



City of North Port

ORDINANCE NO. 2024-19

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REPEALING ARTICLE 1 AND SECTIONS 26-19, 26-20, AND 26-22 THROUGH 26-35 OF CHAPTER 26 OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO FIRE PREVENTION AND PROTECTION; AND AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTIONS 26-1 THROUGH 26-20 AND 26-22 THROUGH 26-23, RELATING TO FIRESAFETY AND PREVENTION; PROVIDING DIRECTION FOR STATE FIRE MARSHAL REVIEW; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Code of the City of North Port, Florida (“City Code”), Chapter 26 – Fire Prevention and Protection, was adopted and last updated on June 18, 1990, through Ordinance No. 90-13; and

WHEREAS, City Code Chapter 26 contains the City’s fire prevention and protection regulations, providing standards for fire prevention, fire suppression, and life safety for the community and environment of the City; and

WHEREAS, the City Commission for the City of North Port, Florida desires to establish new development standards to protect City residents from the effect of fire, to provide for the safety of citizens in public places, and to reduce the likelihood of economic loss to the community due to fire, by adopting these amendments regulating the construction of buildings, roadways, infrastructure, and related fire protection systems in the City, including uniform design, installation requirements, and labeling of safety features, emergency services notifications, fire suppression systems, signage, elevators, and generators; and

WHEREAS, the City Commission finds that fire and life safety regulations can improve the response time and the manpower required for emergency responses, benefiting City residents and businesses, and reduce fire assessments and insurance premiums; and

WHEREAS, the City Commission finds that adopting new firesafety regulations, in conjunction with the Florida Fire Prevention Code, Florida Statutes Chapter 633, and the National Fire Protection Association Fire and Life Safety Codes improves citizen protection; and

WHEREAS, upon adoption of the amendments and pursuant to the requirements provided by Florida Statutes Section 633.202(8), the City Commission directs the City Manager to have the amended code language transmitted to the Florida Building Commission and State Fire Marshal for review; and

WHEREAS, the City Commission finds that its action and these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 The City Commission finds the regulations in this ordinance to be consistent with the North Port Comprehensive Plan.
- 1.03 The City Commission further finds:
 - a. The amendments provide a higher level of protection to the public than the level specified in the Florida Fire Prevention Code (“FPC”) and become effective without approval of the State Fire Marshal because they provide a growth management plan requiring buildings and structures to be equipped with more stringent firesafety requirements than those in the FPC that are to be used as the basis for planning infrastructure development, uses, or housing densities as required under Florida Statutes Section 633.202(10)(c).
 - b. The amendments do not require more stringent uniform firesafety standards for specific types of buildings and structures as prohibited by Florida Statutes Section 633.206.
 - c. The amendments to firesafety standards that are more stringent than those provided by the FPC do not have the effect of amending building construction standards and as provided in Florida Statutes Section 633.208(3) are to be applied on a case-by-case basis in order to meet special situations arising from historic, geographic, or unusual conditions, and result in a level of protection to life, safety, or property equal to or greater than the applicable minimum firesafety standards the FPC.
- 1.04 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required because this ordinance is enacted to implement Florida Statutes Section 633.202, relating to the Florida Fire Prevention Code.

SECTION 2 – REPEAL OF CITY CODE CHAPTER 26

- 2.01 Chapter 26, Article I, entitled “IN GENERAL,” of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.02 Section 26-19, entitled “Definitions;” of the Code of the City of North Port, Florida is hereby repealed in its entirety.

- 2.03 Section 26-20, entitled "Adoption of Standards by reference;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.05 Section 26-22, entitled "Responsibilities of life safety/fire prevention office;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.06 Section 26-23, entitled "Key box requirements;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.07 Section 26-24, entitled "Residential smoke detectors;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.08 Section 26-25, entitled "Order to correct violations;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.09 Section 26-26, entitled "Failure to comply;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.10 Section 26-27, entitled "Open burning;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.11 Section 26-28, entitled "Extraordinary fire hazards;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.12 Section 26-29, entitled "Right of entry for inspection;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.13 Section 26-30, entitled "Mitigation of fire hazards in wildland/urban interface and clearance of brush or vegetative growth from structures;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.14 Section 26-31, entitled "Accessibility of Fire Department apparatus to buildings;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.15 Section 26-32, entitled "Cost recovery for emergencies caused by negligent, unlawful or unauthorized acts;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.16 Section 26-33, entitled "Water supply element;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.17 Section 26-34, entitled "Record of fires;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.18 Section 26-35, entitled "Investigation of fires;" of the Code of the City of North Port, Florida is hereby repealed in its entirety.

