except as provided therein.
- 11.4** The provisions of this Code shall be complied with whenever a building is built, or a building or occupancy is considered to be substantially altered. Compliance with this code may be required when a new owner, renter or lessee assumes control of a building, unit or business or if there is a change in the occupancy classification. Only those requirements whose application would be clearly impractical in the judgment of the authority having jurisdiction shall be modified.
- 11.5** Existing buildings that are occupied at the time of adoption of the Code may be continued in use provided:
1. The occupancy remains the same, and,
  2. No serious life safety hazard exists that would constitute an imminent threat, and,
  3. The building was not previously under review for Code compliance.
- 11.6** The provisions of this Code, as far as they are substantially the same as existing provisions of law relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactment.
- 11.7** The adoption of this Code or the repeal of any other existing provision of law, including regulations or orders, shall not be construed to alter any time limit which may have been imposed by any existing law, regulation or order of the Fire Marshal or other authority relating to compliance with such limits.
- 11.8** If any provision of this Code is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remaining provisions of this Code.

## **ADMINISTRATION**

### **Section 12: Authority**

- 12.1** This Code shall be administered and enforced by the Fire Official designated by the governing authority of this jurisdiction as having this responsibility. For purposes of this Code, this Fire Official is called the Fire Marshal. He/She shall meet those qualifications as may be set forth by the jurisdiction as being necessary to effectively administer this Code.
- 12.2** This act shall be deemed an exercise of the police powers of the Cedar Hammock Fire Control District for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the Cedar Hammock Fire Control District Code shall be liberally construed for that purpose.

## **FIRE PREVENTION REGULATIONS**

### **Section 13: Unnecessary/False Alarms & Service Fees**

- 13.1** The purpose of this section shall be to regulate and control the malfunctioning, negligence, or unintentional act resulting in the unnecessary response of emergency vehicles. In the case of unnecessary/false alarms, the authority having jurisdiction shall cause an investigation to be made and keep a record of the number of unnecessary/false alarms on file.
- 13.2** Persons owning, managing or otherwise being in charge of the premises shall be responsible for regulating and controlling the use and maintenance of an automatic fire alarm system for those premises. The transmission of an excessive number of unnecessary/false alarms, as defined herein as the result of malfunctions, negligence or unintentional acts resulting in the unnecessary response of emergency vehicles shall constitute a violation of this Ordinance. The owner, manager or person in charge shall, after the performance of an investigation by the authority having jurisdiction as to the causes for each such unnecessary/false alarm be responsible for such violation and may be assessed a service fee pursuant to this section. An excessive number of unnecessary/false alarms for any premises within the District is defined as four (4) or more such unnecessary/false alarms within any given twelve (12) month period.
- 13.2.1** For the first through third unnecessary/false alarm, inclusive, as set forth in Section 14 of this Code, occurring in any given twelve month period, a warning shall be issued in writing.
- 13.2.2** For the fourth and fifth unnecessary/false alarms in the same twelve month period, a fee of \$100.00 shall be assessed.
- 13.2.3** For the sixth and seventh unnecessary/false alarms in the same twelve month period, a fee of \$250.00 shall be assessed.
- 13.2.4** All unnecessary/false alarms in excess of seven in one twelve month period shall be assessed a fee of \$500.00 for each alarm.
- 13.3** In the event an unnecessary/false alarm is the result of a fire system service company or fire alarm monitoring company failing to place a system in the test mode or otherwise insure the prevention of the dispatch of all fire alarm signals during maintenance, testing or for any other reason, the servicing or monitoring company may be assessed a fine of not less than \$100.00 per occurrence.

## **Section 14: Required Access for Fire Apparatus**

**14.1** Fire and emergency access shall meet or exceed the access requirements in NFPA 1 Chapter 18, unless otherwise approved by the A.H.J., provided to at least two (2) full and accessible sides of all commercial, professional, industrial and multi-family occupancy buildings. This access shall comply unless otherwise approved by the A.H.J.:

### **14.2 Automatic Vehicle Access Control Gates:**

**14.2.1** Plans for each automatic gate system shall be submitted to the Bureau for review and approval prior to the initiation of any construction.

