

FIRE ORDINANCE WORKSHOP AGENDA  
BOARD OF COUNTY COMMISSIONERS  
BOARD OF COUNTY COMMISSIONERS MEETING ROOM  
DESOTO COUNTY, FLORIDA  
MAY 8, 2012

CALL TO ORDER-1:00PM

REVIEW AND DISCUSSION OF FIRE ORDINANCE

ADJOURNMENT



**DESOTO COUNTY, FLORIDA**  
**ORDINANCE NO \_\_\_\_\_ 2012\_**

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**DESOTO COUNTY, FLORIDA**  
**ORDINANCE NO \_\_\_\_\_**

**AN ORDINANCE OF DESOTO COUNTY Deleting 2006-64 and ADOPTING A Revised FIRE PREVENTION CODE OF DESOTO COUNTY; ESTABLISHING THE FIRE PREVENTION AND INSPECTION DIVISION; ESTABLISHING RULES FOR FIRE PREVENTION AND SAFETY, INCLUDING THE TESTING OF FIRE HYDRANTS; PROVIDING A PENALTY FOR FAILURE TO COMPLY WITH CODE; PROVIDING FOR SEVERABILITY AND INCLUSION IN DESOTO COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE**, be it ordained by the Board of County Commissioners of DeSoto County, Florida, as follows:

**Section 1: Introduction.**

This Ordinance will provide DeSoto County with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use, testing and maintenance of fire equipment; regulating the use of structures premises and open area(s); providing for abatement of fire hazards; establishing the responsibilities and the procedures for fire code enforcement; and setting forth the standards for compliance and achievement of these objectives.

**Section 2: Title.**

The title of this Ordinance shall be the **Fire Prevention Code of DeSoto County**, hereinafter referred to as the "Code". One or more copies hereof shall be on file in the office of the Fire Prevention Division located in Arcadia, Florida **and** shall be available for public examination at the DeSoto County Administration Office, 201 East Oak Street, Suite 201, Arcadia, Florida, during normal business hours.

**Section 3: Administration/Organization: Fire Official and Fire Prevention Division Established.**

- A. The Fire Prevention Division (hereafter, "Prevention Division") of DeSoto County is hereby established, to be under control of the Fire Chief as the County Fire Official (AHJ) or his designee.
- B. The Fire Chief shall designate any Florida State certified Fire Inspector(s) certified under F.S. 633.081 to assist with such responsibilities and duties.
- C. The AHJ shall supervise the Prevention Division and shall be responsible for the direct administration and enforcement of this Code. The Fire Official may designate such number of Fire Inspectors to administer the Fire Prevention Division. Where hereafter a duty or

responsibility and authority is specified for the Fire Official, same will apply to the person above designated to act in his/her stead, unless otherwise specifically stated otherwise.

#### **Section 4: Definitions**

Throughout this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not specifically defined below shall have the meanings found in Chapter 2, Section 2-1 of NFPA 1.

- A. *Authority Having Jurisdiction (AHJ)*: The Fire Chief of DeSoto County
- B. *Designee*: The Fire Chief per F.S. 633 may designate those person (s) certified as Fire Inspectors under F.S. 633.081 to act as his official designee's of the Florida Fire Prevention Code (NFPA 1)
- C. *Building Code*: The Florida Building Code as identified in Chapter 553 of the Florida statutes.
- D. *Florida Fire Prevention Code (FFPC)*: Code that has been adopted by the State of Florida as the recognized fire code in the State of Florida
- E. *National Fire Protection Association (NFPA)*: as referenced. NFPA 1 and Life Safety Code 101, current editions, shall mean the referenced code or standard as compiled and published by the National Fire Protection Association and accepted by the Florida State Fire Marshal as the official Standards of the State of Florida.
- F. *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.
- G. *Unit*: A room or group of rooms within a multi-family structure designed for occupation by one (1) family only.
- H. *Substantially Altered*: A structural alteration increasing the square footage of an existing building by more than fifty percent (50%). Any substantial alteration in, or addition to, the supporting or structural members of a building, such as bearing walls, bearing columns, bearing beams, or bearing girders, or elimination, moving or construction of new partitions within 50% or more of the square footage of an existing building, shall be considered a substantial alteration. Substantial alterations shall not include, repairs to roof or walls, interior/exterior painting or decoration, air conditioning or heating systems repair or replacement, modernization of kitchens or bathrooms, gas, water, sewer, and electrical systems.
- I. *Open Structures*: Those buildings with open sides, and a roof.
- J. *Life Safety Drawing (Print)*: In order to calculate an occupant load, this drawing shall show the

interior floor plans of a building, or unit; it shall show by actual reference of coded table the locations of emergency lights, fire extinguishers, and exit signs. This drawing shall be to a minimum of ¼ (quarter) scale, and have all interior dimensions.

