

ARTICLE I. GENERAL

(c) **Fireworks** means and includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, as defined by F.S. Ch. 791.

(e) The inspection or permitting of any building or plan under the requirements of this code shall not be construed as a warranty of the physical condition of such building or the adequacy of such plan. The Town or its employees shall not be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, or for any failure of any component of such building, which may occur subsequent to such inspection or permitting, pursuant to this code.

(a) Any person violating any provision of this code shall be punishable in accordance with the provisions of Sec. 1-4(b)(2) below.

(b) The application of a penalty for violation of this code shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 1-4. Enforcement Authority

(a) All regulations issued by the State Fire Marshal under authority of F.S. Ch. 633, shall be enforceable by the Fire Chief and the Fire Marshal, or designee. The Fire Marshal is hereby authorized to perform within the Town any duties that may be imposed upon by such law, or in accordance therewith, and to have such assistance, as needed, from other officials of the Town in the discharge of such duties.

(b) *Periodic fire safety inspections.*

(1) Enforcement of the code requires inspection of each new building subject to the Florida Fire Prevention Code and includes periodic inspections of each existing building subject to the Florida Fire Prevention Code.

(2) No such building shall be occupied without the required fire safety inspection. The frequency of the inspections shall be annually, or as otherwise determined by the Fire Marshal. A fire safety inspection shall not be conducted when previous fire inspection fees, fines, or other penalties remain unpaid. Each day constitutes a separate and continuing offense. The Town may enforce this provision of the Code through code enforcement proceedings, by notice to appear for violation of a municipal ordinance, or by action for injunctive relief. The fines provided herein are in addition to the penalties authorized by F.S. § 205.053 for delinquent business taxes.

(3) A property owner who fails a fire safety inspection may, within five (5) business days of the failure, appeal the denial to the Town Manager. Within seven (7) business days of receipt of the appeal, the Town Manager or his or her designee shall review the application and any information the applicant discloses in its written appeal and either sustain or reverse the Fire Marshall's determination. The matter shall then be referred to the Code Enforcement Board or Code Enforcement Special Magistrate, which shall conduct an evidentiary hearing. The decision of the Board or Special Magistrate shall be final and shall only be subject to review by writ of certiorari to Palm Beach County Circuit Court.

Sec. 1-5. Examination of Building Permits

(a) The Building Department shall not issue building permits for new construction, demolition, moving of existing buildings unless a complete set of plans and/or specifications have been examined and approved by the Fire Marshal.

(b) The Fire Marshal shall note all violations of local or state fire prevention and protection codes on the plans and specifications and may reject the plans and/or specifications until such time as appropriate corrections have been made, thereby eliminating such violations.

(c) No building that requires a Certificate of Occupancy (CO) from the Building Official shall be occupied for any purpose until a Fire Department Occupancy Authorization form has been signed by the Fire Marshal or Fire Chief.

(d) Nothing in this section shall apply to single-family or two-family residential units, with the exception of fire sprinkler systems, generators, or gas installations.

Sec. 1-6. Report of Fire

(a) Each owner, manager, person in charge of any building of any kind, or occupant of any building of any kind shall, immediately upon discovery of a fire in or adjacent to such building, or upon discovery of evidence that there has been a fire, even though it has apparently been

1 extinguished, report such an occurrence to the Fire Department immediately, giving complete
2 information as to the location and type of fire in order that an appropriate response by the Fire
3 Department may be initiated.

4 (b) This requirement shall not be construed to forbid the owner, occupant or person in charge
5 of the aforementioned building from using all diligence necessary to extinguish the fire prior to
6 the arrival of the Fire Department.
7

8 **Sec. 1-7. Automatic Fire Protection Systems**

9 (a) Where an automatic sprinkler system is installed, either for total or partial building
10 coverage, the system shall be installed in accordance with this code. A new building or structure,
11 for purposes of this section, means a building or structure for which an application for building
12 permits is sought after the date of the adoption of this code.

13 (b) All systems, equipment, tanks, piping, devices, appliances, controls, or storage facilities
14 over which the code contains regulatory provisions, or which are required by any other law, shall
15 be always maintained in operative condition to provide the service and design function for which
16 installed.

17 (c) All automatic fire protection systems (i.e., sprinkler, standpipe and fire pump systems)
18 shall be maintained under a written service contract with service companies licensed by the State
19 of Florida to provide such services and which possess a current business tax receipt for the
20 Town, providing for regular maintenance and testing of the systems in accordance with all
21 applicable codes and standards.

22 (d) The service company performing the maintenance and tests shall forward a written report
23 to the Fire Marshal indicating the nature of any repairs, modifications and/or corrections
24 completed by the service company, the date and time of such tests and inspections, and any other
25 information which may be required by the Fire Department. In addition, a copy of the service
26 report must be maintained on the premises, and it shall be subject to inspection at any time.
27

28 **ARTICLE II. FIRE CODES AND FEES**

29

30 **Sec. 2-1. Open Burning**

31 (a) *Defined.* Open burning is defined as any outdoor fire or open combustion of material
32 except barbecuing. Charcoal and propane fires, which are contained within a manufactured
33 hibachi, grill, smoker or gas grill for food preparation, do not constitute open burning.

34 (b) *Prohibited generally.* It shall be unlawful to have any open burning within the Town
35 limits on public or private property, except for fire training purposes or recreational or
36 ceremonial occasions for which written permits from the Fire Department are required.

37 (c) *On beach.* Permits will be issued for any open burning on the public beach except during
38 Florida's turtle nesting season.

39 (d) *Violations.* Any person who violates this section, and the owner of the land who allows
40 these violations, shall be guilty of a violation of this code.
41

42 **Sec. 2-2. Roadway Security Gates and Emergency Access**

43 (a) All security gates across roadways used by emergency response vehicles must be provided
44 with an authorized key box or key switch to operate the gate in addition to any other devices
45 specified by the Fire Chief. Information on where authorized key security boxes can be obtained

1 is available from the Fire Marshal.

