

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA, CREATING CHAPTER 15 OF THE HARDEE COUNTY CODE OF ORDINANCES "FIRE PREVENTION AND PROTECTION" TO PROVIDE GUIDELINES FOR FIRE PREVENTION; PROVIDING FOR ENFORCEMENT, IMPOSITION OF PENALTIES AND ADMINISTRATIVE FINES; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

**WHEREAS**, Chapter 125, Florida Statutes, authorizes the various counties of the State of Florida to adopt regulations in the interest of the public health, safety, and the general welfare of the public; and

**WHEREAS**, the Board of County Commissioners (the "Board") of Hardee County, Florida (the "County") desire to update the County Code of Ordinances as may be amended and revised from time to time, which serve as the laws and regulations of the County; and

**WHEREAS**, the Board has determined that it is in the best interests of the County to provide easily ascertainable regulations and requirements concerning fire prevention; and

**WHEREAS**, it is desirable and beneficial to the citizens and residents of the County to protect the health, safety and welfare of the public by prescribing guidelines for fire prevention within the County; and

**WHEREAS**, this Ordinance was duly noticed and advertised pursuant to the law; and

**WHEREAS**, Chapter 15 "Fire Prevention and Protection" shall be created as provided for herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY:**<sup>1</sup>

**Section 1. Recitals.** That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

**Section 2. Creation.** That Chapter 15, "Fire Prevention and Protection," of the County Code of Ordinances is hereby created as follows:

**CHAPTER 15 FIRE PREVENTION AND PROTECTION**

<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

**Article I. In General.**

**Section 15.1. Introduction and Title.**

This Chapter sets forth Hardee County's rules and regulations for intended to control fire hazards; regulate the installation, use, testing, and maintenance of equipment; regulate the use of structures, premises, and open areas; provide for the abatement of fire hazards, establish responsibilities and the procedures for code enforcement; and setting for the standards for compliance and achievement of these regulations with the objective of improving public safety.

This Chapter shall be the "Hardee County Fire Prevention Code".

**Section 15.2. Fire Prevention Division Established**

15.2.1 In accordance with Chapter 633, F.S., the Fire Chief shall designate a Fire Official as Fire Marshal. The Fire Marshal of Hardee County shall be responsible for the enforcement of the Hardee County Fire Prevention Code. To assist in the performance of the responsibilities and duties placed upon the Fire Marshal of Hardee County, the Fire Prevention Division of Hardee County is hereby established, to be under the control of the Fire Chief.

15.2.2 The Fire Prevention Division within Hardee County Fire Rescue shall operate under the supervision of the Fire Marshal of Hardee County. In accordance with Chapter 633, F.S., the Fire Marshal shall be responsible for the direct administration and enforcement of the Hardee County Fire Prevention Code. The Fire Marshal may designate such number of Fire Inspectors as shall from time to time be authorized by the Fire Chief of Hardee County.

**Section 15.3. Duties and Responsibilities**

15.3.1 It shall be the duty of the Fire Marshal and his/her designees to enforce all rules and regulations of Hardee County Fire Prevention Code, which shall consist of but not be limited to the following:

(A) Prevention of Fires

(B) The storage and use of explosives and flammables

(C) Installation and maintenance of automatic and other fire alarm systems and fire extinguishing systems

(D) The means and adequacy of exits from buildings and all other places in which numbers of persons work, live, or congregate from time to time for any purpose, in case of a fire

(E) Investigation of the cause, origin, and circumstances of fires

(F) Maintenance of fire cause and loss records

**Section 15.4. Definitions**

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not defined herein shall have the meaning found in the currently adopted edition of the Florida Fire Prevention Code.

**Authority Having Jurisdiction ("AHJ")** - Hardee County Fire Rescue through the Fire Chief and/or his designated State Certified Inspector

**Building Code** –The Florida Building Code, as amended from time to time, Chapter 553, F.S.

**Building Rehabilitation** - Any work on an existing building that includes repair, renovation, modification, addition, reconstruction, change of use, change of occupancy classification, change of subclassification or any building as described in NFPA 101, Chapter 43.

**Division** – the Hardee County Fire Prevention Division as established in Section 15.2.

**Fire Department Access Road** – The road or other means developed to allow access and operational setup for firefighting and rescue operations

**National Fire Code** – The compilation of the National Fire Protection Association codes, standards, guides, recommended practices, and manuals published by the National Fire Protection Association and as adopted by Hardee County Fire Rescue.

**NFPA** – National Fire Protection Association as referenced in the Florida Building Code. NFPA Standards or NFPA Codes # shall mean the referenced code or standard as compiled and published by the National Fire Protection Agency

**Path of Egress** – A path of travel from any point within a building, including but not limited to, the exit access, exit, and exit discharge as delineated on the life safety plan and/or as determined by the AHJ.

**Story** - That portion of a building including between the upper surface of a floor and the upper surface of the floor or roof next above. A parking area beneath a building is considered a story.

**Substantial Damage** – this shall have the meaning as provided in the ULDC.

**Substantial Improvement** – this shall have the meaning as provided in the ULDC.

**Substantially Altered** – A structural alteration increasing the square footage of an existing building such that the square footage of the entire building exceeds that listed in the Florida Fire Prevention Code, shall be considered a substantial alteration.