SECTION 3 – ADOPTION OF AMENDMENTS TO CITY CODE

3.01 Chapter 26 of the Code of the City of North Port, Florida is hereby amended as follows:

“Chapter 26 – FIRESAFETY AND PREVENTION CODE ~~FIRE PREVENTION AND PROTECTION~~

ARTICLE I. – IN GENERAL

Sec. 26-1. – Adoption of standards by reference.

The Florida Fire Prevention Code, F.S. ch. 633, including the National Fire Protection Association (“NFPA”) Fire and Life Safety Codes, Florida Rules of Administrative Procedure, chapters 61G15-32 and 69A-60, as amended, are hereby adopted by reference and incorporated herein as part of the city’s firesafety and prevention code. In the event where there is a conflict between this Code and the Florida Fire Prevention Code, the more stringent code shall apply.

Sec. 26-2. – Definitions.

For purposes of this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where context clearly indicates otherwise. Where a word, term, or phrase is not defined in this section, it shall be defined using the most current edition of the Florida Building Code or Florida Fire Prevention Code, as applicable.

Access box. A container installed on the exterior of a structure that complies with Underwriters Laboratories Standard (“UL”) 1037, as amended, providing accessibility to a fire alarm control unit, fire sprinkler riser, elevator, roof access, equipment, mechanical, or electrical room, building, structure, or common area.

Corporate counsel. The city attorney or designee.

Defensible space. The area around a structure that provides, through the reduction of hazardous vegetation or other combustible material, a means to slow the spread of urban wildfire and that provides fire rescue a greater opportunity to extinguish fires.

District. The North Port Fire Rescue District.

Enforcement official. The city’s building official, fire chief, or their designees, and any firesafety inspector as defined in F.S. § 633.214. These individuals are designated as code enforcement officers as defined in sec. 2-504 of this Code for enforcement purposes.

Fire alarm control unit. A component of the fire alarm system, provided with primary and secondary power sources, that receives signals from initiating devices or other fire alarm control units, and processes these signals to determine part or all of the required fire alarm system output function(s).

Fire chief. For purposes of enforcing this chapter, the city’s fire chief is designated as the authority having jurisdiction as that term is used in the Florida Fire Prevention Code, F.S. ch. 633, and the National Fire Protection Association Life Safety Code, Florida Rules of Administrative Procedure, chapters 61G15-32 and 69A-60, and is responsible for ensuring compliance with this chapter, the

Florida Fire Prevention Code, and for approving equipment, materials, installations, and procedures regulated by this chapter and the Florida Fire Prevention Code, as amended.

FDC or fire department connection. A connection through which fire rescue can pump supplemental water into a sprinkler system, standpipe, or other system, furnishing water for fire extinguishment to supplement existing water supplies.

Fire prevention code. Includes the Florida Fire Prevention Code, F.S. ch. 633, and the National Fire Protection Association (“NFPA”) Fire and Life Safety Codes, as amended.

Fuel hazard rating. The rating assigned to each wildland/urban interface and wildland/urban intermix. (i.e. small, light fuels (grass, weeds, shrubs); medium size fuels (brush, large shrubs, small trees); or heavy, large fuels (woodland, timber, heavy large brush).)

Fuel modification zone. A strip of land where combustible vegetation has been removed or modified, an area partially or totally replaced with drought-tolerant, fire-resistive plants to provide an acceptable level of risk from wildland fires.

Life safety code. The National Fire Protection Association Life Safety Code, Florida Rules of Administrative Procedure, chapters 61G15-32 and 69A-60, as amended and adopted by the state fire marshal pursuant to F.S. § 633.202.

Minimum firesafety standard. A requirement or group of requirements adopted by the county or city pursuant to F.S. § 633.208, or by the state fire marshal pursuant to F.S. § 394.879, for the protection of life and property from loss by fire; that must be met, as a minimum, by every occupancy, facility, building, structure, premises, device, or activity to which it applies, or as otherwise defined by F.S. § 633.102.

NFPA. Means the National Fire Protection Association.

Open fire. A fire in which material is burned in an open, outdoor area or in a receptacle without the use of a smokestack or chimney.

