

MEMORANDUM

HCCO
Agenda Item No. 1G2

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: July 17, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to fire prevention; amending chapter 14 of the Code; adding definitions; increasing penalties; revising provisions relating to supervision and authority over fires to comply with State law; revising definition of fire alarm system; expanding scope of owner's statement in the event of fire or explosion to include insured property; expanding representation on Fire Prevention and Safety Appeals Board; clarifying provisions relating to permits and plan review; prohibiting a person from failing to allow access for fire inspections; providing that any notice or citation shall be served upon the violator as provided in section 8CC-3(e) of the Code; revising provisions relating to special assessments and liens; expanding scope of prohibitions regarding interference with Fire Department operations; conforming requirements that clear space around fire hydrants comply with the Florida Fire Prevention Code; revising definition of fire alarm system and circumstances that require upgrades to a fire alarm system; creating provisions regarding the silencing and resetting of fire alarm systems, and the closure of fire extinguishing systems; revising provisions regarding tents, membrane structures and air-supported structures; requiring specified training for crowd managers; amending permitting requirements for permanent sales facilities to sell fireworks and sparklers; imposing requirements regarding site access including a phase in period; defining critical areas and required radio coverage; regulating access boxes, premises identification, emergency action plans, and fire protection system identification; adopting specified standards of the National Fire Protection Association; amending section 8CC-10 of the Code; imposing civil penalties

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.


Abigail Price-Williams
County Attorney

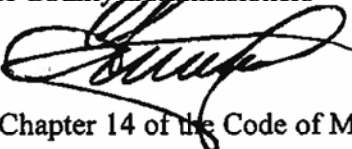
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Memorandum



Date: April 9, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Amending Chapter 14 of the Code of Miami-Dade County, Florida Relating to Fire Prevention

RECOMMENDATION

It is recommended that the Board of County Commissioners ("Board") approve the attached ordinance amending Chapter 14 of the Code of Miami-Dade County, Florida. The language in the proposed ordinance makes necessary changes to the Fire Prevention Code for Miami Dade County, and amends the Florida Fire Prevention Code so as to protect the health, safety and welfare of the residents of and visitors to the County.

SCOPE

This proposed ordinance will have countywide impact, including the municipal fire departments within Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

It is anticipated that the implementation of this ordinance will not have a fiscal impact to Miami-Dade County. The County will work with affected property owners to minimize the fiscal impacts of the ordinance to property owners.

TRACK RECORD/MONITOR

Enforcement of Chapter 14 is under the jurisdiction of MDFR Fire Marshal, Alan Cominsky.

BACKGROUND

The language in the proposed ordinance makes necessary changes to the Fire Prevention Code for Miami Dade County. The State adopts a statewide Florida Fire Prevention Code ("FFPC") which includes the bulk of regulations related to the prevention and control of fires. Chapter 14 supplements those regulations and amends the FFPC in order to address specific issues of interest to Miami Dade County. This ordinance is necessary because the County is required to re-adopt and re-submit local amendments to the FFPC every three (3) years.

Specifically, the proposed ordinance makes amendments to the following sections:

- 14-1: Definitions: adds definitions related to agricultural burning to comply with statutory requirements.
- 14-2: Penalty for violations: increases to \$500 the civil penalty that a judge may impose for violations of Chapter 14.

14-11-

14-15: Exempts certain fires related to agricultural operations from the provisions of Chapter 14; the County is preempted by State law from regulating such fires.

14-19: Expands the scope of current language related to automobile fires to all fires where property loss occurs. The language requires an owner of property to submit a statement to the Fire Department, under penalty of perjury, stating any knowledge he or she may have about such a fire.

14-35: Expands representation on the Fire Prevention and Safety Appeals Board.

14-39-

14-40: Clarifies which occupancies require review of plans and inspection.

14-43: Adds clarifying language related to the issuance of civil violation notices.

14-47: Requires persons to arrange for the inspection of premises.

14-48: Clarifies that notices or citations are served in accordance with the provisions of Chapter 8CC-3(E) of the Code.

14-49: Clarifies the remedies available for correction of violations.

14-50: Revises provisions related to special assessments and liens.

14-51: Expands current prohibitions on interference with Fire Department operations to fires and other emergencies.

14-52: Conforms fire hydrant clearance requirements to the Florida Fire Prevention Code.

14-61-

14-62: Revises definitions related to fire alarm systems and provides language on unauthorized tampering or resetting of fire alarm and fire sprinkler systems.

14-64: Conforms to State law regarding the requirements for tents and membrane structures.

14-65: Requires training for crowd managers.

14-67: Amends the permitting requirements for sales facilities for fireworks and sparklers.

14-68: Imposes requirements for minimum width of existing access gates to accommodate Fire Department apparatus.

14-69: Defines areas within a building that require appropriate emergency communications radio coverage as critical areas.

- 14-71: Allows the Authority Having Jurisdiction to require an access box for entry into areas housing fire protection equipment in order to quickly investigate and mitigate activations.
- 14-72: Codifies existing fire department practice that requires posting of approved address numbers on buildings and structures in order to assist with prompt response to emergency incidents.
- 14-73: Requires those facilities subject to FFPC requirements for Emergency Action Plans to submit those plans for review by the Authority Having Jurisdiction.
- 14-74: Requires signage on rooms within structures housing fire protection equipment for rapid identification during Fire Department response.
- 14-75: Adopts additional NFPA standards to the local fire code.

The proposed ordinance also makes related changes to the Schedule of Penalties found in Chapter 8CC of the Code to accommodate amended and new code sections of Chapter 14.



Maurice L. Kemp
Deputy Mayor

Memorandum



Date:

To: Honorable Chairwoman Audrey Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to be "Carlos A. Gimenez", written over a horizontal line.

Subject: Social Equity Statement – Ordinance Relating to Fire Prevention and Safety

The proposed ordinance amends Chapter 14 of the Code of Miami Dade County, related to Fire Prevention, to clarify current language. Specifically, this amendment incorporates the current Florida Fire Prevention Code into the Code of Miami-Dade County, as to comply with the requirements of State Law. This amendment does not substantially change current Fire Prevention code enforcement procedures or policies performed by Miami-Dade County Fire Rescue Department. The proposed ordinance will provide a greater degree of life safety and grant first responders the ability to respond to emergencies effectively.

A handwritten signature in black ink, appearing to be "M. Kemp", written over a horizontal line.

Maurice L. Kemp
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 9, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(O)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(O)

4-9-19

ORDINANCE NO. _____

ORDINANCE RELATING TO FIRE PREVENTION; AMENDING CHAPTER 14 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ADDING DEFINITIONS; INCREASING PENALTIES; REVISING PROVISIONS RELATING TO SUPERVISION AND AUTHORITY OVER FIRES TO COMPLY WITH STATE LAW; REVISING DEFINITION OF FIRE ALARM SYSTEM; EXPANDING SCOPE OF OWNER'S STATEMENT IN THE EVENT OF FIRE OR EXPLOSION TO INCLUDE INSURED PROPERTY; EXPANDING REPRESENTATION ON FIRE PREVENTION AND SAFETY APPEALS BOARD; CLARIFYING PROVISIONS RELATING TO PERMITS AND PLAN REVIEW; PROHIBITING A PERSON FROM FAILING TO ALLOW ACCESS FOR FIRE INSPECTIONS; PROVIDING THAT ANY NOTICE OR CITATION SHALL BE SERVED UPON THE VIOLATOR AS PROVIDED IN SECTION 8CC-3(E) OF THE CODE; REVISING PROVISIONS RELATING TO SPECIAL ASSESSMENTS AND LIENS; EXPANDING SCOPE OF PROHIBITIONS REGARDING INTERFERENCE WITH FIRE DEPARTMENT OPERATIONS; CONFORMING REQUIREMENTS THAT CLEAR SPACE AROUND FIRE HYDRANTS COMPLY WITH THE FLORIDA FIRE PREVENTION CODE; REVISING DEFINITION OF FIRE ALARM SYSTEM AND CIRCUMSTANCES THAT REQUIRE UPGRADES TO A FIRE ALARM SYSTEM; CREATING PROVISIONS REGARDING THE SILENCING AND RESETTING OF FIRE ALARM SYSTEMS, AND THE CLOSURE OF FIRE EXTINGUISHING SYSTEMS; REVISING PROVISIONS REGARDING TENTS, MEMBRANE STRUCTURES AND AIR-SUPPORTED STRUCTURES; REQUIRING SPECIFIED TRAINING FOR CROWD MANAGERS; AMENDING PERMITTING REQUIREMENTS FOR PERMANENT SALES FACILITIES TO SELL FIREWORKS AND SPARKLERS; IMPOSING REQUIREMENTS REGARDING SITE ACCESS INCLUDING A PHASE IN PERIOD; DEFINING CRITICAL AREAS AND REQUIRED RADIO COVERAGE; REGULATING ACCESS BOXES, PREMISES IDENTIFICATION, EMERGENCY ACTION PLANS, AND FIRE PROTECTION SYSTEM IDENTIFICATION; ADOPTING SPECIFIED STANDARDS OF THE NATIONAL FIRE PROTECTION ASSOCIATION; AMENDING SECTION 8CC-10 OF THE CODE; IMPOSING CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 14 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Chapter 14 - FIRE PREVENTION

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

Unless specifically defined elsewhere in this Chapter, the definitions provided in >>this section<< shall apply.

>>(A) Agricultural burning shall be defined as the burning of vegetable material originating on site in conjunction with the cultivation of land, and including: gardening or horticulture; plant growing; raising of vegetables, trees, shrubs, plants, pastures or rangeland.

(B) Bonfire shall be defined as a fire exceeding the size requirements of a recreational fire and which is built in the open air for warmth, entertainment, or celebration.

(C) Broadcast burning shall be defined as the burning of agriculture or natural vegetation by allowing fire to move across a predetermined area of land. The term does not include the burning of vegetable debris that is piled or stacked.<<

((~~B~~))>>D<<) *Chief Fire Official* shall mean either the Miami-Dade County Fire Chief, as described in Section 2-181 of the Code of Miami-Dade County, or the chief of the fire department

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

of the municipality having jurisdiction over fire safety and prevention responsibilities, or his or her designee.

>>(E) Fire Department having jurisdiction shall mean the Miami-Dade Fire Rescue Department, or the municipal fire department of the municipality having jurisdiction over fire safety and prevention responsibilities.<<

(([[E]])>>F<<) Florida Fire Prevention Code shall be defined as the applicable fire safety code for the State of Florida adopted by the State Fire Marshal pursuant to Chapter 633, Florida Statutes, as the same may be amended from time to time.

(([[A]])>>G<<) Miami-Dade Fire and Rescue Service District shall be defined as the special district created and established in Miami-Dade County, Florida by Ordinance No. 80-86 as described and modified by Chapter 18, Article II of the Code of Miami-Dade County.

>>(H) NFPA shall mean the National Fire Protection Association.

(I) Pile burning shall be defined as the burning of silvicultural, agricultural, or land clearing and tree cutting debris originating on site that has been stacked together in a round or linear (windrow) fashion.

(J) Silviculture shall be defined as a forestry operation dealing with the establishment, development, reproduction, and care of forest flora and fauna.