**ULDC** - shall be the Hardee County Unified Land Development Code

## **Section 15.5. Adoption and Conflicts.**

**15.5.1 Florida Fire Prevention Code (FFPC)** –The Florida Fire Prevention Code as adopted by the State of Florida pursuant to Section 633.202, FS, as amended from time to time is hereby adopted and incorporated as fully as if set out at length herein, save and except such portions as are deleted, modified, added, or amended in this Chapter. Not less than one copy of the adopted issue of the Florida Fire Prevention Code of the National Fire Protection Association, and the adopted standards and codes of the National Fire Codes shall be filed in the office of Hardee County Fire Rescue and the provisions thereof shall be controlling within the limits of the County, and within any municipality which has entered into an interlocal agreement or contract for services from Hardee County Fire Rescue unless otherwise provided for. Whenever the Florida Fire Prevention Code as referenced herein and the Hardee County Code of Ordinances or the ULDC address an identical issue, the more stringent fire protection provisions shall apply unless otherwise prohibited by applicable Florida Law.

**15.5.2 Florida Building Code (FBC)** –All fire safety and/or protections standards or requirements of the Florida Building Code as identified in Section 15.4 of this Chapter are hereby incorporated and made a part of this Chapter Whenever the Florida Building Code or the Florida Fire Prevention Code addresses an identical issue, conflicts will be resolved in accordance with Section 533.73, F.S., as may be amended.

**15.5.3 Hardee County Unified Land Development Code (ULDC)** - Whenever there is a conflict between the ULDC and this Code, the more stringent fire protection provision shall apply.

## **Section 15.6 Application**

15.6.1 The provisions of this Chapter shall apply to all buildings, structures, vehicles, marine vessels, premises, and conditions within the county. The provisions of this Chapter shall apply to existing and new buildings except as otherwise expressly and specifically provided for in this Chapter.. Structures, vehicles, marine vessels, premises, and conditions not in strict compliance with this Chapter may be permitted to continue unless, in the opinion of the Fire Marshal, they constitute a distinct fire hazard to life or property.

15.6.2 The provisions of this Chapter shall not apply to one- or two-family dwellings in the use or maintenance thereof, except that this Chapter shall apply whenever the activity or use of such dwelling creates a distinct fire hazard to life or property or is referenced by the Uniform Fire Safety Standards as provided for under Section 633.206 FS, as amended from time to time.

15.6.3 The provisions of this Chapter shall not apply to those buildings or structures specifically under the Uniform Fire Safety Standards of the State of Florida, as outlined in Section 633.206 FS, as amended from time to time.

15.6.4 The provisions of this Chapter shall be complied with whenever a building is built, or when an existing building meets the Classification of Rehabilitation Work categories as listed in Chapter 43 of NFPA 101.

15.6.5 The provisions of this Chapter, as far as they are substantially the same as existing provisions of law relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

15.6.6 The adoption of this Chapter or the repeal of any other existing provision of law, including regulations or orders, shall not be construed to alter any time limit that may have been imposed by any existing law, regulation, or order of the Fire Marshal or other authority relating to compliance with such limits.

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

15.6.8 Existing Buildings that are occupied at the time of the adoption of this Chapter may be continued in use provided the following:

(1) The occupancy classification remains the same

(2) No serious life safety hazards exist that would constitute an imminent threat as determined by the Fire Marshal

(3) The building was not previously under review for Code compliance

## **Section 15.7: Authority**

15.7.1 This Chapter is hereby deemed an exercise of the police powers of the County for preservation of public health, safety and welfare and all provisions of this Chapter shall be liberally construed for that purpose. This Chapter shall be administered and enforced by those fire officials who shall be qualified pursuant to Section 633.216, F.S.

15.7.2 The Board of County Commissioners may, by Resolution or ordinance, establish fees as determined necessary for the administration and enforcement of the provisions of this Chapter.

## **Section 15.8: Plans**

15.8.1 The Fire Marshal or designee shall examine the submitted plans for evidence of compliance with this Chapter. A complete set of plans, drawings, and specifications (including but not limited to site, building, alarm, sprinkler, standpipe, hood exhaust systems, etc.) shall be submitted to the Division. Failure to do so will result in the issuance of a Stop Work Order, which will be enforced until the required material is provided.

15.8.2 All fire alarm, sprinkler system, hood, and extinguishing system drawings shall be submitted and approved prior to the commencement of any work on each respective system. Such system design criteria shall be included with the full architectural plan submittal.

15.8.3 The Division shall provide review comments following the rejection of any submitted plans.

### **Section 15.9: Fees for fire code inspections and other fire code inspection-related services/Permits**

15.9.1 Fees shall be charged to the user/consumer for new construction permits, inspections, and yearly fire prevention code inspections and re-inspections, as required by Section 15.38, performed on structures or buildings by Hardee County Fire Rescue as prescribed in the Hardee County Fee Schedule, adopted by Resolution. . Fees for other fire code inspection-related services, including, but not limited to, fire pump tests, hydrant tests, and preliminary plans review, shall be charged to the user/consumer as prescribed in the Hardee County Fee Schedule, adopted by Resolution.

15.9.2 This section shall not apply to single-family or duplex residential units, except where the installation of fire suppression systems, fire alarm systems, or liquid petroleum fuel tanks are proposed, or required by this Chapter, the Florida Building Code, the FFPC, or the ULDC.

