

ORDINANCE NO. 04-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES", BY RENAMING AND AMENDING SECTION 96.02, "INSPECTIONS REQUIRED" TO PROVIDE A SCHEDULE FOR FIRE SAFETY INSPECTIONS AND RELATED FEES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 96 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of Delray Beach finds it necessary and appropriate to create a schedule of routine fire safety inspections in order to maintain the public health, safety and welfare of residents, business owners and visitors of the City of Delray Beach; and

WHEREAS, the City Commission desires to establish a schedule of fire inspections for specific occupancy types, excluding single family residences and fee simple townhomes, consistent with Florida Statutes 633.202 - 633.228, the Florida Fire Prevention Code, and the Florida editions of NFPA 1, Fire Code, and NFPA 101, Life Safety Code; and

WHEREAS, the City Commission finds that the creation of a schedule of routine fire inspections is in the best interest of the public and will assure compliance with the Florida Fire Prevention Code throughout the City; and

WHEREAS, the City Commission desires to amend the current Fire Safety and Emergency Services Section of the Code of Ordinances to establish a fee schedule for fire safety inspections based on occupancy load.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 96, "Fire Safety and Emergency Services", Section 96.02, "Inspections Required", of the Code of Ordinances of the City of Delray Beach is hereby renamed and amended to read as follows:

Sec. 96.02. - ~~INSPECTIONS REQUIRED.~~ FIRE SAFETY INSPECTIONS.

(A) All owners or occupants of buildings, with the exception of single family homes and fee simple townhomes, are required to permit the Chief of the Fire-Rescue Department, or ~~his~~ designee, to inspect or to have inspected, at a minimum, on an annual basis, or as otherwise determined necessary

by the Chief of the Fire Rescue Department, their buildings or premises to see that this Chapter is complied with, and it is made the duty of the Chief of the Fire-Rescue Department, or ~~his~~ designee, to make or cause to be made an inspection whenever and wherever ~~he~~ the Chief of the Fire-Rescue Department, or designee, may suspect a violation of this Chapter.

(B) Fire Safety Inspections will be conducted in accordance with Florida Statutes Sections 633.202 - 633.228, "The Florida Fire Prevention Code," as adopted by the State Fire Marshal in Rule 69A-60 of the Florida Administrative Code, which may be amended from time to time.

(C) Occupancy types requiring inspection for licensing or certification shall be conducted by the Authority Having Jurisdiction (AHJ) as defined by the National Fire Protection Association (NFPA).

(D) The City Commission shall adopt, by resolution, fees for fire safety inspections. The fees for fire safety inspections, per building, are based on fixed property use and shall be paid to the City. Re-inspections shall be assessed an additional per-trip fee. A copy of the current inspection rates may be found in the City Clerk's Office and the Delray Beach Fire-Rescue Department.

Section 2. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 3. 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 of this Ordinance.

Section 4. Specific authority is hereby given to codify this Ordinance.

Section 5. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2017.

MAYOR

ATTEST:

City Clerk

First Reading _____

Second Reading _____