(K) Recreational fire shall be defined as the noncommercial burning of materials other than rubbish for pleasure, religious, ceremonial, cooking, or similar purposes in which the fuel burned is not contained in an incinerator, a barbecue grill, or a barbecue pit, and the total fuel area is not exceeding three feet in diameter and two feet in height.<<

Sec. 14-2. - Penalty for violations.

Unless otherwise provided, a violation of any of the provisions of this Chapter, shall constitute a civil offense and >>be<< punishable by a civil penalty of not more than ~~[[two hundred dollars (\$200.00)]]~~>>\$500.00<< or by imprisonment in the County Jail for a term not exceeding ~~[[sixty-]]60[[]]~~ days, or by both such fine and imprisonment in the discretion of the court, and

the penalties herein provided shall extend to both the actual violator and to any person or persons, firm or corporation causing, directing or permitting such violation.

* * *

ARTICLE II. - REQUIREMENTS WITHIN THE MIAMI-DADE FIRE AND RESCUE SERVICE DISTRICT

Sec. 14-10. - Applicability.

Sections 14-11 through 14-29 shall only apply in the Miami-Dade County Fire Rescue and Service District.

Sec. 14-11. - Supervision and Authority Over ~~[[All]]~~ Fires By Miami-Dade County Fire Chief.

- (A) >>Except as provided in subsection (D), the<<~~[[The]]~~ setting of all fires, the burning of all trash and brush, and the clearing of all fields, woods, prairie or other lands by fire shall be under the jurisdiction of the Miami-Dade County Fire Chief, and in accordance with such rules and regulations as may be prescribed therefore.
- (B) >>Except as provided in subsection (D), the<<~~[[The]]~~ Miami-Dade County Fire Chief, at proper periods of the year and under conditions favorable therefore, may permit, authorize, order and require the burning of fields, woods, prairies, trash piles, brush heaps or other accumulations of combustible or flammable material by the owner, proprietor, lessee, tenant or other occupant. Such permit, authority, order or requirement by the Miami-Dade County Fire Chief shall not excuse or relieve the person or persons to whom issued from any liability or responsibility for damages which may result from carelessness or neglect on his or her part in setting, starting, looking after or guarding fires permitted, authorized, ordered or required to be set.
- (C) The Miami-Dade County Fire Chief shall have authority and power to require the owner, proprietor, lessee, tenant or occupant of land, property, or structures to burn or otherwise dispose of material deemed necessary for safety purposes to be burned or otherwise disposed of. Failure or refusal to do so, shall subject such owner, proprietor, lessee, tenant or other occupant to the penalties provided in Section 14-2 of this Code.

>>(D) Notwithstanding the foregoing, the Florida Forest Service has exclusive authority to require and issue authorizations for broadcast burning, agricultural burning, silvicultural burning and pile burning.<<

Sec. 14-12. - Setting >>certain<< fires without permit prohibited.

(A) >>Except as provided in section 14-11, it<<[[It]] shall be unlawful for any person or persons, firm or corporation to set fire to any lands, property, or structures; cause fire to be started or set on any lands, property, or structures; to clear any lands by fire; to set any field, forest or prairie fires; to encourage new pastures by firing; to smoke out or drive game by fire; or to abandon or leave unguarded any open fire without first obtaining a permit >>from the Miami-Dade County Fire Chief<<[[therefor]] as herein specifically provided.

(B) Permits shall not be required for non-commercial, contained >>recreational fires<<[[cooking fires]].

(C) Failure to observe and to comply with any terms and conditions of a permit shall be grounds for revocation of the permit.

>>(D) Any person who is issued a permit by the Miami-Dade County Fire Chief or the Florida Forest Service shall, prior to acting pursuant to the permit, contact the Miami-Dade County Fire Rescue Department, Fire Alarm Office, to notify the Department of his/her/its intention to burn as prescribed in the permit.<<

Sec. 14-13. - Procedure for obtaining permit.

(A) *Filing of application* >>with the Miami-Dade County Fire Chief or designee<<; *required information; form.* All applications for permits under Sections 14-11 through 14-12 shall be filed with the Miami-Dade County Fire Chief>>or his or her designee<<. The Miami-Dade County Fire Chief >>or his or her designee<< shall prescribe the form of application and furnish or make available such application forms to applicants upon request.

- (B) *Grounds for non-issuance of permit.* A permit shall not be issued when the Miami-Dade County Fire Chief or his or her designee has reasonable cause, based on applicable fire safety standards, to believe that the proposed fire or burning will endanger the public health, safety, welfare or other property.
- (C) *Application filing fees authorized.* The ~~[[County Mayor or his or her designee]]~~>>Board of County Commissioners<< may establish a schedule of filing fees to cover the cost of investigating and processing applications for permits.
- (D) *Contents of permit.* The permit issued hereunder shall show the time when the fire may be set, the area or property to be burned, the persons authorized to set such fire, and such special conditions as are necessary to protect public health, safety, welfare or other property.

* * *

Sec. 14-15. - Fire hazards prohibited.

- (A) It shall be unlawful for any proprietor, lessee, tenant, or other occupant of lands, property, or structures to have on his or her premises any brush heap, trash pile, accumulation of stacks or combustible or flammable material exposed to danger of fire or have the same in such location that the burning thereof may endanger the spread of fire to other property.
- (B) All brush resulting from the clearing of land, trash or other flammable or combustible material, when collected in piles, heaps or stacks, shall be protected from fire by the clearing of the land around such heaps or piles to prevent the spread of fire therefrom in case of fire>>.<<[[, and that such heap, pile or stack shall be burned in accordance with the terms of a permit issued by the Miami-Dade County Fire Chief or otherwise disposed of in accordance with law and ordinance.]]

Sec. 14-16. - Unlawful to burn forest, grass, woods, wild lands or marshes belonging to another.

It is unlawful for any person to burn or cause to be burned, or to set fire to or cause fire to be set to, any forest, grass, woods,

wild lands or marshes not owned or controlled by such person unless authorized by the Miami-Dade County Fire Chief or the Florida Forest Service.

Sec. 14-17. - Setting fires on rights-of-way.

It is unlawful for any person to set or cause to be set a fire within the confines of the right-of-way of any public road, State road, railroad, or in any other place and allow it to escape onto and burn over any adjoining land unless authorized by the Miami-Dade County Fire Chief or the Florida Forest Service.

Sec. 14-18. - False Fire Alarms.

(A) *Purpose.* The purpose of this section is to place responsibility on the fire alarm user to prevent >>false fire alarms<<, by use of appropriate mechanical, electrical, or other means [~~[-false fire alarms]~~].

(B) *Definitions.*

- (1) *Alarm user* means the person or other entity that owns, possesses, controls, occupies or manages any premises as defined below.
- (2) *False fire alarm* means a signal from a fire alarm system that elicits a response by the Fire Department when no actual or threatened fire-related emergency exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in nonemergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a fire alarm is false if personnel responding from the Fire Department do not discover any evidence of fire or other emergency after following normal Fire Department operating procedures in investigating the incident. An alarm is not false if the alarm user proves that (1) an individual activated the alarm based upon a reasonable belief that a fire-related emergency existed; (2) the alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted

an on-site inspection and personally observed the damage to the system; or (3) the alarm was activated by vandals.

- (3) *Fire alarm system* means ~~[[any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related emergency requiring urgent attention and to which Fire Department personnel may reasonably be expected to respond, but does not include such alarms installed in residential buildings of four (4) units or less]]~~>>a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals or any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related emergency requiring urgent attention and to which fire department personnel may reasonably be expected to respond, but does not include household alarms installed in one or two family dwellings and household fire alarm systems within the individual living units of multi-family dwellings<<.
 - (4) *Premises* means the building or structure or portion of a building or structure upon which is installed or maintained, a fire alarm system.
 - (5) *Vandal(s)* means a person or persons who willfully cause damage to a fire alarm system which results in the activation of a fire alarm.
- (C) *Fire alarms; posting requirements.* A fire alarm user shall conspicuously post at the main entrance to the alarm user's premises a notice stating (1) the name of an individual or alarm company able and authorized to enter the premises and deactivate the alarm; (2) emergency telephone numbers by which those individuals can be reached at all times; and (3) the name and address of the alarm user. The information must be kept current and failure to update this information within forty-eight (48) hours of any change constitutes a violation of this section.

- (D) *False fire alarms prohibited.* No fire alarm user shall cause, allow, or permit its fire alarm system to ~~[[give]]>>signal<<~~ three (3) or more false fire alarms in any calendar year.
- (E) *Inspection requirements.* After the second and each additional false fire alarm in one (1) calendar year, the alarm user shall, within thirty (30) days after the second or subsequent fire alarm activation, file a written inspection and test report with the Fire Department from a licensed fire alarm contractor stating that the fire alarm system has been inspected and tested since the last false fire alarm. The report shall set forth the probable cause of the activation and describe any repairs, modifications made or actions taken to prevent additional false alarm activations. The inspection and test report shall also state that the system is currently fully functional and without deficiencies. However, manual station activations that have been reset successfully do not require post—activation inspection.
- (F) *Penalties.* Each violation of this section shall be punished as follows:
 - (1) For a first violation of Section 14-18(C), by a fine of two hundred fifty dollars (\$250.00).
 - (2) For a second and each additional violation of Section 14-18(C), by a fine of five hundred dollars (\$500.00).
 - (3) For the third false fire alarm in one (1) calendar year, by a fine of five hundred dollars (\$500.00).
 - (4) For the fourth and each additional false fire alarm in one (1) calendar year, by a fine of one thousand dollars (\$1,000.00).
 - (5) For each violation of Section 14-18(E), a fine of two hundred fifty dollars (\$250.00).
- (G) *Enforcement.* The section shall be enforced by the code enforcement provisions of Chapter 8CC of the Code of Miami-Dade County.

Sec. 14-19. – ~~[[Motor—Vehicle]]>>Property<< Fires and Explosions; Owner's Statement to the Miami-Dade County Fire Rescue Department.~~

- (A) Whenever an insured ~~[[motor vehicle]]~~>>property<< suffers loss or damage caused by fire or explosion within the Miami-Dade Fire and Rescue Service District, the ~~[[vehicle's]]~~>>property<< owner of record shall submit to the Miami-Dade County Fire Rescue Department a statement signed under penalty of perjury setting forth the owner's knowledge of the incident (the "Owner's Statement"). The Owner's Statement shall contain such information as may reasonably be required by the Miami-Dade County Fire Chief, and shall be on such forms as may be prescribed by the Miami-Dade County Fire Chief.
- (B) The Miami-Dade County Fire Chief's >>or designee's<< investigation shall not be deemed to be completed until receipt by the Miami-Dade County Fire Chief of an Owner's Statement completed to the reasonable satisfaction of the Miami-Dade County Fire Chief >>or designee<<.
- (C) The Miami-Dade County Fire Chief >>or designee<< may in his or her discretion waive the requirements of this section upon a determination that the loss or damage to the ~~[[motor vehicle]]~~>>property<< was accidental.

* * *

ARTICLE III. - REQUIREMENTS THROUGHOUT MIAMI-DADE COUNTY

Sec. 14-30. - Applicability.

Sections 14-31 through 14-59 shall apply in the incorporated and unincorporated areas of Miami-Dade County.

Sec. 14-31. - Repeal of conflicting or inconsistent municipal and County laws.

