

ORDINANCE NO. 40-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES," SECTION 96.16, "CERTAIN CODES ADOPTED BY REFERENCE," TO COMPLY WITH CHANGES TO THE FLORIDA FIRE PREVENTION CODE STANDARDS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach (City) adopted and incorporated into its Code of Ordinances specific standards from the Florida Fire Prevention Code; and

WHEREAS, the Florida Fire Prevention Code is adopted by the State Fire Marshal at three-year intervals as required by Section 633.202, Florida Statutes; and

WHEREAS, the State Fire Marshal will adopt a new edition of the Florida Fire Prevention Code effective January 1, 2024; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, desires to update its Code of Ordinances to reflect the changes in the Fire Prevention Code Standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA;

Section 1. The recitations set forth above are incorporated herein.

Section 2. Chapter 96, "Fire Safety and Emergency Services" Section 96.16, "Certain Codes Adopted by Reference," of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 96.16. - CERTAIN CODES ADOPTED BY REFERENCE.

(A) The City adopts by reference and incorporated into this Code as though fully set out herein, that certain code, as it may from time to time be amended, known as the Florida Fire Prevention Code, and the incorporated standards.

(B) The City adopts by reference and incorporates into this Code, as though fully set out herein, those specific codes and standards, from the Florida Fire Prevention Code. In addition to the codes adopted by the Florida Fire Prevention Code, the City of Delray Beach adopts National Fire Prevention Association codes listed below and as they may be amended:

NFPA	18	2017 <u>2021</u>	<u>Standard on Wetting Agents. Standard provides requirements for the performance and use of wetting agents as related to fire control and extinguishment.</u>
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NFPA	53	2016 2021	Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres. <u>NFPA 53 establishes recommended criteria for the safe use of oxygen (liquid/gaseous) and the design of systems for use in oxygen and oxygen-enriched atmospheres (OEAs).</u>
NFPA	56	2017 2023	Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Piping Systems. <u>This standard provides minimum safety requirements for the cleaning and purging procedures of flammable gas piping systems, including cleaning new or existing piping systems, purging piping systems into service, and purging piping systems out of service.</u>
NFPA	472	2013 2018	Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents. <u>This standard identifies the minimum levels of competence required by responders to emergencies involving hazardous materials/weapons of mass destruction (WMD).</u>
NFPA	473	2013 2018	Standard for Competencies for EMS Personnel Responding to Hazardous Materials/Weapons of Mass Destruction Incidents. <u>This standard identifies the levels of competence required of emergency medical services (EMS) personnel who respond to incidents involving hazardous materials or weapons of mass destruction (WMD).</u>
NFPA	496	2017 2024	Standard for Purged and Pressurized Enclosures for Electrical Equipment. <u>This standard provides information on the methods for purging and pressurizing electrical equipment enclosures to prevent ignition of a flammable atmosphere, whether introduced into the enclosure by a surrounding external atmosphere or by an internal source.</u>
NFPA	502	2017 2023	Standard for Road Tunnels, Bridges, and Other Limited Access Highways. <u>Standard provides fire protection and fire life safety requirements for limited access highways, road tunnels, bridges, elevated highways, depressed highways, and roadways that are located beneath air-right structures.</u>
NFPA	720	2015	Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment. <u>NFPA 720 contains requirements for carbon monoxide (CO) detection and warning equipment intended to protect lives by warning occupants of the presence of CO in sufficient time to allow occupants to escape or take other appropriate action.</u>

NFPA	730	2014 <u>2023</u>	<u>Guide for Premises Security. Guide describes construction, protection, occupancy features, and practices intended to reduce security vulnerabilities to life and property.</u>
NFPA	731	2017 <u>2023</u>	<u>Standard for the Installation of Electronic Premises Security Systems. Standard provides requirements for the application, location, installation, performance, testing, and maintenance of electronic premises security systems and their components.</u>
NFPA	780	2017 <u>2023</u>	<u>Standard for the Installation of Lightning Protection Systems. NFPA 780 provides lightning protection system installation requirements to safeguard people and property from fire risk and related hazards associated with lightning exposure.</u>
NFPA	820	2016 <u>2024</u>	<u>Standard for Fire Protection in Wastewater Treatment for Collection Facilities. Standard provides requirements for protection against fire and explosion hazards specific to wastewater treatment facilities and their associated collection systems.</u>
NFPA	1072	2017	<u>Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications. Standard identifies the minimum job performance requirements (JPRs) for personnel at the scene of a hazardous materials/weapons of mass destruction (WMD) incident at the following levels: awareness, operations, operations mission-specific, hazardous materials technician, and incident commander.</u>
NFPA	1124	2017 <u>2022</u>	<u>Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles. Code establishes fire and life safety requirements for the manufacture, transportation, and storage of fireworks, pyrotechnic articles, and any components containing pyrotechnic or explosive compositions. It does not apply to the retail sales, associated storage or the use of consumer fireworks by the general public.</u>
NFPA	1730	2016 <u>2019</u>	<u>Standard on Organization and Deployment of Fire Prevention Inspection and Code Enforcement, Plan Review, Investigation, and Public Education Operations. This standard contains minimum requirements relating to the organization and deployment of fire prevention inspection and code enforcement, plan review, investigation, and public education operations.</u>

