

## MEMORANDUM

Agenda Item No. 7(H)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:**

(Second Reading 9-7-16)  
May 17, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:**

Ordinance relating to fire prevention and safety; repealing the existing chapter 14 of the Code in its entirety; creating a new chapter 14 of the Code; adopting the current Florida Fire Prevention Code and certain local amendments; conforming fire safety standards to requirements of the Florida Fire Prevention Code; repealing the South Florida Fire Prevention Code and its incorporation by reference into the Code; providing definitions; amending the authority, procedure, and membership requirements of the Fire Prevention and Safety Appeals Board; amending inspection procedures; renumbering and reorganizing certain fire prevention and safety provisions; providing penalties and amending section 8CC-10 to reflect corresponding revisions to chapter 14 of the Code

Ordinance No. 16-89

This item was amended at the 7-13-16 Metropolitan Services Committee to:

1. In section 14-35(E)(2), include members from the Board of Rules and Appeals when the jurisdiction of the board provided for in section 553.73(11), Florida Statutes, is invoked;
2. In section 14-40(B) and (F), replace "chief building code enforcement official" with "Building Official"; and
3. In section 14-64(A) and (C), replace "400 square feet" with "900 square feet".

Rule 5.06(i) of the Board's Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and the amended

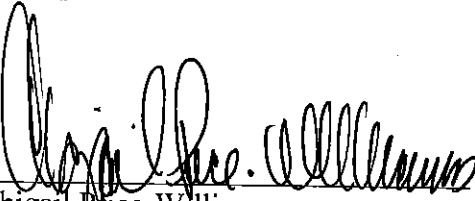
Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

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item, comments may instead be provided. Pursuant to this rule, the preceding description of the differences between the original item and the amended item is provided in lieu of double underlining and double strike-through.

Both the original item and the amended item repeal in its entirety the existing chapter 14 of the Code relating to fire prevention and safety, create a new chapter 14 and make conforming changes to chapter 8CC. Footnotes are used to cross reference prior Code sections. Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< shall be added. Remaining provisions are now in effect and remain unchanged.

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



Abigail Price-Williams  
County Attorney

APW/lmp

# Memorandum



**Date:** September 7, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Fiscal Impact Statement for Ordinance Relating to Fire Prevention and Safety

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The proposed ordinance relating to fire prevention and safety repeals the existing Chapter 14 of the Code of Miami-Dade County and creates a new Chapter 14 adopting the current Florida Fire Prevention Code and certain local amendments, allowing Miami-Dade Fire Rescue and municipalities to enforce their adopted fire codes.

It is anticipated that the implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

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Russell Benford  
Deputy Mayor

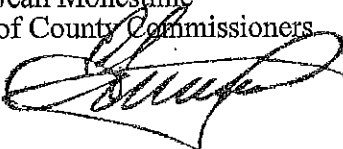
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# Memorandum



**Date:** September 7, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez   
Mayor

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

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The proposed ordinance repeals, in its entirety, the existing Chapter 14 of the Code of Miami-Dade County (Code) and creates a new Chapter 14 of the Code, adopting the current Florida Fire Prevention Code. The proposed ordinance also amends outdated language, reorganizes the membership of the Fire Safety Appeals Board, provides penalties, and amends 8CC-10 of the Code to reflect corresponding revisions to Chapter 14.

The amendment of this ordinance will have minimal impact to the residents of Miami-Dade County. Language regarding overcrowding and site requirements has been updated which provide a greater degree of life safety and ability to timely respond to emergencies. This amendment eliminates the South Florida Fire Prevention Code and incorporates the current Florida Fire Prevention Code into the Code in compliance with the requirements of State law. This amendment does not substantially change the current Fire Prevention Code enforcement procedures or policies performed by Miami-Dade Fire Rescue Department.

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Russell Benford  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** September 7, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(H)

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 \_\_\_\_ ) 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. 7(H)  
9-7-16

ORDINANCE NO. 16-89

ORDINANCE RELATING TO FIRE PREVENTION AND SAFETY; REPEALING THE EXISTING CHAPTER 14 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA IN ITS ENTIRETY; CREATING A NEW CHAPTER 14 OF THE CODE; ADOPTING THE CURRENT FLORIDA FIRE PREVENTION CODE AND CERTAIN LOCAL AMENDMENTS; CONFORMING FIRE SAFETY STANDARDS TO REQUIREMENTS OF THE FLORIDA FIRE PREVENTION CODE; PROVIDING DEFINITIONS; AMENDING THE AUTHORITY, PROCEDURE, AND MEMBERSHIP REQUIREMENTS OF THE FIRE PREVENTION AND SAFETY APPEALS BOARD; AMENDING INSPECTION PROCEDURES; RENUMBERING AND REORGANIZING CERTAIN FIRE PREVENTION AND SAFETY PROVISIONS; PROVIDING PENALTIES AND AMENDING SECTION 8CC-10 TO REFLECT CORRESPONDING REVISIONS TO CHAPTER 14 OF THE CODE; REPEALING THE SOUTH FLORIDA FIRE PREVENTION CODE AND ITS INCORPORATION BY REFERENCE INTO THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Chapter 14 of the Code of Miami-Dade County provides applicable fire safety standards for incorporated and unincorporated Miami-Dade County pursuant to Section 1.01(A)(18) of the Home Rule Charter of Miami-Dade County; and