2 (b) In case of power failure, any electronic gate shall open automatically and remain open
3 until power is restored.

4 (c) In the event that emergency personnel are unable to gain rapid entry with the methods
5 above, forcible entry methods to gain entry may be used. The Town and/or the Fire Department
6 shall not be responsible for, nor incur any costs as a result of, gaining access to a specific area.

7 (d) Trees with branches over areas accessible to fire apparatus must maintain fourteen (14)
8 feet of vertical clearance. Vegetation shall not intrude into the roadway such that would limit the
9 free passage of emergency vehicles.

11 **Sec. 2-3. Key Boxes/Entry Systems**

12 In all new and existing buildings, except individual residential dwelling units with exterior
13 access and no common area, there shall be installed a key box for such areas or buildings when
14 the Fire Marshal determines that access to or within a structure or an area is unduly difficult
15 because of secured doors and windows, security gates, or where immediate access is necessary
16 for all life-saving or firefighting purposes. The key box shall be a type approved by the Fire
17 Marshal, and shall contain:

18 (a) Keys to locked points of egress, whether in common areas or on the interior or exterior of
19 such buildings;

20 (b) Keys to locked mechanical equipment rooms;

21 (c) Keys to fire alarm control panels;

22 (d) Keys to suppression system components;

23 (e) Keys to locked electrical rooms;

24 (f) Keys to elevator controls; and

25 (g) Keys to other areas where fire rescue personnel may need emergency access as directed by
26 the Fire Marshal. The Fire Marshal shall approve the location of the lock box.

28 **Sec. 2-4. Fireworks**

29 This section may be cited as "The Highland Beach Fireworks Ordinance."

30 (a) The Fire Marshal may adopt reasonable rules and regulations for the granting of permits
31 for supervised displays of fireworks by the Town, fair associations, civic groups, and other
32 organizations or groups of individuals. Such permits may be granted upon application to the Fire
33 Chief. Every such display shall be handled by a competent operator and shall be of such
34 composition and character and shall be so located, discharged or fired in a manner not to be
35 hazardous to property or endanger any person. After the issuance of such a permit, possession,
36 use and distribution of fireworks within the Town for such display shall be lawful for that
37 purpose only. No permit granted hereunder shall be transferable.

38 (b) The Fire Chief, Fire Marshal, or the Police Chief shall seize, take, remove or cause to be
39 removed at the expense of the owner all stocks of fireworks stored or held in violation of this
40 section, and shall dispose of the fireworks in the manner deemed safe by the Fire Marshal when
41 the fireworks are no longer required as evidence of a violation of this section.

42 (c) During times of water shortages or water shortage emergencies, as determined by the
43 South Florida Water Management District and/or the Town and defined in Chapter 40E-21,
44 Florida Administrative Code, as it may be amended from time to time, the possession, use or sale
45 of consumer fireworks, including sparklers as defined in F.S. § 791.01(8), is prohibited within
46 the Town limits without a permit as discussed above.

1 **Sec. 2-5. Fire Inspection Fees**

2 Fire inspection fees shall be levied in accordance with the Town of Highland Beach's fee
3 schedule. The Town Manager is authorized to waive the fee for all Town buildings and events
4 and shall not apply to governmental entities.

5
6 **Sec. 2-6. Extension Cords, Control Panels, and Appliances**

7 (a) *Temporary use.* Extension cords shall not be used as a substitute for permanent wiring.

8 (b) *Conditions of use.* Extension cords are permitted only with portable appliances or
9 fixtures. While in immediate use:

10 (1) Each extension cord shall be plugged directly into an approved receptacle and shall,
11 except for approved multiplying extension cords, serve only one (1) appliance or fixture.

12 (2) The current capacity of the cord shall not be less than the rated capacity of the appliance
13 or fixture.

14 (3) The extension cord shall be maintained in good condition without splices, deterioration,
15 or damage.

16 (4) The extension cord shall be of the grounded type when servicing grounded appliances or
17 fixtures.

18 (c) *Limitations.* Extension cords and flexible cords shall not be affixed to structures, extend
19 through walls, ceilings, floors, under doors or floor coverings, nor be subject to environmental
20 damaging physical impact.

21 (d) *Multi-plug adapters.* The use of multi-plug adapters such as multi-plug extension cords,
22 cube adapters, strip plugs or any other device that does not comply with this code or the National
23 Electrical Code is prohibited.

24 (e) *Access to control panels.* A minimum thirty (30) inch clearance shall be provided in front
25 of electrical control panels for access. A minimum of one (1) foot clearance shall be maintained
26 to the top, bottom, and sides of each panel.

27 (f) *Non-approved appliances.* Electrical appliances or fixtures shall not be sold, offered for
28 sale or rent, disposed of by gift or premium, nor made available for use or used unless they are of
29 a type approved by the authority having jurisdiction (Underwriter Laboratories or equivalent).

30 (g) *Exception.* Low voltage wiring, such as communications and signal wiring.

31 (h) *Temporary wiring.*

32 (1) Temporary wiring for electrical power and lighting installations shall be permitted
33 during the period of construction, remodeling, repair or demolition of buildings, structures,
34 equipment, or similar activities. All temporary wiring requires a building permit.

35 (2) Temporary wiring for electrical power and lighting installation shall be permitted for a
36 period not to exceed ninety (90) days for holiday decorative lighting, carnivals, and similar
37 purposes.

38 (3) When temporary wiring is attached to a structure, it shall be attached in an approved
39 manner.

40 (i) *Electrical motors.* All electrical motors shall be maintained in a manner free from the
41 accumulations of oil, waste, and other debris, which will interfere with required motor
42 ventilation or create a fire hazard.

43
44 **Sec. 2-7. Fire Lanes on Private Property; Blocked Roadways**

45 (a) For the purposes of this section, the term fire lane means a space sufficient in width and
46 length to permit the parking of fire trucks, rescue vehicles, and other fire department apparatus

1 and located nearest to, or at the best location to permit firefighting and rescue operations nearest
2 to, a building or structure.