**Section 5: Recognition of the Florida Fire Prevention Code**

Pursuant to section 633.025, Florida Statutes, the Florida Fire Prevention code,(FFPC) including referenced and adopted publications therein, including but not limited to the National Fire Protection Association Life Safety Code, NFPA 1, adopted by the Florida State Fire Marshal pursuant to section 633.0215, Florida Statute and as it may be amended, modified, updated or adopted from time to time by the State Fire Marshal, is hereby adopted by DeSoto County and incorporated herein as if set out in length in this section, save and except such portions as are deleted, modified, added or amended in this chapter. One copy of the foregoing shall be maintained on file in the Fire Prevention Office.

**Section 6: Recognition of Building Code**

All fire safety and / or protection standards or requirements of the Florida Building Code as adopted by the State of Florida are hereby incorporated and made part of this code.

**Section 7: Applicability**

- A. Whenever the Florida Building Code or the Florida Fire Prevention Code addresses an identical issue, the more stringent provision shall apply as per Florida Statute.
- B. The provisions of this Code do not apply to one and two- family dwellings in the normal use or maintenance thereof except as follows:
  - 1) Those standards, rules or modifications as adopted by DeSoto County for the Land Use requirements.
  - 2) Exterior separation requirements for detached dwellings shall apply.
  - 3) This Code shall apply whenever the activity or use of such dwelling creates a distinct fire hazard to life or property of others based on available information.
  - 4) The use of such dwelling is referenced by the uniform fire safety standards as adopted under the provisions of chapter 633, F.S.
  - 5) The provisions of Section 19 shall apply.
- C. The provisions of this Code do not apply to those building or structures specifically under the uniform fire safety standards of the State, as set forth in Chapter 633. F.S. except as provided therein.
- D. The provisions of this Code shall be complied with, whenever a building is built, or a building or occupancy is considered to be altered as defined in the FFPC. Compliance with this code may not be required when a new owner, renter or lessee assumes control of a building, unit or

business, provided no occupancy changes have occurred, including but not limited to alterations, modifications, and wall changes. Only those requirements whose application would be clearly impractical in the judgment of the authority having jurisdiction shall be waived or modified.

- E. Existing buildings, vehicles and marine vessels that are occupied at the time of adoption of this Code may be continued in use, provided that:
  - 1) The occupancy remains the same, and;
  - 2) No serious life safety hazards exist that would constitute an imminent threat, and;
  - 3) The building or structure was not previously under review for code compliance, and;
  - 4) As permitted per Florida Statutes.
- F. The provisions of this Code, as far as they are substantially the same as existing provisions of the law relating to the same subject matter, shall be construed as restatements and continuations therefore and not as new enactments.
- G. 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 authority having jurisdiction relating to compliance with such limits.

**Section 8: Authority**

- A. The Fire Code is hereby deemed an exercise of the police powers of DeSoto County for the preservation and protection of public health, peace, safety and welfare and all the provisions of DeSoto County shall be liberally construed for that purpose, and shall be administered and enforced as such by those Fire Officials who shall be qualified pursuant to Section 633.081, Florida Statutes.
- B. This Code adopts all enforcement procedures of Chapter 633.052(b), Florida Statutes, especially, but not limited to that provision which specifies written notices in the form of a written warning are to be issued. A minimum of Thirty (30) calendar days shall be given for violations to be corrected after a written warning before a formal citation is issued.

**Section 9: Right of Entry; Implied Consent**

- A. Any application for or acceptance of any permit with respect to any construction or structure subject to the provisions of this Code requested or issued pursuant to this Code, constitutes agreement and consent by the persons making the application or accepting the permit to allow the authority having jurisdiction (AHJ) to enter the premises at any reasonable time to conduct

any inspection required by this section for the purposes of completion of construction, modification, or alteration of the structure..