Prescribed burn. A permitted kindling or maintaining any open fire or a fire in any public street, alley, road, or other public or private property. Instructions and stipulations must be adhered to except for cooking fires, which are exempt and do not require a permit.

Smoke alarm. A device that detects the visible or invisible particles of combustion and that complies with the standards of Underwriters Laboratories (“UL”), their subsidiaries, or other nationally recognized testing laboratory.

Wildland/urban interface. An area where development and wildland fuels meet at a well-defined boundary.

Wildland/urban intermix. An area where development and wildland fuels meet with no clearly defined boundary.

Sec. 26-3. – Fire sprinkler systems in commercial and multifamily residential buildings.

- (a) All commercial buildings must be designed and constructed with a complete fire sprinkler system in accordance with NFPA 13, Standard for Installation of Fire Sprinkler Systems.
- (b) Fire sprinkler risers must be installed on a building’s interior, in an environment that provides protection from the Florida climate.
- (c) All multifamily residential buildings, containing three or more attached residential units (apartments, dwelling units, or townhouses), must be designed and constructed with a complete fire sprinkler system that complies with and is in accordance with NFPA 13, Standard for Installation of Fire Sprinkler Systems, NFPA 13R, Standard for Installation of Fire Sprinkler Systems in Residential Occupancies up to and Including Four Stories, or NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.
- (d) The city will not issue a building permit for a commercial or multifamily residential building until it receives a professional engineer’s fire protection specifications for the building’s construction, modification, alteration, repair, or rehabilitation. Fire protection specifications must be included with the building’s construction documents or as part of its final master utility plan. Submitted fire protection specifications must comply with the requirements provided in F.A.C. rule 61G15-32. All data must be less than six months old when submitted.
- (e) A Florida licensed sprinkler contractor must submit the fire sprinkler shop drawings, hydraulic calculations, and product information sheets to the fire chief for review and approval.
- (f) All documents submitted to the city must comply with the requirements provided in F.A.C. rule 61G15-32, and include confirmation from the engineer of record, identify that the documents conform with the intent of the engineer, meet the criteria of the overall project, and that the effect of the work on the overall project generally conforms with the engineer’s intent.

Sec. 26-4. – Fire department standpipes.

- (a) Any structure that is three stories tall or greater must have a class-1 standpipe system and fire sprinkler system installed.
- (b) The standpipe system may be made a part of the fire sprinkler riser system if approved in writing by the fire chief. A freestanding standpipe system must include its own appropriately labeled fire department connection.
- (c) Standpipe systems must be installed in accordance with the standards provided in NFPA 14 – Standard for the Installation of the Standpipe Systems.
- (d) A Florida licensed fire sprinkler contractor must install all standpipe systems, and a system specific permit application must be submitted to the fire chief for review and approval.

Sec. 26-5. – Underground fire lines.

Underground fire lines must be installed in accordance with the standards provided in NFPA 24 – Standard for the Installation of Private Fire Service Mains and their Appurtenances, and must comply with the following:

- (a) All underground fire lines subject to pressure must be American Water Works Association (“AWWA”) designated fire line C-900/DR14, installed by a Florida licensed Class I, II, or V fire system contractor, and installed subject to a system specific permit application reviewed and approved by the fire chief.
- (b) The underground fire line to any building must extend to one foot above the finished floor or one foot above the finished grade inside the building.
- (c) All restraining rods and bolts securing an underground fire line must be coated in bituminous or other corrosion retarding material as approved by the fire chief, that is applied prior to the trench being backfilled. Trench backfill must be at least 36 inches of tamped clean dirt cover.
- (d) All underground fire lines must have a continuous number 12 wire, color coded blue, attached securely to the pipe. The wire must be placed on top of the pipe, secured to restrainer bolts, and taped at intervals of not more than 10 feet.
- (e) Three inch metallic location tape identifying “FIRE LINE BELOW” must be located 18 inches above all underground fire lines.
- (f) Where the fire chief deems valves in a dedicated underground fire line necessary, post indicator valves (“PIV”) must be used. No other valves are permitted to be used in an underground fire line.
- (g) All double detector check valve assemblies must be chained and padlocked following any installation, maintenance, inspection or testing of the assembly. Maintenance and painting of a double detector check valve assembly must be conducted annually. The owner, association, or representative must promptly submit the maintenance, inspection, and testing certification to the district as required by NFPA 25 – Standard for the Inspection, Testing, and Maintenance of Water-based Fire Protection Systems.