3 (b) Fire lanes shall be established on private property where the public has the right to travel
4 by motor vehicle, or where the public is permitted by invitation or by license to travel by motor
5 vehicle, to the extent that any such lane is necessary for access to buildings by any fire apparatus
6 as determined by the Fire Marshal. Any person owning or in possession and control of any such
7 property, including but not necessarily limited to, any parking lot, shopping plaza, shopping
8 center or other commercial, industrial, or multifamily residential area, shall establish such fire
9 lanes through striping, marking and posting of signs.

10 (c) After notification by the Fire Marshal of the necessity to establish one (1) or more fire
11 lanes upon a particular property, the owner or person in possession and control of the property
12 shall submit two (2) sets of site plans of the property to the Fire Marshal for review and approval
13 of the design and location of the fire lanes. The site plans shall be drawn to scale and shall show
14 all related buildings, driveways, streets, and other information to evaluate the sufficiency of the
15 fire lanes.

16 (d) Approval by the Fire Marshal of the fire lanes shall constitute authorization for the
17 installation of official signs prohibiting the stopping, standing, or parking of motor vehicles
18 within the fire lanes, and posting the lanes as tow away zones. Such signs and necessary
19 pavement marking, and striping shall be furnished by and at the cost of the owner or person in
20 possession and control of the property, who shall thereafter be responsible for the maintenance of
21 the signs, marking and striping in a state of good repair.

22 (e) All fire lanes signs installed pursuant to this section shall have red lettering, not less than
23 two (2) inches or more than three (3) inches in height, on a white background. Each sign shall be
24 twelve (12) inches wide by eighteen (18) inches in height and shall be consistent with the
25 Manual on Uniform Traffic Control Devices of the State Department of Transportation. The Fire
26 Marshal shall prescribe a uniform sign design for such signs.

27 (f) It shall be unlawful for any person to have or cause to have any driveway, roadway or
28 entrance barricaded or blocked by obstacles which would interfere with the response of Fire
29 Department or other emergency vehicles. If an existing building requires the changing of access
30 to the properties, the owners shall provide revised site plans to the Building Division and to the
31 Fire Department for their approval.

32 33 **Sec. 2-8. Barbecues and Open Flames on Balconies and Patios**

34 The use of any type of grill that produces an open flame is prohibited from being used on the
35 balcony, porch, or rooftop of any multi-family dwelling with three (3) or more units. Propane
36 tanks may NOT be stored within such multi-family dwellings or on balconies, porches, or
37 rooftops. A barbecue grill may be used on ground level at a multi-family dwelling as long as the
38 grill is more than fifteen (15) feet from the nearest overhang or any other part of the dwelling.
39

40 **Sec. 2-9. Marking Fire Hydrants and Fire Department Connections**

41 (a) Reflective blue markers shall be placed to indicate the location of a hydrant.

42 (b) Reflective red markers shall be placed to indicate the location of Fire Department
43 Connection (FDC) to a sprinkler or standpipe system.

44 (c) Fire hydrants shall be painted red or silver in accordance with specifications approved by
45 the Fire Chief.
46

Sec. 2-10. Requirements for High-Rise Buildings

(a) *Enforcement of application.* The high-rise regulations set forth in this section shall be enforced by the Fire Marshal. These regulations shall apply to all buildings, which have floors used for human occupancy located seventy-five (75) feet or more above grade.

(b) *Certificate of Compliance.*

(1) No Certificate of Occupancy shall be issued for a high-rise building, unless a Certificate of Compliance, as described herein, is first issued by the Fire Marshal.

(2) The following life safety features shall be provided and maintained in working order by the property owner in accordance with approved plans and specifications and shall be tested, certified and proved to be in proper working condition at the owners cost to the satisfaction of the Fire Marshal before issuance of the Certificate of Compliance.

a. *Administrative controls.* Administrative controls shall be provided as deemed appropriate by the Fire Marshal. This typically includes evacuation/ identification maps, door labels, impairment controls, etc.

e. *Master keys.* Multiple master keys fitting all common area doors shall be provided.

f. *Rappelling anchors.* New construction, anchor devices meeting Fire Department requirements as described in the Fire Department Design Guide shall be placed on the roof and used by the Fire Department for rappelling purposes.

g. *Suppression connections and control valves.* The location of Fire Department connections and fire suppression control valves shall be approved by the Fire Marshal.

h. *Communications.* The systems and devices used to provide voice information to building occupants and among emergency personnel shall be approved by the Fire Marshal.

Sec. 2-11. Requirements For Boat Docks and Piers

(a) *Construction.*

(1) Purpose. To provide a reasonable degree of safety to the general public, emergency response personnel, and others who use a docking facility or pier, in conjunction with fire and life safety features and firefighter safety.

(2) Scope. This section shall apply to all docking or pier facilities that are part of any commercial establishment, or any docking or pier facility that is used by the general public, whether or not a fee is charged for such use.

(b) *Fire Protection.*

(1) All new dock and piers, or dock and piers that have undergone substantial improvement, that do not abut land, shall be provided with a wet or dry standpipe system for firefighting purposes. Any hose outlet shall be capable of supplying 250 gallons per minute (gpm). The standpipe shall be designed by a licensed fire sprinkler contractor and approved by the Fire Marshal.

(2) Lighting shall be provided along the entire length of the dock, pier, or walkway so that no less than 0.1 foot-candle is available at the walking surface.

Sec. 2-12. Emergency Response Identification and Site Plan Mapping

(a) The owners of all properties having a building thereon shall install and maintain in a conspicuous place a correct street number of sufficient size (minimum of four (4) inches for residential and six (6) inches for commercial), shape, and character as to be visible and readable by emergency personnel approaching from any direction including the ocean side if applicable. The owners of all properties that are subdivided into suites or bays shall install and

maintain in a conspicuous place suite and bay designations that are likewise visible and readable by emergency personnel approaching from any direction.