- B. The Fire Chief or his/her designee may “detail” fire department personnel for stand-by duties to those places of assembly or other locations where it is likely to be deemed necessary for safety reasons or where there is a likelihood of violations being prevalent which may create a hazardous situation. Generally this right of entry would be exercised where large crowds are expected in places of assembly or during the visits of dignitaries. When necessary for fire department personnel and/or fire apparatus to be assigned for such detail, the fire department may assess reasonable fees based on actual costs incurred.
- C. All properties within the defined boundaries of DeSoto County shall be inspected once within a 12 to 18 month cycle, or as reasonably possible. It is preferred that all commercial and those residential properties covered by This, County or State Codes be conducted on an annual basis. (See NFPA 1-1.7)
- D. All inspected properties shall be given a one (1) month period to repair, or correct any deficiency found during this inspection. In the discretion of the licensed inspector, the client, resident or occupant needs more time, and has shown substantial compliance, an additional two (2) week period may be applied. Thereafter, additional time may be allowed with an action plan submitted by the client, tenant or property owner.
- E. If the establishment has not met compliance at the completion after this second two week period, a Notice of Violation may be issued per Florida State Law. If the establishment has not met compliance, or shown substantial compliance then an Order to Comply shall be issued, followed by a Summons as defined under Chapter 633 of the Florida Statutes.
- F. At various times, DeSoto County Commercial Development or Building Department(s) as required by County Code may require Certificate of Use, Certificate of Occupancy, Change of Use inspections with or without being in conjunction with an active permit. This may include but is not limited to conceptual reviews. A charge or fee based upon a reasonable rate (see Appendix A) shall be charged.

**Section 10: Approval of Plans and Installations**

- A. The AHJ or his/her designee shall examine the submitted plans for evidence of compliance with this Code. The AHJ or his/her designee may require testing or other investigations to be conducted by an agency satisfactory to the jurisdiction when an appliance, device, equipment, or system intended for installation does not specifically meet the requirements of this Code. The test or investigations shall be based on nationally accepted tests, standards or principles. These tests or investigations shall be at the cost to the applicant and at no cost to DeSoto County, nor shall impose any liability to the county.



- B. Three (3) complete sets of all plans, drawings, and specifications (including but not limited to site, building, alarm, sprinkler, standpipe, hood, hood exhaust, suppression, and a LIFE SAFETY PRINT) shall be submitted to the Prevention Division through the DeSoto County Building Department. Failure to do so will result in the issuance of a stop work order to be enforced until required material is provided.
- C. At the time of the initial permit, all Fire Alarm, Sprinkler, Hood, and Extinguishing System drawings shall be submitted and approved prior to commencement of any work on each respective system. Such system design criteria shall be included with full architectural plan submittal.
- a) If it has been so noted on the initial set of Engineered Drawings that a specific System is being required, then upon written request of the applicant the Prevention Division may elect to allow the sub contractor to submit the working shop drawings (and / or hydraulic calculations) for separate permit at a later date. Initial submission shall include a note to this fact and basic layouts.
- D. All shop drawings shall be submitted and approved prior to and installation worked being undertaken on the appropriate system.
- E. Any project requiring a fire sprinkler system, an alarm system or any other specialized fire protection system shall require a permit. Plans shall be submitted and approved by the Prevention Division with engineered shop drawings prepared and sealed where required by a professional engineer registered in the State of Florida. The design documents must be prepared in accordance with the rules promulgated by the Board of Professional Engineers of the State of Florida.

**Section 11: Reporting Hazardous Conditions; Maintaining Hazard.**

- A. Any person, upon discovering evidence of spontaneous heating or other abnormal heating of any merchandise, commodity, cargo, shipment, or other material of any kind in any building, marine vessel, appliance, apparatus, tank, or open stack or pile, or any person, upon discovering or being apprised of any uncontrolled hazardous leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the Fire department via the 911 system or alternative method.
- B. No person shall knowingly maintain a Fire Hazard.

**Section 12: Smoking**

- A. Where conditions exist which make smoking a fire hazard on any premise, "No Smoking" signs may be required to be posted as directed by the AHJ or his/her designee. "No Smoking" signs shall be of a color, size, lettering, and location approved by the Inspection Division. No person shall remove "No Smoking" signs or lights, or ignite or otherwise set a fire

to or smoke any cigar, cigarette, pipe, tobacco, or other form of smoldering substance, nor hold, possess, throw, or deposit any lighted or smoldering substance in any place where occasion or action would constitute a fire or life hazard. Nothing in this section shall be construed as prohibiting smoking areas, offices or other rooms which have been approved by the Inspection Division as safe smoking area, approved for that purpose.

- B. The Manager or person in charge of the premises shall be responsible for enforcing this regulation once ordered by the AHJ.
- C. Smoking is prohibited in all “Hospitality establishments” as provided in the Florida Clean Air Act, F.S., section 386.201, except where the statute provides a specific exemption.