Sec. 26-6. – Fire department connections (FDC).

- (a) Placement. The fire chief or designee must determine the location for placement of each FDC prior to its installation.
- (b) Fire line size. Unless pre-approved in writing by the fire chief, all fire lines must comply with the following requirements:
 - (1) Fire lines that are three inches or less in diameter must use a single, two- and one-half-inch connection that meets American National Fire Hose Connection screw thread requirements of 2.5 – 7.5 NH standard thread, must be located no less than 25 feet and

no more than 100 feet from a fire hydrant, and must be located no more than 10 feet from the curb line.

- (2) Fire lines greater than three inches in diameter must use a five inch Stortz connection, must be located no less than 25 feet and no more than 100 feet from a fire hydrant, and must be located no more than 10 feet from the curb line.

(c) Installation.

- (1) Double detector check valves and FDC assemblies must run parallel to the street where the valves and assemblies are located.
- (2) An FDC must be a yard post, affixed to the system side of the double detector check valve, or wall mounted.
- (3) An FDC must be installed at a minimum height of 18 inches and a maximum height of 42 inches from the finished grade to the center of the opening, and be painted "fire engine red."
- (4) An FDC must have a minimum clearance of seven and one-half feet on each side, seven and one-half feet at the front, and four feet at the rear.
- (5) Every FDC must be marked pursuant to the requirements provided in subsection (d) herein.

(d) Markings. The area around an FDC is considered a fire lane, and must comply with the following:

- (1) This area must be a minimum width of 15 feet (seven and one-half feet on each side of the FDC) and must be completely outlined with yellow traffic paint by a stripe of at least 8 inches in width. Diagonal striping must be a minimum 4 inches wide, and 4 feet on center to the curb line.
- (2) The curb, or the line of the curb, must be painted traffic yellow for the entire length of the FDC fire lane. Within the stripes shall be the words "FDC – NO PARKING" in block letters of not less than 12 inches in height, with at least a 3-inch stroke, directly in front of the FDC.
- (3) All pavement lettering must be 90-mil thermoplastic.
- (4) Every FDC must have a sign posted 18 to 24 inches above the appliance, and not more than 4 feet directly behind the FDC. The sign must be weather resistant, and suitable for the environment, with the letters "FDC" in 6-inch red block letters with a half-inch stroke on a white background.

Sec. 26-7. – Fire alarms in buildings.

- (a) All commercial and multifamily residential buildings containing three or more attached residential units (apartments, dwelling units, or townhouses) must be designed and constructed with a commercial fire alarm system that complies with NFPA 70 – National Electrical Code, and NFPA 72 – National Fire Alarm and Signaling Code.
- (b) All one- or two-story residential buildings, containing three or more attached residential units (apartments, dwelling units, or townhouses), must be designed and constructed with a commercial fire alarm system that complies with NFPA 70 – National Electrical Code, and NFPA 72 – National Fire Alarm and Signaling Code. The fire chief may waive this requirement in writing where the residential buildings are separated by a minimum two-hour fire wall designed and constructed in accordance with Florida Building Code Section 706, Fire Walls.
- (c) All fire alarm systems installed pursuant to this section must comply with the following:
 - (1) Heat and/or smoke detectors must be installed where required by the fire prevention code, or as determined necessary by the fire chief.
 - (2) All fire alarm systems must have a waterproof exterior horn-strobe installed that is visible to responding emergency vehicles. The fire chief shall determine and approve the location of the horn-strobe.
 - (3) The fire alarm control unit must be installed on the building’s interior, and in an environment that provides protection from the Florida climate. The fire chief shall determine and approve the location of the fire alarm control unit.
 - (4) The city must receive a professional engineer’s fire alarm and detection specifications for a commercial or multifamily residential building’s construction, modification, alteration, repair, or rehabilitation before a building permit will be issued. Fire alarm and detection specifications must be included with the building’s submitted construction documents. Submitted fire alarm and detection specifications must comply with the requirements provided in F.A.C. rule 61G15-32.
 - (5) A Florida licensed fire alarm contractor must submit the engineered fire alarm and detection drawings, battery calculations, and product information sheets to the fire chief for review and approval.
 - (6) All documents submitted to the city must comply with the requirements provided in F.A.C. rule 61G15-32, and include confirmation from the engineer of record, identify that the documents conform with the intent of the engineer, meet the written criteria of the overall project, and that the effect of the work on the overall project generally conforms with the engineer’s intent.
 - (7) All fire alarm systems must be electronically monitored 24 hours a day by an Underwriters Laboratories (“UL”) listed fire central receiving station. Documentation verifying the monitoring station is UL listed must be submitted when the fire alarm system plan is submitted for review.