### **Section 15.10 Enforcement and Penalties.**

(A) Responsibility for enforcement. Hardee County Code Enforcement Officers shall have the power and authority to enforce this Chapter.

(B) Penalties. Penalties for violations of the ordinances to enforce shall be in the amount prescribed in the Schedule of Civil Penalties adopted by Resolution, or as otherwise provided in this Code or by law.

(C) Enforcement procedures. A violation of this Chapter shall be enforced pursuant to the procedures set forth in Chapter 3.

### **Section 15.11 Violations.**

Except as otherwise may be provided for, any person violating any of the provisions of this Chapter shall be punishable as provided for in Chapter 3 of this Code.

### **Section 15.12 Other Remedies.**

The procedures contained herein are declared to be additional and supplemental means of enforcing the codes and ordinances of Hardee County, Florida. Nothing contained herein shall be construed as limited any of means of enforcement consistent with general or special law of the Hardee County Code of Ordinances.

206 **Section 15.13 Appeals.**

207 Appeals from this Chapter shall be in accordance with Section 3-8 of the Code.

208 **Section 15.14 No Liability for Reasonable, Good Faith Trespass by Enforcement Officer.**

209 The Hardee County Sheriff's Office and Officer's acting pursuant to this Code, any Code  
210 Enforcement Officer, any Animal Control Officer, and the County shall be immune from  
211 prosecution, civil or criminal, for reasonable, good faith trespass upon private property while in  
212 the discharge of duties under this Chapter.

213 **Section 15.15 Abatement.**

214 Failure to comply with or appeal the terms of this Chapter shall constitute a continuing nuisance.  
215 The County Manager or designee shall then have the authority, even during the pendency of  
216 an appeal, to promptly abate the nuisance, in whole or in part, at the expense of the owner. At  
217 least five days prior to an abatement of a nuisance pursuant to this Chapter, the County shall  
218 give notice to the owner of the property that the County will correct the violation if it is not  
219 otherwise corrected by the date specified in the notice and that all costs incurred will become a  
220 lien against the property. Such notice shall be provided in accordance with Chapter 3. The  
221 County, through its agents or authorized contractors, is authorized to enter upon the premises  
222 and take such steps as are reasonably necessary to effect abatement. The County shall not be  
223 required to have any nuisance abated by its contractors or agents.

224 **Section 15.16 Abatement Nuisance Emergency.**

225 The County Manager shall have the authority to promptly abate a nuisance that poses an  
226 immediate risk to the health, safety, and welfare of pedestrians, young children, and the general  
227 public, regardless of whether notice of the violation has been previously provided to the owner.  
228 Examples of such nuisances include, without limitation, obstructing access to a road, driveway,  
229 fire lane, etc. by a fire truck or other fire fighting apparatus. The County Manager or designee  
230 shall have the authority to order the immediate removal of the obstruction.

231 **Section 15.17 Assessment of Cost of Abatement; Imposition of Lien.**

232 As soon after such abatement as provided for herein is feasible, the cost, plus administrative  
233 costs and recording fees for abating the nuisance on such premises, shall be calculated and  
234 invoiced by the County to the owner of the premises. The cost plus said expenses are due and  
235 payable upon the date of the mailing of said invoice. Such additional charges are hereby declared  
236 to be necessary for the purpose of inspection and administration and enforcement of this Chapter.  
237 Thereupon, the County shall levy a special assessment lien in the amount of such cost plus  
238 administrative costs and recording fees against such premises. Such lien shall describe the  
239 premises and show the total costs assessed are due and payable. Until payment is complete,  
240 such assessments shall be legal, valid and binding obligation upon the property. Thirty days after  
241 the filing of the lien, interest shall begin to accrue at the rate of 12 percent per annum on any  
242 unpaid portion thereof.

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245 **Sections 15.18-15.19 Reserved.**

246 **Article II. FIRE PREVENTION REGULATIONS**

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248 **Section 15.21: Periodic Fire Safety Inspections**  
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250 15.21.1 The Florida Fire Prevention Code and the Florida Statutes provide that each county,  
251 municipality, and special district with fire safety responsibilities is required to enforce the Florida  
252 Fire Prevention Code. Such enforcement requires inspections of each new structure or building  
253 whose occupancy type is defined by the state statute and the Florida Fire Prevention Code. Fire  
254 safety annual inspections shall be conducted on each existing structure or building as defined by  
255 the Ch. 633, F.S. and the Florida Fire Prevention Code as adopted by the State Fire Marshal.

256  
257 15.21.2 No such building shall be occupied without the required fire safety inspection. The  
258 frequency of the inspections shall be in accordance with Section 15.38 of this Ordinance.  
259

## 260 **Section 15.22: Unnecessary/False Alarms**

261  
262 15.22.1 The purpose of this section shall be to regulate and control the malfunctioning,  
263 negligence, or unintentional act resulting in the unnecessary response of emergency vehicles. In  
264 the case of unnecessary/false alarms, the AHJ shall cause an investigation to be made and keep  
265 a record of the number of unnecessary/false alarms on file.  
266

267 15.22.2. For this section, the definition of "twelve-month period" shall mean the twelve months  
268 immediately prior to the most recent fire alarm activation this department responded to which has  
269 been determined to be a nuisance or false alarm.  
270

