

ORDINANCE 6 - 09

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL'S CODE OF ORDINANCES, CHAPTER 8, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE PREVENTION CODE, BY AMENDING SECTION 8-10, CITY OF CAPE CORAL FIRE PROTECTION CODE TO REMAIN CONSISTENT WITH THE 2006 EDITION OF THE NATIONAL FIRE CODES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 8, Article II, Section 8-10, is hereby amended as follows:

Chapter 8

FIRE PREVENTION AND PROTECTION

...

ARTICLE II. FIRE PREVENTION CODE

Section 8-9. Purpose and scope; enforcement

- (a) *Purpose and scope.* This code shall be known as the Cape Coral Fire Prevention Code. The Cape Coral Fire Prevention Code is established to provide the City of Cape Coral with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises, and open areas; providing for the abatement of fire and life safety hazards; establishing the responsibilities and procedures for code enforcement; and establishing the standards for compliance and achievement of these objectives.
- (b) *Enforcement.* The City of Cape Coral Fire Prevention Code shall be enforced by the Fire Chief/Emergency Management Director of the City of Cape Coral Fire, Rescue and Emergency Management Services Department or his designee. Enforcement of parking violations described in the Fire Prevention Code shall be enforced by the Chief of Police of the City of Cape Coral or his designee.

Section 8-10. City of Cape Coral Fire Protection Code adopted; amendments to Fire Codes

- (a) *Adoption.* The Florida Fire Prevention Code is hereby adopted by the City of Cape Coral. The standards and code sections of the "National Fire Codes", as published by the National Fire Protection Association (NFPA), as adopted by the rules of the Division of the State Fire Marshal Section ~~69A-3.012~~ ~~69A-30.12~~, 69A-60.005, or referenced by the most current edition of NFPA 1 or NFPA 101 adopted by the State Fire Marshal, known as the Florida Fire Prevention Code and Life Safety Code, and those listed below by standard number and edition and as amended herein, are hereby adopted by reference and made a part of the "City of Cape Coral Fire Prevention and Protection Code, "intended to protect the health, safety, common interest, and convenience of the citizens, visitors, and residents of the City of Cape Coral, Florida.
- (b) *Amendments to Fire Codes.* The "National Fire Codes, NFPA 1, Fire Prevention Code, ~~2003~~ 2006 Edition", and as amended from time to time, and as permitted by the Florida Fire Prevention Code, is hereby amended by local amendment as follows:
 - (1) Chapter 1, Administration and Enforcement, Section 1.3, Application, Subsection 1.3.2.1, is hereby amended to read as follows:

1.3.2.1 Details regarding processes, methods, specifications, equipment testing and maintenance, design standards, performance, installation, or other pertinent criteria contained in those standards and codes listed in Chapter 2 of this code and those adopted pursuant to the Cape Coral Fire Prevention and Protection Code Section 8 shall be considered a part of this code.

- (2) Chapter 1, Administration and Enforcement, Section 1.3., Application, Subsection 1.3.3, Conflicts, Sub-subsection 1.3.3.1, is hereby amended to read as follows:

1.3.3.1 In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of this Code of Ordinances, state law or city ordinances, rules and regulations, the most restrictive provisions of this Code of Ordinances, state law or city ordinances, rules and regulations shall prevail and be controlling.

- (3) Chapter 1, Administration and Enforcement, Section 1.7, Authority, Subsection 1.7.15 ~~1.7.13~~, Standby Fire Personnel, Sub-subsection 1.7.15.1 ~~1.7.13.1~~, is hereby amended to read as follows:

1.7.15.1 ~~1.7.13.1~~ Whenever in the opinion of the Fire Chief, or designee, that it is essential for public safety in any place of public assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the Fire Chief, or designee, may require the owner, agent or lessee to employ one or more certified Fire Inspectors or Firefighters, as required and approved by the Fire Chief, or designee, to be on duty at such place. Said Fire Inspectors/Firefighters shall be subject to the Fire Chief's or his designee's orders at all times, when so employed, and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, said Fire Inspector/Firefighter shall inspect all required fire/life safety equipment, to insure that such equipment is in proper working order, and shall keep diligent watch for any emergency that should arise. Should any emergency arise, the Fire Inspector/Firefighter shall take whatever action necessary to protect the occupants and public from injury or any life threatening condition.

- (4) Chapter 3, Definitions, is hereby amended to include the following definitions:

Engine Company Assistance or Testing: Any situation where an Engine Company is required for assistance, including, but not limited to, fire pump acceptance tests, special events or functions, and other non-emergency assistance that may be applicable.

Fire lane means any driveway, road, or unobstructed area, which may be used by the fire department for the movement of fire vehicles or fire fighting operations. If the fire lane serves a multi-story building, road surface shall be pavement, concrete or similar surface material designed to accommodate fire apparatus with a minimum weight of 32 tons.

- (5) Chapter 10, General Fire Safety, Section 10.3, Occupancy, Subsection 10.3.1, is hereby amended to read as follows:

10.3.1 No new construction or existing building shall be occupied in whole or in part in violation of the provision of this code or other applicable City of Cape Coral Code of Ordinances or Land Use and Development Regulations. All tenants and occupants shall obtain a "Certificate of Use" from the Cape Coral Department of Community Development with release by the City of Cape Coral Fire, Rescue and Emergency Management Services Department prior to the occupancy and use of a new or existing building as evidence of compliance with the Cape Coral Fire Prevention Code. Such original certificate shall be displayed in a prominent location within the structure, building or portion, thereof.

Exemption: Residential dwellings are exempt from the requirement of obtaining a "Certificate of Use."

- (6) Chapter 10, General Fire Safety, Section 10.11, Open Fires, Incinerators, and Outdoor Fireplaces, Subsection 10.11.1, Permits, is hereby amended to read as follows:

10.11.1 Permits: Permits are required and shall comply with Section 1.12.19.

Bonfires and Outdoor Rubbish Fires: Kindling or maintaining any open fire or a fire in any public street, alley, road, or other public or private ground requires a fee permit. Instructions and stipulations of permit shall be adhered to.

Exemption: Cooking fires and small recreational fires not intended for vegetation or rubbish disposal when conducted safely and on the owner's property. Notwithstanding the above provisions, for 30 days commencing with the declaration of a state of emergency by the Governor of the State of Florida, because of extended drought and the resulting potential for wildfires, which includes all or parts of Lee County, there shall become effective a prohibition against kindling, creating or maintaining any campfire, bonfire, open or barrel burning of trash, discarding of lighted smoking materials outdoors, smoking in city parks, and the sale or use of sparklers. The use of open barbecues or barbecue pits utilizing charcoal or wood shall be prohibited within 600 yards of any unimproved property, woods, or marsh area within the City of Cape Coral. The prohibitions expressly provided herein may be extended by resolution duly adopted by the State Fire Marshal's office.

For this section only, the definition of a recreational fire is the noncommercial burning of materials, other than rubbish for pleasure, religious, ceremonial, cooking, or similar purpose, in which the fuel burned is not contained in an incinerator, a barbecue grill, or a barbecue pit, and the total fuel area is not exceeding 3 ft. (0.9 m) in diameter and 2 ft. (0.6 m) in height.

- ~~(7) Chapter 10, General Fire Safety, Section 10.12.2, is hereby created as follows:~~

~~10.12.2 Emergency Vehicle Access.~~

~~10.12.2.1 This section is intended to apply to all gate installations except those serving an individual single family residence.~~

- ~~(8) Chapter 10, General Fire Safety, Section 10.12.2.2 is hereby created as follows:~~

~~10.12.2.2 All electronic access control gate to structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles and are not constantly attended 24 hours per day shall be provided with an electronic transmitter/receiver system capable of being programmed with a unique activation code and frequency approved by the authority having jurisdiction. Such code or frequency shall not be used by or provided to other gate users. Existing installations shall comply within 180 days subsequent to the notification date by the authority having jurisdiction.~~