(d) All commercial buildings that do not support the required level of radio signal strength coverage for emergency responders must install a two-way radio communication enhancement system that supports the required level or signal strength coverage. The system must be capable of transmitting all public radio frequencies required to meet the minimum firesafety standard, the fire prevention code, or other standard as established by the fire chief.

Sec. 26-8. – Alternative power sources.

Any building or structure using an alternative power source, such as photovoltaic (solar) or generator power, must post a sign at the electric meter identifying that there is an alternative power source and identify its location. The posted sign must be permanently affixed to the electrical meter of the building, and at the electrical panel, be weather resistant and suitable for the environment where it is located, have a white background with red lettering that is no less than 1 inch in height. The sign shall be posted in a location approved by the fire chief.

Sec. 26-9. – Elevators.

(a) Buildings or structures more than 25 feet high that have an elevator accessible for public use must have at least one elevator car that can accommodate a horizontal ambulance stretcher measuring 76 inches long and 24 inches wide.

(b) Buildings or structures greater than three stories, or that have two or more elevators, must have at least one elevator that is served by an emergency generator.

(c) A single generator may be used to serve multiple buildings.

(d) All elevator cars accessible for public use must have emergency communication systems that comply with the requirements in the Safety Code for Elevators and Escalators, American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) A17.1-2000, Safety Code for Elevators and Escalators.

(e) An elevator operation and door key must be stored in the building's access box.

Sec. 26-10. – Gasoline stations.

When Florida law requires a gasoline station permitted for new construction to have an operational emergency generator or generator connection installed that will allow gasoline to continue to be pumped during an emergency or other event when electricity may not be available, the fire chief or enforcement official shall determine and approve the location of the emergency generator or connection.

Sec. 26-11. – Permits.

(a) The fire chief is authorized to establish and issue permits, certificates, and approvals where a condition, operation, or material associated with the permit is hazardous to life or property as referenced in the administration chapter of the fire prevention code. Any change that affects a condition of a permit requires the issuance of a new or amended permit. A permit

- may be subject to revocation where a permittee fails to remain in compliance with the requirements of the permit or of this Code.
- (b) Operations that require a permit shall be in accordance with the administrative chapter of the fire prevention code and Florida Building Codes.
 - (c) The fire chief's initially approved conditions of a use, occupancy, permit, or construction shall remain with the use, occupancy, permit, or construction unless modified by the fire chief. Permitted conditions of approval shall be memorialized via recording in the public records as part of the plat, permit, or other method.
 - (d) A permit constitutes the fire chief's written authority to maintain, store, use, or handle materials, to conduct processes that could produce conditions hazardous to life or property, or to install equipment used in connection with such activities requiring the permit.
 - (e) The fire chief may require an inspection prior to the issuance of a permit.
 - (f) A copy of the permit must be posted or otherwise readily accessible for inspection by an enforcement official at each location covered by the permit.
 - (g) A permit issued under this section shall be active only during the period designated on the permit until revoked, suspended, expired, or as subject to a stop work order and notice of violation. An enforcement official may grant an extension of a permit when authorized by rule or law.
 - (h) A permit shall only be issued to an individual or business and for the location and purpose described in the permit.
 - (i) Any change that affects a condition of a permit shall require a new or amended permit.
 - (j) The building official working in conjunction with the fire chief may grant an extension of a permit period in accordance with the Florida Building Code, fire prevention code, or this Code.
 - (k) Application for a permit must be made in accordance with the administrative chapter of the fire prevention code and Florida Building Code, and in such form and detail as required by the enforcement official.
 - (l) Fees. District fees related to permits are set forth in the city fee structure.
 - (m) Recording. Conditions of approval must be in writing and documented in the public record as part of a plat, permit, or other method as determined by the fire chief.
 - (n) Suspension or revocation. The enforcement official may suspend or revoke any permit, or related approval or certificate, when an inspection finds a permittee or other person performing work under the permit has or attempted to misrepresent or otherwise deliberately or knowingly design; install; service; maintain; operate; sell; represent for sale; or falsify a record, report, or application; or other related activity in violation of the requirements prescribed in this chapter.