**14.2.2** When in the fully open position, gates shall allow not less than fifteen (15) feet horizontal clear space including the roadway surface, as measured from inside curb to inside curb. A vertical clear space of not less than thirteen (13) feet six (6) inches shall also be required.

**14.2.3** Each system shall have as a minimum for operation:

1. Remote access through the use of electronic openers. These openers shall be set to the current frequency and code for use by fire districts as well as Manatee County Department of Public Safety. This frequency and code shall be separate from and in addition to any frequency and code intended for use by occupants. The remote control unit shall cause the gate to begin opening operations when activated no less than ten (10) feet from the outer most edge of the gate.
2. In the event of power outages, a battery back-up system shall cause the gate(s) to be open on the entry side of the complex to allow for emergency access (see item 2 above). The gate(s) shall remain in the fully open position until power is restored.

**14.2.4** If the gate is to be used for emergency access only, signage shall be installed on both the interior and exterior of the gate indicating the gate is to be used for emergency access only and prohibiting parking.

**14.2.5** In the event the gate becomes non-operational, the gate(s) shall be secured in the fully open position until such time as the minimum requirements as outlined above have been restored to a fully operational condition.

**14.2.6** Where any vehicle access gate is installed which is used expressly for emergency access, the gate shall be set back from the roadway a distance sufficient to allow emergency vehicles using said gate to be fully off the roadway while opening a manual gate or allowing an automatic gate to open.

**14.2.7** No automatic vehicle access gate or cross bar used for entry control shall be placed in service until such time as the operating features have been inspected, tested and approved.

**14.2.8** Any additional automatic gate system standards shall be developed in conjunction with Manatee County to ensure District access to gated subdivisions or developments through the use of an approved device or system.

## **Section 15: Key Box System**

- 15.1** When a structure is equipped with a fire alarm system, sprinkler or standpipe system, or where required by the A.H.J., an approved key box shall be required. The tumbler shall match the Fire Department key. The location of the key box shall be approved by the Bureau. Keys shall be provided to gain access to fire alarm panels, electrical room, sprinkler rooms and any other areas to which this Department may require access. Applications for the key box may be obtained from the Bureau.
- 15.1.1** Installation height of key box shall be maximum of six (6) feet or as approved by the authority having jurisdiction.
- 15.1.2** New buildings requiring a key box shall have a recessed style box installed, unless otherwise approved by the authority having jurisdiction.
- 15.2** In the event manual gates are installed which would impede access to a building, or complex of buildings, the gate shall meet the minimum requirements for access and clearances as specified in Section 14.2.2 of this Code.
- 15.2.1** A pad lock keyed to the district in which it is installed shall be provided in order to facilitate access to the building or complex.
- 15.3** Penalty, see Section 22.

## **Section 16: Storage/Use of Propane, Heating and Cooking Appliances**

- 16.1** No person shall place, store or maintain gas or propane cylinders on porches, breezeways or balconies of multi-story / multi-unit buildings.
- 16.2** No person shall store or use any charcoal, gas or wood fired heaters, grills, barbecues, or smokers on porches, balconies, or breezeway of any multi-unit, multi-story buildings.
- 16.3** No person shall store or use any other heat producing device or appliance which is determined by the AHJ to be unsafe due to its application or use.
- 16.4** Penalty, see Section 22.

## **Section 17: Fire Alarm System Requirements**

- 17.1** General Requirements
- 17.1.1** Approved fire alarm systems shall be installed in buildings as required by Table 1 and as follows:
1. Basements or cellars with ceilings less than fifty-four (54) inches above grade, or having floor areas exceeding 2,500 square feet, or when used as lounges or nightclubs, regardless of size.
  2. All required fire alarm systems shall be annunciated and monitored.
  3. Fire alarm control panels or required remote annunciator shall be installed with six (6) feet of the primary entrance.



4. Horn/Strobe lights shall be installed on the exterior of each building for which a fire alarm system is required so as to be easily seen from the street and its location approved by the Fire Marshal. The light shall be either red or white in color.
5. Outside stem and yoke (OS&Y) valves on fire line backflow preventer's shall be equipped with tamper switches and secured through the use of chain(s) and lock(s).