NFPA	1991	2016	Standard on Vapor-Protective Ensembles for Hazardous Materials Emergencies. <u>Standard provides requirements for protection for emergency responders against adverse vapor environments during hazardous materials incidents, and from specified chemical, biological, or radiological terrorism agents during chemical and biological terrorism incidents.</u>
NFPA	1992	2012 2018	Standard on Liquid Splash-Protective Ensembles and Clothing for Hazardous Materials Emergencies. <u>This standard provides requirements for protection for emergency responders against adverse liquid- splash environments during hazardous materials emergency incidents.</u>

The City hereby adopts the following amendments to the Fire Prevention Code of the National Fire Protection Association, N.F.P.A Pamphlet No. 1, included in the Florida Fire Prevention Code, adopted in this Chapter:

- (1) Section 13.3.2 is amended to include the following language:

Approved automatic fire sprinkler systems as hereinafter defined shall be installed throughout hereinafter constructed buildings and structures or appropriate sections thereof:

- (a) The following buildings of an institutional or educational character; all hospitals, ambulatory, surgical or treatment centers, nursing homes, homes for the aged, convalescent centers, rehabilitation facilities, day care centers caring for more than 12 clients under 1 year of age, adult congregate living facilities, and all occupancies and uses of similar nature to those herein stated, without regard to the type of construction or height of the building or structure involved.
- (b) All new construction involving wood or partial wood frame buildings or structures which are 2 stories or more than 20 feet in height as measured from finish ground floor grade to the underside of the topmost roof assembly. Single-family homes, duplexes and townhouses shall be exempt from this requirement except as provided in section (d) below. For reconstruction or rehabilitation of existing structures where the total area of the addition/renovation included in the modification does not exceed 50 percent of the area of the building, the work shall be considered exempt from this requirement.
- (c) All buildings or structures regardless of the type of construction which are 3 or more occupied stories or have three (3) or more unoccupied stories as deemed required by the authority having jurisdiction (AHJ). Occupied story is defined by N.F.P.A. 101 the Life Safety Code as a story occupied by people

on a regular basis. Stories used exclusively for mechanical equipment rooms, elevator penthouses, and similar spaces are not occupiable stories.

- (d) All buildings or structures regardless of the type of construction which are in excess of 12,000 square feet per floor, or an aggregate of 12,000 square feet if there is unprotected communication between floors or intermediate spaces.
- (e) All portions or sections of buildings or structures which are below grade or which constitute the basement area of a building or structure regardless of square footage of floor area or type of construction. The automatic fire sprinkler systems herein referred to and the installation thereof which is required by this ordinance shall be as contained in and provided for with the applicable standard specified for this section under appendix A of this Fire Prevention Code.

- (2) Section 13.2.2.2 is amended to include the following language:

All hereafter constructed buildings and structures more than 3 stories in height or 36 feet in height or all buildings more than 2 stories in height and more than 30,000 square feet per floor level, shall be equipped with approved Class 1 standpipes to provide reasonable safety to persons and property. For purposes of this section, height is measured from finish ground floor grade to the underside of the topmost roof assembly.

- (3) Section 13.2.3 is amended to include the following language:

All systems, equipment, tanks, piping, devices, appliances, controls, or storage facilities over which the code contains regulatory provisions, or which are required by any other law, shall be maintained in operative condition at all times to provide the service for which installed.

All fire sprinkler, standpipe, and fire pump systems shall be annually inspected, serviced, and maintained under a written service contract with service companies licensed by the State of Florida to provide such services and which possess a current occupational license for the City of Delray Beach providing for regular maintenance and testing of the systems in accordance with the applicable standards specified under Appendix A of this Fire Prevention Code and N.F.P.A. 13A, N.F.P.A. 14A and N.F.P.A. 25.

The service company performing the maintenance and tests shall forward a written report to the Fire-Rescue Department indicating the nature of any repairs, modifications, and/or corrections completed by the service company, the date and time of such tests and inspections and any other information which may be required by the fire-rescue services department. In addition, a copy of the service report must be maintained on the premises, and it shall be subject to inspection by the Fire-Rescue Department at any time.

- (4) Section 13.3.1.7 is amended to include the following language:

Valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water based fire suppression systems shall be supervised by an approved Central station signaling service.

(5) Section 13.7.1.1 is amended to include the following language:

Remote monitoring locations shall not be permitted to verify fire alarm signals prior to reporting them to the Fire-Rescue Department.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. This ordinance shall become effective January 1, 2024.

PASSED AND ADOPTED in regular session on second and final reading on this 7th day of November, 2023.

ATTEST:

Katerri Johnson
Katerri Johnson, City Clerk

Shelly Petrolia
Shelly Petrolia, Mayor

First Reading 10/10/2023

Second Reading 11/7/2023

Approved as to form and legal sufficiency:

Lynn Gehin
Lynn Gehin, City Attorney





CITY OF DELRAY BEACH
CITY ATTORNEY'S OFFICE
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LEGAL REVIEW FORM

This form is to be used solely for the legal review of documents not including procurement agreements. Procurement Agreements are reviewed under a separate cover. This form shall only be completed by a member of the City Attorney's Office.

Date of Review: 09/11/2023

Document Name: Ordinance 40-23

Document Type: Ordinance amending Chapter 96, Fire Safety, to adopt the amended Florida Fire Prevention Code is adopted by the State Fire Marshal every three years.

Submitted by: Fire Marshal Franco

☒ This document is approved as to form and legal sufficiency.

☐ This document is approved as to form and legal sufficiency; however, the undersigned made the following change(s):

☐ This document is not approved as to form and legal sufficiency for the following reason(s):

Notes:

s/William M. Bennett, Esq.
Assistant City Attorney

Copy to:

 City Attorney's Office (with a copy of the approved document)
 X Other: Fire Marshal Franco