- (1) The revocation or suspension process will begin upon the enforcement official providing written notice to the permittee.
- (2) Nothing contained herein shall prevent or restrict the city from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or situation of noncompliance.

Sec. 26-12. – Project review.

An enforcement official must review all new construction, modification, alteration, repair, or rehabilitation projects to ensure compliance with proper operating practices. Recommendations and operating procedures shall be governed as directed by law, local standards of practice, and at the fire chief's discretion as provided in this chapter. These responsibilities include but are not limited to all aspects of fire and life safety. The fire chief may delegate any powers or duties under this chapter to a designee.

Sec. 26-13. – Access box and entry gate requirements.

(a) Access box.

- (1) All commercial and multifamily buildings or structures must have a fire department access box installed on the exterior of the building, 6 feet above finished grade, centered on the hinge side of the main entrance, or other access point as determined by the fire chief.
- (2) Every access box must contain keys to the building's fire alarm control unit, fire sprinkler riser, elevator, roof access, equipment, mechanical, or electrical rooms, building, structure, and common areas.
 - a. Purchase and installation of the access box is the responsibility of the building developer, owner, association, or representative.
 - b. The application for an access box must be submitted before a temporary certificate of occupancy will be issued, and an access box must be installed before a certificate of occupancy will be issued.
- (3) All fire sprinkler riser rooms, fire alarm control unit rooms, elevator equipment rooms, and interior roof access areas must be clearly identified with a permanently affixed sign. The sign must be weather resistant, suitable for the environment where it is located, in a color contrasting to its background, with lettering that are 3 inches in height with a three-eighths inch stroke. The sign must be posted in a location approved by the fire chief.

(b) Entry gate.

- (1) Gated subdivisions, buildings, or communities must provide a 10-digit, 300 mega-hertz, multi-code frequency transmitter and receiver gate system, or a Knox Key Switch on a mounting plate, at 6 feet above the roadway in a location approved by the fire chief.

- (2) Upon request by a developer and/or gate contractor, the district will provide gate coding information to allow remote entry/access by the district.
- (3) At the time of permitting for the installation of an electronic gate, the district must be provided with two (2) remote control units for operation of the gate.
- (4) At the time a subdivision, building, or community reaches an occupancy level that requires electronic gate access, all primary and secondary entrance and exit electronic gates must be fully operational as intended by the manufacturer. The fire chief must inspect and approve all gates before they can be placed into service.

Sec. 26-14. – Residential smoke alarms.

All new construction dwelling, and any dwelling where an alteration, repair, modification, or addition requires the issuance of a certificate of occupancy, must have the required number of working smoke alarms installed before a certificate of occupancy will be issued. The installation and operation of any smoke alarm must comply with the requirement in NFPA 72 – National Fire Alarm and Signaling Code and F.S. §§ 553.883 and 553.885.

Sec. 26-15. – Open fire or prescribed burn.

- (a) An open fire or prescribed burn is only permitted for the following purposes, and only where the activity is not found to create a smoke nuisance, health, or other hazardous condition:
 - (1) Land clearing. Clearing of land for development purposes or agricultural operation approved by the Florida Forestry Service.
 - (2) Cooking. Cooking fires on private property by the property owner, provided the fire is contained in one of the approved containers identified herein, or on a campsite that provides for such a purpose. The flame height of a cooking fire must never reach over 1 foot high. Approved cooking containers are as follows:
 - a. A 3 foot by 3 foot cement block container, with no more than one area for cooking and one area for split oak logs or charcoal. The container must include 1 foot of space between the cooking area and the fire to allow for proper air flow (no wood type other than oak may be used).
 - b. Split oak wood or charcoal are approved for cooking or smoking food.
 - c. A gas or charcoal grill approved for cooking food by Underwriters Laboratories (UL) or other nationally recognized testing laboratory.
 - (3) Warming or campfires:
 - a. A campfire is only permitted in a designated campground or park area approved by the Florida Forest Service for such use.

b. A warming fire must be contained in a container approved for such use by Underwriters Laboratories (UL) or other nationally recognized testing laboratory. A warming fire in such a container is only permitted for use on private property by the property owner and must pass through a stack, duct, or chimney. No wood type other than oak may be used in a warming fire, and no building materials, rubbish, trash, yard waste, or combustible waste material is permitted to be burned in a warming fire.