This article is intended and shall be construed as constituting minimum standards for all governmental units in Miami-Dade County with respect to fire prevention and safety standards, in accordance with the provisions of Section 1.01(A)(18) of the Home Rule Charter of ~~[[Government for]]~~ Miami-Dade County, Florida. To the extent of the minimum standards herein provided, all County and municipal ordinances, County and municipal resolutions, municipal charters, special laws applying only to Miami-Dade County or any general law which the County Commission is authorized by the constitution to supersede, nullify or amend, and

any part of any such ordinance, resolution, charter, or law in conflict with or inconsistent with the minimum fire prevention and safety standards herein established are hereby repealed and superseded.

Sec. 14-32. - Adoption by reference.

In accordance with Chapter 633, Florida Statutes, the Florida Fire Prevention Code is the applicable fire prevention code for Miami-Dade County.

Sec. 14-33. - Intent; construction.

- (A) The intent of this article is to protect the public health, safety and welfare by prescribing minimum standards for fire prevention and safety.
- (B) This article is hereby determined to be remedial and essential to protect the public health, safety, and welfare.
- (C) This article shall be liberally construed to protect the public health, safety, and welfare.
- (D) This article shall not be construed to provide any independent cause of action or claim for relief of any kind whatsoever except as expressly provided in this article.

Sec. 14-34. - Minimum standards.

The Florida Fire Prevention Code, Articles III and IV of this Chapter, >>applicable Florida Statutes,<< and the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time, are the minimum fire and life safety standards in the incorporated and unincorporated areas of Miami-Dade County.

Sec. 14-35. - Miami-Dade County Fire Prevention and Safety Appeals Board.

- (A) *Established.* There is hereby created and established the Miami-Dade County Fire Prevention and Safety Appeals Board.
- (B) *Membership.* This Board shall consist of thirteen (13) members appointed by the County Commission. In order to secure representative membership upon the Board, the Board shall be comprised of members with the following specialties: (i) licensed architects,

(ii) >>registered<<[[~~licensed~~]] engineers, (iii) licensed general contractors possessing a current certificate of competency, (iv) >>past or current<< representatives from the firefighting services, (v) commercial real estate developers, [[~~and~~]] (vi) licensed community association managers >>, and (vii) persons in the field of occupational or industrial safety<<. The Board may not consist of more than three (3) individuals from any one specialty. All members shall be appointed for a term of four (4) years. Unless otherwise specifically provided herein, the provisions of Chapter 2, Article IB of the Code of Miami-Dade County shall govern.

* * *

Sec. 14-36. - Appeals from actions or decisions.

- (A) Any person aggrieved by any action or decision described in Section 14-35(>>E<<[[~~D~~]])(1) and (2) of this Code may appeal to the Miami-Dade County Fire Prevention and Safety Appeals Board by filing with the Secretary of said Board a written notice of appeal within thirty (30) days after the date of the action or decision which is the subject of the appeal. Filing of a written notice of appeal shall not stay the effect of any such action or decision which is the subject to the appeal. The written notice of appeal shall set forth concisely the date and nature of the action or decision to be reviewed as well as the reasons or grounds for the appeal.

* * *

Sec. 14-39. - Permits.

- (A)>>(1)<< No person shall operate, utilize or occupy, or cause, allow, let, permit or suffer to be operated, utilized or occupied any facility, instrumentality, real property, building, structure, or premises, other than one-and-two family residential dwellings and individual residential dwelling units within a multi-family residential building that [[~~are~~]]>>is<< not used in a way that requires a State license and an inspection for compliance, in the unincorporated or incorporated areas of Miami-Dade County, without having obtained an annual operating permit from the

Fire Department having jurisdiction pursuant to this article or in violation of any condition, limitation or restriction which is part of such a permit.

>>(2) No person shall construct or alter any facility, building, structure, or premises, other than one and two-family residential dwellings not used in a way that requires a state license and an inspection for compliance in the unincorporated or incorporated area of Miami-Dade County, without having first obtained a construction permit and approval from the Fire Department having jurisdiction.<<

- (B) No person shall own, operate, utilize or occupy, or cause, allow, let, permit or suffer to be operated, utilized or occupied any vacant or abandoned facility, instrumentality, real property, building, structure, or premises, other than one-and-two family residential dwellings, in the unincorporated or incorporated areas of Miami-Dade County, without having obtained an annual operating permit from the Fire Department having jurisdiction pursuant to this article or in violation of any condition, limitation or restriction which is part of such a permit.
- (C) The criterion for issuance of a permit by the Fire Department having jurisdiction shall be payment of the permit fee, compliance with the applicable provisions of this Chapter, the Florida Fire Prevention Code or, within a municipality, any fire safety standards adopted by a municipality which are more stringent than the applicable fire safety standards in this Chapter or in the Florida Fire Prevention Code, or in the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time. The Fire Department having jurisdiction may require conditions, limitations and restrictions as part of any permit if said conditions, limitations, or restrictions are consistent with the applicable provisions of this Chapter, the Florida Fire Prevention Code, and, within a municipality, any fire safety standards adopted by a municipality which are more stringent than the applicable fire safety standards in this Chapter or in the Florida Fire Prevention Code, or in the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

- (D) The Fire Department having jurisdiction may deny the issuance of, suspend or revoke any permit for failure to pay the permit fee, comply with the applicable provisions of this Chapter, the Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal as all of same may be amended from time to time, or, within a municipality, any fire safety standards adopted by a municipality which are more stringent than the applicable fire safety standards in this Chapter, or in the Florida Fire Prevention Code, or in the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.
- (E) The Fire Department having jurisdiction may deny the issuance of any such permit or revoke or suspend any such permit for failure to comply with the conditions, limitations and restrictions of any such permit.
- (F) Permits shall at all times be kept on the premises designated therein, and shall at all times be subject to inspection by any representative of the fire, police, or any other regulatory agency.
- (G) All applications for permits pursuant to this section shall be in the manner prescribed by the Fire Department having jurisdiction and accompanied by the required fee. The fees shall be established by implementing order of the County Mayor and approved by the Board of County Commissioners for permits within the jurisdiction of the Miami-Dade Fire and Rescue Service District. The fees for permits within municipalities outside of the Miami-Dade Fire and Rescue Service District shall be established by the governing body of the respective municipalities.
- (H) Permits shall not be transferable and any change ~~[[in use or occupancy]]~~ >>in use, occupancy, or ownership<< shall require a new permit.
- (I) *Special Permits.* The Fire Department having jurisdiction may require a permit for any short-term occupancy, facility, use, or process, not otherwise provided for in this Chapter, the Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal, or the standard adopted by the municipality, which are more stringent than the aforesaid, that is found to present or may present a danger to the public health, safety or welfare.

- (J) The permit fees payable hereunder shall be deposited in a separate County fund, or, in the case of the aforesaid municipalities, in separate municipal funds, to be used exclusively by the Fire Department of the jurisdiction to pay for the costs of the following:
- (1) Investigation, preparation, and prosecution of civil and criminal actions, pursuant to this Chapter or the Florida Fire Prevention Code, to enforce the provisions of this Chapter, the Florida Fire Prevention Code and, in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than the applicable provisions in this Chapter, the Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.
 - (2) Monitoring, permitting, and inspection of facilities, instrumentalities, and real property to determine and seek to ensure compliance with this Chapter, the Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time, and, in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than the applicable provisions in this Chapter, the Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.
 - (3) Responding to and attempting to resolve citizen complaints against violations or possible violations of this Chapter, the Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time, and in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than the applicable provisions of this Chapter, the Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.
 - (4) Fire safety and prevention>>, education,<< planning, ~~[[protection]]~~, and programming.

- (K) No part of such separate County and separate municipal funds shall be used for purposes other than the aforesaid. The amount of said fees shall be reasonably ~~[[regulated]]~~>>related<< to the cost of the services and regulation provided.

Sec. 14-40. - Plan review.

- (A) The plans and specifications for the construction, erection, alteration, repair, renovation, modification, reconstruction, change of use or occupancy classification or demolition of any facility, instrumentality, real property, building, structure, or premises (other than one-and-two family residential dwellings ~~[[and individual residential dwelling units within a multi-family residential building]]~~) that are not used in a way that requires a State license and an inspection for compliance) that requires a building permit must be reviewed and approved by the Chief Fire Official for compliance with the Florida Fire Prevention Code, the applicable provisions of this Chapter, the rules and regulations of the State Fire Marshal, and any fire safety standards adopted by the municipality which are more stringent than the applicable fire safety standards in this Chapter, the Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

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Sec. 14-43. - Enforcement; procedure; remedies.

- (A) It shall be unlawful for any person to violate or to permit, allow, let or suffer any violation of: ~~[[Any]]~~>>any<< of the applicable provisions of this Chapter, the Florida Fire Prevention Code, or any fire safety standard of a municipality which is more stringent in accordance with Sections 633.206 or 633.208, Florida Statutes, as all of same may be amended from time to time; any condition, limitation or restriction which is part of a permit issued pursuant to this Chapter or the Florida Fire Prevention Code, as all of same may be amended from time to time; lawful orders of the Chief Fire Official and consent agreements. In addition to any other judicial or administrative remedies provided by this Chapter or by the Florida Fire Prevention Code, the Chief Fire Official shall have the following remedies:

- (1) To issue a notice of violation(s) and order to correct ~~[[in accordance with Section 633.214, Florida Statutes, as amended from time to time]]~~. A notice of violation(s) and order to correct shall be understood to be a warning notice in accordance with Section 633.214, Florida Statutes.
- (2) To issue a civil violation notice in accordance with Section 633.214, Florida Statutes, and Miami-Dade County Code, Chapter 8CC, as amended from time to time. A civil violation notice shall be understood to be a citation in accordance with Section 14-48 of the Code of Miami-Dade County and Section 633.214, Florida Statutes.
- (3) To institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of: ~~[[Any]]~~>>any<< of the applicable provisions of this Chapter or of the Florida Fire Prevention Code, as all of same may be amended from time to time; any lawful order of the Chief Fire Official; any fire safety standard of a municipality which is more stringent in accordance with Sections 633.206 or 633.208, Florida Statutes, as amended from time to time; any condition, limitation, or restriction which is part of a permit issued pursuant to this Chapter or the Florida Fire Prevention Code, as all of same may be amended from time to time; or any consent agreement.
- (4) To institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty in an amount of not more than twenty-five thousand dollars (\$25,000.00) for each violation of: Any of the applicable provisions of this Chapter or of the Florida Fire Prevention Code, as all of same may be amended from time to time; any lawful order of the Chief Fire Official; any fire safety standard of a municipality which is more stringent in accordance with Sections 633.206 or 633.208, Florida Statutes, as amended from time to time; any condition, limitation, or restriction which is part of a permit issued pursuant to this article or the Florida Fire Prevention Code, as all of same may be amended from time to time; or any consent agreement.

- (5) To institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief to recover any sums expended and costs incurred for:
 - (i) Tracing, investigating, preventing, controlling, abating, or remedying violations of: ~~[[This]]~~>>this<< Chapter, the Florida Fire Prevention Code and fire safety standard adopted by a municipality which are more stringent in accordance with Sections 633.206 or 633.208, Florida Statutes, as all of same may be amended from time to time; or any lawful order of the Chief Fire Official; or any condition, limitation, or restriction which is a part of a permit issued pursuant to this article or the Florida Fire Prevention Code, as all of same may be amended from time to time; or any consent agreement.
 - (ii) Restoration of the air, waters, property, animal life, aquatic life and plant life within the County or municipality to their former condition.