**WHEREAS**, the State Fire Marshal has adopted the Florida Fire Prevention Code, which is a statewide fire safety code that contains or incorporates by reference all fire safety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures and facilities; and

**WHEREAS**, the Florida Fire Prevention Code is the applicable fire safety code for all municipalities, counties and special districts with fire safety responsibilities in the State of Florida; and

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**WHEREAS**, there is a current need to update, reorganize, renumber, and otherwise amend Chapter 14 to conform to the Florida Fire Prevention Code and provide greater ease of reference to County residents and businesses; and

**WHEREAS**, for example, Chapter 18, Article II of the Code of Miami-Dade County provides for a special district known and designated as the Miami-Dade Fire and Rescue Service District, where a uniform level of fire and rescue service is provided to all areas of Miami-Dade County excluding any municipality that opted out of the district; and

**WHEREAS**, this ordinance reorganizes the provisions of Chapter 14 so that the requirements that apply solely to the Miami-Dade Fire and Rescue Service District and those that apply countywide are organized in separate articles (i.e. Articles II and III, respectively); and

**WHEREAS**, in addition, Section 633.208, Florida Statutes, provides that a local government may adopt stricter fire safety standards than those found in the Florida Fire Prevention Code if a review of local conditions demonstrates that there is a need to strengthen the minimum requirements of the Florida Fire Prevention Code; and

**WHEREAS**, in accordance with the procedures provided in Chapter 633, Florida Statutes, this Board finds that local conditions justify the adoption in Miami-Dade County of certain more stringent requirements than the minimum requirements of the Florida Fire Prevention Code; and

**WHEREAS**, Section 8CC of the Code of Miami-Dade County provides the framework for enforcement activities and a schedule of related civil penalties; and

**WHEREAS**, as a result of the amendments to Chapter 14 made by this ordinance, corresponding changes are required to be made to Section 8CC-10; and

**WHEREAS**, this Board finds that it is in the best interest of the public health, safety, and welfare of Miami-Dade County to adopt these amendments,

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

**Section 1.** The foregoing recitals are hereby incorporated into this ordinance and adopted as legislative findings of this Board.

**Section 2.** Chapter 14 of the Code of Miami-Dade County, Florida, is hereby repealed in its entirety.

**Section 3.** Chapter 14 of the Code of Miami-Dade County, Florida, is hereby created as follows:<sup>1</sup>

**>> 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) “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.
- (B) “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 of the municipality having jurisdiction over fire safety and prevention responsibilities, or his or her designee.
- (C) “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.

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<sup>1</sup> In order to provide a proper point of reference, a complete legislative history, and assistance to the codifier/editor, any section in this ordinance that derives from a section in the version of Chapter 14 that is being replaced shall include a footnote denoting that former section so that the relevant legislative history, editor’s notes, annotations, and cross references from those former sections can be included in the corresponding sections in this ordinance.



**Sec. 14-2. Penalty for violations.<sup>2</sup>**

Unless otherwise provided, a violation of any of the provisions of this Chapter, shall constitute a civil offense and punishable by a civil penalty of not more than two hundred dollars (\$200.00) 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.

**Sec. 14-3 – 14-9. Reserved**

**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.<sup>3</sup>**

- (A) 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) 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.

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<sup>2</sup> Formerly Section 14-28 of the Code.

<sup>3</sup> Formerly Sections 14-5 and 14-6 of the Code.

(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.

**Sec 14-12. Setting fires without permit prohibited.<sup>4</sup>**

- (A) 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 therefor as herein specifically provided.
- (B) Permits shall not be required for non-commercial, contained 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.

**Sec. 14-13. Procedure for obtaining permit.<sup>5</sup>**

- (A) *Filing of application; required information; form.* All applications for permits under Sections 14-11 through 14-12 shall be filed with the Miami-Dade County Fire Chief. The Miami-Dade County Fire Chief 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 may establish a schedule of filing fees to cover the cost of investigating and processing applications for permits.

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<sup>4</sup> Formerly Section 14-1 of the Code.

<sup>5</sup> Formerly Section 14-2 of the Code.

(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. 14-14. Duties and responsibilities of owners or occupants of land.**<sup>6</sup>

The owners, proprietors, lessees, tenants, or other occupants of land, property, or structures shall be jointly and severally responsible for the existence of fires thereon, and it shall be the duty of such parties, and they hereby are required by this section, to prevent the starting of unauthorized fires on such lands, property or structures, and said owners or other occupants shall eliminate and extinguish and assist in eliminating and extinguishing the same when burning or which may exist from any cause whether of their own account or from other source, including the spreading of fires to said lands, property, or structures from outside areas.