(4) *Ceremonial.* A ceremonial or similar fire is permitted only upon receipt of the fire chief's advance written permission.

(b) An open fire or prescribed burn permit is issued by the Florida Forest Service and must be received before an open fire or prescribed burn is conducted.

(c) The fire chief or enforcement officer can require any open fire or prescribed burn extinguished where the activity or its smoke is determined to be a nuisance, health, or a hazardous condition, even if a permit has been issued.

Sec. 26-16. – Extraordinary fire hazard.

(a) The fire chief may declare the existence of an extraordinary fire hazard when, due to climatic, meteorological, or other condition, the forest, grass, woods, wild lands, fields, or marshes within the city become so dry or parched that a fire hazard endangering life or property is created.

(b) *Suspension of an open fire or prescribed burn permit.*

(1) Upon the declaration of an extraordinary fire hazard, the ability to conduct an open fire or prescribed burn is suspended until the fire chief determines that the conditions causing the extraordinary fire hazard no longer exist.

(2) Upon the declaration of an extraordinary fire hazard, no open fire or prescribed burn permits will be issued. All issued and active open fire and prescribed burn permits shall be suspended until the fire chief determines that the conditions causing the extraordinary fire hazard no longer exist.

Sec. 26-17. – Right of entry for inspection.

(a) To the full extent permitted by law, district personnel are authorized, at all reasonable times, to enter and examine any public building, structure, marine vessel, vehicle, or premises for the purpose of conducting a fire and life safety inspection, hazardous materials inspection, or pre-fire plan.

(b) When there is reasonable cause to believe that a violation of F.S. ch. 633, F.S. § 509.215, or this chapter may exist in a building or structure, an enforcement official is authorized to inspect the building or structure subject to the requirements of F.S. ch. 633, F.S. § 509.215, and this chapter. All inspections shall be conducted at a reasonable hour. The authority to

inspect extends to all equipment, vehicles, and chemicals located on the surrounding property or within the premises of any building or structure where reasonable cause exists.

Sec. 26-18. – Mitigation of fire hazards in wildland/urban interface and clearance of brush or vegetative growth from structures.

(a) Positive steps toward prevention of wildland fire in the wildland/urban interface are directed toward life safety and property protection of those single improvable lots and acreage of any size, subdivision, and activity center.

(b) Any person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a hazardous fire area, and any person that owns, leases, or controls land adjacent to such a building or structure must:

(1) Ensure that an effective firebreak is maintained by having any flammable vegetation or combustible growth removed or cleared from any area within 15 feet of the lot line, or the same distance required by this Code or the Florida Building Code for an easement located between dwellings or roads. Single specimens of trees, ornamental shrubbery, or similar plants used as ground cover are exempt from the requirements of this section if they do not form a means of rapidly transmitting fire from the native growth to a building or structure.

(2) Ensure that any portion of a tree or limb that extends to within 10 feet of a chimney outlet is removed, and that any tree adjacent to or overhanging a building is free of deadwood.

(3) Ensure that the roof of any building or structure remains free of leaves, pine needles, or other dead vegetative growth.

(4) Ensure that any link connecting low, medium, or high fuels to a structural component is eliminated.

ARTICLE II. – FIRE SAFETY

Sec. 26-19. – Accessibility of district apparatus to buildings.

(a) District apparatus must have accessible means to all buildings by means of a hard, all-weather driving surface. The driving surface must be capable of supporting the imposed loads of district apparatus used to navigate a fire lane, private street, street, parking lane, or combination thereof.

(b) Road width must be sufficient for travel, passing, or operating an apparatus in the vicinity of a fire scene. Minimum dimensions of the driving surface must be no less than 20 feet of unobstructed width, and 13 feet and 6 inches of vertical clearance. Roads in excess of 150 feet in length must be built to allow district apparatus to turn around.

(c) Parking is not permitted within 20 feet of a fire hydrant, fire rescue connection, fire sprinkler, or standpipe connection when the parking will obstruct or interfere with the district's use of the hydrant or connection.

(d) Where automatic gates are utilized to secure access to a community or property, the gate(s) must be equipped with a second receiver for use by emergency services vehicles (fire, police, and EMS). This coded frequency must be the same for all emergency access gates within the City's corporate limits, or the response jurisdiction of the district, to allow one remote operator in an emergency vehicle with the ability to control any security gate.