**Section 13: Required Access for Fire Apparatus**

- A. All premises, including existing premises, which the emergency services may be called upon to protect in case of fire and that are not readily accessible from public roads shall be provided, with suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to Fire and emergency equipment. This access shall have: (See NFPA 1-Chapter 18 for guidance). Fire apparatus must have access to at least two (2) sides of all commercial, professional, industrial and multi-family occupancy buildings. The access shall comply with the following, unless otherwise approved by the AHJ.
  - 1) Unobstructed width of at least 20 feet for Fire Department Access Roads. Two-way traffic patterns in parking areas along side buildings may required an increase in width dimension per other County regulations (see NFPA 1-18)
  - 2) If stabilized ground is used it shall be designed to support the weight of the County Fire Rescue’s heaviest vehicle.
  - 3) Paved, stabilized ground or turf block used for emergency access shall be identified as to location with approved vegetation or markers as required by the AHJ.
  - 4) Paved, stabilized ground or turf block used for Emergency access where allowed shall:
    - a) Be kept unobstructed at all times and from any future growth, and shall be dedicated on the approved final site plan for the life of the building.
    - b) Support the Fire Rescue’s heaviest vehicle
  - 5) Horizontal separation of structures shall be in accordance with all Florida State Fire Codes, DeSoto County Land Use regulations, Florida Building Codes and shall maintain a unobstructed clear space between structures as may be required.

6) Dead-end roads shall have a Cul-de-Sac turnaround with a radius of 50 feet as measured from the center line. All Cul-de-Sac's in Commercial applications shall meet the current edition of the DeSoto County Engineering Standard Details in effect at the time of submittal or as required by AHJ. Single Family residential sub-divisions may apply for a determination of FD need.

7) All Fire and Emergency access shall be identified as to location with signage stating "Emergency Vehicle Access" or as required by AHJ. Such access shall be kept unobstructed at all times from any future growth and shall be dedicated on the approved final site plan for the life of the building or complex, or until another site plan is approved by the AHJ.

B. Where the installation of speed bumps is determined by the AHJ to impede or inhibit the response of Emergency vehicles or the safety of Emergency vehicles or patients, such speed bumps shall be removed by the owner. Existing speed bumps may be modified to meet safety requirements as approved by the AHJ.

C. New speed bumps, when installed, must comply with the following criteria:

1) Approved speed bumps shall have minimum twenty four (24) inch long base with sloping falls, cresting at four (4) inch maximum height.

2) The location of such speed bumps shall be approved by the County Engineer or his designee.

D. The designation, use and maintenance of Fire lanes shall be accomplished as specified by the Fire official in accordance with the DeSoto County land development code.

1) Fire lanes, where required by the AHJ, shall meet the requirements NFPA 1. Where the DeSoto County Code and NFPA 1 address identical issues, the more stringent fire protection feature shall apply.

2) It shall be a violation of the Florida Fire Prevention Code to park an un-attended vehicle in the designated fire lanes on any private or government property.

E. Automatic Vehicle Access Control Gates:

1) Where automatic vehicle access control gates are used, DeSoto County shall be provided with one (1) dual key "Knox" keyed manual operated switch per gate with separate keys for emergency services and law enforcement.

2) Gate installation criteria, including battery backup, siren operated sensors, key switches, opener devices and gate markings shall be reviewed and approved in writing by the AHJ prior to installation. Such shall be shown on construction plans of the development.

3) In the event the gates become non-operational, they shall remain in the open position until such time as all minimum requirements have been returned to a fully operational status. It shall be the responsibility of the property owner/ property management to ensure gates are properly maintained, and repaired as necessary. Fire Department shall be notified when corrections have been made.

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 indicated the gate is to be used for emergency access only and prohibiting parking.

5) 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 this gate to be fully off the roadway while opening a manual gate or allowing an automatic gate to open.

6) Cross arm bars used for entry control gates shall not be installed until such time as the operating features have been inspected, tested and approved.

#### **Section 14: Key Box System**

(Knox Boxes) When a structure is equipped with a fire alarm system, sprinkler or stand pipe system or, deemed necessary by the AHJ, an approved key box shall be required. The tumbler shall match the Fire Department key. Installation height of the key box shall be a maximum of six (6) feet to the top of the box or as approved and the location of the box shall be approved by the Fire Inspection Division. Keys shall be provided to gain access to Fire alarm panels, electrical rooms, sprinkler rooms and any other areas to which this department may require access. Applications for the key boxes may be obtained from the Fire Prevention Division.

