

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, CHAPTER 15, FIRE PROTECTION AND PREVENTION, PROVIDING FOR ARTICLES; PROVIDING FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES (AED); PROVIDING FOR FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

SECTION 1: That the Code of Ordinances of the City of Margate, Florida, Chapter 15, Fire Protection and Prevention, is hereby amended to read as follows¹:

Chapter 15 - FIRE PROTECTION AND PREVENTION

ARTICLE 1 - IN GENERAL

Sec. 15-1. - Purpose and rules of construction.

(a) *Purpose.* The purpose of this chapter is to provide the City of Margate 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 hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

(b) *Rules of construction.* This chapter shall be deemed an exercise of the police powers of the City of Margate for the

¹CODING: Words in ~~struck-through~~ text are deletions from existing text, words in underscoring text are additions to existing text, and **shaded** text reflects changes between First and Second Readings.

1 preservation and protection of the public health, peace,
2 safety, and welfare, and all the provisions of the "City of
3 Margate Fire Prevention Code" shall be liberally construed for
4 that purpose.

5
6
7 Sec. 15-2. - Applicability of code provisions.
8

9 The provisions of the "City of Margate Fire Prevention Code"
10 shall apply equally to both public and private property, and
11 it shall apply to all structures and their occupancies, except
12 as otherwise specified.

13
14 Sec. 15-3. - Penalty for violations of code provisions.
15

16 Any person who shall violate any of the provisions of the code
17 hereby adopted; or shall fail to comply therewith; or shall
18 violate or fail to comply with any order made thereunder; or
19 shall build in violation of any details, statements,
20 specifications, or plans submitted or approved thereunder; or
21 shall operate not in accordance with the provisions of any
22 certificate, permit, or approval issued thereunder, and from
23 which no appeal has been taken; or who shall fail to comply
24 with such an order as affirmed or modified by the fire code
25 official or by a court of competent jurisdiction within the
26 time fixed herein, shall severally for each and every
27 violation and noncompliance, respectively, be guilty of a
28 misdemeanor of the second degree punishable by a fine of not
29 less than fifty dollars (\$50.00) nor more than five hundred
30 dollars (\$500.00) or by imprisonment for not less than sixty
31 (60) days or by both such fines and imprisonment. The
32 imposition of a penalty for any violation shall not excuse the
33 violation nor shall the violation be permitted to continue.
34 All such persons shall be required to correct or remedy such
35 violations or defects within a reasonable time, and when not
36 otherwise specified, the application of the above penalty
37 shall not be held to prevent the enforced removal of
38 prohibited conditions.

39
40 Sec. 15-4. - Duty to comply with code provisions; exception;
41 presumption.
42

43 It shall be unlawful for any person to violate this chapter,
44 to permit or maintain such a violation, to refuse to obey any
45 provision thereof, or to fail or refuse to comply with any
46 such provision or regulation, except as variation may be

1 allowed by the action of the fire chief of the City of Margate
2 in writing. Proof of such unlawful act or failure shall be
3 deemed prima facie evidence that such act is that of the owner
4 or other person in control of the premises. Prosecution or
5 lack thereof of either the owner, occupant, or the person in
6 charge shall not be deemed to relieve any of the others.

7
8 Sec. 15-5. - Board of appeals created; terms designated;
9 alternate members.

10
11 A board of appeals is hereby established consisting of seven
12 (7) members and two (2) alternate members, who shall be
13 appointed by the city commission by reason of education,
14 experience, and knowledge, and [who] are deemed to be
15 competent to sit in judgment on matters concerning the "City
16 of Margate Fire Prevention Code" and its enforcement.

17 The initial seven (7) members shall be appointed for varying
18 lengths of time or terms in accordance with the following:

19 (a) Two (2) members shall be initially appointed for one-
20 year terms.

21 (b) Two (2) members shall be initially appointed for two-
22 year terms.

23 (c) Three (3) members shall be initially appointed for
24 three-year terms.

25 Thereafter each appointment shall be for a three-year term,
26 thus creating staggered terms on the board.

27 No member of the board shall be removed except after a hearing
28 before the city commission and cause shown. It shall be
29 sufficient cause however, to remove a member who has missed
30 three (3) duly called meetings of the board in succession.

31 Alternate members shall be appointed by the city commission
32 for one-year terms and shall serve at the call and request of
33 the chairman of the board in the absence of a regular member
34 of the board. The board may still act and function with less
35 than seven (7) members in attendance so long as a quorum is
36 present.

37
38 Sec. 15-6. - Code adopted.
39

40 (a) This chapter shall be known as the "City of Margate
41 Fire Prevention Code." Where no specific standards or
42 requirements are specified in this code, or contained within

1 other applicable laws, codes or ordinances, compliance with
2 the standards of the National Fire Protection Association as
3 adopted by the State of Florida, and the most current edition
4 of the Florida Fire Prevention Code is required.

5 (b) The provisions of the City of Margate Fire Prevention
6 Code shall supplement any and all laws relating to fire safety
7 and shall apply to all persons and properties without
8 restrictions, unless specifically excepted.

9 (c) Where there is a conflict between a general requirement
10 and a specific requirement for an individual or property, the
11 specific requirement shall be applicable.