Sec. 26-20. – Enforcement.

(a) *Written notice.* An enforcement official who identifies a deficiency or violation of the fire prevention code or this chapter may issue the violating association, representative, property owner, owner operator, or occupant of the business a written warning, stop work order, and/or notice of violation, and a reasonable amount of time to correct or eliminate the violation.

(b) *Failure to comply.* Where a deficiency or violation has not been corrected or eliminated within the time period provided in a notice of violation, a hearing will be requested with the city's hearing officer pursuant to section 2-507 of this Code. A person who willfully refuses to sign and accept a notice of violation issued by a firesafety inspector commits a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or F.S. § 775.083.

(c) *Hearing.* The city's hearing officer shall have the jurisdiction and authority to hear and decide the enforcement of any violation of this chapter. Hearings related to violations of this chapter shall be conducted in compliance with section 2-508 of this Code.

(d) *Appeal.*

(1) The decision of the hearing officer shall be final, and the violator shall be deemed to have exhausted all administrative remedies. Decisions of the hearing officer may be appealed pursuant to section 2-513 of this Code.

(2) A stop work order shall remain in effect during its appeal to the hearing officer and during any judicial review.

(e) *Abatement.*

(1) When an enforcement official discovers a flammable, combustible, or explosive material; accumulation of rubbish; any highly flammable material susceptible to fire; or an obstruction to or on a fire escape, stair, passageway, door, or window that may interfere with the operations of the district or life safety of an occupant, in a building, structure, or upon a premises; the enforcement official may order the item or condition removed, issue a written warning, stop work order, and/or notice of violation, initiate a code enforcement action, or take any other action necessary to correct or eliminate the item or condition.

(2) An enforcement official who identifies a violation of the fire prevention code or this chapter that presents a condition that is an immediate danger to the life, safety, health, or welfare of the community, may immediately abate the condition.

Sec. 26-21. – Required permits; issuance; fees; revocation.

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Sec. 26-22. – Investigation of fires.

- (a) The district must promptly initiate any activity required to investigate the origin, cause, and determination of every fire occurring in the city where property has been destroyed or damaged or where a person has been injured.
- (b) In instances where the fire is of suspicious, incendiary, or of undetermined origin, the district must secure and protect any physical evidence. Notification by the district must be made to proper authorities designated by law to conduct the investigation of all such incidents.

Sec. 26-23. – Cost recovery and fines.

- (a) Recoverable expenses. When the district's response to an incident results in the expenditure of district funds recoverable under the Federal Emergency Management Agency's ("FEMA") schedule of equipment rates, an invoice of costs shall be created pursuant to the FEMA schedule of equipment rates. The invoice of costs shall be provided to the individual, association, representative, property owner, or occupant of a business whose actions caused the incident. These incidents include but are not limited to:
 - (1) Unlawful discharge of fireworks that results in a fire;
 - (2) Intentionally set fire (arson), including juveniles playing with fire;
 - (3) Inadequate control of permitted (burn permit issued) open fire or prescribed burn;
 - (4) Unauthorized release, discharge, or disposal of hazardous materials;
 - (5) Acts identified by a federal, state, or local authority as recoverable; and
 - (6) Unlawful or unauthorized incidents that initiate a district response.
- (b) Illegal burning. A fine imposed for illegal burning under section 26-15 of this Code shall not exceed the following amounts, unless otherwise provided by Florida law:
 - (1) Second offense—\$150.00 fine.
 - (2) Third offense—\$300.00 fine.
 - (3) Fourth offense or higher—\$500.00 fine.
- (c) When an enforcement official, the city or its agent abates a dangerous condition, the reasonable costs of abatement will be charged to the association, representative, property owner, owner operator, or occupant of the business responsible for the violation.

(d) Failure to pay a fine or cost assessed under this section may result in a lien being placed against the property pursuant to section 2-511 of this Code.”

SECTION 4 – NOTICE

4.01 Pursuant to Florida Statutes Section 633.202(8), within 30 days of the City Commission adopting this ordinance the City Manager is directed to notify the Florida Building Commission and State Fire Marshal of the adoption of this ordinance and submit the amended code language for review.

SECTION 5 – CONFLICTS

5.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 6 – SEVERABILITY

6.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 7 – CODIFICATION

7.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 8 – EFFECTIVE DATE

8.01 This ordinance takes effect on October 28, 2024.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on July 23, 2024.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on August 6, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY