



TOWN OF HIGHLAND BEACH PROPOSED ORDINANCE

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING THE CURRENT EDITION OF THE FLORIDA FIRE PREVENTION CODE AND PROVIDING FOR LOCAL AMENDMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach, Florida (the “Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is in the process of establishing a Fire Rescue Department responsible for overseeing and enforcing the Florida Fire Prevention Code within the Town; and

WHEREAS, pursuant to Chapter 633, Florida Statutes, every three years the State Fire Marshall adopts an updated Florida Fire Prevention Code, which establishes the statewide minimum fire safety code and incorporates Florida editions of the National Fire Protection Association’s Fire Code (NFPA 1 Fire Code) and Life Safety Code (NFPA 101 Life Safety Code); and

WHEREAS, Chapter 633, Florida Statutes, provides that the update Florida Fire Prevention Code adopted by the State Fire Marshall shall be deemed adopted by, and shall be enforcement by, local governments with fire safety responsibilities as the minimum fire safety code; and

WHEREAS, Chapter 633, Florida Statutes authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum fire safety code; and

WHEREAS, Town Staff and the Town’s consultant have recommended local amendments to the Florida Fire Prevention Code, and the Town Commission determines that such local amendments are more stringent than and strengthen the minimum fire safety code and that the

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adoption of such amendments serves a public purpose and is in the best interest of the public health, safety and welfare of the Town of Highland Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Town of Highland Beach hereby amends Chapter 35, “Fire Rescue Department,” of the Town Code of Ordinances by adopting a new Section 35-11 to read as follows (additional language underlined):

Sec. 35-11. Florida Fire Prevention Code.

- (a) In accordance with Sections 633.202 and 633.208, Florida Statutes, the current edition of the Florida Fire Prevention Code adopted by the State Fire Marshall, as may be amended, including the Florida editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code, is deemed adopted by the Town as the minimum fire safety code, and is hereby amended by the Town’s local amendments to the Florida Fire Prevention Code, which are incorporated herein by reference. The most recent version of the Florida Fire Prevention Code, as amended by the Town’s local amendments, may be hereafter referred to as the Highland Beach Fire Code or “this Code.”
- (b) The provisions of this Code shall be in full force and effect within the corporate limits of the town.

Section 3. The Town of Highland Beach hereby adopts local amendments to the Florida Fire Prevention Code, a copy of which are attached hereto as Exhibit A and are incorporated herein, and the Town Commission determines that such amendments are more stringent than the minimum fire safety code as required by Chapter 633, Florida Statutes.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. Section 2 of the Ordinance shall be made a part of the Town Code of Ordinance and may be re-numbered or re-lettered to accomplish such.

Section 7. Effective Date. This Ordinance shall become effective forty-five (45) days prior to the Town's Fire Rescue Department becoming operational.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Doug Hillman	_____	_____
Vice Mayor Natasha Moore	_____	_____
Commissioner Peggy Gossett-Seidman	_____	_____
Commissioner John Shoemaker	_____	_____
Commissioner Evalyn David	_____	_____

PASSED on first reading at the Regular Commission meeting held on this _____ day of _____, 2022.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Doug Hillman	_____	_____
Vice Mayor Natasha Moore	_____	_____
Commissioner Peggy Gossett-Seidman	_____	_____
Commissioner John Shoemaker	_____	_____
Commissioner Evalyn David	_____	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this _____ day of _____, 2022.

ATTEST:

By: _____
Lanelda Gaskins, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Glen J. Torcivia, Town Attorney