12
13 Sec. 15-7. - Reserved.

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15
16 Sec. 15-8. - Enforcement of code generally; bureau of fire
17 prevention generally.

18
19 (a) *Responsibilities of fire chief—generally.*

20 1. Generally. The fire chief of the Margate Fire
21 Department shall be responsible for the enforcement of
22 the "City of Margate Fire Prevention Code". The fire
23 chief of the Margate Fire Department may detail such
24 members of the fire department as inspectors as shall
25 from time to time be necessary.

26 2. Duty of fire chief to prepare instructions and
27 forms for reports. The fire chief of the city fire
28 department shall prepare instructions for the fire code
29 official and his assistants, and forms for their use in
30 the reports required by this chapter.

31
32 (b) *Bureau of fire prevention created; supervision.* To
33 assist in the performance of the responsibilities and
34 duties placed upon the fire chief of the Margate Fire
35 Department, a bureau of fire prevention in the fire
36 department of the City of Margate is hereby created.
37 This bureau shall operate under the supervision of the
38 fire chief of the Margate Fire Department.

39 (c) *Fire code official to be designated; responsibilities*
40 *generally.*

41 1. Generally. The fire chief of the fire department
42 shall designate a fire official of the Margate Fire
43 Department as fire code official. The fire code

1 official shall be the administrator of the bureau of
2 fire prevention. The fire code official shall be
3 responsible for the direct administration and
4 enforcement of the city fire prevention code, as may be
5 set forth by the fire chief of the Margate Fire
6 Department. The fire code official shall be appointed
7 on the basis of examination or other method for
8 determining his qualifications.

9 2. Fire records required. The fire code official
10 shall compile and keep a record of all fires and of
11 all the facts concerning the same, including injuries,
12 deaths, rescue of persons and statistics as to the
13 extent of such fires and the damage caused thereby,
14 and whether such losses were covered by insurance, and
15 if so, in what amount. Such record shall be made
16 daily from the reports made by the technical
17 inspectors under the provisions of this chapter. All
18 such records shall be public.
19

20 3. Annual report of activities of bureau of fire
21 prevention required. The fire code official shall
22 make an annual report of the activities of the bureau
23 of fire prevention and shall transmit this report to
24 the chief executive officer of the City of Margate
25 through the fire chief of the Margate Fire Department.
26 The report shall contain all proceedings under the
27 "City of Margate Fire Prevention Code" with such
28 statistics as the fire chief may wish to include
29 therein.

30
31 4. Recommendation of changes in fire regulatory
32 measures.

33
34 (a) It shall be the duty of the fire code official of
35 the City of Margate Fire Department to investigate and
36 to recommend to the city ~~council~~ or commission such
37 additional ordinances, or amendments to existing
38 ordinances, as he may deem necessary for safeguarding
39 life and property against fire.

40
41 (b) The fire chief of the Margate Fire Department or
42 the fire code official shall also recommend any
43 amendments to the "City of Margate Fire Prevention
44 Code" or ordinance which, in his judgment, shall be
45 desirable.

1 (d) *Technical inspectors authorized.* The fire chief of the
2 Margate Fire Department may also designate such number
3 of technical inspectors as shall from time to time be
4 authorized by the city commission~~or council~~. Such
5 technical inspectors shall be selected through an
6 examination to determine their fitness for the
7 position.

8 ~~Sec. 15-9. - Duty of fire chief to prepare instructions and~~
9 ~~forms for reports.~~

10
11 ~~The fire chief of the city fire department shall prepare~~
12 ~~instructions for the fire code official and his assistants,~~
13 ~~and forms for their use in the reports required by this~~
14 ~~chapter.~~

15
16
17 Sec. 15-10. - Bureau of fire prevention to enforce regulations
18 for prevention and protection from fire.
19

20 It shall be the duty of the officers of the bureau of fire
21 prevention to enforce all laws and ordinances of the City of
22 Margate covering the following:

- 23 (1) The prevention of fires;
24 (2) The storage and use of explosives and flammable;
25 (3) The installation and maintenance of automatic and other
26 fire alarm systems, and fire extinguishing equipment;
27 (4) The maintenance and regulations of fire escapes;
28 (5) The means and adequacy of exit in case of fire from
29 factories, schools, hotels, lodging houses, asylums,
30 hospitals, churches, halls, theaters, amphitheaters,
31 and all other places in which numbers of persons work,
32 live, or congregate from time to time for any purpose;
33 (6) The investigation of the cause, origin, and
34 circumstances of fire;
35 (7) The maintenance of fire cause and loss records.
36 (8) The enforcement of city ordinance subsection 33-72(c),
37 pertaining to parking violations associated with fire
38 hydrants, fire department connections, and parking
39 within fire lanes through the issuance of city
40 ordinance violations.

41 They shall have such other powers and perform such other
42 duties as are set forth in other sections of this chapter, and

1 as may be conferred and imposed from time to time by law. The
2 fire chief of the City of Margate Fire Department may delegate
3 any of his powers or duties under this chapter to the fire
4 code official.

5
6
7 Sec. 15-11. - Fire investigations.
8

9 The bureau of fire prevention shall investigate the cause,
10 origin, and circumstances of every fire occurring in the city
11 by which property has been destroyed or damaged and, so far as
12 possible, shall determine whether the fire is the result of
13 carelessness or design. Such investigations shall begin
14 immediately upon the occurrence of such a fire. The fire code
15 official shall take charge immediately of the physical
16 evidence, shall notify the proper authorities designated by
17 law to pursue the investigation of such matter, and shall
18 further cooperate with the authorities in the collection of
19 evidence and in the prosecution of the case. Every fire shall
20 be reported in writing to the bureau of fire prevention within
21 seven (7) days after the occurrence of the same by the fire
22 department officer in whose jurisdiction such a fire has
23 occurred. Such report shall be in such form as shall be
24 prescribed by the fire code official of the Margate Fire
25 Department, and shall contain a statement of all facts
26 relating to the cause, origin, and circumstances of such fire,
27 the extent of the damage thereof, and the insurance upon such
28 property, and such other information as may be required,
29 including the injury, death, or rescue of persons.

30
31
32 Sec. 15-12. - Duty of fire code official to make periodic
33 inspections.
34

35 The fire code official shall inspect, or cause to be
36 inspected, all premises on a periodic basis, and shall make
37 such orders as may be necessary for the enforcement of the
38 laws and ordinances governing the same and for safeguarding of
39 life and property from fire.

40
41
42 Sec. 15-13. - Orders to remove unlawful accumulations and
43 obstructions.
44

45 (a) *Authority of inspector to make order.* Whenever any
46 inspector shall find in any building or upon any premises or

1 other places combustible or explosive matter or dangerous
2 accumulations of rubbish or unnecessary accumulation of waste
3 paper, boxes, shavings, or any highly flammable materials
4 especially liable to fire, and which is so situated as to
5 endanger property; or shall find obstructions to or on fire
6 escapes, stairs, passageways, doors, or windows, liable to
7 interfere with the operation of the fire department or egress
8 of occupants in case of fire, he shall order the same to be
9 removed or remedied.

10 (b) ~~†Duty to keep property safe.†~~ It shall be the duty of
11 all property owners and tenants within the limits of the city
12 to keep their property clean and in a safe condition. No owner
13 or tenant of any property shall permit wood, combustible,
14 inflammable or hazardous materials to remain upon the premises
15 so as to constitute a fire hazard. The use and storage of
16 internal combustion engines within a commercial or residential
17 occupancy shall be prohibited unless contained in an area
18 properly designed, constructed, and ventilated to allow for
19 the safe storage or operation of such equipment.

20 (c) *Compliance with removal order.* Such order shall
21 forthwith be complied with by the owner or occupant of such
22 premises or buildings, subject to the appeals procedure
23 provided for in the city fire prevention code. Any owner or
24 occupant failing to comply with such order within a reasonable
25 period after the service of the said order shall be liable
26 for~~to~~ penalties as hereinafter provided.

27 (d) *Service of order.* The service of any such order may be
28 made upon the occupant of the premises to whom it is directed,
29 either by delivering a copy of same to such occupant
30 personally or by delivering the same to and leaving it with
31 any person in charge of the premises, or in case no such
32 person is found upon the premises, by affixing a copy thereof
33 in a conspicuous place on the door to the entrance of said
34 premises. Whenever it may be necessary to serve such an order
35 upon the owner of premises, such order may be served either by
36 delivering to and leaving with the said person a copy of the
37 said order, or, if such owner is absent from the jurisdiction
38 of the officer making the order, by mailing such copy by
39 certified mail to the owner's last known post office address.

1 Sec. 15-14. - Inspection as prerequisite to issuance of
2 permits.
3

4 Before permits may be issued for the keeping, storage, use,
5 manufacture, sale, handling, or other disposition of hazardous
6 or flammable materials, rubbish, crude petroleum or any of its
7 products, dynamite or explosives of any kind, including
8 fireworks, sparklers, and signaling explosives, the fire
9 marshal or his assistant shall inspect and approve the
10 receptacles, vehicles, buildings or storage places and point
11 of sale or distribution to be used for any such purposes. In
12 cases where laws or regulations, enforceable by departments
13 and/or agencies other than the bureau of fire prevention are
14 applicable, joint approval shall be obtained from all
15 departments and/or other agencies concerned.

16 (1) A permit shall constitute permission to properly
17 maintain, store or handle materials, or to conduct
18 processes which may produce conditions hazardous to
19 life or property, used in connection with such
20 activities. Such permit shall not be transferable, and
21 any change in use or occupancy of the premises shall
22 require a new permit.

23 (2) All applications for a permit required by this section
24 shall be made to the bureau of fire prevention.
25 Applications for permits shall be accompanied by such
26 plan as may be required by either the fire chief, fire
27 code official, or his assistant.

28 (3) Permits shall be kept on the premises designated
29 therein at all times, and shall be subject to
30 inspection by any officer of the fire, police, code
31 enforcement or building departments.

32 (4) One (1) permit only shall be required by establishments
33 dealing in, storing, or using explosives or hazardous
34 materials to be kept in the establishment at any one
35 (1) time, but each of the materials shall be listed in
36 the permit.

37 (5) Permits shall be required for the following, as
38 specified in the Florida Fire Prevention Code:

- 39 a. Cellulose nitrate plastics (pyroxylin).
- 40 b. Compressed gases.
- 41 c. Explosives.
- 42 d. Fireworks.
- 43 e. Fumigation and thermal insecticidal fogging.

- f. Hazardous materials.
 - g. Liquefied petroleum gases and compressed natural gas.
 - h. Places of assembly.
 - i. Day care and private educational facilities.
 - j. Tents, canopies, and air supported structures.
 - k. Removal of abandoned flammable or combustible tanks.
 - l. Welding or cutting, acetylene, generator and calcium carbide.
 - m. Storage of flammable and combustible liquids and solids (exception: less than six (6) gallons in total quantity, properly stored in one- and two-family detached residential dwelling shall not require a permit.)
 - n. Open burning, to include pit burning.
 - o. Carnivals, circuses, and other special events.
 - p. Paint spray booths and dip tanks.
- (6) The issuance or granting of a permit shall not be deemed or construed to be a permit for, or an approval for, any violation of this Code.
- (7) Compliance with this Code is the responsibility of the permit holder and/or the owner of the property or his legal representative.
- (8) Any permit issued under this section may be suspended or revoked when it is determined by the fire chief or fire code official that:
- a. It is used by anyone other than the person or business to whom the permit was issued.
 - b. It is used for a location or purpose other than that for which it was issued.
 - c. Any of the conditions or limitations set forth in the permit have been violated.
 - d. The applicant fails, refuses or neglects to comply with any order or notice duly derived upon him under the provisions of this Code.
 - e. There has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or application was based.

(9) The fire chief, fire code official, or his assistants specially designated as fire inspector shall inspect, as often as may be necessary, but not less than one (1) time each year, all permitted hazardous manufacturing processes, storage or installations for acetylene or other gases, chemicals, oils, explosives of every kind, including fireworks, sparklers, dynamite or other explosives and/or flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards and appliances as the fire chief or fire code official shall designate, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same, and for safeguarding of life and property from fire.

Sec. 15-15. - Key boxes and locks.

(a) In all new and existing buildings, other than single-family, there shall be installed a key box for such buildings when the fire chief determines that access to or within a structure or an area is unduly difficult because of secured openings, or where immediate access is necessary for lifesaving or firefighting purposes. The key box shall be of the type approved by the fire chief and shall contain:

(1) Keys to locked points of ingress, whether on the interior or exterior of such buildings;

(2) Keys to mechanical rooms;

(3) Keys to locked electrical rooms;

(4) Keys to elevator controls;

(5) Keys to gates and fence or wall openings;

(6) Keys to alarm control panels, pull stations, fixed fire equipment, fire extinguisher cabinets, and any other areas as directed by the fire chief.

If at any time the keys in the lock box change, then the building owner or manager is to notify the fire department and supply new keys to the fire chief. The fire chief, or his representative, shall approve the location of lock boxes.

Gated communities shall provide a key switch or other operating device of a type approved by the fire chief that, when activated, shall open access gates to the

community. Said gate shall remain in the open position until closed by the city. In the event of gate operating equipment failure due to a state of disrepair, power outage or similar condition, the gate shall open and remain in that position until service is restored. The city shall not be held responsible for damage to gates or other equipment, if said equipment is damaged while responding to any emergency condition.

- (b) In all new and existing buildings, including single-family, which are protected by an automatic fire sprinkler system, there shall be installed a lock-box-type padlock on the water meter that serves the fire sprinkler system to lock the water valve in the open position and prevent closure by other than fire department personnel. The padlock shall be of the type approved by the fire chief.

ARTICLE II - FEES

Sec. 15-15~~6~~. - Permit fees established.

The following fees shall be established for the permits, certificates, approvals, and other functions performed under this Code and shall be payable to the city.

- (1) Fire safety plan review fees shall be collected by the city building department prior to the review of said plans.
- (2) Charges for permits, certificates, or tests performed under this Code shall be paid to the city prior to the issuance of the permit, certificate on performance, or required test. Permits shall be due annually and will cover the period from October 1 through September 30. Permits with the exception of seasonal sales and/or special activities and those issued in conjunction with hazardous materials, which are issued for six (6) months or less, shall pay fifty (50) per cent of such fee.
- (3) Charges for services rendered with regard to standby fire watch, standby rescue service, illegal burns, false alarms, and other special fees as listed within this Code shall be collected by the city finance department within ten (10) days of the rendering of such service.