**Sec. 14-15. Fire hazards prohibited.**<sup>7</sup>

(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.**<sup>8</sup>

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

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<sup>6</sup> Formerly Section 14-3 of the Code.

<sup>7</sup> Formerly Section 14-4 of the Code.

<sup>8</sup> Formerly Section 14-22 of the Code.

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.<sup>9</sup>**

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.<sup>10</sup>**

(A) Purpose. The purpose of this section is to place responsibility on the fire alarm user to prevent, 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.

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<sup>9</sup> Formerly Section 14-24 of the Code.

<sup>10</sup> Formerly Section 14-10 of the Code.

- (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.
- (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 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 Fires and Explosions; Owner's Statement to the Miami-Dade County Fire Rescue Department.**<sup>11</sup>

- (A) Whenever an insured motor vehicle suffers loss or damage caused by fire or explosion within the Miami-Dade Fire and Rescue Service District, the vehicle's 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 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.
- (C) The Miami-Dade County Fire Chief may in his or her discretion waive the requirements of this section upon a determination that the loss or damage to the motor vehicle was accidental.

<sup>11</sup> Formerly Section 14-11 of the Code.

**Secs. 14-20 – 14-29. Reserved.**

**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.<sup>12</sup>**

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

**Sec. 14-33. Intent; construction.<sup>13</sup>**

- (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.

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<sup>12</sup> Formerly Section 14-47 of the Code.

<sup>13</sup> Formerly Section 14-41 of the Code.

(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.**<sup>14</sup>

The Florida Fire Prevention Code, Articles III and IV of this Chapter, 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.**<sup>15</sup>

(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) licensed engineers, (iii) licensed general contractors possessing a current certificate of competency, (iv) representatives from the fire fighting services, (v) commercial real estate developers, and (vi) licensed community association managers. 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.

(C) Organization of the Board. The members of the Board shall elect a chairperson, vice-chairperson, and such other officers as may be deemed necessary or desirable, all of whom shall serve in those capacities at the will of the Board. The chairperson shall: (1) preside at all meetings of the Board and preserve strict order and decorum, and (2) state every question coming before the Board and announce the decision of the Board on all matters coming before it. The vice-chairperson shall perform the duties of the chairperson in the event of the absence or incapacity of the chairperson. The Miami-Dade

<sup>14</sup> Formerly Section 14-42 of the Code.

<sup>15</sup> Formerly Section 14-46 of the Code.



Fire Chief or his or her designee shall be Secretary of the Board and shall be responsible for the custody of all minutes and records of the Board. The Secretary of the Board shall not be entitled to vote on any matter before the Board by reason of holding the office of Secretary. The Chairperson or his or her designee may call meetings of the Board; a quorum of the Board may call a meeting upon signing a written notice; and the Board at any meeting may call meetings for any future dates. Minutes shall be kept of all meetings of the Board.

- (D) Quorum. A majority vote of the members present shall be necessary to take any action. A quorum of the Board to hold a meeting and take any action shall consist of a majority of those persons duly appointed to the Board, provided that at least seven (7) members of the Board have been appointed.
- (E) Duties and powers of the Miami-Dade County Fire Prevention and Safety Appeals Board. The Miami-Dade County Fire Prevention and Safety Appeals Board shall have the following duties, functions, powers, and responsibilities:
- (1) To exclusively hear and determine appeals by any person aggrieved by any action or decision of any fire official of any jurisdiction in Miami-Dade County, Florida, with respect to this Chapter, the Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal, or any municipal ordinance, code, or regulation which regulates fire prevention or fire safety, and to affirm, modify, or reverse the action or decision which was appealed.
  - (2) To, in conjunction with the Board of Rules and Appeals, perform the duties and responsibilities of the local administrative Board described in Section 553.73 (11), Florida Statutes, as all of same may be amended from time to time. When the jurisdiction of the local administrative Board provided for in Section 553.73(11), Florida Statutes, is invoked, quorum shall consist of a majority of the duly appointed members of the Fire Prevention and Safety Appeals Board and the Board of Rules and Appeals, in addition to any requirements provided for in Section 553.73(11), Florida Statutes.
  - (3) Upon the request of any Chief Fire Official of any jurisdiction in Miami-Dade County, Florida, to render advice to the requesting party on any fire safety or fire prevention matters in Miami-Dade County, Florida.
  - (4) Upon the request of the Board of County Commissioners, to render advice to the Board of County Commissioners or such other persons as the Board of County

Commissioners may direct, on any fire prevention or fire safety matters in Miami-Dade County, Florida.