#### **Section 15: Unnecessary / False alarms**

- A. 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 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 at the Prevention Division.
- B. Persons owning, managing, or otherwise being in charge of the premises shall be

responsible for regulating, controlling the use and maintenance of an automatic fire alarm system for those premises. The transmission of unnecessary/false alarms, causing the response of emergency equipment in excess of three (3) or more alarms in any twelve (12) month period, shall constitute a violation of this Code and shall be assessed a service fee, as per Appendix A.

**Section 16: Storage on Roofs, Fire Escapes, Porches and Breezeways and Balconies.**

- A. No person shall place or maintain, on any roof or balcony used for egress purposes, any material or objects which may interfere with egress or Fire Department operations.
- B. No person shall place or maintain gas or propane cylinders on porches, breezeways or balconies of multi-story buildings.

**Section 17: Dumpster Location.**

All dumpsters and any associated screening consisting of combustible fencing around the dumpster pad shall have a minimum separation from the nearest building or building overhang of Ten (10) feet. Larger commercial/industrial dumpsters, such as 20 or 40 yard containers shall require a larger separation. This minimum separation may be reduced or waived if the dumpster is protected by one or more fire sprinkler heads of a sprinkler system designed in accordance with sound Engineering practices. Compactor dumpsters, or other combustible storage because of a unique design and construction requirement, shall be reviewed on an individual basis by the AHJ.

**Section 18: Festival Seating.**

Festival seating as defined in the Life safety Code (3.3.188.1) shall be prohibited in any building in DeSoto County.

**Section 19: Marking of Occupancies for Emergency Access & Location**

- A. Numeral not less than 4 inches (residential) 6 inch (commercial) Arabic, contrasting and reflective, shall be securely mounted on the building front, or any fixed appurtenance located on the front of the principle building, within five feet (5) of the of the main entrance, all facing a street/main access road, in accordance with DeSoto County ordinance 1989-16, as adopted.
- B. If the structure is more than 200ft from the roadway or is otherwise obscured from being readily seen, additional address numerals of at least four (4) inches in size, otherwise meeting the standards above shall be placed on the mailbox, address post or similar feature at the entrance to the property.
- C. All rear doors of "NEW" structures, change of use, or modified structures to have their address in 4

inch numbers also posted on the door to assist with occupant location.

**Section 20: Fire Sprinkler Requirements**

- A. Approved fire sprinkler systems shall be installed in buildings as required by the Florida Fire Prevention Code, Life Safety Code, (Florida edition) or other APPROVED Standards.
- B. Electric Fire Pumps that are required to insure adequate flow and pressure in the sprinkler system shall be connected to the emergency power system unless otherwise allowed by FFPC and in accordance with NFPA 70.
- C. All sprinkler system installations shall be provided with an approved back flow preventer of the double check valve type. Such preventer shall be as approved by the utility provider.
- D. All sprinkler system installations shall be approved by the Fire Official, and all sprinklers systems connections to the public water distribution facilities shall be approved by the utility department in whose jurisdiction they are located.
- E. All Fire department connections shall be located on the private property side of the fire line back flow preventer unless a specific exception is issued in writing by the Fire Official. Such connections are a typical TWO (2) - 2 ½ inch Siamese connection with National Standard Threads.
- F. In the event that NFPA 13 requires in-rack sprinklers for a class IV commodity based on the elevation, the calculations shall provide an allowance of 350 GPM in addition to the hose stream allowances for in-rack sprinklers. When specific hazards are known or anticipated to be part of the building occupancy, that exceed the minimum requirements above, the applicable NFPA standard protection requirements shall be met.

**Section 21: Fire Alarm**

- A. All required fire alarm systems shall be annunciated, and monitored when required per code.
- B. An approved water proof type horn/strobe indicating device shall be installed on the exterior of each building for which a fire alarm system is required by this section. The horn/strobe device(s) shall be installed such that it is readily visible from the street and its location shall be approved by the Fire Official. The strobe shall be white in color.
- C. Fire alarm control panels where hidden shall have adequate labels showing actual location. When remote annunciator panels are used, they shall be readily accessible at the primary entrance.

- D. Within residential and condominium occupancies, each unit shall have a minimum of one (1) rate-of-rise heat detector. The rate-of-rise heat detector shall be tied into the building fire alarm system as required. Required internal smoke detectors shall not be tied into the building fire alarm system unless otherwise required. Smoke detectors shall alert the individual unit.
- E. Required fire alarm systems shall have a sufficient number of sounding devices so that they will be audible in any normally habitable area. The audibility shall be determined by the authority having jurisdiction or code standard.