- (4) A statement of charges for fire safety inspections shall be issued to the owner of the premises, his representative or the tenant thereof by the inspections officer upon completion of the fire safety inspection. A copy of this statement shall be forwarded to the city finance department where charges will be billed by that department.
- (5) Fire and life safety fee schedule.
- a. *New construction* -A fee in the amount of five cents (\$0.05) per square foot shall be levied on all new construction, alterations, or additions in the city, with the exception of single family or duplex residential homes. This fee shall encompass plan review, and necessary fire inspections required prior to the issuance of a certificate of occupancy. The minimum fee shall be one hundred twenty-one dollars (\$121.00).
 - b. *Renewal of expired permit* -A new permit may be issued within six (6) months of the last inspection upon payment of fifty (50) per cent of the original payment fee. A pre-permit inspection is required.
 - c. *Change in plans* -A fee in the amount of fifty (50) per cent of the original payment shall be required for a change in plans.
 - d. *Reinspection fees* -A fee shall be charged due to deviation from an approved plan, incompleteness of the work, or violation of the permit requirements. The fees charged are as follows:
 1. First reinspection: Sixty-two dollars fifty cents (\$62.50).
 2. Second and subsequent reinspection: Sixty-two dollars fifty cents (\$62.50).
 - e. *Inspections*-
 1. Fees for commercial, industrial, and assembly occupancies requiring a permit:
 - (i) Minimum fee (up to ten thousand (10,000) square feet): Sixty-eight dollars (\$68.00).
 - (ii) Maximum fee for over ten thousand (10,000) square feet: Two hundred seven dollars (\$207.00).

(iii) Fees for commercial industrial, residential, and assembly occupancies where a permit or license is required:

Assembly/restaurants (fifty (50) to one hundred (100) persons) 150.00

Assembly/restaurants (one hundred (100) or more) 181.00

Residential/multifamily (up to twenty (20) units and two (2) stories) 86.00

Residential/multifamily (over twenty (20) units or over two (2) stories) 126.00

Plan review (less than two thousand five hundred (2,500) sq. ft.) 121.00

Reinspection fees—Third reinspection 50 per cent of original fee

Plan review (per square foot over two thousand five hundred (2,500)) \$0.05

Plan review (per each reinspection of plans 62.50

Adult facility—Home conversion 75.00

Adult facility—Commercial building 100.00

Outdoor event, i.e., fireworks display, carnival, etc. 100.00

Day care, educational 75.00

(iv) Reinspection fees:

First reinspection No charge.

Second and subsequent reinspections Twenty-five (25) per cent of initial fee.

2. Reserved.

f. *Permits and licenses—*

1. *Preinspections when required prior to issuing a permit or license.*

General \$ 25.00

Structure demolition 25.00

Hydrant flow test 100.00

Carnivals, circuses, etc 60.00

Temporary structures and canopies 68.00

Construction trailers 68.00

2. *Renewal of expired permits.* A new permit may be issued within six (6) months of the last inspection upon payment of fifty (50) per cent of the original permit fee. A prepermit inspection is required.

g. *Special fees.*

1. Standby fire watch when required by code fifty dollars (\$50.00), plus the current special detail hourly rate, minimum three (3) hours, per each firefighter or inspector.

2. Standby rescue service when required by code fifty dollars (\$50.00), plus the current special detail hourly rate, minimum three (3) hours, per each firefighter.

Note: A fire apparatus may be assigned at the discretion of the fire chief along with any standby fire and/or rescue service, at a fee of two hundred fifty dollars (\$250.00) per hour, minimum of three (3) hours, per apparatus.

3. Illegal burns:

(i) Minimum per response for first hour, each apparatus \$ 150.00

(ii) Each additional hour, each apparatus 150.00

4. False fire alarms, accidental or system failure:

(i) First two (2) per calendar year No charge

(ii) Third false alarm 100.00

Note: Plus standby fire watch fee charged after first hour.

(iii) Each subsequent false alarm shall double the previous fee plus standby fire watch.

- 1 5. Bond release review fee \$100.00
2 For every hour thereafter 100.00
- 3 h. *Hazardous materials.* Fees are in addition to structural
4 inspection fees.
- 5 1. *Sparkler sales.* Sale of sparklers requires
6 submittal of inventory and site plan:
7 \$100.00.
- 8 2. *Fireworks, public display.* Public display of
9 fireworks must be under the direction of a
10 person certified by the fire code official as
11 a fireworks "shooter". Shooter certification
12 requires an application [of] one hundred
13 fifty dollars (\$150.00) to establish
14 competency in handling fireworks and
15 determining compliance with applicable state
16 regulations.
- 17 3. *Combustible fiber and baled storage.* Fifty
18 dollars (\$50.00). Storage and handling of
19 quantities exceeding one hundred (100) cubic
20 feet.
- 21 4. *Compressed gases.* Storage, handling, or use
22 of more than two thousand (2,000) cubic feet
23 of flammable gas or six thousand (6,000)
24 cubic feet of nonflammable gas at normal
25 temperature and pressure: one hundred
26 seventy-five dollars (\$175.00).
- 27 5. *Explosives.* One hundred fifty dollars
28 (\$150.00). Manufacturing, keeping, storage,
29 sale and transportation of explosives.
- 30 6. *Garages.* Place of business for servicing or
31 repairing of motor vehicle: One hundred fifty
32 dollars (\$150.00).
- 33 7. *Flammable finishes application.* One hundred
34 fifty dollars (\$150.00). Spraying or dipping
35 operations utilizing on any working day more
36 than one (1) gallon of flammable or
37 combustible liquids.
- 38 8. *Flammable and combustible liquids.* One
39 hundred fifty dollars (\$150.00). Storage,
40 handling or use of class 1A and 1B liquids in
41 excess of one (1) gallon in a place of human
42 habitation; in excess of six (6) gallons in

other occupancies; or in excess of ten (10) gallons outside any building.

9. *Hazardous chemical.* One hundred dollars (\$100.00). Storage, handling, or use of any hazardous materials.

10. *Liquefied petroleum gas.* One hundred seventy-five dollars (\$175.00). A permit shall be required for each installation of liquefied petroleum gas employing a container or an aggregate of interconnected containers of over two thousand (2,000) gallons of water capacity.

11. *Oil-burning equipment.* Fifty dollars (\$50.00). Installation or replacement of an oil burner and fuel tank that is in excess of sixty (60) gallons outside of a building.

12. *Organic coatings manufacturing.* Fifty dollars (\$50.00).

13. *Welding or cutting operations.* Seventy-five dollars (\$75.00). Excludes work conducted on job sites.

Sec. 15-17. - Fee schedules for attendance at cardiopulmonary resuscitation classes.

(a) A fee as determined by city administration and approved by the city manager shall be charged for each health professional or individual who is a member of a for-profit entity who attends cardiopulmonary resuscitation classes.

(b) Said fees shall be in an amount which will reimburse the city for all costs, both direct and indirect, for conducting said classes.

Sec. 15-18. - Additional fees, or increase or decrease in existing fees, may be approved by resolution of the city commission.

~~Sec. 15-16. - Fire records required.~~

~~The fire code official shall compile and keep a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons and statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the technical inspectors under the provisions of this chapter. All such records shall be public.~~

~~Sec. 15-17. - Annual report of activities of bureau of fire prevention required.~~

~~The fire code official shall make an annual report of the activities of the bureau of fire prevention and shall transmit this report to the chief executive officer of the City of Margate through the fire chief of the Margate Fire Department. The report shall contain all proceedings under the "City of Margate Fire Prevention Code" with such statistics as the fire chief may wish to include therein.~~

~~Sec. 15-18. - Recommendation of changes in fire regulatory measures.~~

~~(a) - It shall be the duty of the fire code official of the City of Margate Fire Department to investigate and to recommend to the city council or commission such additional ordinances, or amendments to existing ordinances, as he may deem necessary for safeguarding life and property against fire.~~

~~(b) - The fire chief of the Margate Fire Department or the fire code official shall also recommend any amendments to the "City of Margate Fire Prevention Code" or ordinance which, in his judgment, shall be desirable.~~

~~Sec. 15-19. - Fee schedules for attendance at cardiopulmonary resuscitation classes.~~

~~(a) - A fee as determined by the city administration and approved by the city manager shall be charged for each health professional or individual who is a member of a for-profit entity who attends cardiopulmonary resuscitation classes.~~

~~(b) - Said fees shall be in an amount which will reimburse the city for all costs, both direct and indirect, for conducting said classes.~~

~~Sec. 15-20. -- Key boxes and locks.~~

~~(a) In all new and existing buildings, other than single-family, there shall be installed a key box for such buildings when the fire chief determines that access to or within a structure or an area is unduly difficult because of secured openings, or where immediate access is necessary for lifesaving or firefighting purposes. The key box shall be of the type approved by the fire chief and shall contain:~~

~~(1) Keys to locked points of ingress, whether on the interior or exterior of such buildings;~~

~~(2) Keys to mechanical rooms;~~

~~(3) Keys to locked electrical rooms;~~

~~(4) Keys to elevator controls;~~

~~(5) Keys to gates and fence or wall openings;~~

~~(6) Keys to alarm control panels, pull stations, fixed fire equipment, fire extinguisher cabinets, and any other areas as directed by the fire chief.~~

~~If at any time the keys in the lock box change, then the building owner or manager is to notify the fire department and supply new keys to the fire chief. The fire chief, or his representative, shall approve the location of lock boxes.~~

~~Gated communities shall provide a key switch or other operating device of a type approved by the fire chief that, when activated, shall open access gates to the community. Said gate shall remain in the open position until closed by the city. In the event of gate operating equipment failure due to a state of disrepair, power outage or similar condition, the gate shall open and remain in that position until service is restored. The city shall not be held responsible for damage to gates or other equipment, if said equipment is damaged while responding to any emergency condition.~~

~~(b) In all new and existing buildings, including single-family, which are protected by an automatic fire sprinkler system, there shall be installed a lock-box-type padlock on the water meter that serves the fire sprinkler system to lock the water valve in the open position and prevent closure by other than fire department personnel. The padlock shall be of the type approved by the fire chief.~~

~~Secs. 15-21 19-15-24. - Reserved.~~

1 ARTICLE III - HAZARDOUS MATERIAL AND SUBSTANCES

2
3
4 Sec. 15-25. - Hazardous substances; recovery of costs.
5

6 (a) ~~†Definitions.†~~ As used in this section, the following
7 terms shall be defined as follows:

8 (1) *Costs* means those necessary and reasonable costs
9 incurred by the city in connection with
10 investigating, mitigating, minimizing, removing or
11 abating discharges of hazardous substances,
12 including, but not limited to, the following:
13 actual labor costs of city personnel or its
14 authorized agents, cost of equipment operation and
15 rental, cost of expendable items including, but
16 not limited to, firefighting foam, chemical
17 extinguishing agents, absorbent material, sand,
18 recovery drums, acid suits, acid gloves, goggles
19 and protective a clothing. This shall also include
20 the cost of enforcing this section, including the
21 cost of all investigations, court costs, and
22 attorney's fees.

23 (2) *Discharge* means any intentional or unintentional
24 action or omission resulting in the releasing,
25 spilling, pumping, pouring, emitting, emptying or
26 dumping of a hazardous substance upon public or
27 private property located within the corporate
28 limits of the city. The intrusion into a canal,
29 pond, lake, or other waterway by an automotive
30 vehicle, motorcycle, or construction/agricultural
31 vehicle shall constitute a discharge of materials
32 due to the presence of hydrocarbon materials such
33 as fuel and oils.

34 (3) *Hazardous substances* means any substances or
35 materials in a quantity or form, which, in the
36 determination of the city manager or his
37 authorized designee, poses an unreasonable and
38 imminent risk to the life, health, safety or
39 welfare of persons or property within the city,
40 and shall include, but not be limited to those
41 hazardous substances listed in the "N.F.P.A. Guide
42 on Hazardous Materials" or the E.P.A.'s list of
43 extremely hazardous substances, or the "Florida
44 Substance List" promulgated by the Department of
45 Labor and Employment Security.

1 Hazardous substances shall also mean any substance
2 which is found at the scene where city employees
3 or agents have been called to remove a suspected
4 hazardous substance and said substance is
5 unidentifiable by the employees or agents of the
6 city at the scene.

7 (4) *Person* means one (1) or more individuals,
8 partnerships, corporations, joint ventures,
9 associations or any other entities or any
10 combination thereof.

11 (b) ~~Fire and police department authorized to remove or~~
12 ~~abate; liability of person responsible; record of~~
13 ~~costs; costs not recoverable.~~

14 (1) The fire and police departments of the city are
15 hereby authorized to take such steps as necessary
16 to clean up, remove or abate the effects of any
17 hazardous substances discharged upon or into
18 public or private property or facilities located
19 within the corporate limits of the city.

20 (2) Any person or persons who suffer or permit an
21 unauthorized discharge of hazardous substances
22 that requires emergency action by the fire and
23 police departments of the city or their authorized
24 agents in order to protect the public health,
25 safety or welfare shall be jointly and severally
26 liable to the city for the costs incurred by the
27 city in investigating, mitigating, minimizing,
28 removing and abating any such discharge.

29 (3) Any person or persons responsible for causing or
30 allowing an unauthorized discharge of hazardous
31 substances that requires emergency action by the
32 fire and police departments of the city or their
33 authorized agents in order to protect the public
34 health, safety or welfare shall be jointly and
35 severally liable to the city for the costs
36 incurred by the city in investigating, mitigating,
37 minimizing, removing and abating any such
38 discharge.

39 (4) When responding to the emergency caused by the
40 unauthorized discharge of hazardous substances,
41 the fire and police departments of the city shall
42 keep a detailed record of the costs attributable
43 thereto.

- 1 (5) The authority to recover costs under this section
2 shall not include costs incurred for actual fire
3 suppression services which are normally or usually
4 provided by the City of Margate's Fire Department
5 or its authorized agents.
- 6 (c) ~~†City to be reimbursed for abatement costs, etc.;~~
7 ~~failure to reimburse city; etc.†~~
- 8 (1) Any person or persons who suffer or permit an
9 unauthorized discharge of hazardous substances
10 shall reimburse the city for the full amount of
11 all costs, as defined herein, associated with the
12 investigating mitigating, minimizing, removing and
13 abating any such discharge within a period of
14 thirty (30) days after receipt of an itemized bill
15 for such costs from the city.
- 16 (2) Any person or persons responsible for causing or
17 allowing an unauthorized discharge of hazardous
18 substances shall reimburse the city for the full
19 amount of all costs, as defined herein, associated
20 with the investigating, mitigating, minimizing,
21 removing and abating any such discharge within a
22 period of thirty (30) days after receipt of an
23 itemized bill for such costs from the city.
- 24 (3) The fire department is authorized to deploy its
25 dive rescue team to assist in any recovery of an
26 automotive vehicle, motorcycle, or
27 construction/agricultural vehicle. A fee of one
28 thousand dollars (\$1,000.00) shall be assessed to
29 the owner or driver of the vehicle, motorcycle, or
30 construction/agricultural vehicle which required
31 use of the dive rescue team or the person or
32 entity, other than the city, which requested the
33 use of the dive rescue team.
- 34 (4) Any person or persons who suffer or permit an
35 unauthorized discharge of hazardous substances and
36 who fails to reimburse the city within the time
37 set forth in subsection (c)(1) hereof, shall be
38 subject to a fine equal to the greater of fifty
39 dollars (\$50.00) per day or ten (10) per cent of
40 the total amount of the bill for each additional
41 day that the bill for such costs remain unpaid.
- 42 (5) Any person or persons responsible for causing or
43 allowing an unauthorized discharge of hazardous
44 substances and who fails to reimburse the city
45 within the time set forth in subsection (c)(1)

hereof, shall be subject to a fine equal to the greater of fifty dollars (\$50.00) per day or ten (10) per cent of the total amount of the bill for each additional day that the bill for such costs remain unpaid.