271 15.22.3 Persons owning, managing, or otherwise overseeing the premises shall be responsible  
272 for regulating and controlling the use and maintenance of an automatic fire alarm system for those  
273 premises. The transmission of an excessive number of unnecessary/false alarms, as defined  
274 herein as the result of malfunctions, negligence, or unintentional acts resulting in the necessary  
275 response of emergency vehicles shall constitute a violation of this Chapter. The owner, tenant,  
276 manager, or person in charge shall, after the performance of an investigation by the AHJ as to  
277 the causes for each such unnecessary/false alarm, be responsible for such violation and may be  
278 assessed a service fee pursuant to the Fire Prevention Service Fees Resolution. An excessive  
279 number of unnecessary/false alarms for any premises within the County is defined as six (6) or  
280 more such unnecessary/false alarms within any given twelve (12) month period.  
281

282 15.22.3.1 For the first through third unnecessary/false alarms, , occurring in any given twelve-  
283 month period, no action will be taken.  
284

285 15.22.3.2 For the fourth and fifth unnecessary/false alarms in the same twelve-month period, a  
286 warning in writing shall be issued.  
287

288 15.22.4 All unnecessary/false alarms in excess of six (6) in one twelve-month period shall be  
289 assessed a fee as prescribed in the Schedule of Civil Penalties adopted by Resolution.  
290

## 291 **15.22.53 Construction Related Nuisance Alarm**

292  
293 15.22.5 Any active or open permitted work conducted by contractors, subcontractors, or other  
294 construction-related fields (i.e., painting, Demolition, etc.) resulting in a false and/or nuisance  
295 alarm shall be assessed a fee in accordance with Section 15.22 until the time the permit is closed..  
296

## 297 **Section 15.23: Required Access for Fire Apparatus**

298  
299 15.23.1 Fire and Emergency access may be required by the Fire Marshal and shall meet or  
300 exceed the access requirements of NFPA 1, Chapter 18 taking into account aerial apparatus

placement and operations, unless otherwise approved by the AHJ. Provide at least two (2) accessible sides of all commercial, professional, industrial, and multi-family occupancy buildings.

**15.23.2** Emergency access shall be kept unobstructed at all times and from any future growth and shall be dedicated on the approved site plan for the life of the building.

### **15.23.3 Automatic Vehicle Access Control Gates**

**15.23.3.1** Plans for each automatic gate system shall be submitted to the Division for review and approval prior to the initiation of any construction.

**15.23.3.2** When in the fully open position, gates shall allow not less than fifteen (15) feet of horizontal clear space, including the roadway surface, as measured from inside curb to inside curb. A vertical clear space of not less than thirteen (13) feet six (6) inches shall also be required.

**15.23.3.3** Each system shall have as a minimum for operation

**(A)** Fire Department access shall be through the use of an access key switch. The key switch shall match the fire department key. The key switch shall be mounted at the gate entrance (as approved by the AHJ) as to ensure fire department access is not hindered due to the malfunction of the gate.

**(B)** In the event of power outages, a battery backup system shall cause the gate(s) to be opened on the entry side of the complex to allow for emergency access (see 13.3.2). The gate(s) shall remain in the fully open position until power is restored.

**(C)** Any additional automatic gate system standards shall be developed in conjunction with Hardee County to ensure Department access to gated subdivisions or developments through the use of an approved device or system.

**15.23.3.4** If the gate is to be used for emergency access only, signage shall be installed on both the interior and exterior of the gate indicating the gate is to be used for emergency access only and prohibiting parking.

**15.23.3.5** In the event the gate becomes non-operational, the gate shall be secure in the fully open position until such time as the minimum requirements as outlined above have been restored to a fully operational condition.

**15.23.3.6** Upon initial acceptance of the automatic gate(s), fire department personnel shall mark the entry gate(s) with reflective tape markings. These markings shall be maintained by the property owner or management.

**15.23.3.7** No automatic vehicle access gate or crossbar used for entry control shall be placed in service until such time as the opening features have been inspected, tested, and approved by the jurisdiction.

### **15.23.4 Fire Lanes**

**15.23.4.1** Fire Lanes, where required by the AHJ, shall meet the requirements of the Hardee County Land Development Code and NFPA 1. Where the Hardee County Land Development Code and NFPA 1 address identical issues, the more stringent fire protection feature shall apply.



**15.23.4.2** Fire lanes shall be established and maintained on private property where the public has the right to travel by motor vehicle or where the public is permitted by invitation or by license to travel by motor vehicle, to the extent that any such lane is necessary for access to buildings by fire trucks or other firefighting apparatus, as determined by the Fire chief or Fire Marshal, or designee.

### **15.23.5 Closing of Private Driveways, Roadways, and Entrances**

**15.23.5.1** It shall be unlawful for any person to have or cause to have any driveway, roadway, or entrance barricaded or blocked by obstacles which would interfere with the response of the Department or other emergency vehicles. If an existing building requires a change of access, the owners shall provide revised life safety plans and obtain a permit from the County.

### **15.23.6 Dead Ends**

**15.23.6.1** Dead End fire department access roads in excess of 150 ft. in length shall be provided with approved provisions for the turning around of fire apparatus. Turnarounds of the following dimensions shall be provided:

- \_\_\_\_\_ (1) Eighty (80') foot diameter cul-de-sac
- \_\_\_\_\_ (2) Eighty (80') foot Wye
- \_\_\_\_\_ (3) Eighty (80') foot Hammerhead
- \_\_\_\_\_ (4) Forty (40') foot Shunt

Diagrams of the same appear in the table located in Section 31 Table 1.