~~All electronic access control gates shall be compatible with the City of Cape Coral transmitters. Said transmitters are carried only within emergency services vehicles.~~

- ~~(9) Chapter 10, General Fire Safety, Section 10.12.2.3 is hereby created as follows:~~

~~10.12.2.3 All electronic access control gates shall have a battery backup with a fail safe override.~~

~~Exemptions: Any other override system acceptable to the authority having jurisdiction. Gates serving an individual single family residence.~~

- (10) Chapter 10, General Fire Safety, Section ~~10.12.2.4~~ is hereby created as follows:
- ~~10.12.2.4 All non-electronic access control gates to structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles and are not constantly attended 24 hours a day shall be provided with a key box acceptable to the Fire Official.~~
- ~~Exemption: Gates serving an individual single family residence.~~
- (11) Chapter 10, General Fire Safety, Section ~~10.12.2.5~~ is hereby created as follows:
- ~~10.12.2.5 All electronic gates are required to receive a building permit with fire review prior to installation.~~
- (12) (7) Chapter 10, General Fire Safety, Section 10.15 ~~10.16~~, Public Assemblages and Events, Subsection 10.15.1.1 ~~10.16.1.1~~, is hereby created amended to read as follows:
- Where the authority having jurisdiction determines that the gathering of persons in a structure or the nature of the performance, exhibition, display, contest, or activity presents or is predicted to present unusual and significant impact on public safety, including access to buildings, structures, fire hydrants, fire lanes and the like, or other provisions of public safety services, including fire protection and emergency medical services, the authority having jurisdiction shall have the authority to order the development to prescribe a plan for the provision of safety services which provides reasonable degree of safety for the attendees, participants and other affected members of the public.
- (13) (8) Chapter 10, General Fire Safety, Section 10.15 ~~10.16~~, Public Assemblages and Events, is hereby amended by creating Subsections 10.15.1.2 ~~10.16.1.2~~ and 10.15.1.3 ~~10.16.1.3~~ as follows:
- 10.15.1.2 ~~10.16.1.2~~ The plan shall address such items as, but not be limited to, emergency vehicle ingress and egress, fire protection, emergency medical services, fire and safety inspections, public assembly areas and the directing of attendees and vehicles, vendor and food concession distribution, and the need for the presence of law enforcement, fire, and medical services personnel at the event. Said plan shall be submitted to the authority having jurisdiction a minimum of three weeks prior to the starting date of the event.
- 10.15.1.3 ~~10.16.1.3~~ The authority having jurisdiction is hereby authorized to assess and collect reasonable compensation for services rendered to public assemblages and events covered by the provisions of Section 10.15 ~~10.16~~, as it may deem necessary in accordance with the applicable services resolution of the governing body.
- (14) (9) Amend Chapter 13, Fire Protection Systems, by creating Section 13.2.1.1 as follows:
- 13.2.1.1 Fire Department valves on standpipe systems shall not be pressure-reducing valves. Pressure restricting devices shall be installed on any valve with pressure in excess of 175 PSI. Pressuring restricting devices shall be so as to be readily removable, leaving hose threads acceptable to the authority having jurisdiction.
- (15) (10) Chapter 13, Fire Protection Systems, is hereby amended by creating Section 13.2.1.2 as follows:
- 13.2.1.2 All Fire Department connections serving a high rise building, shall be located within 50 ft. (15.25m) of a fire hydrant and within 50 ft (15.25m) of a fire department vehicle access road. Actual locations of fire department connections shall be as approved by the authority having jurisdiction.
- Exemption: Fire Department connections supplying fire sprinkler systems in accordance with NFPA 13R that are not a part of a standpipe system.