(b) Facilities that have multiple entrances shall designate each entrance with an identifier so responding emergency personnel will know to go to the specific entrance closest to the patient or emergency.

(c) Prior to the final new construction inspection by the Fire Department, the developer, architect, or contractor must provide the following:

(1) All necessary information required for emergency response to the buildings, structures, or units.

(2) A site plan indicating "For Emergency Response Identification and Mapping."

(3) The site plan must reflect all the buildings/structures on the property and the building(s) orientation to driveways and labeled streets.

(4) If applicable, the site plan must also identify all suites or units.

(5) One paper copy eleven (11) inches by seventeen (17) inches.

(6) Submitted in Portable Document Format (pdf)

Sec. 2-13. Emergency Access Roadways.

(a) Emergency access roadways at construction sites must be firm and unyielding, having a bearing value of not less than forty (40) (i.e. LBR 40), compacted to 98% of the maximum density as determined by AASHTO T180, in accordance with the *FDOT Standard Specifications for Road and Bridge Construction (2000)* Division 11, Section 160, STABILIZING. A copy of the test results shall be provided and accepted prior to above grade construction. Testing frequency shall not be less than that specified in the *FDOT Sampling, Testing and Reporting Guide*, or as required by the Fire Marshal. The roadway shall be maintained free from ruts, depressions, and damage, and at the required bearing value for the duration of its intended use.

(b) Roadways determined by the Fire Marshal to provide emergency vehicle (fire and EMS) access to occupied structures or structures that are under construction, must be of sufficient width (typically fifty (50) feet) to allow emergency vehicles unencumbered access even when vehicles are illegally parked.

Sec. 2-14. Tent Requirements for Assembly Use

(a) A supplemental lighting system in addition to the regular system for emergency lighting is required.

(b) A certificate of flame retardant fabric is required to be provided to the Fire Marshal.

(c) A confirmatory field inspection is required after the tent is erected and prior to use by the public to confirm flame resistance.

(d) The storage of flammable liquids or the use of combustible materials, not flame retardant treated, are not permitted inside the tent. There will be no smoking or open flame allowed inside the tent.

(e) A method to provide for emergency communications shall be provided.

(f) A ten-pound ABC fire extinguisher will be prominently displayed and persons operating the assembly shall be trained.

(g) The public will be protected from tripping hazards and all electrical connections shall be enclosed.

(h) Applicable building permits and inspections shall be required. Permit applications shall include flame-spread information, location of tent relative to other structures, and the time period

the tent is to be used.

- (i) Generators are not permitted to be within ten (10) feet of the tent.

Sec. 2-15. Fire Sprinkler Systems

Water meters are prohibited on fire sprinkler supply lines.

Sec. 2-16. Hot Work Operations

(a) Welding, cutting, and other hot work shall comply with NFPA 51B, *Standard for Fire Prevention During Welding, Cutting, and Other Hot Work*.

(b) No such work shall be conducted without the issuance of a written Hot Work Permit per NFPA 51B.

(c) A fire watch shall be required in accordance with NFPA 51B.

Sec. 2-17. Safeguarding Roofing Operations

All roofing operations involving heat sources and hot processes shall not commence until a roofing permit has been issued by the Fire Department.

Sec. 2-18. Carbon Monoxide Detection

Dwelling units that contain fuel-burning appliances or fireplaces, have attached garages, or receive temporary electrical power from portable generators, shall be provided with carbon monoxide detectors. Installation and placement shall comply with the current edition of the Florida Fire Prevention Code.

ARTICLE III. OFFICE OF THE FIRE MARSHAL

Sec. 3-1. Establishment of Fire Marshal's Office; Purpose, Duties, and Responsibilities

(a) The Fire Marshal's Office within the Fire Department of the Town is hereby established and shall be supervised by the Fire Marshal and operated under the supervision of the Chief of the Fire Department, herein known as the Chief.

(b) The purpose of the Fire Marshal's Office is to prevent fires that result in loss of life, serious injury, excessive property loss and business interruption. The Fire Marshal shall be a diligent steward of the resources provided. The Fire Marshal shall fairly and consistently enforce the fire protection codes, ordinances and regulations of the Town and state, and shall represent the Town with the utmost integrity, honor, and professionalism.

(c) It shall be the duty of the Fire Marshal to enforce all laws and ordinances concerning the following:

(1) The prevention of fires through:

- a. Inspections;
- b. Plan reviews;
- c. Public education; and
- d. Enforcement.

(2) The storage and use of explosive, flammable, hazardous materials, and toxic substances.

(3) The installation and maintenance of automatic and other private fire alarm systems and fire extinguishing and protection equipment; control of impairments to these systems.

(4) The adequacy, maintenance, and regulation of all means of egress from all occupancies within the jurisdiction of the Fire Department.

- 1 (5) The investigation of the cause, origin, and circumstances of fires.
- 2 (6) Fire Marshal shall have the power to perform other such duties as are set forth in this
- 3 code, and as may be conferred and imposed by other codes, statutes, and other regulatory
- 4 criteria.

5

6 **Sec. 3-2. Staff**

- 7 (a) The Chief shall establish appointment criteria and designate a person to serve as Fire
- 8 Marshal, who shall hold this office at the pleasure of the Chief.
- 9 (b) The Fire Marshal shall establish appointment criteria and shall recommend the
- 10 employment of sufficient staff to accomplish the Office's mission and goals.
- 11

12 **Sec. 3-3. Authority to Enter Property for Inspection.**

- 13 (a) The Chief of the Fire Department, the Fire Marshal or any inspector may, at all reasonable
- 14 hours, enter any building or premises within the Town for the purpose of making any inspection
- 15 or investigation which, under the provisions of this code, he or she may deem necessary.
- 16 (b) If consent is not granted to conduct an inspection of a building, structure or premise the
- 17 Fire Marshal shall obtain an inspection warrant as provided for in the F.S. §§ 933.20 - 933.30.
- 18

19 **Sec. 3-4. Inspection of Nonresidential and Multi-Family Occupancy Premises Generally;**