**15.23.2** During Construction, when combustibles are brought onto the site in such quantities as deemed hazardous by the AHJ, access roads and a suitable temporary supply of water acceptable to the AHJ shall be provided and maintained. Where the access roadway cannot be provided, an approved fire protection system or systems shall be installed as required and approved by the AHJ.

**15.23.7 Penalty.** See Section 15.10

## **Section 15.24: Key Box / Lock Systems**

**15.24.1** When a structure is equipped with a fire alarm system, fire sprinkler system, or standpipe system or where required by the AHJ, an approved key box shall be required. The tumbler shall match the Fire Department key. The location of the box shall be approved by the Division. Keys shall be provided to gain access to the fire alarm panels, electrical room, sprinkler room, and any other area to which the department may require access. Applications for the key box may be obtained from the Division.

**15.24.1.1** Installation of the key box shall be a maximum height of six (6) feet or as approved by the AHJ.

**15.24.1.2** New buildings requiring a key box shall have a recessed-style box installed unless otherwise approved by the AHJ.

**15.24.2** In the event manual gates are installed which would impede access to a building, or complex of buildings, the gate shall meet the minimum requirements for access and clearances as specified in Section 13.3.2 of this Code.

**15.24.3 Penalty.** See Section 15.10

## **Section 15.25: Storage and/or Use of Appliances**

**15.25.1** This section shall apply to all buildings and structures.

*Exceptions: Two-family dwellings of one-story design and single-family dwellings or Commercial cooking appliances*

**15.25.2** For the purpose of this section, an outdoor cooking appliance shall mean any portable and non-portable cooking appliance, grill, stove, or smoker, fueled or powered by electricity, wood, charcoal, liquefied petroleum gas, natural gas, gasoline, kerosene, naphtha, alcohol, or other liquid or gaseous fuels.

**15.25.3** Outdoor cooking appliances shall be operated a minimum of ten (10) feet from the exterior of buildings or structures.

**15.25.4** It shall be unlawful for any person to use or cause to be used any outdoor cooking appliance on any balcony, within a screened enclosure, in any covered parking area, in any corridor or hallway, under any overhang, or within any area of any building or structure; notwithstanding the foregoing, a tabletop or counter top electric grill, with a cooking surface that is two hundred (200) square inches or less in size, may be used on a balcony, as long as the balcony is not enclosed or within a screened enclosure.

**15.25.5** No person shall place or maintain any gas or propane cylinders on porches, breezeways, balconies, or attached garages of a multi-unit, multi-story building.

**15.25.6** No person shall store or use any other heat-producing device or appliance which is determined by the AHJ to be unsafe due to its application or use.

**15.25.7 Penalty.** See Section 15.10

## **Section 15.26: Festival Seating**

**15.26.1** Festival seating as defined in the current edition of the Life Safety Code shall be prohibited in any building within Hardee County.

## **Section 15.27: Premise Identification for First Responders**

**15.27.1** All new and existing buildings shall include signage that identifies the building address. All such signs shall be permanent and shall meet the requirements of NFPA 1. All such signage shall be placed on buildings in such a manner that their address numbers are legible and visible from the road or street fronting the property.

## **Section 15.28: Fire Alarm Systems**

**15.28.1** General Requirements

**15.28.1.1** Approved Fire Alarm Systems shall be installed in buildings as follows:

- 454
- 455 (1) All required Fire Alarm Systems shall be annunciated and monitored.
- 456 (2) Fire Alarm control panels or required remote annunciators shall be installed within six
- 457 (6) feet of the primary entrance.
- 458 (3) Horn/Strobe lights shall be installed on the exterior of each building for which a fire
- 459 alarm system is required so as to be easily seen from the street and its location
- 460 approved by the AHJ. The light shall be either red or white in color.
- 461 (4) Outside Stem and Yoke (OS&Y) valves on fire line backflow preventers shall be
- 462 equipped with tamper switches and secured through the use of chain(s) and lock(s).
- 463
- 464

## 465 **Section 15.29: Fire Sprinkler and Standpipe Systems**

### 466 **15.29.1 General Requirements**

467

468

469 **15.29.1.1** Approved Fire Sprinkler Systems shall be installed in buildings as required by the

470 currently adopted Florida Fire Prevention Code.

471

472 **15.29.1.2** Electric fire pumps that are required to ensure adequate flow and pressure in the

473 sprinkler system shall be connected to an emergency power system per the current edition of

474 NFPA 70.

475

476 **15.29.1.3** All buildings having a fire sprinkler system shall have an approved audible and visual

477 waterflow alarm (horn/strobe) provided on the exterior of the building in an approved location,

478 facing the street front of the building.

479

480 **15.29.2** All newly installed underground piping supplying water-based extinguishing systems that

481 utilize plastic compounds, shall be identified by tracing tape or an approved method, from the

482 point of connection to the base of the riser.