- (16) (11) Chapter 13, Fire Protection Systems, is hereby amended by creating Section 13.3.1.1.1 as follows:
- 13.3.1.1.1 All fire sprinkler systems shall be monitored by a UL listed remote or central station monitoring agency.
- Exemption: Single-Family dwellings, duplexes (two family dwellings), and any structure containing less than seven (7) sprinkler heads connected to domestic water supply.
- (17) (12) Chapter 13, Fire Protection Systems, is hereby amended by creating Sections 13.3.1.1.2 and 13.4.2.1.1.1 as follows:
- 13.3.1.1.2 All fire sprinkler systems shall activate one or more monitored audio/visual device located on the exterior of the building. The number and location of the device(s) shall be approved by the authority having jurisdiction.
- 13.4.2.1.1.1 Access directly into fire pump rooms shall be provided from the exterior of buildings.
- Exemption: Single-Family dwellings and duplexes (two family dwellings).
- (18) (13) Chapter 13, Fire Protection Systems, Section 13.7.2.27.2.2, is hereby amended to read as follows:
- All structures meeting the definitions of high rise buildings shall install two-way telephone communication service and shall be provided for fire department use. This system shall be in accordance with NFPA 72, National Fire Alarm Code. The communications system shall operate between the central control station and every elevator car, every elevator lobby, and each floor level of exit stairs.
- (19) (14) Chapter 18, Fire Department Access and Water Supply, Section 18.2.1, is hereby amended to read as follows:
- 18.2.1 All buildings that a fire department may be called to protect that are not readily accessible to an adjacent local street shall be provided with a suitable fire lane or parallel access drive unless the analysis of the fire official indicates the fire access is unnecessary. Such fire access is necessary for all buildings three (3) or more stories in height which are not adjacent to a local street.
- (a) Parking spaces adjacent to structures that in the opinion of the fire official may hinder or delay fire fighting forces in the performance of their duties are prohibited. Limited designated parking spaces may be approved by the fire official when alternative arrangements are made prior to construction, which must include automatic fire suppression systems.
- (b) The fire official may require additional fire lanes around commercial buildings when his or her analysis indicates additional access to the building is needed.
- (15) Chapter 18, Fire Department Access and Water Supply, Section 18.2.2.2, is hereby created as follows:
- 18.2.2.2 Emergency Vehicle Access.
- 18.2.2.2.1 This section is intended to apply to all gate installations except those serving an individual single-family residence.
- (16) Chapter 18, Fire Department Access and Water Supply, Section 18.2.2.2.2 is hereby created as follows:
- 18.2.2.2.2 All electronic access control gate to structures and properties that may require emergency services that restrict the free ingress and egress of

emergency vehicles and are not constantly attended 24 hours per day shall be provided with an electronic transmitter/receiver system capable of being programmed with a unique activation code and frequency approved by the authority having jurisdiction. Such code or frequency shall not be used by or provided to other gate users. Existing installations shall comply within 180 days subsequent to the notification date by the authority having jurisdiction.

All electronic access control gates shall be compatible with the City of Cape Coral transmitters. Said transmitters are carried only within emergency services vehicles.

- (17) Chapter 18, Fire Department Access and Water Supply, Section 18.2.2.2.3 is hereby created as follows:

18.2.2.2.3 All electronic access control gates shall have a battery backup with a fail safe override.

Exemptions: Any other override system acceptable to the authority having jurisdiction. Gates serving an individual single-family residence.

- (18) Chapter 18, Fire Department Access and Water Supply, Section 18.2.2.2.4 is hereby created as follows:

18.2.2.2.4 All non-electronic access control gates to structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles and are not constantly attended 24 hours a day shall be provided with a key box acceptable to the Fire Official.

Exemption: Gates serving an individual single-family residence.

- (19) Chapter 18, Fire Department Access and Water Supply, Section 18.2.2.2.5 is hereby created as follows:

18.2.2.2.5 All electronic gates are required to receive a building permit with fire review prior to installation.

- (20) Chapter 18, Fire Department Access and Water Supply, Section 18.3, ~~Water Supplies and Fire Hydrants~~, is hereby amended by creating Sections 18.3.1 and 18.3.1.2 as follows:

18.3.1 Adopt ~~2006~~ 2003 NFPA 1 or subsequent edition Annex H and Annex I in total.

18.3.1.2 The following are minimum fire flow requirements for new construction, changes in occupancy or use to a more hazardous classification, or any physical enlargement of existing buildings:

Building Square Footage Minimum Fire Flow (GPM):

Less than or equal to 3,600 square feet, 1,000 GPM,
Greater than 3,600 square feet, shall not be less than that specified in Table H.5.1.