- (5) To issue subpoenas to compel the presence of a witness or documents or other items at any proceeding of the Miami-Dade County Fire Prevention and Safety Appeals Board authorized under this article or the Florida Fire Prevention Code, as all of same may be amended from time to time.
- (6) To adopt, promulgate, amend and rescind such rules of procedure and evidence as may be necessary to exercise the Board's authority, provided, however, that no such rules shall conflict with the provisions of this article or the Florida Fire Prevention Code, as all of same may be amended from time to time.
- (7) To exclusively hear and determine any challenges to local amendments to the Florida Fire Prevention Code in accordance with Section 633.208, Florida Statutes.
- (8) To designate one (1) or more persons to be members of one (1) or more technical advisory panels to advise the Miami-Dade County Fire Prevention and Safety Appeals Board on technical matters related to fire prevention or fire safety. The members of such panels shall be persons technically skilled and qualified to render advice on particular matters of fire prevention or fire safety pending before the Board. The members shall serve at the will of the Board and shall furnish advice and information of a technical nature to the Board for so long a period of time as the Board may request it. All such advice and information given by the panel or any member thereof shall be in the form of testimony either in person or by deposition before the Board at a regularly scheduled meeting and subject to cross-examination at the deposition and meeting by any interested party. The members of the panels shall not be deemed County officers or employees. Members of the panels may be compensated by the County.
- (9) To require and administer oaths or affirmations to witnesses in any proceeding of the Board.

The powers enumerated in this section shall be in addition to and not a limitation of or in derogation of any other powers granted to the Miami-Dade County Fire Prevention and Safety Appeals Board by any other provision of this Chapter, the Florida Fire Prevention Code, or by State law, rule or regulation, as all of same may be amended from time to time.

Notwithstanding any provision of the Code of Miami-Dade County, Florida, the Florida Fire Prevention Code, any municipal ordinance or any other County ordinance, except as provided for code enforcement by Chapter 162, Florida Statutes or by Chapter 8CC of the Code of Miami-Dade County, Florida, no other County or municipal officer, agent, employee or Board shall exercise any of the powers granted to the Miami-Dade County Fire Prevention and Safety Appeals Board by this article, the Florida Fire Prevention Code or by State law, rule, or regulation, as all of same may be amended from time to time.

**Sec. 14-36. Appeals from actions or decisions.**<sup>16</sup>

- (A) Any person aggrieved by any action or decision described in Section 14-35(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.
- (B) The Secretary of the Board shall set each such appeal for hearing at the earliest practicable Board meeting date available and shall provide written or oral notice of the hearing to the appellant and to the person whose action or decision is the subject of the appeal.
- (C) The Miami-Dade County Fire Prevention and Safety Appeals Board shall hear and consider all facts material and relevant to the appeal and shall render a decision as soon as reasonably practicable.
- (1) Relevant or material evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida.
- (2) Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath or affirmation.

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<sup>16</sup> Formerly Section 14-48 of the Code.

- (3) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a decision of the Board unless it would be admissible over objection in civil actions.
- (4) The Chairperson of the Board or the attorney of the Board or a Notary Public shall have the power to administer oaths or affirmations.
- (5) Subpoenas may be issued by the Chairperson of the Board or another member of the Board designated by the Chairperson, upon the written request of any party or upon the Chairperson's or Board's own motion, to compel the presence of a witness or documents or other items at any proceeding of the Board authorized under this article.
- (6) The Chairperson of the Board or another member of the Board designated by the Chairperson, may permit discovery, on the written request of any party or upon the Board's own motion, by any means available to the courts and in the manner provided in the Florida Rules of Civil Procedure, including the imposition of sanctions, except contempt.
- (7) Any person subject to a subpoena may, before compliance and on timely petition, request the Board to invalidate the subpoena on the grounds that it was not lawfully issued, is unreasonably broad in scope, or requires the production of irrelevant material.
- (8) Any party or the Board may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued hereunder by filing a petition for enforcement in the Circuit Court of Miami-Dade County, Florida.
- (9) A party shall have the opportunity to respond, to present evidence and argument on all issues involved, conduct cross-examination and submit rebuttal evidence.
- (10) When appropriate, the general public may be given an opportunity to present evidence. If the Board intends to consider such evidence, then all parties shall be given an opportunity to cross-examine, challenge, and rebut the evidence.
- (11) When official recognition is requested, the parties shall be notified and given an opportunity to examine

and contest the matter requested to be officially recognized.

(12) All decisions of the Board shall be in writing, shall set forth the reasons for the decision, and shall be signed by the Chairperson of the Board or other member of the Board designated by the Chairperson or in the absence of the Chairperson, a member of the Board designated by the Board.

(13) All decisions of general application that are rendered pursuant to Section 553.73, Florida Statutes, as amended from time to time, shall be indexed by the Secretary of the Board by building and fire code sections and shall be available for inspection and copying during normal business hours.

(D) The decision of the Miami-Dade County Fire Prevention and Safety Appeals Board shall constitute final administrative review and no rehearing or reconsideration shall be considered.

(E) Any person aggrieved by any decision of the Miami-Dade County Fire Prevention and Safety Appeals Board on an appeal may seek judicial review in accordance with the Florida Rules of Appellate Procedure.