483

484 **15.29.3** All sprinkler system installations shall be approved by the AHJ and all sprinkler system

485 connections to the public water distribution system shall be approved by either the Hardee County

486 Utilities Department or the Utilities Department of the respective municipalities.

487

488 **15.29.4** All fire department connections shall be located on the private property side of the fire

489 line backflow preventer unless a specific exception is issued in writing by the Fire Marshal. Such

490 connection shall be attached directly to the backflow preventer, or approved free-standing FDC,

491 and shall be a 2 ½" or 5" Storz connection unless otherwise approved by the AHJ.

492

### 493 **15.29.6 Preplanned Sprinkler System Impairments**

494

495 **15.29.6.1** The requirements of the current edition of NFPA 25 and the Florida Administrative Code

496 (FAC) shall apply to fire sprinkler system impairments.

497

498 **15.29.2** The AHJ shall be notified by the building/property owner, occupant, the impairment

499 coordinator, or the licensed contractor conducting the work which will cause the scheduled

500 impairment, no less than three (3)

501 business days prior to the scheduled impairment. This will allow the building owner, agent,

502 contractor, or other responsible parties to notify the AHJ of all arrangements to ensure life safety

503 is upheld.

504

505 **15.29.7 Standpipe and/or Hose Connections**

506  
507 **15.29.7.1** Standpipes and/or hose connections shall be required for buildings three (3) or more  
508 stories in height.

509  
510 **15.29.7.2** Locations of standpipes and/or hose connections shall be required at each level and  
511 shall be approved by the AHJ.

512  
513 **15.29.7.3** Installations shall be in accordance with NFPA 14.

514  
515 **15.29.7.4** The AHJ may waive this requirement when firefighting access can be accomplished  
516 with pre-connected hoses to remote locations from firefighting apparatus.

517  
518 **15.29.7.4.1** Any such waiver as outlined in **15.29.7.4** shall be authorized in writing for the AHJ  
519 and such waiver shall be acquired prior to initiation of any construction.

520  
521  
522 **Section 15.30: Fire Protection Water Supply**

523  
524 **15.30.1** In all developments, the adequacy of fire protection services, water capacity, hydrant  
525 locations, fire lanes, and maneuvering areas are subject to the approval of the Fire Marshal with  
526 the requirements set forth herein determined as minimum provisions.

527  
528 **15.30.2** All fire hydrants, wet or dry, shall be installed in accordance with the requirements of  
529 NFPA as referenced in the FFPC.

530  
531  
532 **15.30.3** Fire hydrants shall be installed in all new developments that meet any of the following  
533 criteria:

- 534 (1) All developments that require an extension of the water distribution system  
535 (2) All developments that require submission of a preliminary site plan as set forth in the  
536 Hardee County Land Development Code  
537 (3) When, in the opinion of the AHJ, access to or distance from public fire hydrants would  
538 hamper or impair Firefighting operations  
539 (4) All new water distribution systems shall be considered for hydrant locations and  
540 spacing by the AHJ

541  
542 **15.30.4** Approved Fire Hydrant: an approved fire hydrant shall mean a fire hydrant connected to  
543 a water main of not less than six (6) inches in diameter and shall meet the performance standards  
544 required by the AHJ, or its  
545 designee, and shall have one (1) 4 ½" and two (2) 2 ½" hose connections. All hydrant installations  
546 shall be approved by the jurisdiction in which they are located as pertains to the availability of  
547 water pressure, volume, and reliability of water service.

548  
549 **15.30.5** A fire hydrant shall be located within one hundred (100) feet from the fire department  
550 connection, as measured by the normal route of travel or as otherwise approved by the AHJ.

551  
552 **15.30.6** No person shall place or keep any post, fence, vehicle, growth, vegetation, trash, or  
553 storage of other materials that would obstruct a fire hydrant or fire protection appliance and hinder  
554 or prevent its immediate

use by fire department personnel. Fire hydrants and fire protection appliances shall be maintained readily visible.

**15.30.7** The following clearances shall be maintained for all fire hydrants and fire protection appliances.

(1) A clearance of five (5) foot clear space shall be maintained around the circumference of the fire hydrant and/or appliance, except as otherwise required or approved.

**15.30.8 Reflective Markings**

(1) Blue Markers shall be placed to indicate the location of a Hydrant

(2) Red Markers shall be placed to indicate the location of Fire Department Connections to a sprinkler or standpipe system

**15.30.9** Dry Hydrants and alternate water supplies for firefighting purposes shall comply with the most current edition of the Florida Fire Prevention Code and NFPA 1142, Standard for Water Supplies for Suburban and Rural Fire Fighting including Annex A & B.

**15.30.10** All exterior fire protection piping must be painted red or a contrasting color from the building.

**Section 15.31: Mobile Food Dispensing Vehicle (MFVD)**

**15.31.1** Mobile and/or temporary cooking operations shall be inspected prior to operation at each event/location within the county.

**15.31.2** Cooking equipment used in mobile and/or temporary cooking concessions, such as trucks, trailers, and/or buses shall comply with NFPA 1, NFPA 10, NFPA 96, FFPC, FAC 5K, and/or FAC 61C, as applicable.

**15.31.3** Each vendor shall be properly licensed by the Florida Department of Business and Professional Regulation (DBPR), Division of Hotels and Restaurants, and/or the Florida Department of Agriculture, Division of Food Safety.