**Section 22: Standpipes Required**

- A. Buildings more than three stories in height or fifty feet or more in height and any other structures that in the opinion of the authority having jurisdiction are inaccessible to firefighting equipment, shall be equipped with standpipes and 2½ inch valve fire department hose connection at each floor level, of Type III installation in accordance with NFPA 14.
- B. All 2½ inch valve fire department hose connections with or without hoses, at the discretion of the authority having jurisdiction, shall be located in the exit access within ten (10) feet of the exit door. Valves without hoses shall be installed not less than three (3) feet or more than five (5) feet above the finished floor, as directed by the AHJ.
- C. Standpipes shall be provided with individual 2½ inch fire department connections as required by the AHJ. These connections shall by-pass any fire pump.
- D. The water supply for standpipes shall meet the requirements of the NFPA for minimum acceptable flow and residual pressure.
- E. All electrically driven fire pumps or starter pumps required to insure adequate flow and pressure in the standpipe shall be connected to an emergency power system as described in NFPA 70.

**Section 23: Fire Protection Water Supply**

- A. In all developments, as specified below, the adequacy of the fire protection services, water pressure, hydrant locations, fire lanes and maneuvering areas shall be subject to the approval of the Fire Official with the requirements set forth herein determined as minimum provisions.
- B. All Fire Hydrants shall be installed in accordance with the requirements of the American Water Works Association, NFPA 1 and associated standards. Any specific standards/requirements of the Desoto County Utilities Department shall also be met for hydrants in the unincorporated area of Desoto County.

- C. Fire Hydrants shall be installed in all new developments that meet the following criteria:
- 1) All developments that require an extension of the water distribution system;
  - 2) All developments that require the submission of a development plan as set forth in the Desoto County Land Development Regulations or Code.
  - 3) When, in the opinion of the AHJ, access to or distance from public fire hydrants would hamper or impair fire fighting operations;
  - 4) All new water distribution systems shall be considered for hydrant locations and spacing by the AHJ according to NFPA 1 and NFPA 1 Annex I.
- D. **Approved fire hydrant:** An approved fire hydrant shall mean a fire hydrant connected to a water main of not less than six (6) inches in diameter or larger as required by code and shall meet the performance standards required by the AHJ, or its designee, and shall have one (1) 4 ½ inch and (2) 2 ½ inch NST hose connections as measured at inside diameter. All hydrant installations shall be approved by the jurisdiction in which they are located as pertains to availability of water pressure, volume and reliability of water service.
- E. Hydrant location with respect to the fire department connection shall be: Whenever a proposed development will be required to install one or more fire hydrants as a condition of approval, a fire hydrant shall be located not more than fifty (50) feet from the fire department connection as measured by normal access routes. If such hydrant is on the same side of the street as the fire department connection, it is preferable that the driveway does not separate the hydrant and the fire department connection.
- F. Existing buildings that are occupied at the time of adoption of this Code may be continued in use without additional fire protection water supply provided that the following conditions are all met and provided further that only those requirements whose application would be clearly impractical in the judgment of the AHJ shall be modified:
- 1) The occupancy classification remains the same, and
  - 2) No serious life safety hazard exist that would constitute an imminent threat.
- G. No person shall place or keep any post, fence, vehicle, growth, vegetation, trash or other materials that would obstruct a fire hydrant or fire protection appliance and hinder or prevent its immediate use by fire department personnel. Such fire hydrant or fire protection appliance shall be maintained readily visible at all times.
- H. Fire hydrants and fire protection appliances shall be kept accessible to the fire department at all



times. The following clearances shall be maintained for all fire hydrants and fire appliances:

1) Hydrant Clearances of seven and one half (7 ½) feet on the street side and to the sides of the fire hydrant, with four (4) foot clearance to the rear of the hydrant.

2) Fire protection appliances (FDC) clearance of seven and one half (7 ½) feet from the street side and sides of the appliance.

3) All hydrant locations shall be marked by “Blue” reflective road markers on the roadway at a location approved by the AHJ, easily signifying hydrant location to emergency personnel. Approved signs may also be required by AHJ if deemed so needed.

- I. All fire hydrants in the county shall be flow tested by Desoto County Fire Rescue or designated personnel on a regular basis to determine their flow rates and basic operation. Maintenance, as prescribed by the fire department, of fire hydrants is to be performed in a timely manner by the utility provider in whose jurisdiction the hydrant resides. DeSoto County Prevention Division will not certify hydrant water flow for proposed developments; instead the development’s engineer shall perform their own tests and certifications. However, DCFR personnel may elect to be present for all tests, and shall be so contacted.
- J. Fire department connections shall be identified by a sign that states “NO PARKING FIRE DEPARTMENT CONNECTION” and shall be designed in accordance with Florida Department of Transportation standards for information signage, as well as NFPA 1-(FFPC). (Exception: Existing numbers or letters approved by AHJ).