(6) This section shall be interpreted such to provide for strict liability for all costs of a person or persons who suffer or permit the discharge of hazardous materials within the city and further shall provide for the right of enforcement by the city against any person or persons responsible for causing or allowing an unauthorized discharge of hazardous substances if same are different than those who suffer or permit said discharge.

(7) The remedy provided for in this section shall be supplemental to and in addition to all other available remedies at law and equity.

ARTICLE IV - LIFE SAFETY

Sec. 15-26. - Intent

(a) It is the intent of the city and the purpose of this article:

(1) To promote the public health, safety, and general welfare by requiring the installation of automated external defibrillator devices within certain buildings in the city; and

(2) To provide for the inspection of each automated external defibrillator device within the city as required under this article; and

(3) To provide for the payment of automated external defibrillator inspection fees as required under this article.

Sec. 15-27. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1 Automated external defibrillators means a defibrillator device
2 that 1) is commercially distributed in accordance with the
3 Federal Food, Drug, and Cosmetic Act, 2) is capable of
4 recognizing the presence or absence of ventricular
5 fibrillation, and is capable of determining without
6 intervention by the user of the device whether defibrillation
7 should be performed, and 3) upon determining that
8 defibrillation should be performed, is able to deliver an
9 electrical shock to an individual.

10
11
12 Sec. 15-28. - Automated external defibrillator devices
13 required.
14

15 (a) Automated external defibrillator devices shall be
16 installed in the following buildings located within the
17 geographical boundaries of the city:

18 (1) Gymnasiums, fitness centers, athletic clubs and
19 indoor recreational centers in excess of one
20 thousand five hundred (1,500) square feet; or
21 assembly occupancies which have occupant loads
22 exceeding one hundred (100) excluding assembly
23 occupancies for places of worship or other
24 facilities that are used for prayer and assembly
25 by persons of similar beliefs.

26 (2) Restaurants with one hundred (100) or more seats
27 including indoor, outdoors and bar;

28 (3) All hotels and motels.

29 (4) Assisted living facilities as defined by F.S. §
30 400.402, as amended from time to time.

31
32
33 Sec. 15-29. - Installation and operation.
34

35 (a) On an annual basis, the fire chief, or designee, shall
36 inspect all automated external defibrillator devices
37 for operation prior to being placed in service or
38 available for use.

39 (b) Automated external defibrillator devices shall be:

40 (1) Conspicuously located in plain view of the primary
41 public entrance, with unobstructed access:

- (2) Housed in a cabinet with a clear window in the door, an audible alarm signaling the opening of a door, permanently affixed to a wall, and whose top is no more than forty-eight (48) inches above the floor;
- (3) Located below a sign having a minimum area of seventy (70) square inches and containing the letters "AED" and the universally recognizable symbol, which shall be placed no more than sixty (60) inches, on center, above the floor;
- (4) Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons; and
- (5) Placed near the elevator(s) in the first floor lobby, if the building contains an elevator.
- (c) Automated external defibrillator devices shall contain adult and pediatric pads and bandage scissors.
- (d) All automated external defibrillator devices shall be used in accordance with the manufacturer's guidelines.
- (e) It shall be the responsibility of the owner of the building to:
- (1) Install automated external defibrillator devices.
- (2) Provide all necessary training for appropriate use.
- (3) Maintain automated external defibrillator devices in accordance with manufacturer's recommended maintenance requirements and as required herein.
- (f) If an automated external defibrillator device is removed for repair, a replacement shall be provided.
- (g) Fees: Fees for automated external defibrillator device permits and inspections shall be set by resolution of the city commission.
- (h) Penalties: It shall constitute a violation of the city code, punishable as provided in Section 1-15, to intentionally or willfully:
- (1) Render an automated external defibrillator device inoperative except during such time as the automated external defibrillator device is being serviced, tested, repaired, or recharged, except pursuant to court order; or

- (2) Obliterate the serial number on an automated external defibrillator device for purposes of falsifying service records; or
- (3) Improperly service, recharge, repair, test, or inspect an automated external defibrillator device;
- a. Use the inspection certificate of another person;
or
- b. Hold an inspection certificate and allow another person to use said inspection certificate number;
or
- (4) Fail to install or remove an automated external defibrillator device is required by Section 6-98.
- (i) Applicability: The owner of any existing building required to have an automated external defibrillator device shall comply with this section within one hundred eighty (180) days of the effective date of this article. After the effective date of this article, the owner of any new building constructed required to have an automated external defibrillator device shall comply with this section.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3: If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4: It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Margate Code, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5: This Ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS _____ day of _____, 2017.

PASSED ON SECOND READING THIS _____ day of _____, 2017.

ATTEST:

JOSEPH KAVANAGH
CITY CLERK

MAYOR TOMMY RUZZANO

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Caggiano	_____	Caggiano	_____
Simone	_____	Simone	_____
Peerman	_____	Peerman	_____
Schwartz	_____	Schwartz	_____
Ruzzano	_____	Ruzzano	_____