New structures not capable of delivering the required fire flow shall provide automatic sprinkler systems in accordance with NFPA 13, 13R or 13D, ~~2002~~ 1999 or subsequent editions as applicable.

The minimum required fire flow for commercial and multi-family occupancies shall not be less than 1,000 GPM.

Owners and developers shall make provisions to install water lines and fire hydrants to meet spacing and fire flow requirements. Where fire mains exist but do not meet the fire flow requirements, alternative arrangements may be made, prior to construction, with the authority having jurisdiction. Due to the

concern for public safety, failure to meet the fire flow requirements or come to alternative agreement shall be grounds for refusal for the City to issue building permits.

Exemption: All single-family and duplex (two family) dwellings and new single-family and duplex (two family) subdivisions that do not contain clubhouses, commercial, or professional structures.

- (21) Chapter 18, Fire Department Access and Water Supply, Section 18.3, ~~Water Supplies and Fire Hydrants~~, is hereby amended by creating Section 18.3.1.3 as follows:

18.3.1.3 Where buildings are constructed with the furthest point of the structure being one hundred fifty (150) feet or more from a public street, such buildings shall require private mains and fire hydrants which meet the required fire flow with spacing to be determined by the fire official. The spacing of hydrants shall not exceed 500 feet between hydrants. Hydrant spacing and required fire flow may be altered by the fire official if, by prior arrangement with the fire official, automatic fire suppression systems are installed in all buildings on the premises.

- (22) Chapter 18, Fire Department Access and Water Supply, Section 18.3, ~~Water Supplies and Fire Hydrants~~, is hereby amended by creating Section 18.3.1.5 as follows:

18.3.1.5 Where buildings are proposed in an area not meeting the hydrant spacing requirements, the owner or developer shall provide the number of hydrants prescribed by the fire official, under the terms of NFPA 1 Annex H.

- (23) Chapter 18, Fire Department Access and Water Supply, is hereby amended by creating Section 18.3.3.1.2 as follows:

18.3.3.1.2 An approved Florida Department of Transportation (FDOT) blue reflective day/night raised pavement marker (RPM) will be used for rapid location of all fire hydrants in the City. The FDOT Traffic Engineering Manual Topic No. 750-000-005 Section 4.3 will be the standard guideline used for the placement and location of the blue marker on the roadway. Fire hydrants located on State roads will be maintained by the State. Fire hydrants located on County roads will be maintained by the County. The City will maintain all other fire hydrants excluding private fire hydrants.

- (24) Chapter 18, Fire Department Access and Water Supply, Section 18.3, is amended by creating Section 18.3.3.1.3 as follows:

18.3.3.1.3 All private fire hydrants will use the same FDOT guideline, and will be identified with a FDOT blue reflective day/night raised pavement marker (RPM) by the contractor during installation or on the required annual testing of the hydrant per NFPA 25 standards.

- (25) Chapter 18, Fire Department Access and Water Supply, Section 18.3, is amended by creating Section 18.3.4.4 as follows:

18.3.4.4 The Fire Department Connection (F.D.C.) shall be located not less than forty (40) feet from buildings and in an area accessible to fire apparatus preferably on the street/addressable side of the building.

SECTION 2. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 23rd DAY OF February, 2009.



JAMES D. BURCH, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


BURCH	<u>aye</u>
TATE	<u>aye</u>
BRANDT	<u>aye</u>
DEILE	<u>excused</u>
BERTOLINI	<u>aye</u>
GRILL	<u>aye</u>
DAY	<u>aye</u>
DONNELL	<u>aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 26th DAY OF February, 2009.



BONNIE J. POTTER, CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY
ord/FirePrevention