**Section 24: Cease and Desist Orders or Stop Work Orders**

- A. Whenever a violation of any provision of the Code presents an immediate danger to life, or when any new construction or existing building is occupied in whole or 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, The Authority Having Jurisdiction shall immediately post a Cease and Desist order on the premises until such time that the danger to life has been removed or the correction of the violations has been made.
- B. If it is determined by the Authority Having Jurisdiction that a violation specified in this subsection exist, the AHJ 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, or any rule adopted pursuant thereto, of any applicable uniform fire safety standard adopted pursuant to s.633 which is not adequately addressed by an alternative requirement adopted on a local level.

- 2) A substantial violation of an applicable minimum fire standard adopted pursuant to Florida Statute Section 633 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 that is in a dilapidated condition and as a result thereof creates a danger to life, safety, property, and as the term “dilapidated” may be further defined by the codes and regulations of this County.
  - 4) A building or structure that contains explosive matter or flammable liquids or gasses not stored in an approved method which constitutes a danger to life, safety, property.
- C. If, during the conduct of a fire safety inspection authorized by FS.633.081 and 633.085, Florida Statutes, it is determined that a violation described in this Code exist which poses an immediate danger to public health, safety and welfare, the AHJ may issue an order to vacate the building or structure in question, which order shall be immediately effective and shall be an immediate final order under s.120.59 (3), Florida Statutes. 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 AHJ.
- D. The AHJ may seek an injunction in the Circuit Court of DeSoto County to enforce an order issued pursuant to this subsection.

**Section 25: Carnivals / Festivals / Outside Public Assemblies / Fire Works Public Display(s)**

- A. All carnivals, festivals and special events where rides, sleeping trucks, gaming tents, electrical generator hook ups, cooking & cooking tents, firing of any pyrotechnic devices, including fireworks, cannons or like matter shall require an inspection and /or permit for operation.
- B. Any and all public fireworks displays shall require a special permit from the DeSoto County Board of County Commissioners. Upon application, and producing the county permit authorization, the DeSoto County Fire Prevention Division shall meet with the applicant and using the National Fire Protection Association appropriate code for public fireworks displays lay out all of the required setbacks, rules and regulations.
- C. Outside public assemblies where large amounts of people will be attending, including concerts, live music or entertainment, festivals and circuses which are occurring outside of a permanent building or structure, on public or private land will be required to obtain a permit for “Outside Public Assembly”. Permit application shall include a site plan that at a minimum gives the layout of the event, actual buildings on site, food and or beverage vendor locations (including types of

vendors), seating, parking, emergency access, tents, etc. An inspection of the site will be required prior to opening.

- a) Inspection Fee's according to Appendix A shall be collected prior to the event.

**Section 26: Fuel Oil, Kerosene, & Wood Burning Heating or Cooking Appliances Prohibited.**

It shall be unlawful for any person to use or operate within any building or structure other than 1 or 2 family homes located within the jurisdiction of DeSoto County or otherwise prohibited by Florida Statutes the following:

- A. Any un-vented fuel oil or kerosene burning appliance, including those with woven-wick designed for heating purposes.
- B. Any type grill, barbeque device, or wood burning fire place or heater on balconies porches or breeze-ways of multi-story buildings. (NFPA 1, FFPC)

**Section 27: Open Burning**

Open burning in any area of the jurisdiction of DeSoto County Fire Rescue District except as allowed under the Department of Forestry regulations and a provision is prohibited. Violations of this ordinance or Florida Statutes may subject owners or their agents to a citation as provided for by law.

**Section 28: Fire Extinguishers**

Fire Extinguishers shall be inspected and wall mounted as per Florida State Statutes. In addition units must be inspected, certified, tagged and mounted according to NFPA 10 requirements (633 F.S.)

**Section 29: Certificate of Occupancy**

No building shall be occupied in whole or part and or a Certificate of Occupancy or Certificate of Compliance issued without the approval of the AHJ. Failure to obtain a Certificate of Occupancy or Certificate of Compliance prior to being an occupied business may in addition to other remedies be cause to have issued a citation by the Code Enforcement Officer and pay double of all inspection fees and any penalties as set in section 30.