**15.31.4 Penalty.** see Section 15.10

**Section 15.32: Fireworks**

**15.32.1** Permits for fireworks displays, flame effects, and pyrotechnics shall be regulated by the applicable provision of this Code, including NFPA 1123, NFPA 1126, and NFPA 160.

**15.32.2** Any fair, association, amusement park, other organization, individual or group of individuals shall apply to the AHJ of Hardee County Fire Rescue for a permit for the display and loading of fireworks, flame effects or pyrotechnics at least fifteen (15) days in advance of the date of display. The application shall contain all of the following:

(1) The exact location of the display

(2) The number, type, and size of the pyrotechnics and/or fireworks to be displayed.

(3) The name and qualifications of the individuals performing the display.

- (4) Proof of liability insurance in the amount of \$1,000,000.00 (one million dollars), minimum, in which the County is named as a co-insured party.
- (5) A non-refundable application fee, per the fee schedule.

**15.32.3** The AHJ or his designee shall issue a permit to the applicant upon satisfaction of the conditions listed in the above section, including NFPA 1123, NFPA 1126, and NFPA 160.

**15.32.4** Standby fire watch shall be on duty from the time of display set up, during the display, and until termination of the display and removal of all fireworks, debris, pyrotechnical materials, and devices from the site.

**15.32.5** The requirements for the use of pyrotechnics before a proximate audience shall be in accordance with the standards as set forth in the FFPC.

**15.32.6** Any indoor use of pyrotechnics shall not be permitted in buildings or any portion thereof unless protected by an approved automatic sprinkler system.

**15.32.6.1** Indoor use of pyrotechnics shall be prohibited in temporary structures such as tents and canopies.

**15.32.7 Penalty.** See Section 15.10

### **Section 15.33: Alternate Fire Extinguisher Placement**

**15.33.1 Application.** This alternative to fire extinguisher placement shall apply to multi-unit residential buildings only.

**15.33.2** Where, in the opinion of the AHJ, it is difficult or impractical to have fire extinguishers inside each residential unit inspected and tagged annually, as required by FFPC, and verified by the Division, the AHJ may require that the fire extinguishers be installed on the exterior of the structure.

**15.33.3** All other requirements of NFPA 10 shall be maintained.

**15.33.4 Penalty.** See Section 15.10

### **Section 15.34: Certificate of Inspection**

**15.34.1** No building shall be occupied in whole or in part without the approval of, and issuance of a Certificate of Occupancy inspection report being completed and filed by the AHJ.

**15.34.2** A Certificate of Occupancy shall not be issued until the occupancy has passed inspection by the Hardee County Fire Prevention Division and said fees have been paid in full.

**15.34.3 Penalty.** See Section 15.10

### **Section 15.35: Change of Use/Occupancy**

**15.35.1** The Division shall only conduct its inspection when there is a change of use/occupancy after the Hardee County Zoning Department and the Hardee County Building Department have

inspected the premises to ensure the structure(s) is/are properly zoned and in compliance with applicable Florida Building Codes.

**15.35.2** No building that requires a certificate of occupancy (CO) from the Building Official shall be occupied for any purpose until a Fire Department fire final inspection has been approved

### **Section 15.36: Cease and Desist Order or Stop Work Order**

**15.36.1** Whenever the violation of any provision of this Code presents an immediate danger to life, safety, or property or when any new construction or existing building is occupied in whole or in part in violation of the provisions of this Code, or when any fire, explosion or other such disaster occurs and presents an immediate danger to life or property, the AHJ shall immediately post, or cause to be posted a Cease and Desist Order, Stop Work Order or other approved signage or documentation on the premises and shall suspend any and all use of the building, marine vessel, structure, or premises until such time that the danger to life or property has been removed or correction to the violation has been made.

**15.36.2** If it is determined by the AHJ that a violation specified in this subsection exists, the AHJ or designee may issue and deliver to the person committing the violation an order to cease and desist from such violation, to correct any hazardous condition, to preclude occupancy of the affected building or structure, and/or vacate the premises of the affected building or structure. Such violations include one or more of the following:

- (1) A violation of any provision of this section, of any rule adopted pursuant thereto, of any applicable Uniform Fire Safety standard adopted pursuant to Florida Law, which is not adequately addressed by an alternative requirement adopted on a local level.
- (2) A substantial violation of an applicable minimum Fire Safety standard adopted in pursuance to Florida Law, which is not reasonably addressed by any alternative requirement imposed at the local level, or an unreasonable interpretation of any applicable minimum fire safety standard, and which violation or interpretation clearly constitutes a danger to, safety, or property.
- (3) A building or structure that is in a dilapidated condition and as a result thereof creates a danger to life, safety, or property.
- (4) A building or structure that contains explosive matter or flammable liquids or gases constituting a danger to life, safety, or property.

**15.36.3** If, during the conduct of a fire safety inspection authorized by Florida Law, it is determined that a violation described in this section exists that poses an immediate danger to the public health, safety, or welfare, the AHJ may issue an order to vacate the building in question, which order shall be immediately effective and shall be an immediate final order. With respect to a facility under the jurisdiction of a District School Board or Community College Board of Trustees, the order to vacate shall be issued jointly by the District Superintendent or College President and the AHJ.

**15.36.4** The AHJ may seek an injunction in the Circuit Court of Hardee County to enforce an order issued pursuant to this subsection.