**Sec. 14-37. Remedies cumulative and independent.<sup>17</sup>**

All the judicial and administrative remedies in this article, the Florida Fire Prevention Code, municipal ordinances, County ordinances, State laws, and rules and regulations, as all of same may be amended from time to time, are independent and cumulative.

**Sec. 14-38. Strict liability.<sup>18</sup>**

Whenever a violation of this Chapter or of the Florida Fire Prevention Code or of a more stringent municipal fire safety standard occurs or exists, any person, individually or otherwise who has a legal, beneficial or equitable interest in the facility or instrumentality causing or contributing to the violation or who has a legal, beneficial, or equitable interest in the real property upon which such facility or instrumentality is located shall be jointly and severally liable for said violation regardless of fault and regardless of knowledge of the violation. This provision shall be construed to

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<sup>17</sup> Formerly Section 14-50 of the Code.

<sup>18</sup> Formerly Section 14-51 of the Code.

impose joint and several liability, regardless of fault and regardless of knowledge of the violation, upon all persons, individually or otherwise, who, although no longer having any such legal, beneficial or equitable interest in said facility or instrumentality or real property, did have such an interest at any time during which such violation existed or occurred or continued to exist or to occur. This provision shall be liberally construed and shall be retroactively applied to protect the public health, safety, and welfare and to accomplish the purposes of this article and the Florida Fire Prevention Code.

**Sec. 14-39. Permits.**<sup>19</sup>

- (A) 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 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.
- (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

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<sup>19</sup> Formerly Section 14-53 of the Code.

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 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 insure 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 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 to the cost of the services and regulation provided.

**Sec. 14-40. Plan review.**<sup>20</sup>

- (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.
- (B) No County or municipal officer, agent, employee, agency, or Board shall issue any permit for construction, erection, alteration, repair, renovation, modification, reconstruction, change of use or occupancy classification or demolition until the Building Official of the jurisdiction, or his or her designee, in conjunction with the Chief Fire Official has reviewed the plans and specifications for such proposal and both of the aforesaid code enforcement officials, or their designees, have determined that the plans are in compliance with the Florida Building Code, 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.
- (C) Any building or structure which is exempt from the County or municipal building permit process, this Chapter, the Florida Fire Prevention Code, and the rules and regulations of the State Fire Marshal shall not be required to have its plans reviewed pursuant to Section 14-40(A)-(B).

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<sup>20</sup> Formerly Section 14-53.1 of the Code.

- (D) Industrial construction on sites where design, construction, and fire safety are supervised by appropriate design and inspection professionals and which contain adequate in-house Fire Departments and rescue squads shall not be exempt from review of plans and inspections.
- (E) The County or municipality shall issue a permit to construct, erect, alter, repair, renovate, modify, reconstruct, change of use or occupancy classification or demolish any building where the plans and specifications for such proposal comply with the Florida Building Code, 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.
- (F) The Building Official of the jurisdiction, or his or her designee, shall require of every threshold building that all plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the Florida Building Code, 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.
- (G) Nothing in this section shall be construed to alter or supplement the provisions of Part IV of Chapter 553, Florida Statutes, relating to manufactured buildings.

**Sec. 14-41. Consent agreements.**<sup>21</sup>

The Chief Fire Official may, in the official's discretion, terminate an investigation or an action commenced under the provisions of this Chapter or the Florida Fire Prevention Code upon execution of a written consent agreement between the Chief Fire Official and the persons who are the subject of the

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<sup>21</sup> Formerly Section 14-54 of the Code.

investigation or action. The consent agreement shall provide written assurance of voluntary compliance by said persons with the applicable provisions of this Chapter, the Florida Fire Prevention Code, and in the case of a municipality, fire safety standards adopted by the municipality which are more stringent than the applicable provisions in this Chapter, the Florida Fire Prevention Code, or rules and regulations of the State Fire Marshal, as all of same may be amended from time to time. The consent agreement may, in the discretion of the Chief Fire Official provide the following: Posting of a surety, bond, or other security to assure compliance; costs and expenses of the Fire Department having jurisdiction for investigation, enforcement, testing, monitoring, and litigation, including attorneys' fees; civil penalties; remedial or corrective action. An executed written consent agreement shall not be evidence of a prior violation of this Chapter, the Florida Fire Prevention Code, or, in the case of a municipality, of any municipal ordinance. Such consent agreement shall not be deemed to impose any limitation upon any investigation or action of the Chief Fire Official in the enforcement of this Chapter, the Florida Fire Prevention Code or, in the case of a municipality, any municipal ordinance. The consent agreement shall not constitute a waiver of or limitation upon the enforcement of any federal, State or local laws and ordinances. Executed written consent agreements are hereby deemed to be lawful orders of the Chief Fire Official. Each violation of any of the terms and conditions of an executed written consent agreement shall constitute a separate offense under this Chapter, the Florida Fire Prevention Code, and, in the case of a municipality, an applicable municipal ordinance, by the persons who executed the consent agreement, their respective officers, directors, agents, servants, employees, and attorneys; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this Chapter, the Florida Fire Prevention Code, and in the case of a municipality, any applicable municipal ordinance. Decisions and actions of the Chief Fire Official pursuant to this section or the written consent agreements provided herein, shall not be subject to review by the Miami-Dade County Fire Prevention and Safety Appeals Board or by any other County or municipal Board, officer, agent or employee.