- (B) >>Unless otherwise provided,<< ~~[[Each]]~~>>each<< day during any portion of which such violation occurs or continues to occur constitutes a separate violation. >>To the extent provided by applicable law,<<~~[[The]]~~>>the<< right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalties to be imposed and recovered hereunder.

Sec. 14-44. - Civil penalty and restitution fund.

- (A) The sums recoverable by the Chief Fire Official, pursuant to Section 14-43(A)(4) and (5) shall be deposited (i) in a separate County fund for sums recovered by the Miami-Dade Fire Chief, or (ii) in separate municipal funds for sums recovered by the Chief Fire Official of the respective municipalities outside of the Miami-Dade Fire and Rescue Service District.
- (B) The aforesaid separate County and separate municipal funds shall only be used to pay for the following:

- (1) Tracing, investigating, controlling, abating, and remedying violations of this Chapter, the Florida Fire Prevention Code and, in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than the applicable provisions in this Chapter, the Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.
 - (2) Restoration of the air, waters, property, animal life, aquatic life and plant life within the County or municipality to their former condition.
 - (3) Fire safety and prevention >>, education<<, planning, ~~[[protection]]~~, and programming.
 - (4) Responding to and attempting to resolve citizen complaints against violations or possible violations of this Chapter, the Florida Fire Prevention Code, and, in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than the applicable provisions of this Chapter, the Florida Fire Prevention Code, or the ~~[[rule]]~~>>rules<< and regulations of the State Fire Marshal, as all of same may be amended from time to time.
 - (5) Investigation, preparation, and prosecution of civil and criminal actions, pursuant to this Chapter or the Florida Fire Prevention Code, to enforce the provisions of this Chapter, the Florida Fire Prevention Code and, in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than the applicable provisions in this Chapter, the Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.
- (C) No part of such separate County and separate municipal funds shall be used for purposes other than the aforesaid.

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Sec. 14-47. - Inspections.

- (A) The Chief Fire Official shall have the authority to inspect, at any reasonable time, any property, premises, building or place, public or private, residential or nonresidential, owner-occupied or non-owner occupied, within the jurisdiction, for the purpose of:
- (1) Ascertaining and causing to be corrected any conditions which may cause or contribute to a fire or which may endanger life and property due to fire;
 - (2) Enforcing the applicable provisions of the Florida Fire Prevention Code, Chapter 633, Florida Statutes, this Chapter, the rules and regulations of the State Fire Marshal, and any municipal ordinance containing fire safety standards which are more stringent than the foregoing; and to investigate the cause, origin, circumstances of every fire occurring within the jurisdiction which is suspicious in nature or which involves the loss of life or injury to person or by which property has been damaged.
- (B) An inspection, which may consist of entry, monitoring, testing, sampling, photographing conditions, ~~>>and<<[[or]]~~ reviewing documentation ~~[[conducted]]>>~~provided<< by third parties, may be conducted if:
- (1) Consent for the inspection is received from the owner or person in charge of the property, building, premises or place; or
 - (2) The inspection is being conducted to determine whether to issue a permit in accordance with Section 14-39 of this Code; or
 - (3) An inspection warrant as provided under Florida law is obtained; or
 - (4) The inspection is otherwise authorized by law.
- (C) No person shall obstruct, hamper, or interfere with any such inspection ~~>>or fail to allow or arrange access for inspection<<~~.

Sec. 14-48. - Orders.

- (A) Whenever evidence has been received establishing that a violation of the applicable provisions of this Chapter, the Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal, or any fire safety standards of a municipality which are more stringent than any of the foregoing, has occurred or may reasonably be expected to occur, the Chief Fire Official may issue, in their discretion, a notice to correct the violation or a citation to cease the violation. Any notice or citation shall be served upon the violator ~~[[by personal service or certified mail to the violator's last known address or by posting a copy in a conspicuous place at the premises of the violation]]~~ >>as provided in section 8CC-3(e), as may be amended from time to time.<< Such notice or citation shall set forth the nature of the violation and specify a reasonable time within which the violation shall be rectified or stopped. Reasonable time herein means the shortest practicable time to rectify or stop the violation. Such notice or citation may require the violator to restrict, cease or suspend use or operation of the facility or premises. Any orders hereunder may be enforced as provided in Section 14-43 of this article. This provision shall not be construed to require the issuance or service of a notice of violation or citation to cease or other order prior to initiating proceedings against a violator pursuant to Section 14-43 of this article.
- (B) For the purposes of this article, a violator shall mean the owner, lessee >>tenant<< and any other person responsible for the condition of the premises. In the case of a corporation it shall also mean the resident agent, any director or officer. In the case of a partnership it shall also mean any partner.

Sec. 14-49. - Correction of violations.

- (A) When a violation of the applicable provisions of this Chapter, the Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal or any fire safety standard of a municipality more stringent than any of the foregoing, has occurred or continues to exist or when there is a reasonable likelihood of imminent endangerment to life or property because of a threatened violation of any of the foregoing provisions, the Chief Fire Official, in his or her discretion, may:

- (1) Take any action necessary to prevent such a violation, and
- (2) Trace, investigate, control, abate and remedy such a violation, and
- (3) Restore the air, waters, property, animal life, aquatic life and plant life within the County or municipality to their former condition~~[[.]]>>, and<<~~

>>(4) Issue a uniform civil violation notice for each violation.<<

- (B) This section shall not be construed to provide a defense to or otherwise relieve or limit the liability or responsibility of any person who violated or is violating the particular provisions of law or ordinance aforesaid. Any sums expended may be recovered as provided by Section 14-43(A)(5)(i) and (ii).

Sec. 14-50. - >>Special Assessments and<< Liens.

>>(A) Special Assessments.<< Owners of real property shall be liable for the sums expended by the County or municipality pursuant to Section 14-49 of this article when the violation occurred or continued to exist or appeared imminent upon the real property aforesaid, regardless of fault and regardless of knowledge of the aforesaid violation. All sums expended by the county or municipality pursuant to Section 14-49 of this article shall constitute and are hereby imposed as special assessments against the real property aforesaid, and until fully paid and discharged or barred by law, shall remain liens equal in rank and dignity with the lien of County or municipal ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. All such sums shall become immediately due and owing to the County or municipality upon expenditure by the County or municipality and shall become delinquent if not fully paid within >>20<<[[~~sixty (60)~~]] days after the due date. All such delinquent sums shall bear a penalty of twelve (12) percent per annum. Unpaid and delinquent sums, together with all penalties imposed thereon, shall remain and constitute special assessment liens against the real property involved for the period of five (5) years from the due date thereof. Said special assessment liens may be enforced by the County or municipality by any of the methods provided in Chapter

85, Florida Statutes, or, in the alternative, foreclosure proceedings may be instituted and prosecuted by the County or municipality pursuant to the provisions of Chapter 173, Florida Statutes, or the collection and enforcement of payment thereof may be accomplished by any other method provided by law. All sums recovered by the County or municipality pursuant to this provision shall be deposited by the County or municipality into the fund from which said sums were expended.

>>(B) Liens Where Unpaid Civil Penalties. Unpaid civil penalties shall constitute a lien as provided in section 8CC-7, as may be amended from time to time.<<

Sec. 14-51. - Operations at Fire or Other Emergencies.

(A) *Authority at fires and other emergencies.* At the scene of a fire or other emergency involving the protection of life and/or property or any part thereof, the Chief Fire Official shall have the power and authority to direct such operations as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. In the exercise of such power, the Chief Fire Official may prohibit any person, vehicle, vessel or thing from approaching the scene and may remove or cause to be removed or kept away from the scene any vehicle, vessel or thing which may impede or interfere with fire rescue operations and, in the judgment of the Chief Fire Official, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

(B) *Interference with fire rescue department or certain acts prohibited at or near fires >>or other emergencies<<.*

(1) It shall be unlawful for any person to obstruct the operations of the Fire Department in connection with extinguishing any fire, or >>performing other fire, rescue, or emergency medical services<<[[~~other emergency~~]], or disobey any lawful command of the Chief Fire Official, or any designee who may be in charge at such a scene, or any part thereof, or any law enforcement officer assisting the fire rescue department.

- (2) It shall be unlawful to commit any of the following acts at the burning of a building or at any other time and place where any firefighters are discharging or attempting to discharge an official duty:
- (i) To resist or interfere with the lawful efforts of any firefighter in the discharge of or attempting to discharge an official duty.
 - (ii) To disobey the lawful orders of any firefighter or public officer.
 - (iii) To engage in any disorderly conduct which delays or prevents a fire from being timely extinguished.
 - (iv) To forbid or prevent others from assisting in extinguishing a fire or exhort another person, as to whom he has no legal right or obligation to protect or control, from assisting in extinguishing a fire.
 - (v) To possess any flammable, explosive or combustible material or substance, or any device in an arrangement or preparation, with intent to willfully and maliciously use such material to set fire to or burn any buildings or property.
 - (vi) To possess, manufacture or dispose of a firebomb containing flammable liquid, having a wick or similar device capable of being ignited, excluding commercially manufactured devices primarily for the purpose of illumination.
- (3) *Authority to barricade.* At the scene of a fire or other emergency, the Chief Fire Official shall have the authority to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accident or interference with the lawful efforts of the fire rescue department to manage and control the fire or other emergency situation and to handle fire apparatus.

**Sec. 14-52. - General Provisions at Fires and Other
Emergency Operations.**

- (A) *Tampering With Apparatus or Equipment.* No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment or appurtenance belonging to or under the supervision and control of the Fire Department without authority from the Chief Fire Official.
- (B) *Following or Parking Near Fire Apparatus.* No driver of any vehicle, other than an authorized emergency vehicle on official business, shall follow any fire or emergency apparatus traveling in response to a fire or other emergency closer than five hundred (500) feet or park such vehicle within five hundred (500) feet where any fire or other emergency vehicle has stopped in response to a fire alarm or other emergency.
- (C) *Crossing fire lines.* No vehicle shall be driven over any unprotected hose of the fire rescue department when laid down on any street or private driveway for use in any fire rescue operation, without the consent of the Chief Fire Official.
- (D) *Tampering with fire hydrants or fire appliances or obstructing fire hydrants, unauthorized operation of hydrants.*
 - (1) No person shall remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this Chapter, the Florida Fire Prevention Code, or, within a municipality, any fire safety standards adopted by a municipality which are more stringent than the applicable fire safety standards in this Chapter, in the Florida Fire Prevention Code, or in the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time except for the purpose of extinguishing fire, training purposes, recharging, or making necessary repairs, or when permitted by the fire rescue department. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished.