**15.36.6 Penalty.** See Section 15.10

708  
709 **Section 15.37: Burn Ban Implementation Procedures**  
710

711 **15.37.1** Hardee County Fire Rescue finds and declares that the provisions of this Section are  
712 necessary to protect the health, safety, and welfare of the Hardee County Citizens and their  
713 property when extreme dry weather conditions due to lack of normal precipitation increase the  
714 threat of fire or other disaster, thereby threatening the safety of life and property. Outside burning  
715 in unauthorized areas during dry weather conditions increases the danger of wildfires throughout  
716 the County. The purpose and intent of this Section is to provide an orderly and expeditious  
717 procedure for implementing a ban on open burnings when extreme dry weather conditions warrant  
718 such a ban.  
719

720 **15.37.2 Burn Ban**

721 (1) The County Manager shall have the power, duty, and responsibility to sign a Burn Ban  
722 Executive Order prohibiting all open burning within the County when dry weather  
723 conditions result in a Keetch-Byram Drought Index reading is 600 or higher, or under the  
724 advisement of the Fire Chief or his designee. Unless otherwise provided, the Burn ban  
725 shall take effect upon the County manager signing the Executive Order.  
726

727 (2) The burn ban prohibition will continue to be in effect in seven (7) day increments for as  
728 long as the Keetch-Byram Drought Index is at or above 600, or under the advisement of  
729 the Fire Chief or his designee, unless rescinded as provided in this section.  
730

731 (3) This burn ban prohibition will be lifted after the Keetch-Bryam Drought Index has fallen  
732 below 600 for at least seven (7) consecutive days, and any further disaster is mitigated.  
733

734 (4) If the Keetch-Byram Drought Index falls below 600 for at least seven (7) consecutive  
735 days, and any further disaster has been mitigated calling for the rescinding of the Burn  
736 Ban Executive Order, and the County Manager or designee shall have the authority to  
737 rescind the Burn Ban Executive Order.  
738

739 **15.37.3 Publication of Burn Ban**  
740

741 (1) The Fire Chief or his designee shall immediately publish the Burn Ban on and in all  
742 forms of media for general circulation in Hardee County for a minimum of 7 days. A  
743 copy of the Burn Ban shall be kept available for public inspection during the regular  
744 business hours of the office of the Clerk of the Board of County Commissioners.  
745

746 **15.37.4 Applicability**  
747

748 The Burn Ban shall apply to all unincorporated areas of Hardee County and within the corporate  
749 limits of each Hardee County municipality where Hardee County Fire Rescue is the provider of  
750 fire services and the governing body certifies to the Board of County Commissioners that the  
751 municipality adopted the Burn Ban through the governing body and desires to be subject to the  
752 provisions of this Burn Ban.  
753

754 **15.37.5 Penalty See Section 15.10.**  
755

756 **Section 15.38: Minimum Inspection Frequency**  
757  
758



| <b>Occupancy Risk</b>          | <b>Frequency</b>   |
|--------------------------------|--------------------|
| <u>High</u>                    | <u>Annual</u>      |
| <u>Moderate</u>                | <u>Biennially</u>  |
| <u>Low</u>                     | <u>Triennially</u> |
| <u>Critical Infrastructure</u> | <u>Per AHJ</u>     |

## Occupancy Risk Defined

**High-Risk Occupancy.** An occupancy that has a history of high frequency of fires, high potential for loss of life or economic loss, or that has a low or moderate history of fires or loss of life but the occupants have a high dependency on the built-in fire protection features or staff to assist in evacuation during a fire or other emergency

- Examples of high-risk occupancies could include multiple family swellings, high-rise buildings, hotels, dormitories, lodging and rooming, assembly, child care, detention, educational, health care, and industrial.

**Moderate-Risk Occupancy.** An occupancy that has a history of moderate frequency of fires or a moderate potential for loss of life or economic loss

- Examples of moderate-risk occupancies could include ambulatory health care and industrial occupancies that do not maintain, store, use, or handle hazardous materials in excess of exempt amounts.

**Low-Risk Occupancy.** An occupancy that has a history of low frequency of fires and minimal potential for loss of life or economic loss.

- Examples of low-risk occupancies could include storage, mercantile, and business

**Critical Infrastructure.** The assets, systems, and networks, whether physical or virtual, that are so vital to the community that their damage or destruction would have a debilitating effect.

- Examples of critical infrastructures could include water treatment plants, special structures, public safety buildings, and power plants.

**Section 3. Conflicts.** All Sections or parts of Sections of the County Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4. Severability.** That 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.

**Section 5. Codification.** That it is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the County Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

801           **PASSED ON FIRST READING** on the 16th day of January, 2025.  
802           **PASSED AND ADOPTED ON SECOND READING** this 20th day of February, 2025.

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805                                   THE BOARD OF COUNTY COMMISSIONERS OF  
806                                   HARDEE COUNTY, FLORIDA

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810                                   \_\_\_\_\_  
811                                   Russell A. Melendy, Chair

812   ATTEST:

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816                                   \_\_\_\_\_  
817   Victoria L. Rogers, Ex-Officio Clerk to the  
818   Board of County Commissioners

819  
820  
821  
822   APPROVED AS TO FORM & LEGAL  
823   SUFFICIENCY

824  
825  
826                                   \_\_\_\_\_  
827   Sarah Johnston, County Attorney