

RESOLUTION NUMBER 2010-01

A RESOLUTION OF THE HOLLEY-NAVARRE FIRE DISTRICT ESTABLISHING A FIRE PREVENTION OFFICE AND ADOPTION OF THE FLORIDA FIRE PREVENTION CODE.

**NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF
COMMISSIONERS OF THE HOLLEY-NAVARRE FIRE DISTRICT:**

Section 1. Intent and Authority

Pursuant to section 191.008(4), Florida Statutes ("F.S."), the Holley-Navarre Fire District has the power and authority to adopt and enforce firesafety standards and codes and enforce the rules of the State Fire Marshal consistent with the exercise of the duties authorized by chapter 553 or chapter 633, with respect to fire suppression, prevention, and firesafety code enforcement. The Board recognizes the need to provide for a Fire Prevention Office to carry out such duties.

Therefore, the Board adopts this Resolution to provide the Holley-Navarre Fire District with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of fire safety equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and the procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

Section 2. Office of Fire Prevention and Inspection

The Fire Chief shall be responsible for the enforcement of the Fire Prevention Code of the Holley-Navarre Fire District. To assist in the execution of the responsibilities and duties placed upon the Fire Chief, the Chief shall designate the position of Fire Marshal. The District hereby establishes the Office of Fire Prevention and Inspection from which the Fire Marshal shall execute these duties.

The Office of Fire Prevention and Inspection shall operate under the supervision of the Fire Marshal. The Fire Marshal shall be responsible for the administration and enforcement of the Fire Prevention Codes of the Holley-Navarre Fire District.

Section 3. Adoption of Florida Fire Prevention Code

The Board hereby adopts the Florida Fire Prevention Code, as amended, as the District's Fire Prevention Code ("code"). One or more copies of the Code shall be on file at the administrative offices of the Holley-Navarre Fire District and shall be kept available for public use, inspection and examination.

Section 4. Authority

This code shall be administered and enforced by the officials designated by the Board of Commissioners of the Holley-Navarre Fire District. For the purposes of this code, this designee is the Fire Chief and the Fire Marshal, who shall meet the requirements and qualifications set forth by the jurisdiction to effectively administer this code.

Section 5. Required Access for Fire Apparatus

A. The Fire Marshal shall approve the location of new speed bumps or other traffic calming devices and aids, when installed, and such speed bumps or other traffic calming devices and aids must have a minimum twenty-four (24) inch long base with sloping falls, cresting at a four (4) inch maximum height.

B. The Fire Marshal, prior to installation, shall approve all automatic vehicle access control gates, which shall include battery back-up, siren operated sensors, key switches, opener devices and gate markings. If an automatic vehicle access control gate becomes non-operational, the gate shall remain in the open position until such time as all minimum requirements have been returned to an operational status. The property owner and property manager shall be responsible for ensuring gates are properly maintained and repaired.

Section 6. Key Box System

Where a structure is equipped with a fire alarm system, sprinkler or standpipe system, an approved key box shall be required. The location of the key box shall be approved by the Fire Marshal. The key box tumbler shall match the fire district master key. Keys shall be provided for access to fire alarm panel(s), electrical room(s), sprinkler room(s) and any other areas to which emergency responders may require access. Installation height of the key box shall be a maximum of six (6) feet from grade or as approved by the Fire Marshal.

Section 7. Civil Citations

Pursuant to section 633.052, F.S., the Board hereby adopts the civil infraction process as an additional and supplemental means of enforcing the Florida Fire Prevention Code.

A. The maximum civil penalty shall be \$500. Each day that a violation exists shall constitute a separate violation. The Fire Marshal may levy maximum fines of:

First citation:	\$50
Second citation:	\$100
Third citation:	\$250
Fourth and additional citation:	\$400

B. The following procedures are adopted for issuing citations.

1. A citation may be issued by the Fire Marshal who has reasonable cause to believe that a person has committed an act in violation of a firesafety code.

2. Any person who willfully refuses to sign and accept a citation issued by the Fire Marshal shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or § 775.083.

3. Prior to issuing a citation, the Fire Marshal shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 45 days, except for major structural changes, which may be corrected within an extended adequate period of time. After receiving a notice of violation but prior to the issuance of a citation, said person may appeal the determination by the firesafety inspector to the board. If upon personal investigation, a firesafety inspector finds that the person has not corrected the violation within the time period, a firesafety inspector may issue a citation to the person who has committed the violation. A firesafety inspector does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the firesafety inspector has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable or irreversible.

4. A citation issued by a Fire Marshal shall state:
- i. The date and time of issuance.
 - ii. The name and address of the person cited.
 - iii. The date and time of the civil infraction was committed.
 - iv. The facts constituting probable cause.
 - v. The code section or ordinance violated.
 - vi. The name and authority of the inspector.
 - vii. The procedure the person is to follow in order to pay the civil penalty or to contest the citation.
 - viii. The applicable civil penalty.
 - ix. The procedures for applying for reconsideration or appeal of the civil penalty.
 - x. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, said person shall be deemed to have waived his right to contest the citation and that, in such case judgment may be entered against the person for an amount up to the maximum penalty.

Section 8. Board of Appeals; Appeals

A. Pursuant to NFPA 1 section 1.10, *et. seq.*, the Board of Commissioners hereby creates the Holley-Navarre Fire District Board of Appeals. Such board of appeals shall be composed of five members who possess the education, experience, and knowledge deemed to be competent to sit in judgment on matters concerning the code. The board of appeals shall operate pursuant to and consistent with NFPA 1 section 1.10, *et. seq.*, as amended.

B. The right to an appeal, time for an appeal, and procedures of such appeal shall be governed by NFPA section 1.10.9.1, *et. seq.*

Section 9. Severability

Should any provision or portion of any provision in this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of the provisions herein.

Date Adopted

Rob Miodus, Chairperson

Attest:

Nancy Morgan, Secretary