- (2) No person shall obstruct in any manner the use of any fire hydrant, or have or place or cause to be placed any material in front thereof from the curb-line to the center of the street, within fifteen (15) feet from either side thereof, nor shall any person open or cause to be opened any fire hydrant without the knowledge and consent of the Chief Fire Official.
- (E) *Tampering with barricades, etc.* No person, except a person authorized by the Chief Fire Official or a public officer acting within the scope of his or her public duties, shall remove, unlock, destroy, tamper with or otherwise molest in any manner any lock, gate, door, barricade, chain, enclosure, sign, tag or seal which has been lawfully installed by the fire rescue department or by its order or under its control.
- (F) *Obstruction of fire protection equipment.* No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire rescue department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. ~~[[A minimum three (3) foot clear space shall be maintained around the circumference of the hydrants except as otherwise required or approved by the Chief Fire Official.]]>>~~ Clear space around each fire hydrant shall be as specified in the Florida Fire Prevention Code.<<

Sec. 14-53. - Open Areas.

- (A) Open areas used for commercial activity including, but not limited to, the sales of vehicles, boats, and merchandise, carnivals, ~~[[and]]~~ fairs>>, assemblies or other uses<< shall be in compliance with the applicable sections of this Chapter.
- (B) A permit, in accordance with Section 14-39 of this article from the Fire Department having jurisdiction shall be required for those uses described in this section.

Sec. 14-54. - Mutual Assistance.

- (A) The Chief Fire Official of any jurisdiction within Miami-Dade County can request assistance from the Chief

Fire Official of any one or more fire jurisdiction(s) within Miami-Dade County in order to meet the requirements and obligations set forth in this article.

- (B) Requests for assistance can be, but are not limited to, requests for: (i) personnel such as fire safety inspectors, firefighters, paramedics, EMTs, plan reviewers, and public safety educators, or (ii) services and equipment such as plan review, fire safety house, and fire simulators.
- (C) The manner and duration of the assistance provided will be as mutually agreed between the respective Chief Fire Officials.

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ARTICLE IV. - LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE

Sec. 14-60. - Purpose and Scope.

- (A) This article is intended to supplement the Florida Fire Prevention Code and the rules and regulations of the State Fire Marshal, as amended, and not to conflict with the provisions thereof. The intent and purpose of this article is to provide more stringent fire safety standards in Miami-Dade County for the protection of life and property or to meet special situations arising from historic, geographic, or unusual conditions.
- (B) The provisions of this article shall apply in the unincorporated and incorporated areas of Miami-Dade County.

Sec. 14-61. - Fire alarms.

- (A) *Purpose.* The purpose of this section is to seek to obtain proper installation, operation, maintenance, testing, and supervision of fire alarm systems and to seek to obtain compliance with Chapter 633, Florida Statutes, the Florida Fire Prevention Code, the Florida Administrative Code Rule 69A-48 and Rule 69A-60, the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code, the edition of NFPA 13 (Standard for the Installation of Sprinkler Systems) adopted by the Florida Fire Prevention Code, and this section.

- (B) *Scope of regulation.* The provisions of this section shall apply to all fire alarm systems, except household fire alarm systems >>in single and two-family dwellings<< and household fire alarm systems within the individual living units of multi-family dwellings, within the geographical area of Miami-Dade County.
- (C) *Definitions.* The following definitions shall be applicable to Sections 14-61 and 14-62 of this Code.
- (1) *Alarm Signal.* A signal indicating an emergency that requires immediate action including, but not limited to, a signal indicative of fire.
 - (2) *Annunciator.* A unit containing one or more indicator lamps, alphanumeric displays, or other equivalent means in which each indication provides status information about a circuit, condition, or location.
 - (3) *Authority Having Jurisdiction* (>>"<<AHJ>>"<<). The Chief Fire Official responsible for approving equipment, materials, an installation, or a procedure.
 - (4) *Central Station.* A supervising station that is listed for central station service.
 - (5) *Central Station Fire Alarm System.* A system or group of systems in which the operations of circuits and devices are transmitted automatically to, recorded in, maintained by, and supervised from a listed central station that has competent and experienced servers and operators who, upon receipt of a signal, take such action as required by this Code. Such service is to be controlled and operated by a person, firm, or corporation whose business is the furnishing, maintaining, or monitoring of supervised fire alarm systems.
 - (6) *Central Station Service.* The use of a system or a group of systems in which the operations of circuits and devices at a protected property are signaled to, recorded in, and supervised from a listed central station that has competent and experienced operators who, upon receipt of a signal, take such action as

required by this Code. Related activities at the protected property, such as equipment installation, inspection, testing, maintenance, and runner service, are the responsibility of the central station or a listed fire alarm service local company.

- (7) *Certificate (Certificated)*. Posted verification of a systematic program by an authorized independent third party verification organization that uses randomly selected follow-up inspections of the certificated systems installed under the program which allows such organization to verify that a fire alarm system complies with all the requirements of the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code. A system installed under such a program is identified by the issuance of a certificate and is designated as a certificated system.
- (8) *Combination System*. A fire alarm system in which components are used, in whole or in part, in common with a non-fire signaling system.
- (9) *Evacuation Signal*. A distinctive signal intended to be recognized by the occupants as requiring evacuation of the building or zone.
- (10) *Fire Alarm Control Unit (Fire Alarm Control Panel)*. A system component that receives inputs from automatic and manual fire alarm devices and might supply power to detection devices and to a transponder(s) or off-premises transmitter(s). The control unit might also provide transfer of power to the notification appliances and transfer of condition to relays or devices connected to the control unit. The fire alarm control unit can be a local fire alarm control unit or a master control unit.
- (11) *Fire Alarm Signal*. A signal initiated by a fire alarm-initiating device such as a manual fire alarm box, automatic fire detector, water flow switch, or other device in which activation is indicative of the presence of a fire or a fire signature.
- (12) *Fire Alarm System*. ~~[[A system or portion of a combination system that consists of components and~~

~~circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal initiating devices and to initiate the appropriate response to those signals or any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related emergency requiring urgent attention and to which Fire Department personnel may reasonably be expected to respond, but does not include household alarms installed in one (1) or two (2) family dwellings]]>>A system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals or any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related emergency requiring urgent attention and to which Fire Department personnel may reasonably be expected to respond, but does not include household alarms installed in one or two family dwellings and household fire alarm systems within the individual living units of multi-family dwellings<<.~~

- (13) *Fire Department Notification.* The immediate and automatic notification of the local fire jurisdiction by electronic means in accordance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code, that a fire alarm signal has been reported to the fire alarm system.
- (14) *Household Fire Alarm System.* A system of devices that is listed for residential use and installed in a one-or-two family dwelling other than facilities that are required to be licensed.
- (15) *Listed.* Equipment, materials, or services included in a list published by an organization that is acceptable to the ~~[[authority having jurisdiction]]>>Authority Having Jurisdiction<<~~ and concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

- (16) *Master Control Unit (Panel)*. A control unit that serves the protected premises or portion of the protected premises as a local control unit and accepts inputs from other fire alarm control units.
- (17) *Nuisance Alarm*. Any alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or any alarm activated by a cause that cannot be determined.
- (18) *Placard (Placarded)*. Posted verification of a systematic program by an authorized independent third party verification organization that uses randomly selected follow-up inspections of the certificated systems installed under the program which allows such organization to verify that a fire alarm system complies with all the requirements of the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code. A system installed under such a program is identified by the issuance of a placard and is designated as a placarded system.
- (19) *Proprietary Supervising Station*. A location to which alarm or supervisory signaling devices on proprietary fire alarm systems are connected and where personnel are in attendance at all times to supervise operation and investigate all signals.
- (20) *Proprietary Supervising Station Fire Alarm System*. An installation of fire alarm systems that serves contiguous and noncontiguous properties, under one ownership, from a proprietary supervising station located at the protected property, or at one of multiple noncontiguous protected properties, at which trained, competent personnel are in constant attendance.
- (21) *Protected Premises*. The physical location protected by a fire alarm system.
- (22) *Protected Premises (Local) Fire Alarm System*. A protected premises system that sounds an alarm at the protected premises as the result of the manual operation of a fire alarm box or the operation of

protection equipment or systems including, but not limited to, water flowing in a sprinkler system, the discharge of carbon dioxide, the detection of smoke, or the detection of heat.

- (23) *Remote Supervising Station Fire Alarm System.* A system installed in accordance with this Code to transmit alarm, supervisory, and trouble signals from one or more protected premises to a remote location where appropriate action is taken.
- (24) *Runner.* A fire alarm service technician who is qualified to inspect, test and maintain fire alarm systems in accordance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code, who is licensed pursuant to Chapter 489 Part II, Florida Statutes, and who is available at all times to respond to signals at a protected premises.
- (25) *Runner Service.* The service provided by a runner at the protected premises, including resetting and silencing of all equipment transmitting fire alarm or supervisory signals to an off-premises location and the restoration or repair of the fire alarm system.
- (26) *Signal.* A status indication communicated by electrical or other means.
- (27) *Sprinkler system.* For fire protection purposes, an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The installation includes one or more automatic water supplies. The portion of the sprinkler system aboveground is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are attached in a systematic pattern. The valve controlling each system riser is located in the system riser or its supply piping. Each sprinkler system riser includes a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

- (28) *Supervision.* The monitoring of supervisory signals by qualified personnel from an approved monitoring facility in compliance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code.
 - (29) *Supervisory Signal.* A signal indicating the need for action in connection with the supervision of guard tours, the fire suppression systems or equipment, or the maintenance features of related systems.
 - (30) *Supervisory Service.* The service required to monitor performance of guard tours and the operative condition of fixed suppression systems or other systems for the protection of life and property.
 - (31) *Supervising Station.* A facility that receives signals and at which personnel are in attendance at all times to respond to these signals.
 - (32) *Third-Party Verification Organization.* An independent organization providing published standards for the operation and administration of a listed central station service program that is acceptable to the authority having jurisdiction and that operates in accordance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code in providing a system for the verification and listing of fire alarm systems for central station service and which provides a certificate or placard indicating compliance.
 - (33) *Trouble Signal.* A signal initiated by the fire alarm system or device indicative of a fault in a monitored circuit or component.
- (D) *Runner Service and Service Contracts.* All fire alarm systems shall be required to have in effect at all times a service contract with a licensed fire alarm service contractor, a listed fire alarm service-local company or a listed central station to provide all maintenance, service and testing as required by this Code.
- (1) The service contract shall include a provision for runner service available to respond to the protected premises at any and all times within two (2) hours of notification of the runner service of any alarm or

supervisory signal, and within four (4) hours of notification of any trouble signal.

- (i) The runner shall restore the fire alarm system to complete working order.
 - (ii) In the event that the runner cannot restore the fire alarm system to complete working order for reasons other than payment, the building, structure, or occupancy may be subject to certain limitations, conditions, and restrictions, including fire watch requirements, or being vacated as determined by the Chief Fire Official.
 - (iii) The runner may be cancelled, prior to arrival, as described in the relevant provisions of the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code except that a runner may not be cancelled if the fire alarm, supervisory signal, or trouble signal recurs within 2 hours of the event for which the runner was originally dispatched.
- (2) *Posting requirements.* A fire alarm user shall conspicuously post at the main entrance to the alarm user's premises a notice stating: (1) the name of an individual or alarm company able and authorized to enter the premises and deactivate the alarm; (2) emergency telephone numbers by which those individuals can be reached at all times; and (3) the name and address of the alarm user. The information must be kept current and failure to update this information within forty-eight (48) hours of any change constitutes a violation of this section.
- (3) The runner at all times shall be provided with a key or other means of accessing the fire alarm control panel at any time.
- (4) The licensed fire alarm service contractor, listed fire alarm service-local company or listed central station shall provide to the Chief Fire Official written notification in such form and manner as approved by the Chief Fire Official not less than thirty (30) days

prior to the termination, cancellation, or expiration of the service contract and shall not terminate the services required by the contract for any reason until thirty (30) days after said notification has been received by the Chief Fire Official.