## **Section 18: Fire Sprinkler Systems Requirements**

### **18.1 General Requirements.**

#### **18.1.1** Approved fire sprinkler systems shall be installed in buildings as required by Table 1 and as follows:

Basements or cellars with ceilings less than fifty-four (54) inches above grade, or having floor areas exceeding 2,500 square feet, or when used as lounges or nightclubs, regardless of size.

#### **18.1.2** All sprinkler system installations shall be approved by the Fire Marshal of the Fire District and all sprinkler systems connections to the public water distribution facilities shall be approved by the Manatee County Utilities Department.

#### **18.1.3** All fire department connections shall be located on the private property side of the fire line backflow preventer unless a specific exception is issued in writing by the Fire Marshal. Such connection should be attached directly to the backflow preventer-with a 5" storz connection unless otherwise approved by the AHJ.

#### **18.1.4** Hydrant location with respect to the fire department connection: A fire hydrant shall be located not more than fifty (50) feet from the fire department connection by normal access routes-or otherwise as approved by the AHJ.

### **18.2 Scheduled Sprinkler System Impairments**

#### **18.2.1** The requirements of appropriate changes of the current edition of NFPA 25 and Florida Administrative Code 69A-46.041 shall apply to fire sprinkler system impairments.

#### **18.2.2** The A.H.J. shall be notified by the building/property owner, occupant, the impairment coordinator or the licensed contractor conducting the work which will cause the scheduled impairment no less than three (3) business days prior to the scheduled impairment. This shall allow the building owner, agent, contractor or other responsible parties to notify the A.H.J. of all arrangements to ensure life safety is upheld.

Table 1

<b>Occupancy Classification</b>	<b>Fire Alarm and Fire Sprinkler Systems required under the following conditions:</b>	<b>Initiation of Fire Alarm Systems required as follows:</b>	<b>Annunciation and Monitoring of Fire Alarm Systems</b>
Assembly	5000 square feet or more or 2 stories or more or as outlined in the FFPC (currently adopted edition).	Manual Pull Stations at required exits and not to exceed 200 foot travel distance; Flow switch	As outlined in NFPA 101 (currently adopted edition)
Educational	2 stories or more or as outlined in the FFPC (currently adopted edition).	As outlined in NFPA 101 (currently adopted edition)	As outlined in NFPA 101 (currently adopted edition)
Residential	As outlined in the currently adopted edition of the Florida Fire Prevention Code.	Manual Pull Stations at required exits; Flow switch, or as required by the A.H.J. Except as exempted in F.S. 633.202	As outlined in NFPA 101 (currently adopted edition)
Mercantile	10,000 square feet or more or 2 stories or more or as outlined in the FFPC (currently adopted edition).	Manual Pull Stations at required exits; Flow switch, area type smoke detection in all spaces where commodities may be stored over 12 feet above finish floor level, as determined by the A.H.J.	As outlined in NFPA 101 (currently adopted edition)
Business	15,000 square feet or more or 2 stories and 10,000 square feet or more or as outlined in the FFPC (currently adopted edition).	Manual Pull Stations at required exits; Flow switch	As outlined in NFPA 101 (currently adopted edition)
Industrial	10,000 square feet or more or 2 stories or more or as outlined in the FFPC (currently adopted edition).	Manual Pull Stations at a required exits; Flow Switch and or Suppression Systems	As outlined in NFPA 101 (currently adopted edition)
Storage	10,000 square feet or more or 2 stories or more or as outlined in the FFPC (currently adopted edition).	Manual Pull Stations at required exits; Flow Switch	As outlined in NFPA 101 (currently adopted edition)
High Hazard/Special	All Buildings regardless of size	As required by the Authority Having Jurisdiction	As required by the Authority Having Jurisdiction

- **Section 903 of the Florida Building Code may also apply.**

## **Section 19: Cease and Desist Order or Stop Work Order**

**19.1** Whenever the violation of any provision of this Code presents an immediate danger to life, safety or property or when any new construction or existing building is occupied in whole or in part in violation of the provisions of this Code, or when any fire, explosion, or other such disaster occurs and presents an immediate danger to life or property, the authority having jurisdiction shall immediately post or cause to be posted a Cease and Desist Order, Stop Work Order or other approved signage or documentation on the premises and shall suspend any and/or all use of the building, marine vessel, structure, or premises until such time that the danger to life or property has been removed or correction of the violation(s) has been made.