20 **Enforcement Orders**

- 21 (a) It shall be the duty of the Fire Department to inspect or cause to be inspected, as often as
- 22 may be deemed necessary, all buildings and premises except the interiors of private dwellings,
- 23 for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or
- 24 any violations of the provisions or intent of any ordinance of the Town affecting fire hazards.
- 25 (b) Whenever the Fire Marshal shall find in any building or upon any premises, combustible
- 26 or explosive matter or dangerous accumulations of rubbish or unnecessary accumulations of
- 27 waste paper, boxes, shavings or any highly flammable materials, or stored material which is so
- 28 situated as to endanger property, or shall find obstructions to or on fire escapes, stairs
- 29 passageways, doors or windows, liable to interfere with the operations of the Fire Department or
- 30 egress of occupants in case of fire, he or she shall order same to be removed or remedied.
- 31

32 **Sec. 3-5. Inspections Involving Special Hazards, Fire Alarms and Sprinkler Systems;**

33 **Enforcement Orders**

34 The Chief, the Fire Marshal or any designated Fire Department personnel shall inspect, as

35 often as deemed necessary, all specially hazardous manufacturing processes, storage or

36 installations of gases, chemicals, oils, explosives and flammable materials, all interior fire alarm

37 and automatic sprinkler systems and such other hazards or appliances as the Chief shall

38 designate, and shall make such orders as may be necessary for the enforcement of the laws and

39 ordinances governing the same and for safeguarding life and property from fire.

40

41 **Sec. 3-6. Inspections Complaint: Order to Remedy Danger; Evacuation of Occupied**

42 **Buildings or Structures**

- 43 (a) The Fire Marshal, or designee, upon the complaint of any person or whenever he or she
- 44 deems it necessary, shall inspect any buildings and premises within the Town. Whenever any of
- 45 the said officers shall find any building or other structure which, for want of repairs, lack of
- 46 sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or

1 by reason of age or dilapidated conditions, or from any other cause, is especially liable to fire,
2 and which is so situated as to endanger other property or the occupants thereof, and whenever
3 such officer shall find in any building combustible or explosive matter or flammable conditions
4 dangerous to the safety of such building or the occupants thereof he or she shall order such
5 dangerous conditions or material to be removed or remedied.

6 (b) Any person who, after being served with a written order to cease such severe and
7 immediate hazardous activity, operation, or process, willfully fails or refuses to comply with
8 such an order shall be subject to immediate arrest.

9 (c) The Fire Marshal or designee may order the immediate evacuation of any occupied
10 building or structure or assembly area when such building, structure or assembly area is deemed
11 hazardous due to fire hazard, obstruction to exits, overcrowding of the premises, or any other
12 hazard or potential which presents immediate danger to the occupants. The premises or any
13 portion thereof, may not be reoccupied until it has been examined and deemed free of the hazard
14 or potential which caused the evacuation to be ordered. Persons refusing to obey either a verbal
15 or written order of the Fire Marshal or designee shall be referred to local law enforcement
16

17 **Sec. 3-7. Service of Enforcement Orders.**

18 The service of such orders as are mentioned in these codes may be made upon the occupant of
19 the premises to whom it is directed, either by delivering a copy of same to such occupant
20 personally or by delivering the same to and leaving it with any person in charge of the premises,
21 or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous
22 place on the door to the entrance of such premises. Whenever it may be necessary to serve such
23 an order upon the owner of the premises such order may be served either by delivering to and
24 leaving with such person a copy of such order, or, if such owner is absent from the jurisdiction of
25 the officer making the order, by mailing such copy to the owner's last known post office address.
26

27 **Sec. 3-8. Compliance With Orders; Appeal to Fire Chief.**

28 Any order served under the provisions of Sec. 3-6 shall forthwith be complied with by the
29 owner or occupant of such premises or buildings. If such order is made by the Fire Marshal or
30 designee such owner or occupant may within twenty-four (24) hours appeal to the Chief of the
31 Fire Department, who shall, within five (5) days, review such order and file his or her decision
32 thereon, and unless by his or her authority the order is revoked or modified, it shall remain in full
33 force and be complied with within the time fixed in the order or decision of the Chief of the Fire
34 Department.
35

36 **Sec. 3-9. Investigation of Causes of Fires Required; Procedures.**

37 (a) In accordance with F.S. § 633.03 the State Fire Marshal shall investigate the cause, origin,
38 and circumstances of every fire occurring in the Town where property has been damaged or
39 destroyed where there is probable cause to believe that the fire was the result of carelessness or
40 design.

41 (b) The Fire Marshal will conduct investigations into each fire event that does not present an
42 obvious cause. These investigations are to begin while suppression forces remain in control of
43 the scene unless the property is otherwise secured as authorized by the on-call investigator. The
44 purpose of these investigations is to learn the circumstances that caused the fire in an effort to
45 prevent future fires.

46 (c) Whenever criminal activity is suspected, the Fire Marshal shall immediately notify the

1 State Fire Marshal's office and the Town police department and shall further cooperate with these
2 authorities in the collection of evidence, crime scene preservation, and in the prosecution of the
3 case.
4

5 **ARTICLE IV. FIRE PROTECTION OUTSIDE TOWN**

6 **Sec. 4-1. Aid Rendered Outside of Town Limits**

7 Fire protection service shall not be rendered outside the municipal limits of the Town by the
8 municipal fire forces except in the following cases:
9

- 10 (a) To protect property within the Town threatened by a fire outside the Town.
- 11 (b) To protect Town property located outside the Town.
- 12 (c) To provide mutual/automatic aid as provided by written agreement.
- 13 (d) In the event that Fire Department resources are requested by another municipality which
14 has an agreement with a third-party agency for mutual aid services, and in the absence of an
15 interlocal agreement or mutual aid agreement with the municipality, a fee will be invoiced in
16 accordance with the Town of Highland Beach Fee Schedule. Payment must be made to the
17 Town, in full, within thirty (30) days of invoice.
18

19 **ARTICLE V. FIRE PROTECTION IMPAIRMENTS; 20 EMERGENCY FIRE WATCH; STANDBY COVERAGE**

21 **Sec. 5-1. Fire Protection Impairments**

22 (a) *Impairment defined.*

23 (1) A system is considered to be impaired whenever it is not capable of meeting its design
24 function as required by the appropriate NFPA code.
25

26 (2) In the interest of life safety, immediate notification to the Fire Department and fire
27 watch requirements or other compensatory measures are required whenever a building's fire
28 alarm systems, standpipes, fire sprinkler systems, and/or other emergency systems are out-of-
29 service for reasons other than scheduled maintenance and testing. This rule also specifies
30 requirements for Fire Department notification and fire watch implementation when scheduled
31 maintenance or testing places any of the fire protection systems listed above out-of-service for
32 more than four (4) hours.

33 (b) *Responsibilities of building owner or occupant.* For all occupancy groups, the building
34 owner, owner's designee, or occupant shall:

35 (1) Notify the Fire Department immediately at a designated telephone twenty-four-hour (24)
36 reporting line of the following occurrences resulting from other than scheduled maintenance or
37 testing:

- 38 a. Out-of-service fire alarm system;
 - 39 b. Out-of-service standpipe system;
 - 40 c. Out-of-service fire sprinkler system;
 - 41 d. Building fire protection system in which a supervisory or trouble signal has been
42 transmitted for a period exceeding eight (8) hours
 - 43 e. Out-of-service suppression system; and
 - 44 f. Out-of-service emergency alarm.
- 45 (2) Provide notification to building occupants of any out-of-service fire alarm, fire sprinkler

1 or emergency alarm system, and notification when restored to service.

2 (3) Notify the Fire Department at the designated twenty-four-hour (24) reporting number
3 when the out-of-service system is restored in full.

4 (4) Information to be provided to the Fire Department on the reporting line includes the
5 following:

6 a. Name and phone number of persons reporting the information.

7 b. The nature of the problem or out-of-service system being reported and the estimated
8 time before it will be back in full service;

9 c. The name and address of the building affected; and

10 d. The name of the building owner, or occupant and their phone number, if known.

11 12 **Sec. 5-2. Emergency Fire Watch for Impairments**

13 (a) When the Fire Department finds it necessary to station fire rescue personnel at a building
14 with a disabled fire alarm and/or fire suppression system, the owner of the building shall pay the
15 Town a fee per hour per person for the expense incurred by the Town in administering the fire
16 watch in accordance with the Town of Highland Beach Fee Schedule. Fire Department
17 personnel will continue the fire watch until either the system is repaired and functioning, or until
18 relieved by a responsible person as determined by the Fire Marshal.

19 (b) Fire watch assessments are due within thirty (30) days after the Town mails the invoice to
20 the owner. A late payment penalty shall accrue at a rate of 5% per month, and prorated as
21 necessary, for an assessment past due. The assessment of fire watch assessments does not in any
22 way relieve the owner from paying any inspection or reinspection fees associated with the re-
23 establishment of a functioning alarm and/or fire suppression system.

24 (c) It shall be unlawful for any person to fail or refuse to pay fire watch assessments when
25 due. Any person found guilty of violating this provision shall be subject to a fine equal to the
26 fire watch assessment. Additionally, the costs incurred by the Town may be assessed against the
27 property in the form of a lien.

28 29 **Sec. 5-3. Standby Fire and Emergency Medical Coverage.**

30 (a) Whenever, in the opinion of the Fire Marshal, it is essential for public safety in any place
31 of public assembly or any other place where people congregate, due to the number of persons, or
32 the nature of the performance, exhibition, display, contest or activity, the Fire Marshal may
33 require the owner, agent or lessee to employ one or more off-duty certified Town Fire
34 Department personnel, as required and approved by the Fire Marshal, to be on duty at such
35 place. Said Town Fire Department personnel shall be always subject to the Fire Marshal's
36 and/or his/her designee's orders, when so employed, and remain on duty during the times such
37 places are open to the public, or when such activity is being conducted, including one hour
38 before opening the area to the public and one hour after closing the area to the public. Before
39 each performance or the start of such activity, Town Fire Department personnel shall inspect all
40 required fire and life-safety equipment to ensure that such equipment is in proper working order,
41 and shall keep diligent watch for any emergency that should arise. Should any emergency arise,
42 Fire Department personnel shall take whatever action necessary to protect the occupants and
43 public from injury, illness, or any life-threatening condition.

44 (b) Whenever, in the opinion of the Fire Marshal, it is essential for public safety in any place
45 of public assembly or any other place where people congregate, due to the number of persons, or
46 the nature of the performance, exhibition, display, contest or activity, the Fire Marshal may

1 require the owner, agent or lessee to employ one or more off-duty certified Town paramedic(s)
2 and/or EMT(s) as required and approved by the Fire Marshal, to be on duty at such place. Said
3 Town paramedic(s) shall, always, be subject to the Fire Marshal's and/or his/her designee's
4 orders, when so employed, and remain on duty during the times such places are open to the
5 public, or when such activity is being conducted, including one hour before opening the area to
6 the public and one hour after closing the area to the public. Before each performance or the start
7 of such activity, said Town Fire Department personnel shall inspect all required fire and life-
8 safety equipment to ensure that such equipment is in proper working order, and shall keep
9 diligent watch for any emergency that should arise. Should any emergency arise, the
10 paramedic(s) and/or EMT(s) shall take whatever action necessary to protect the occupants and
11 public from injury, illness or any life-threatening condition.