- (E) *Serviceability.* All fire alarm systems shall be maintained fully functional at all times and all deficiencies shall be reported to the Chief Fire Official in writing in accordance with Florida Administrative Code Rule 69A-48, and shall be repaired not later than four (4) hours after the fire alarm system is out of service or not later than a time determined by the Chief Fire Official.
- (F) *Evacuation Signals.* All fire alarm systems providing evacuation signals shall provide audible notification signals at the sound pressure levels required in the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code.

If the Chief Fire Official reasonably believes that an existing fire alarm system does not provide adequate sound pressure levels to accomplish evacuation notification, then the Chief Fire Official may require that the user of the existing fire alarm system provide to the Chief Fire Official a written, signed report in such form and manner as approved by the Chief Fire Official from a fire alarm contractor licensed to service fire alarm systems in Miami-Dade County setting forth the sound pressure levels (dBA) throughout the building. The fire alarm system user shall provide the written, signed report to the Chief Fire Official not later than sixty (60) days after receipt of written notification from the Chief Fire Official to provide the signed written report.

- (G) *Annunciators and Fire Alarm Control Units.* All protected premises shall be required to have the fire alarm control unit or a remote annunciator located in the building lobby near the main entrance, or, if there is no main entrance or lobby, in a common area where the fire alarm control unit or remote annunciator can be seen and heard by the occupants of the building, structure, or occupancy, or shall be located in another location approved by the authority having jurisdiction.

Existing remote supervising station fire alarm systems which are otherwise in compliance with this section may be exempted from the provisions of Section 14-61(G) of this Code by the Chief Fire

Official when it is determined by the Chief Fire Official that a reasonable degree of safety is provided without the addition of a remote annunciator.

- (H) *Supervising Stations.* All supervising stations shall be listed by a third-party verification organization acceptable to the Chief Fire Official.
- (I) *New Installations.* All new fire alarm systems requiring emergency forces notification or supervising automatic sprinkler systems shall meet the requirements for central station service or proprietary supervising station fire alarm systems and shall be either a certificated or placarded central station fire alarm system as set forth in the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code or a listed proprietary supervising fire alarm system.
 - (1) Verification of compliance with the requirements of this section with respect to the installation of new fire alarm systems, as implemented in accordance with the applicable code(s), specifications, or other criteria applicable to the specific installation, shall be certified by a third-party verification organization acceptable to the Chief Fire Official and shall be evidenced by a certificate or placard.
 - (2) The user of all new fire alarm systems and new sprinkler systems with supervision or emergency forces notification shall at all times conspicuously post a certificate or a placard on or within thirty-six (36) inches of the fire alarm control unit, as set forth in the edition of NFPA 72 [~~(National Fire Alarm Code)~~] adopted by the Florida Fire Prevention Code.
- (J) *Upgrades, Renovation, Additions, Repairs, or Modernization.* Any upgrade, renovation, addition, repair, or modernization of any existing fire alarm system which includes the replacement of the master control unit with anything other than the exact manufacturer and model as the existing master control unit or which includes the addition of a fire alarm control panel which will provide or replace any of the functions of the existing master control unit, except notification, shall be required to have the complete fire alarm system in compliance with all the requirements for

new installations. If an upgrade, renovation, addition, repair, or modernization ~~[[impacts]]~~ >>is<< greater than one-half of the >>total count of all existing components (e.g., appliances, devices, modules, and relays) of the<< entire fire alarm system, then the entire fire alarm system shall be required to be >>upgraded to the current edition of the Florida Fire Prevention Code in effect at the time the application is submitted for permitting and be<< in compliance with ~~[[Section]]~~ >>section<< 14-61 (I) of this Code.

- (K) *Proprietary Supervising Station Fire Alarm Systems.* All proprietary supervising station fire alarm systems shall be listed by a third party verification organization.
- (L) *False Alarms. Inoperable Systems, Remedy of Existing Systems.* Any existing fire alarm system determined by the Chief Fire Official to be inoperable for any reason, unless the system has been reported to the Chief Fire Official and is in the process of actively being repaired, or a fire alarm system which has caused more than four nuisance alarms within any three hundred sixty-five (365) day period, shall be required to upgrade the fire alarm system to be in compliance with the new fire alarm requirements set forth in the edition of NFPA 101 (Life Safety Code) adopted by the Florida Fire Prevention Code and ~~[[Section]]~~ >>section<< 14-61(I) of this Code.

>>(M) Silencing and Resetting Fire Alarm Systems

- (1) Fire alarm systems that have sounded or annunciated an alarm shall not be silenced or reset until one of the following has occurred:
 - i. The responding Fire Department personnel request that the system be silenced or reset.
 - ii. The responding runner has determined that the cause of the alarm is not a fire emergency.
 - iii. The building owners or operators have determined that the alarm was caused by accidental activation of the system that did not involve smoke, heat, or fire. The cause must be documented in the fire alarm system's records.

- (2) Fire alarm systems that have sounded or annunciated a supervisory signal shall not be silenced until the cause of the supervisory signal has been investigated and corrected or investigated and recorded in the records for the fire alarm system. The log entry must indicate the date and time of the investigation, identify the person who investigated the cause of the supervisory signal, and the reason the supervised device was left in the off-normal condition.
- (3) Fire alarm systems that have sounded or annunciated a trouble signal shall not be silenced or reset except by a licensed fire alarm contractor or Fire Alarm Systems Agent.
- (4) Interfering with Fire Alarm System Signals. No person except a licensed fire alarm contractor, fire alarm systems agent, or fire protection contractor working on a fire protection system supervised by a fire alarm system may disconnect the power from a fire alarm system, put a fire alarm system on test, or otherwise prevent a fire alarm system from transmitting alarm, supervisory, or trouble signals to the supervising station. The fire alarm contractor, fire alarm systems agent, or fire protection contractor must remain on site and ready to transmit a fire alarm signal in event that a fire emergency occurs. The fire alarm system's ability to transmit a signal shall be restored prior to the fire alarm contractor, fire alarm systems agent, or fire protection contractor leaving the premises. An entry shall be made in the fire alarm system's records each time a system is put on test or otherwise prevented from transmitting signals to the supervising station.

N. Fire alarm plans submitted for review for permit approval shall use standardized symbols in compliance with the adopted edition of NFPA 170, *Standard for Fire Safety and Emergency Symbols*. <<

Sec. 14-62. - Sprinkler systems, fire pumps, and other extinguishing systems.

- (A) *Purpose.* The purpose of this section is to seek to obtain proper installation, operation, maintenance, testing, and supervision of sprinkler systems, fire pumps, and other fire extinguishing systems, and to seek to obtain compliance with Chapter 633, Florida Statutes, the Florida Fire Prevention Code, the Florida Administrative Code Rule 69A-48 and Rule 69A-60, the editions of NFPA 72 (National Fire Alarm Code), NFPA 13 (Standard for the Installation of Sprinkler Systems), and NFPA 13R (Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height) adopted by the Florida Fire Prevention Code, and this section.
- (B) *Scope of Regulations.* The provisions of this section shall apply to all sprinkler systems, except one- and two-family dwelling unit sprinkler systems, within the geographical area of Miami-Dade County.
- (C) *New Sprinkler Systems.* All new sprinkler systems shall be supervised in accordance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code.
- (D) *Compliance with Fire Alarm Standards.* Sprinkler systems, fire pumps and other extinguishing systems required to be supervised in accordance with the edition of NFPA 72 (National Fire Alarm Code) adopted by the Florida Fire Prevention Code, by any applicable code, or this section shall be installed, maintained, serviced and operated in accordance with all applicable codes and standards and Section 14-61 of this Code.
- >>(E) Fire sprinkler systems, fire pumps, and other fire extinguishing systems.
 - (1) Control valves for the water supply to fire sprinklers, fire pumps, standpipe systems, and any other fire extinguishing system or standpipe shall not be closed and fire pumps shall not be closed and disabled unless one of the following conditions exists:
 - i. The responding Fire Department personnel request the water supply to be shut down.
 - ii. A fire protection contractor is actively working on the system. The fire protection

contractor's personnel must be present on site while the system is out of service or a fire watch approved by the Chief Fire Official must be established.

- (2) The building owner or operator may shut the system down to prevent further property damage when an accidental activation or leak occurs that is not caused by an event that involves fire, heat, or smoke. The building owner must have a licensed fire protection contractor perform the necessary repairs and restore the system to normal operation within the timelines required by the Florida Fire Prevention Code.<<

* * *

Sec. 14-64. - Tents, Membrane Structures and Air-Supported Structures.

- (A) *Permit Required.* A permit, in accordance with Section 14-39 of this Code, from the Fire Department having jurisdiction shall be required to erect or operate a tent, membrane structure, or air-supported structure covering an area in excess of 900 square feet ~~[[or of any size where a hazardous use or process occurs (such as cooking operations)]]~~.
- (B) *Scope.* For the purpose of this section, a place of assembly shall include any carnival, circus, dance hall, sideshow, skating rink, tent show, theater, or any other engagement or offering, exhibition, production, or other place of assemblage in or under which 50 or more persons may gather for any purpose.
- (C) *Application.* Tents, membrane structures, and air-supported structures covering an area in excess of 900 square feet must meet the applicable provisions of Chapter 11 of the NFPA-101 edition adopted by the Florida Fire Prevention Code as adopted and amended from time to time. Tents, membrane structures, or air-supported structures covering an area in excess of 900 square feet ~~[[or of any size where a hazardous use or process occurs (such as cooking operations) that are exempt from the Florida specific version of NFPA-1 and NFPA-101 or the rules and regulations of the State Fire Marshal as all of same may be amended from time to time]]~~ are prohibited from use within the boundaries of

Miami-Dade County unless the responsible party wishing to use the tent, membrane structure or air supported structure obtains a permit, in accordance with Section 14-39 of this Code.

- (D) *Structural Design Load Requirements.* Tents, membrane structures or air-supported structures and their appurtenances shall comply with the requirements of applicable section(s) of the adopted Florida Building Code.
- (E) *Flame propagation performance.* A certificate or affidavit shall be submitted with the permit application and a copy retained at the premises on which the tent, membrane structure or air-supported structure is located, attesting to the following information relative to the flame propagation performance of the fabric:
 - (1) Meets the applicable flame propagation performance criteria contained in NFPA 701 as adopted and amended from time to time.
 - (2) Identifies the tent, membrane structure or air-supported structure fabric tested.
 - (3) Date the fabric was last tested.

The Chief Fire Official can require re-testing and/or re-certification of the fabric of any tent, membrane structure or air-supported structure to determine compliance with the applicable flame propagation performance criteria based on fabric condition, age of last test, damage, chemical contact or any reasonable cause.