**Sec. 14-42. Attorneys' fees.**<sup>22</sup>

Upon the rendition of a judgment or decree by any of the courts of this state against any person in favor of the Chief Fire

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<sup>22</sup> Formerly Section 14-55 of the Code.

Official to enforce any of the provisions of this Chapter or the Florida Fire Prevention Code, the trial court, or, in the event of an appeal in which the Chief Fire Official prevails, the appellate court shall adjudge or decree against said person and in favor of the Chief Fire Official of the jurisdiction a reasonable sum as fees or compensation for the attorney of the Chief Fire Official who prosecuted the suit in which the recovery was had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all pending or prospective civil actions, legal or equitable, filed by the Chief Fire Official to enforce the applicable provisions of this Chapter or the Florida Fire Prevention Code or any more stringent municipal fire safety standard. Cessation, correction or remediation of any violation of the applicable provisions of this Chapter or the Florida Fire Prevention Code or of any more stringent fire safety standard whatsoever, prior to rendition of a judgment or of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Chief Fire Official to enforce the applicable provisions of this Chapter or the Florida Fire Prevention Code or a more stringent municipal fire safety standard, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Chief Fire Official for which attorneys' fees shall be awarded by the trial court as set forth hereinabove.

**Sec. 14-43. Enforcement; procedure; remedies.**<sup>23</sup>

(A) It shall be unlawful for any person to violate or to permit, allow, let or suffer any violation of: 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 Florida Statute 633.214 as amended from time to time. A notice of violation(s) and order to

<sup>23</sup>

Formerly Section 14-56 of the Code.

correct shall be understood to be a warning notice in accordance with Florida Statute 633.214.

- (2) To issue a civil violation notice in accordance with Florida Statute 633.214 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 Florida Statute 633.214.
  
- (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 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 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) Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. 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.**<sup>24</sup>

(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, planning, protection, and programming.

(4) Responding to and attempting to resolve citizen complaints against violations or possible violations of this

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<sup>24</sup> Formerly Section 14-57 of the Code.

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 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.

**Sec. 14-45. Alternative requirements.**<sup>25</sup>

References in this article to provisions and standards shall be deemed to include any alternative requirements or any alternatives authorized pursuant to law and ordinance.

**Sec. 14-46. Search and inspection warrants.**<sup>26</sup>

The Chief Fire Officials of the jurisdictions in Miami-Dade County, Florida are hereby authorized and empowered to seek all search and inspection warrants reasonable and necessary to carry out their respective responsibilities, powers and duties set forth in this Chapter in accordance with the requirements of the Constitutions of the United States of America and the State of Florida.

**Sec. 14-47. Inspections.**<sup>27</sup>

(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-

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<sup>25</sup> Formerly Section 14-59 of the Code.

<sup>26</sup> Formerly Section 14-61 of the Code.

<sup>27</sup> Formerly Section 14-62 of the Code.

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, or reviewing documentation conducted 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.

**Sec. 14-48. Orders.**<sup>28</sup>

(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

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<sup>28</sup> Formerly Section 14-63 of the Code.



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. 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 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.**<sup>29</sup>

(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.

(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).

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<sup>29</sup> Formerly Section 14-64 of the Code.

**Sec. 14-50. Liens.**<sup>30</sup>

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 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.

**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

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<sup>30</sup> Formerly Section 14-65 of the Code.

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.*

(1) It shall be unlawful for any person to obstruct the operations of the Fire Department in connection with extinguishing any fire, or 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.

**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 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 firesafety 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.

**Secs. 14-55-14-59. Reserved**

**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.**<sup>31</sup>

(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 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.

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<sup>31</sup> Formerly Section 14-66 of the 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.
- (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 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 non-contiguous 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 greater than one-half of the entire fire alarm system, then the entire fire alarm system shall be required to be in compliance with 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 14-61(I) of this Code.

**Sec. 14-62. Sprinkler systems, fire pumps, and other extinguishing systems.**<sup>32</sup>

- (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

<sup>32</sup>

Formerly Section 14-67 of the Code.

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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.