**Section 30: Service Fees**

- A. Other fees shall be charged to cover the cost of providing these services as provided in Section 633.081, Florida Statutes, according to the schedule attached hereto and made a part hereof as Appendix A.
- B. These fees may be appended from time to time by resolution of the Board of County Commissioners without having to completely change this ordinance

**Section 31: Penalty**

- A. Any person who shall violate any of the provisions of this Code or the National Fire Codes, as adopted by DeSoto County Board of County Commissioners, for which another penalty is not provided, or shall fail to comply therewith; or shall violate or fail to comply with any order made hereunder; or shall build in violation of any details, statement, specifications, or plans submitted or approved hereunder; or shall fail to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder, and from which no appeal has been taken; or who shall fail to comply with such order as affirmed or modified by the AHJ or by a court of competent jurisdiction within time fixed herein, shall, severally for each and every violation and non-compliance, respectively be punished by a fine of not more than \$250.00 per violation per day with each day of the violation constituting a separate offense.
- B. 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 32: Previous Rules, Regulations, Codes Repealed**

Any code, ordinance, regulation or resolution or parts thereof conflicting or inconsistent with this Code are hereby repealed to the extent of the conflict. Ordinances and rules or regulations not in conflict will remain in full force and effect.

**Section 33: Severability**

If any provision of this Code be for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, shall not affect the validity of the remaining provisions of this Code.

**Section 34: Effective Date**

This ordinance shall take effect and be in force from and after its adoption and filing with the Secretary of State as required by Law.

PASSED AND DULY ADOPTED in regular session, by the Board of County Commissioners of Desoto County, Florida, this \_\_\_\_th day of \_\_\_\_\_, 2012.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF DESOTO COUNTY, FLORIDA

\_\_\_\_\_  
Guy Maxcy, County Administrator

By: \_\_\_\_\_  
Juril Mansfield, Chairman

Approved as to form and legal sufficiency

\_\_\_\_\_  
Don Conn, County Attorney

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**APPENDIX A TO FIRE CODE ORDINANCE 2012-\_\_\_\_\_**

**Standard Annual Structure Inspections  
Based upon roof line**

< 5,000	\$50.00
5001-10,000	\$70.00
10,001 – 20,000	\$100.00
20,001 – 40,000	\$165.00
40,001 – 60, 000	\$235.00
60,001 – 80,000	\$335.00
80,001 – 100,000	\$425.00
100,001 – 250000	\$525.00
250,001-500,000	\$625.00
Over 500,001	@ 5.00 per 10,000
Open sided structures	\$50.00 each structure
Tents or Temporary Structures	\$75.00 per
Re-inspections > 2 (initial & revisit)	\$30.00 each
Building Systems,	@ 35.00 each system

All Courtesy Inspections with no written report 50.00. If client wants written report, then shall be billed at standard annual inspection rate.

Development, Conceptual(s) or Planning & Zoning Conceptual Fire Review: up to 25000 sq. ft structure, or 10 acres @ 125.00 per review; Thereafter, \$ 1.00 per 1000 Sq. Ft. or 10 acres.

Maximum charge for inspections shall not be over \$ 1000.00 per inspection.



## **2. Plans Review Fees/ Initial Fire Inspection**

Plans review Fees as follows:

Buildings to 5000 square feet \$150.00 increasing \$30.00 per 2000 sq. ft.

The above charges include all firewall inspections and one (1) re-inspection of plans for approval. There shall be a charge for all Subsequent plans review after the first re-inspection of \$30.00/ea.

### **Additional plans review charges:**

Fire Alarm System		\$150.00
Hood system (Cooking)		\$150.00 System
Fire Sprinkler System		\$150.00 per riser
Fire Pumps		\$150.00
Sprinkler heads		\$50.00 per 100 heads
Fire suppression systems		\$150.00
Paint spray booths		\$175.00
Above ground fuel storage	< 660 gal.	\$100.00
	> 660 gals	\$175.00
Below ground fuel storage		\$175.00
Redrawn or deviation from plans:		½ the plans review charge of the area changed.
Elevators		\$50.00/elevator
Temporary structures (tents)		\$75.00
Event Permits (carnivals, fairs, concerts, rodeo)		\$125.00 / event
Each vendor conducting cooking		\$35.00 per system

## **3. Excessive Fire Alarm Fees**

For the first through the third unnecessary/false alarm, inclusive, as set forth in Section 13 of this code, occurring in any twelve (12) month period, a warning shall be issued in writing. For the fourth through seventh unnecessary/false alarm in the same 12 month period, a fee of \$100.00 dollars shall be assessed; and for unnecessary/false alarms in excess of seven in one 12 month period shall be assessed a fee of \$300.00 dollars for each alarm.

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