- (F) *Standby Services.* Standby services may be required in accordance with section 14-63 of this article.
- (G) *Food/Cooking Vendors at Short Term Events.*
 - (1) Vendors utilizing any cooking process capable of producing smoke or grease laden vapors shall comply with the following requirements:
 - (i) No portion of the tent, membrane structure or air supported structure may be accessible to the general public.

- (ii) The tent, membrane structure or air supported structure shall be outfitted with not more than one sidewall.
 - (iii) Egress from the tent, membrane structure or air supported structure shall be unobstructed and immediately available on at least two sides of the structure.
 - (iv) Travel distance to reach the outside of the tent, membrane structure or air supported structure shall not exceed 20 feet.
 - (v) At the time of inspection and during cooking operations there shall be at least one (1) Class K fire extinguisher and at least one (1) 4 A: 80 B:C extinguisher >>and<< ~~[[{]]~~ additional extinguishers >>as required by NFPA 10<<~~[[may be required depending on appliances utilized]]~~.
10<<[[may be required depending on appliances utilized]]].
 - (vi) There shall be at least 10 feet separation from other structures including other tents, membrane structures or air supported structures that are not utilizing any cooking process capable of producing smoke or grease laden vapors.
 - (vii) Only electric and gas fueled appliances shall be permitted. Solid fuel burning appliances or devices utilizing briquettes, hardwood, or charcoal shall not be permitted under a tent, membrane structure or air supported structure under any circumstance.
 - (viii) Fuel supplies and their related hosing and/or electrical cords shall be installed and maintained in accordance with their applicable NFPA standards.
- (2) Vendors or catering operations not capable of complying with the above requirements must provide exhaust and fire protection in accordance with the edition of NFPA 96 adopted by the Florida Fire Prevention Code for all appliances capable of producing smoke or grease laden vapors.

Sec. 14-65. – Overcrowding>>/Places of Public Assembly<<.

- (A) No person shall permit overcrowding or admittance of any person beyond the approved capacity of any place of public assemblage.
- (1) *Occupant Load Posting.* Occupant load calculations for all assembly occupancy areas and rooms shall be submitted to the Chief Fire Official for review and approval. Signs indicating the occupant load approved and the Fire Department approval shall be posted by the main entrance/exit to each assembly area and room. The signs shall be in the form prescribed by and bear the approval markings of the Fire Department having jurisdiction.
- (2) *Layouts.* Plans drawn to scale shall be submitted to the Fire Department having jurisdiction for review and approval showing the arrangement of furnishings and equipment within all assembly occupancies. The arrangements shall substantiate sufficient egress capacity and a compliant arrangement of the means of egress for the approved occupant loads. Where multiple arrangements of furnishing and equipment are used, plans for each arrangement shall be submitted for approval. Approved copies of the layouts shall be maintained at the main exit/entrance of each assembly area. Arrangement of furnishings and equipment that do not substantially match the approved layouts shall be prohibited.
- >>(3) *Crowd managers.* Where the provisions of the Florida Fire Prevention Code require crowd managers, such crowd managers must possess a current training certificate from an approved provider which was issued within the preceding two years.<<
- (B) The Chief Fire Official upon finding any overcrowding conditions or obstruction in aisles, passageways or other means of egress; or upon finding any condition which constitutes a serious menace to life, shall cause the performance, presentation, spectacle or entertainment to be stopped until such condition or obstruction is corrected.

Sec. 14-66. – Open Burning>>/Bonfires<<.

- (A) >>Except as provided in sections 14-11 and 14-12, a permit<< ~~[[Permits]]~~, in accordance with Section 14-39 of this Code, from the Fire Department having jurisdiction shall be required for all open burning >>including, but not limited to, bonfires<<.
- (B) No person shall kindle or maintain any bonfire ~~[[or rubbish fire]]~~>>,with the exception of recreational fires,<< or authorize any such fire to be kindled or maintained on any ~~[[public or]]~~ private land unless: (1) the location is not less than 50 feet from any structure and adequate provision is made to permit fire from spreading to within 50 feet of any structure, and (2) the fire is contained in an approved waste burner located safely not less than 15 feet from any structure.
- (C) ~~[[Open fires, bonfires and rubbish fires]]~~>>Bonfires<< shall be constantly attended until such fire is extinguished. Any person attending such fire shall have a hose connected to the water supply or other fire extinguishing equipment readily available for use.
- (D) The Chief Fire Official may prohibit any or all bonfires ~~[[and outdoor rubbish fires]]~~ when atmospheric conditions or local circumstances make such fire's hazardous or upon reasonable belief based on applicable fire safety standards that such action is necessary to protect lives and/or property.

Sec. 14-67. - Fireworks, >>Sparklers,<< Pyrotechnic Displays, and Flame Effects.

- (A) Permits, in accordance with Section 14-39 of this Code, from the Chief Fire Official shall be required for all fireworks, or pyrotechnic displays, and flame effect uses. Application for a permit to operate a fireworks display shall be made to the Chief Fire Official at least thirty (30) days prior to the event. Application for a permit to operate a pyrotechnic display or flame effect use shall be made to the Chief Fire Official at least fifteen (15) days prior to the event. All applications must be submitted in the manner prescribed by the Chief Fire Official.

- (1) Applications for a fireworks permit received less than thirty (30) days prior to the event or for a pyrotechnic or flame effect use permit received less than fifteen (15) days prior to the event, may result in additional fees in accordance with the established fee schedule or denial of the permit.
- (2) Applications, at minimum, must contain the following;
 - (i) The name, address and telephone number of the organization sponsoring the display, the supplier of the fireworks, the operator (pyrotechnician) and all assistants.
 - (ii) Application shall be signed by the sponsoring organization representative, the operator (pyrotechnician) and approved by the Chief Fire Official in accordance with Section 791.02(1), Florida Statutes.
 - (iii) References for the most recent three firework displays or flame effect use supervised and discharged or used by the designated operator shall be required for review by the Chief Fire Official. Said referenced displays shall be similar in size and complexity and will provide contact persons and telephone numbers.
 - (iv) The date and time of day at which the display is to be held and the duration time for said display.
 - (v) The exact location address for the display, event or production.
 - (vi) A copy of a location site plan with dimensions indicating the exact location planned for the display site and all grounds and facilities at which the event will be held. This plan shall include the location of all structures, audience viewing areas, roads, trees and overhead utilities within the discharge site, bulk hazardous materials storage, and mortar set-up.

- (vii) Operator and assistant qualifications shall comply with the provisions of NFPA 1123, NFPA 1126 and NFPA 160 of the edition adopted by the Florida Fire Prevention Code. The operator shall be responsible for ensuring that a sufficient number of assistants are available on site for the safe storage and conduct of the fireworks display. Operators shall be at least 21 years of age and all assistants shall be at least 18 years of age. A copy of a valid driver's license or other valid picture ~~[[LD]]~~ >>identification<< acceptable to the AHJ shall be provided for all operators and assistants.
- (viii) The type and number of fireworks to be discharged.
- (ix) The manner and place of storage of fireworks prior to display. The date, time and travel route from the point the fireworks enter Miami-Dade County.
- (x) For aerial displays: (1) Size and number of each type of burst (single, multiple, etc.). Size and number or salutes; (2) Size and number of chain-fused aerial shells; (3) Mortar tube material and method of supporting and stabilizing mortars (rack, trough, or drum).
- (xi) For floating vessels and floating platforms: A drawing showing the deck size, the layout and arrangement of the mortars, and location of the safety shelter(s).
- (xii) For rooftops and limited egress locations: (1) A drawing showing the discharge site size, layout and arrangement of mortars, location and arrangement of the means of escape, location of the safety shelter(s), and the location of any openings into the building and method of securing openings; (2) A report from an engineer stating the roof deck is capable of withstanding the load of the fireworks operation for all structures except

rooftops designed as motor vehicle parking decks.

- (xiii) For fixed displays: ~~[[Size]]~~>>size<<, type and description of displays.
 - (xiii) For flame effects: ~~[[AH]]~~>>all<< information specified for the flame effect plan in NFPA 160.
- (3) Permits shall not be issued for fireworks or outdoor pyrotechnic displays between 11:00 p.m. and 9:00 a.m. These time restrictions ~~[[herein]]~~ shall not be applicable on January 1, January 18, July 4, and December 31, or any other time where specific permission is granted by ordinance or >>by<< the ~~[[fire]]~~>>Fire<< ~~[[department]]~~>>Department<< having jurisdiction.
- (4) Before any permit for a fireworks, pyrotechnic display, or flame effect use shall be issued, the person making said application shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person or any agent or employee thereof in such amount, character and form as the Chief Fire Official determines to be necessary for the protection of the public.
- (5) A copy of the certificate of insurance naming the permitting agency as additional insured is required. Minimum required amount of certificates of insurance for permit issuance is as follows: \$1,000,000.00 for bodily injury, and \$50,000.00 for property damage per occurrence.
- (B) The Chief Fire Official may require standby services in accordance with Section 14-63 of this Code. The expense of such standby services shall be borne by the permit holder. Standby services, if required, shall be on duty from the time the fireworks, pyrotechnic materials, or flame effect fuel are delivered at the site until the termination of the display and the removal of all fireworks, pyrotechnic materials, flame effect fuel, and debris from the site or as determined necessary by the Chief Fire Official. In the case of indoor

displays or performances, standby personnel shall be maintained until total restoration of normal function of the fire safety systems has been verified.

- (C) The operator of a fireworks display, pyrotechnic display, or flame effects shall not fire or discharge any fireworks or pyrotechnic device, or operate any flame effect until given approval to fire, discharge, or operate the device by the Fire Department standby personnel, if present. The operator shall immediately cease firing, discharging, or operating any fireworks, pyrotechnic device, or flame effect upon receiving direction to cease operation from any Fire Department standby personnel.
- (D) Additional Requirements for Outdoor Display of Fireworks on Private Residential Property:
 - (1) Written approval from the property owners located adjacent to the proposed display site property is required prior to approval of a permit for outdoor fireworks display.
 - (2) Minimum distance separation shall be no less than 300 feet from the nearest dwelling, building, or structure. This includes canopies, chickee huts, or similar structures, bulk storage areas, public highways, railroads or other means of travel.
 - (3) Not permitted within 1,000 feet of a school, theater, church, hospital, nursing home, assisted living facility, livestock/animal storage site, or similar structures or institutions.
- (E) *Protection for Outdoor Fireworks.* A minimum of two, two and one-half gallon pressurized water fire extinguishers shall be available in the discharge area the entire time fireworks are on site. Additional extinguishers or equipment may be required if conditions warrant. In addition, adequate water supply for fire protection shall be available at the discharge site.
- (F) Pyrotechnics Before a Proximate Audience and Flame Effects Before an Audience>>:<<

- (1) Any indoor use of pyrotechnics or flame effects shall not be permitted in buildings or any portion thereof unless protected by an approved automatic sprinkler system.
 - (2) Indoor use of pyrotechnics and flame effects shall be prohibited in temporary structures such as tents.
 - (3) Demonstration of the pyrotechnic display or flame effect shall be required prior to the final approval of a permit. The Chief Fire Official may waive this requirement.
- (G) Sky Lanterns: The use of unmanned, free-floating sky lanterns and similar devices utilizing an open flame shall be prohibited.
- (H) Requirements for the Sale, Display, Merchandising, Storage and Handling of >>Fireworks,<< Sparklers and Novelty Items within Buildings, Structures, Tents, Temporary Membrane Structures and Outdoor Sites.
- (1) All permit applications shall be approved by the appropriate agencies[[:]] (Fire Department, Zoning, etc.)>>.<<
 - (2) Precautions shall be taken to protect against fire or spread of fire in all sites located within fields or lots with ground cover such as brush, grass or other overgrowth of vegetation.
 - (3) The use, ignition or discharge of any approved sparklers or novelty items is prohibited within buildings or structures where sparklers or novelty items are offered for sale, displayed, or stored, and within 300 feet of any outdoor sales storage or handling sites.
 - (4) Buildings or structures used in whole or in part for sales (retail or wholesale), display, merchandising, handling, or storage of >>fireworks,<< sparklers and/or novelty items shall be fully protected throughout with an automatic sprinkler[s] system in

accordance with the adopted edition of NFPA 13. Buildings used for other than seasonal retail sales ~~[[of sparklers]]~~ shall have the sprinkler system designed for extra-hazard contents.