**Section 14-63. Standby Services.**

- (A) *Standby Fire and/or Inspection Service.* Whenever, in the opinion of the Chief Fire Official based on applicable fire safety standards, it is essential for public safety in any place of public assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall obtain a permit in accordance with Section 14-39 of this Code and employ one or more state-certified firefighter(s) and/or state-certified fire safety inspector, as required and approved by the Chief Fire Official to be on duty at such place. Said firefighter(s) and/or fire safety inspector(s) shall be subject to the Chief Fire Official's orders when so employed and shall be in uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, said firefighter(s) and or fire safety inspector(s) shall follow the procedures established by the Chief Fire Official to assure public safety. Said firefighter(s) and or firesafety inspector(s) shall not be required or permitted, while on duty, to perform any other duties than those herein specified. The owner, agent or lessee

shall be responsible for all cart, vehicle, apparatus, vessel, aircraft, specialized gear, equipment, supplies and administrative costs associated with the employment and support of said firefighter(s) and or fire safety inspector(s) dedicated to or in support of the performance, exhibition, display, contest or activity.

(B) *Standby Rescue Service.* Whenever, in the opinion of the Chief Fire Official based on applicable fire safety standards, it is essential for public safety in any place of public assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall obtain a permit in accordance with Section 14-39 of this Code and employ one or more state-certified paramedic and/or state-certified Emergency Medical Technicians (EMT), as required and approved by the Chief Fire Official, to be on duty at such place. Said paramedic(s) and/or EMT(s), shall be subject to the Chief Fire Official's orders when so employed and shall be in uniform and remain on duty during the time such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, said paramedic(s) and or EMT(s) shall follow the procedures established by the Chief Fire Official to assure public safety. Said paramedic(s) and or EMT(s) shall not be required or permitted, while on duty, to perform any other duties than those herein specified. The owner, agent or lessee shall be responsible for all cart, vehicle, apparatus, vessel, aircraft, specialized gear, equipment, supplies and administrative costs associated with the employment and support of said paramedic(s) and or EMT(s) dedicated to or in support of the performance, exhibition, display, contest or activity.

(C) *Standby Fire-Watch.* Whenever any fire protection system such as (1) Sprinkler systems, (2) Standpipe systems, (3) Fire hose systems, (4) Underground fire service mains, (5) Fire pumps, (6) Water storage tanks, (7) Water spray fixed systems, (8) Foam-water systems, (9) Fire service control valves that is required by this article, 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 is impaired for ten hours or more within any 24-hour period, or whenever any fire alarm system that is required by 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 is impaired for four hours or more within any 24-hour period the owner, agent or lessee



shall employ one or more state-certified firefighter(s), state-certified fire safety inspector(s), and/or state-certified security guard(s), as required and approved by the Chief Fire Official, to be on duty at such place to perform a standby fire-watch. If the owner, agent or lessee fails to employ said firefighter(s), fire safety inspector(s), and/or security guard(s), the Chief Fire Official may impose the standby fire-watch. Said firefighter(s), fire safety inspector(s), and/or security guard(s) shall be subject to the Chief Fire Official's orders when so employed and shall be in uniform and remain on duty during the time such places are open to the public, or are occupied. Said firefighter(s), fire safety inspector(s) and or security guard(s) shall follow the procedures established by the Chief Fire Official to assure public safety. Said firefighter(s) and or fire safety inspector(s) and or security guard(s) shall not be required or permitted, while on duty, to perform any other duties than those herein specified. The owner, agent or lessee shall be responsible for all cart, vehicle, apparatus, vessel, aircraft, specialized gear, equipment, supplies and administrative costs associated with the employment and support of said firefighter(s), fire safety inspector(s) and or security guard(s) dedicated to or in support of the standby fire-watch.

**Section 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 (additional extinguishers 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.

**Section 14-65. Overcrowding**

(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.

(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.

#### **Section 14-66. Open Burning**

(A) Permits, in accordance with Section 14-39 of this Code, from the Fire Department having jurisdiction shall be required for all open burning.

(B) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any 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 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.

**Section 14-67. Fireworks, 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. 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 of 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, type and description of displays.
- (xiii) For flame effects: 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 the fire 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 for bodily injury, and \$50,000 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 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 sparklers and/or novelty items shall be fully protected throughout with an automatic sprinklers 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.

**Section 14-68. Fire Department Access Roads and Set-Up Sites**

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.

**Section 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.

#### **Section 14-70. Multi-Building Complexes and Developments**

Commercial and residential developments or complexes, consisting of more than four buildings, served by a system of private fire department access roads, shall provide an illuminated site plan/map of the complex and the following shall apply:

(1) The site plan/map shall be of sufficient size and be located at all emergency vehicle entrances in an area to be clearly viewed from within a responding emergency vehicle.

(2) The map must be a detailed representation of the access road(s) and buildings within the complex.