12 (c) For the provision of the services described in subsections (a) and (b) above, the Town
13 shall be entitled to a fee for the expense incurred by the Town in accordance with the Town of
14 Highland Beach Fee Schedule. The Town Manager may reduce or waive fees if deemed
15 appropriate.
16

17 **ARTICLE VI. COST RECOVERY FOR OPERATIONS DUE TO** 18 **CODE VIOLATIONS, SPECIAL OPERATIONS AND CLEAN-UP** 19 **OF HAZARDOUS MATERIALS**

20 21 **Sec. 6-1. Cost Recovery Program for Incidents Due to Negligent, Unlawful or** 22 **Unauthorized Acts as Defined Herein**

23 There is hereby established a Cost Recovery Program for the purpose of recovering costs for
24 the Fire Department in responding to incidents due to code violations, negligent, unlawful or
25 unauthorized acts as defined herein.

26 (a) *Definitions.* Unless the context otherwise requires, the following terms as used in this
27 Cost Recovery Program shall be construed according to the definitions given below.

28 *Business.* An entity consisting of one (1) or more persons engaged in a commercial activity for
29 profit.

30 *Careless.* Not taking ordinary or proper care; heedless; inattentive.

31 *Contract.* An oral or written agreement to have work performed by a contractor.

32 *Contractor.* Person or entity who has a contract to perform a task or service.

33 *Emergency response.* Any call requiring the Fire Department to respond.

34 *Incendiary act.* A fire purposely set by a person or persons.

35 *Malicious act.* A wrongful act intentionally done without legal justification or excuse; an
36 unlawful act done willfully and purposely.

37 *Negligence.* Failure to use ordinary care a reasonably prudent and careful person would use
38 under similar circumstances; failure to do something which a reasonable person would do; or the
39 doing of something which a reasonable and prudent person would not do.

40 *Person.* The word *person* may include an individual, contractor, business, association, or any
41 other entity.

42 (b) *Acts requiring cost reimbursement.*

43 (1) Negligence/careless acts. Any contractor or business whose negligence or careless
44 actions or conduct causes an incident resulting in an appropriate emergency response, may be
45 required to make payment to the Town for the costs of that emergency response.

1 (2) Malicious or incendiary acts. Any person whose malicious or intentional, reckless
2 incendiary act causes an incident resulting in an emergency response, may be required to make
3 payment to the Town for the costs of that emergency response.

4 (3) Driving under the influence. Any person who has a 0.08 or more alcohol concentration
5 in his or her blood or breath, or whose blood or urine contains evidence of the unauthorized use
6 of cannabis, or of the unauthorized use of a controlled substance, and who causes an incident
7 resulting in appropriate emergency response, upon conviction (includes supervision and
8 probation) may be required to make payment to the Town for the costs of that emergency
9 response.

10 (c) Fees will be assessed in accordance with the Town of Highland Beach Fee Schedule.

11 (2) A minimum of one (1) hour shall be charged. Subsequent hours will be billed at fifteen
12 (15) minute increments.

13 (3) Late fees. All fees shall be paid to the Town within sixty (60) days of the invoice
14 date. In the event that the fees are not paid within the sixty (60) day period, an additional charge
15 of 5% shall be added to the outstanding balance and will subsequently be added each thirty (30)
16 day period that the balance remains unpaid.

17 (4) Waiver of fees. The Town Manager or his or her designee, may waive or reduce fees.

18
19 **Sec. 6-2. Definitions; Authority and Responsibility. Cost Recovery for Special Operations and**
20 **Clean-Up of Hazardous Materials**

21 (a) For the purpose of this section, the following words and phrases shall have the meanings
22 given herein:

23 *Costs.* Those necessary and reasonable costs incurred by the Town in connection with
24 investigating, mitigating, minimizing, removing or abating discharges of hazardous substances,
25 or in connection with costs incurred by any activity of the special or tactical operations unit
26 including but not limited to actual labor costs of Town personnel or its authorized agents; costs
27 of equipment operation and rental; costs of expendable items, including but not limited to
28 firefighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums, acid
29 suits, acid gloves, goggles and protective clothing.

30 *Discharge.* Any intentional or unintentional action or omission resulting in the releasing,
31 spilling, pumping, pouring, emitting, emptying, or dumping of a hazardous substance upon
32 public or private property located within the corporate limits of the Town.

33 *Hazardous substances.* Any substances or materials in a quantity or form which in the
34 determination of the Fire Department pose an unreasonable and imminent risk to the life, health,
35 safety or welfare of persons or property within the Town and shall include but not be limited to
36 those substances listed in the NFPA Guide on Hazardous Materials or the EPA's list of
37 extremely hazardous substances, or the Florida Substance List promulgated by the state
38 department of labor and employment security.

39 (b) The Fire Department is hereby authorized to take such steps as necessary to clean up,
40 remove or abate the effects of any hazardous substances discharged upon or into public or
41 private property or facilities located within the corporate limits of the Town, and is authorized to
42 use its special or tactical operations unit to effectively deal with specific emergencies, including,
43 but not limited to, high-angle, confined space, and other forms of vertical rescue.

44 (c) Any person responsible for causing or allowing an unauthorized discharge of hazardous
45 substances which requires action by the Fire Department or its authorized agents in order to
46 protect the public health, safety or welfare shall reimburse the Town for the full amount of all
47 costs associated with the investigating, mitigating, minimizing, removing and abating any such

1 discharge, or otherwise providing relief to a life-threatening situation involving special and
2 tactical operations. Reimbursement shall be made within thirty (30) days after receipt of an
3 itemized bill for such costs from the city.

4 (d) When responding to the emergency caused by the unauthorized discharge of hazardous
5 substances, or to an emergency requiring the use of the special or tactical operations unit, the
6 Fire Department shall keep a detailed record of the cost attributable thereto.

7 (e) The authority to recover costs under this section shall not include costs incurred for actual
8 fire suppression services, which are normally or usually provided by the Fire Department or its
9 authorized agents.

10 (f) Any person responsible for causing or allowing an unauthorized discharge of hazardous
11 substances, or responsible for an emergency requiring the use of the special operations and
12 tactical unit, and who fails to reimburse the Town within the time set forth herein shall be subject
13 to a late fee in the amount of 10% of the total amount of the bill for each additional day that the
14 bill for such costs remains unpaid.