- (5) No storage or sale of sparklers or novelty items shall be permitted in or from vehicles.

>>(I) Permit for Facility to Sell Fireworks. Permits, in accordance with sections 14-39 and 14-40 of the Code, from the Chief Fire Official shall be required for all permanent sales facilities to sell fireworks ("sales facility"). Application for a permit to operate a sales facility to sell fireworks shall be made to the Chief Fire Official or his or her designee. All applications must be submitted in the form and manner prescribed by the Chief Fire Official. As part of the application process, applicants shall be advised that the sale of fireworks from a sales facility pursuant to Florida law shall only be permissible as provided in section 791.04, Florida Statutes. Each person, corporation, partnership or other entity that intends to sell fireworks from a sales facility pursuant to section 791.04 shall submit a certification at the time that he/she/it submits plans for approval to the Fire Department having jurisdiction that he/she/it shall: (1) only sell fireworks pursuant to section 791.04; and (2) only sell fireworks as defined in section 791.01, Florida Statutes. Each applicant shall also submit to the AHJ a copy of the executed registration form filed with the State of Florida pursuant to section 791.015, Florida Statutes, authorizing the sale of fireworks. No person, corporation, partnership or other entity shall sell fireworks until the designated sales facility has been inspected, approved, and permitted by the AHJ.

(J) Permit for Facility to Sell Sparklers. Permits, in accordance with sections 14-39 and 14-40 of the Code, from the Chief Fire Official shall be required for all permanent sales facilities to sell sparklers ("sales facility"). Application for a permit to operate a sales facility to sell sparklers shall be made to the Chief Fire Official or his or her designee. All applications must be submitted in the form and manner prescribed by the Chief Fire Official. As part of the application process, applicants shall be advised that the sale of sparklers from a sales facility pursuant to Florida law shall only be permissible as provided in chapter 791, Florida

Statutes. Each person, corporation, partnership or other entity that intends to sell sparklers from a sales facility pursuant to chapter 791 shall submit a certification at the time that he/she/it submits plans for approval to the Fire Department having jurisdiction that he/she/it shall: (1) only sell sparklers pursuant to chapter 791; and (2) only sell sparklers as defined in section 791.01, Florida Statutes. Each applicant shall also submit to the AHJ a copy of the executed registration form filed with the State of Florida pursuant to section 791.015, Florida Statutes, authorizing the sale of sparklers. No person, corporation, partnership or other entity shall sell sparklers until the designated sales facility has been inspected, approved, and permitted by the AHJ.<<

Sec. 14-68. - Fire Department Access Roads ~~[[and]]~~, Set-Up Sites >>and Site Access<<.

>>(A)<< The following Set-Up Site requirements are minimum standards:

- (1) Set-up sites shall be provided at every building over 3 stories in height and shall be located at a minimum on two sides of the building at the approximate center of each side for firefighting and rescue operations. Building configuration may require additional set-up sites.
- (2) Set-up sites shall be no closer than 10 feet and no further than 30 feet from any building. Each site shall be a minimum 21 feet wide and 47 feet long with a cross slope no greater than 5 percent.
- (3) Set-up sites shall be designed and maintained to support the imposed loads of fire apparatus.

>>(B) Site Access: Entry and exit gates on Fire Department access roads shall provide a minimum unobstructed width of not less than ten feet. The provisions of this subsection shall apply 90 days after the effective date of this ordinance.<<

Sec. 14-69. - In-Building Public Safety Two-Way Radio Communication Enhancement Systems.

- (A) Where required by the Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal or any fire

safety standard of a municipality more stringent than any of the foregoing, or when an in-building public safety two-way radio communication enhancement system is voluntarily installed, it will be installed, inspected, tested and maintained in accordance with the policies, procedures and specifications of the Chief Fire Official.

- (B) *Monitoring.* In-building public safety two-way radio enhancement systems shall transmit all required supervisory and trouble signals to a central station or to the radio service provider contracted to provide the runner service. If signals are transmitted to a central station, the central station must contact the radio service provider contracted to provide the runner service immediately.
- (C) *Runner Service and Service Contracts.* All in-building public safety two-way radio communication enhancement systems shall be required to have in effect at all times a service contract with a licensed radio service provider.
 - (1) The service contract shall include a provision for runner service available to respond to the protected premises at any and all times within four (4) hours of notification of the runner service of any trouble or supervisory signal.
 - (2) The runner shall restore the system to complete working order.
 - (3) In the event that the runner cannot restore the system to complete working order, the building, structure, or occupancy may be subject to certain limitations, conditions, and restrictions, including fire watch requirements, as determined by the authority having jurisdiction until such time as the system is returned to complete working order.
- >>(D) *Critical Areas.* Elevator shafts shall be considered a critical area as defined in the Florida Fire Prevention Code in all buildings with six stories or greater and shall be required to have a 99 percent total critical area radio coverage. Elevator shafts shall be considered a critical area as defined in the Florida Fire Prevention Code in buildings less than six stories that are lacking signal strength in areas other than the elevator shaft, and shall have an in-building public safety two-way radio communication enhancement system.<<

* * *

>>**Sec. 14-71. – Access Boxes.**

Where deemed necessary by the Authority Having Jurisdiction, an access box may be required to gain access to areas housing fire protection equipment. The access box shall be of a type approved by the Authority Having Jurisdiction.

Sec. 14-72 – Premises Identification.

(A) New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

- (1) For residential occupancies except hotels, motels, dormitories, and apartment buildings with more than 3 units, numbers shall be not less than three inches in height.
- (2) For board and care, family day care, and group day care occupancies located in single family homes, numbers shall be not less than three inches in height.
- (3) For all other occupancy classifications, numbers shall be not less than six inches in height.
- (4) Address numbers shall contrast with the background color.
- (5) Address numbers shall be Arabic numerals or alphabet letters.

(B) Street address or suite numbers must be posted on or adjacent to all rear access doors of commercial occupancies. In enclosed shopping malls, the business name and space number shall be posted on rear doors.

- (1) Numbers shall not be less than three inches in height.
- (2) Address numbers shall contrast with the background color
- (3) Address numbers shall be Arabic numerals or alphabet letters

- (C) Individual apartments, offices, and other sub-divided spaces within a building or structure shall be identified by a clearly marked apartment or suite number, as applicable

Sec. 14-73 - Emergency Action Plans.

Emergency action plans required for designated facilities as provided by the Florida Fire Prevention Code, NFPA 1:10.8, shall be submitted for review by the Chief Fire Official or designee no later than 12 months after the preceding annual inspection. As used herein, "designated facilities" include the following occupancies: high rise buildings; health care facilities; ambulatory health care, residential board and care, assembly, day care, special amusement buildings, hotels and dormitories, detention and correction, educational, underground/windowless buildings, facilities storing hazardous materials, and where otherwise required by the Authority Having Jurisdiction.

Sec. 14-74 - Fire Protection System Identification.

Fire protection equipment in commercial and multi-family residential occupancies shall be identified in an approved manner. Rooms containing controls for sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified as such for the use of the appropriate fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

Section 14-75 – Standards of the National Fire Protection Association

The following codes and standards of the National Fire Protection Association are hereby adopted and incorporated by reference:

- (A) NFPA 423, 2016 edition, *Standard for Construction and Protection of Aircraft Engine Test Facilities*; and
- (B) NFPA 1124, 2006 edition, *Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles*. <<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. – Schedule of civil penalties.

* * *

Code Section	Description of Violation	Civil Penalty
14-11	Failure to burn or dispose of material for safety purposes	\$200.00
14-12	Setting fire without a permit	\$200.00
14-15	Creating or maintaining a fire hazard	\$200.00
14-16	Unlawful burning of forest, grass, woods, wildlands, or marshes	\$200.00
14-17	Unlawful setting of fire on rights-of-way	\$200.00
14-18(F)(1)	First violation of fire alarm posting requirements	\$250.00
14-18(F)(2)	Second and all subsequent violations of fire alarm posting requirements	\$500.00
14-18(F)(3)	Third false fire alarm in one calendar year	\$500.00
14-18(F)(4)	Fourth and each additional false fire alarm in one calendar year	\$1,000.00
14-18(F)(5)	Failure to file timely written inspection and test report	\$250.00
14-19	Failure to provide statement post fire or explosion	\$200.00
14-39	Failure to obtain required permit or violation of condition of permit, or failure to obtain required fire department approval prior to use or occupancy	\$200.00
14-40	Failure to submit plans for review or failure to obtain approval of plans	\$200.00
14-43	Violation of minimum fire safety standards, permit requirements, or lawful order of the Chief Fire Official	\$200.00
14-47	Obstructing, hampering, or interfering with inspection	\$200.00
14-51	Obstructing or interfering with the operations of the fire department	\$250.00
14-52	Violation of general requirements at fires or other emergency operations	\$250.00
14-61	Violation of fire alarm requirements	\$200.00
14-62	Failure to supervise sprinkler systems, fire pumps, or other fire extinguishing systems	\$200.00
14-63	Failure to obtain standby services	\$200.00
14-64	Failure to obtain a permit for tent or membrane structure	\$200.00
14-65	Failure to prevent overcrowding>>,<<[[[øf]]] post required notices, >>or provide required crowd manager(s)<<	\$200.00

Code Section	Description of Violation	Civil Penalty
14-66	Failure to obtain a permit for [[opening burning]] >>opening burning/bonfire<<	\$200.00
14-67	Failure to comply with requirements for fireworks, pyrotechnic displays, and flame effects	[[\$200]] >>\$500.00<<
14-68	Failure to establish and/or maintain access roads and/or set-up sites	\$200.00
14-69	Violations of general requirements for two-way radio communication enhancement systems	\$200.00
14-70	Failure to provide adequate site map of a development or multi-building complex	\$200.00
>>14-71	Failure to provide approved access box	\$200.00
14-72	Failure to provide approved premises identification	\$200.00
14-73	Failure to submit emergency action plans	\$200.00
14-74	Failure to provide approved fire protection system identification	\$200.00
14-75	Failure to comply with adopted codes and standards of the National Fire Protection Association	\$200.00
Chapter 14	All other violations of Chapter 14	\$200.00<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

GKS
GKS

Prepared by:

Gerald K. Sanchez

Prime Sponsor: Commissioner Sally A. Heyman