- (3) The site plan/map shall be constructed with durable materials suitable to withstand outdoor environments and shall be maintained and updated as necessary.
- (4) Each building on the site shall be represented as an outline of the footprint of the building as it is located on the site.
- (5) The building number/address shall be clearly identified for each building on the map.<<

**Section 4.** Section 8CC of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>33</sup>

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

\* \* \*

<del>[[14-1</del>	Setting fire without permit	200.00
<del>14-4</del>	Creating or maintaining fire hazard	200.00
<del>14-10(4)</del>	Failure of fire alarm user to post on premises names of individuals able to de-activate alarm	250.00
<del>14-10(5)</del>	Third false fire alarm in one (1) calendar year	500.00
<del>14-10(5)</del>	Fourth and each additional false fire alarm in one (1) calendar year	1000.00
<del>14-10(6)</del>	Failure to file certificate of inspection	250.00
<del>14-40(A)</del>	Sections 5.201 and 5.204 of South Florida Fire Prevention Code incorporated by reference in Section 14-40(A)	500.00
<del>14-44</del>	Violation of uniform fire safety standards	200.00
<del>14-53</del>	Failure to obtain required permit or violation of condition of permit	200.00
<del>14-56</del>	Violation of South Florida Fire Prevention Code	200.00
<del>14-56</del>	Violation of standards set forth in Section 14-58	200.00

<sup>33</sup> 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.

<u>14-62</u>	Refusing to allow inspection	200.00
All other Chapter 14 violations		200.00]]

>> <u>14-11</u>	<u>Failure to burn or dispose of material for safety purposes</u>	<u>200.00</u>
<u>14-12</u>	<u>Setting fire without a permit</u>	<u>200.00</u>
<u>14-15</u>	<u>Creating or maintaining a fire hazard</u>	<u>200.00</u>
<u>14-16</u>	<u>Unlawful burning of forest, grass, woods, wildlands or marshes</u>	<u>200.00</u>
<u>14-17</u>	<u>Unlawful setting of fire on rights-of-way</u>	<u>200.00</u>
<u>14-18(F)(1)</u>	<u>First violation of fire alarm posting requirements</u>	<u>250.00</u>
<u>14-18(F)(2)</u>	<u>Second and all subsequent violations of fire alarm posting requirements</u>	<u>500.00</u>
<u>14-18(F)(3)</u>	<u>Third false fire alarm in one calendar year</u>	<u>500.00</u>
<u>14-18(F)(4)</u>	<u>Fourth and each additional false fire alarm in one calendar year</u>	<u>1000.00</u>
<u>14-18(F)(5)</u>	<u>Failure to file timely written inspection and test report</u>	<u>250.00</u>
<u>14-19</u>	<u>Failure to provide statement post vehicle fire or explosion</u>	<u>200.00</u>
<u>14-39</u>	<u>Failure to obtain required permit or violation of condition of permit, or failure to obtain required fire department approval prior to use or occupancy</u>	<u>200.00</u>
<u>14-40</u>	<u>Failure to submit plans for review or failure to obtain approval of plans</u>	<u>200.00</u>
<u>14-43</u>	<u>Violation of minimum fire safety standards, permit requirements, or lawful order of the Chief Fire Official</u>	<u>200.00</u>
<u>14-47</u>	<u>Obstructing, hampering, or interfering with inspection</u>	<u>200.00</u>
<u>14-51</u>	<u>Obstructing or interfering with the operations of the Fire Department</u>	<u>250.00</u>
<u>14-52</u>	<u>Violation of the general requirements at fires and other emergency operations</u>	<u>250.00</u>

<u>14-61</u>	<u>Violation of fire alarm requirements</u>	<u>200.00</u>
<u>14-62</u>	<u>Failure to supervise sprinkler systems, fire pumps, or other extinguishing systems</u>	<u>200.00</u>
<u>14-63</u>	<u>Failure to obtain standby services</u>	<u>200.00</u>
<u>14-64</u>	<u>Failure to obtain a permit for a tent or membrane structure</u>	<u>200.00</u>
<u>14-65</u>	<u>Failure to prevent overcrowding or post required notices</u>	<u>200.00</u>
<u>14-66</u>	<u>Failure to obtain a permit for open burning</u>	<u>200.00</u>
<u>14-67</u>	<u>Failure to comply with requirements for fireworks, pyrotechnic displays, and flame effects</u>	<u>200.00</u>
<u>14-68</u>	<u>Failure to establish and/or maintain access roads and/or set up sites</u>	<u>200.00</u>
<u>14-69</u>	<u>Violations of the general requirements for two-way radio communication enhancement systems</u>	<u>200.00</u>
<u>14-70</u>	<u>Failure to provide adequate site map of a development or multi-building complex</u>	<u>200.00&lt;&lt;</u>

\* \* \*

**Section 5.** The South Florida Fire Prevention Code, as said code had been amended from time to time, adopted by reference in the Code of Miami-Dade County, Florida, by Section 14-40 (Ord. No. 87-89), is hereby repealed.

**Section 6.** 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 7.** 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 8.** 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: September 7, 2016

Approved by County Attorney as  
to form and legal sufficiency:

D.F.  
ADW

Prepared by:

Daniel Frastai  
Michael B. Valdes

Prime Sponsor: Commissioner Barbara J. Jordan  
Co-Sponsor: Commissioner Sally A. Heyman