**19.2** If it is determined by the authority having jurisdiction that a violation specified in this subsection exists, the authority having jurisdiction or his/her designee may issue and deliver to the person committing the violation an order to cease and desist from such violation, to correct any hazardous condition, to preclude occupancy of the affected building or structure, or to vacate the premises of the affected building or structure. Such violations are:

1. Except as set forth in paragraph (2), a violation of any provision of this section, of any rule adopted pursuant thereto, of any applicable Uniform Fire Safety standard adopted pursuant to s. 633.206 which is not adequately addressed by an alternative requirement adopted on a local level.
2. A substantial violation of an applicable minimum fire safety standard adopted pursuant to s. 633.208 which is not reasonably addressed by any alternative requirement imposed at the local level, or an unreasonable interpretation of an applicable minimum fire safety standard, and which violation or interpretation clearly constitutes a danger to life safety.
3. A building or structure which is in a dilapidated condition and as a result thereof creates a danger to life, safety, or property.
4. A building or structure which contains explosive matter or flammable liquids or gases constituting a danger to life, safety, or property.

**19.3** If, during the conduct of a fire safety inspection authorized by FS. 633, it is determined that a violation described in this section exists which poses an immediate danger to the public health, safety, or welfare, the authority having jurisdiction may issue an order to vacate the building in question, which order shall be immediately effective and shall be an immediate final order. With respect to a facility under the jurisdiction of a district school board or community college board of trustees, the order to vacate shall be issued jointly by the district superintendent or college president and the authority having jurisdiction.

**19.4** The authority having jurisdiction may seek an injunction in the Circuit Court of Manatee County to enforce an order issued pursuant to this subsection.

**19.5** Penalty, see Section 22.

## **Section 20: Mobile Food Dispensing Vehicles**

**20.1.1** Mobile and/or temporary cooking operations shall be inspected prior to operation at each event/location within the district.

**20.1.2** Cooking equipment used in mobile and/or temporary cooking concessions, such as trucks, trailers and/or buses shall comply with NFPA 10, NFPA 96, FFPC, and FAC 61C.

**20.1.3** Each vendor shall be properly licensed by the Florida Department of Business and Professional Regulation (DBPR), Division of Hotels and Restaurants and/or the Florida Department of Agriculture, Division of Food Safety.

**20.2** Penalty: See Section 22.

### **Section 21: Certificate of Inspection**

**21.1** No building shall be occupied in whole or in part without the approval of, and the issuance of a Certificate of Inspection Report being completed and filed by, the authority having jurisdiction.

**21.2** Penalty, see Section 22.

### **Section 22: Penalty**

**22.1** Any person who shall violate any of the provisions of this Code or the National Fire Codes, as adopted by the Cedar Hammock Fire Control District for which another penalty is not provided, or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statement, specifications, or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval 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 authority having jurisdiction or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and non-compliance, respectively be punished by a fine as set by the Cedar Hammock Fire Control District Board of Commissioners, of not more than \$250.00 a day with each day of the violation constituting a separate offense.

**22.2** The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time and, when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

### **Section 23: Board of Appeals**

Whenever any person, firm or corporation is of the opinion that they have been aggrieved, pursuant to Chapter 69A-60, Florida Fire Prevention Code, they may seek relief from such decision(s) as interpreted by the Fire Marshal from the Manatee County Fire Prevention Code Board of Appeals by Resolution 2016-02 Cedar Hammock Fire Control District.

### **Section 24: Previous Rules, Regulations and Codes Repealed**

All formal rules and regulations or parts thereof conflicting or inconsistent with the provisions of these rules and regulations or of the Code hereby adopted are hereby repealed.

**Section 25: Effective Date**

These rules and regulations shall take effect and be in force from and after its approval as required by law. Adopted during a Public Hearing of the Cedar Hammock Fire Control District on November 19, 2020.

Approved by unanimous vote.

**ATTEST:**

Cedar Hammock Fire Control District  
Board of Commissioners

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