15 (g) The remedy provided for in this section shall be supplemental to and in addition to all
16 other available remedies by law and equity.
17

18 **ARTICLE VII. CONTROL OF AUTOMATIC ELEVATORS**

19 20 **Sec. 7-1. General; Key Switch Operation; Capacity; Access Keys; Instructions Posted;** 21 **Emergency Use**

22 (a) In all multi-family or commercial buildings equipped with automatic elevators, at least
23 one (1) designated elevator servicing all floors of the structure shall be arranged for emergency
24 use (firefighter's service) by Fire Department personnel. The control of automatic elevators shall
25 meet the requirements as set forth under the state elevator code and ASME/ANSI, A17.1.

26 (b) Existing elevators shall conform to the requirements of ASME/ANSI A 17.3.

27 (c) Elevators shall be inspected and tested as specified in ASME/ANSI A 17.3.
28

29 **ARTICLE VIII. HAZARDOUS MATERIALS AND TOXIC** 30 **SUBSTANCES**

31 32 **Sec. 8-1. Fire Department Hazardous Materials Permit**

33 (a) The purpose of this program is to identify and control the more serious material hazards
34 within the Town, primarily for the protection of responding emergency personnel, but also to
35 assure these dangerous substances are used and stored properly to protect employees and the
36 public.

37 (b) The authority for this permitting program is provided by the *Florida Fire Prevention*
38 *Code*.

39 (c) The occupational license application (new or renewal) for a business tax receipt requires
40 the submission of all Safety Data Sheets (SDS) that the business is required to maintain in
41 accordance with SARA Title III or OSHA requirements.

42 (d) In addition to requiring a business tax receipt, an inspector may at any time he or she finds
43 chemicals, hazardous materials, or toxic substances, SDS may be requested for review to
44 determine if a Hazardous Materials Permit is required.

45 (e) The SDS are reviewed by the Department to determine if any of the materials would

1 qualify as a "3" or "4" for any category of the NFPA 704 hazard identification system. If any are
2 found to meet that criterion, a Hazardous Materials Permit is required.

3 *Exception:* If the quantities are considered by Department to be small enough that there is no
4 significant threat. This determination is made on a case-by-case basis with consideration given
5 to protection, (i.e., sprinklers, storage cabinets, etc.) and handling procedures.

6 (f) The Hazardous Materials Permit is issued by Department after a site inspection to verify
7 proper storage and handling. Permitted facilities require signage in accordance with NFPA
8 704. The Fire and Life Safety Division determines category numbers, size, number, and
9 location(s) of signs. Permitted facilities also require a key box for the placement of information
10 for use by responding emergency personnel. The Fire Department may direct that the items
11 specified above be revised or reinstalled at any time. The Town shall bear no expense for initial
12 or subsequent work required of a user under this section.

13 14 **Sec. 8-2. Disclosure and Safety Requirements**

15 (a) Any person applying for site plan review, building permits, or a business tax receipt shall
16 disclose on the application whether hazardous material, hazardous waste, or toxic substances will
17 be used, stored, displayed, generated, or handled, and if so, SDS must be filed with the Fire
18 Department.

19 (b) Any person who, during the calendar year, for the first time becomes a user or handler of
20 any hazardous material or toxic substance, must submit SDS to the Fire Department within
21 fifteen (15) days of becoming a user or handler.

22 (c) The Fire Department may, upon written notice, require the submittal of SDS of any user or
23 handler. The user or handler shall submit SDS within fifteen (15) days.

24 (d) Any person required to submit SDS pursuant to this section shall file with the Fire
25 Department updated SDS on an annual basis at the same time as any business tax receipt renewal
26 or within fifteen (15) days of any of the following:

- 27 (1) A change in business address;
28 (2) A change in business ownership;
29 (3) A change in business name;
30 (4) Cessation of business operations;
31 (5) The use or handling of a previously undisclosed hazardous material or toxic substance;
32 and

33 (6) A significant change in the use, handling, or manufacturing of a hazardous material or
34 toxic substance for which disclosure has been previously made.

35 (e) Upon request, all users must provide the following information:

36 (1) To the Fire Department, any information determined by the Fire Department to be
37 necessary to protect public health, safety, or the environment; and

38 (2) To any physician, where the physician determines that such information is necessary to
39 the medical treatment of the patient and to the extent allowed by law.

40 (f) *Exemptions from disclosure.* The following materials or persons are exempt from
41 disclosure requirements:

42 (1) Hazardous materials or substances contained in food, drug, cosmetic, or tobacco
43 products.

44 (2) Hazardous materials or toxic substances contained solely in consumer products
45 packaged for use by and distributed to the general public unless the product is repackaged or
46 altered in any way; provided, however, the manufacture and distribution of these products are not

1 exempt. However, pesticides, herbicides, and ammonium nitrate fertilizers over the required
2 disclosure amounts are not exempt from disclosure.

3 (3) Any person, while engaged in the transportation or storage of hazardous materials,
4 within the provisions of Title 49 of the Code of Federal Regulations, subchapter c, as exists or as
5 hereafter amended or changed.

6 (4) Infectious waste generated by hospitals, medical centers, clinics, and other health care
7 facilities.

8 (5) Record keeping; exemption from public disclosure. Under the provisions of F.S. §
9 252.88(3), any and all information, including but not limited to, site plans and specific location
10 information on hazardous materials or toxic substances furnished to the Fire Department
11 pursuant to this section shall be confidential and exempt from the provisions of F.S. § 119.07(1).

12 (g) *Enforcement.* The Fire Chief or designee is authorized and empowered to enforce the
13 provisions of this code. The enforcement may include the inspection of hazardous materials or
14 toxic substances in use, storage, or disposal, review of hazardous materials records, the sampling
15 and testing of hazardous materials and other activities directly related to the enforcement of this
16 section. No person shall obstruct or interfere with the Fire Chief or designee in the performance
17 of these duties.

18 (h) *Violations.* Violations of this section are subject to the penalties and remedies provided in
19 F.S. § 252.86.