

ORDINANCE NO. 17-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES", SECTION 96.02, "FIRE SAFETY INSPECTIONS" TO REQUIRE ALL FIRE PROTECTION SYSTEM REPORTING TO BE DONE THROUGH THE CITY'S INTERNET-BASED REPORTING SYSTEM; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach has adopted the Florida Fire Prevention Code which, amongst many other matters, regulates the inspection and reporting of fire protection systems such as sprinkler systems, fire extinguishers, fire alarm systems, and other related items; and

WHEREAS, with the advancement of technology and the readily accessible internet, requiring electronic (online) reporting of fire protection systems inspections will be more efficient, cost effective and result in higher compliance with inspection requirements; and

WHEREAS, the City Commission, based upon the advice of the City's Fire Chief, desires to amend the Code of Ordinances of the City of Delray Beach to require electronic reporting of fire protection system inspections; and

WHEREAS, the City Commission determines that the adoption of this Ordinance is in the best interests of the health, safety, and welfare of the citizens of the City of Delray Beach.

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

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

Section 2. Chapter 96, "Fire Safety and Emergency Services", Section 96.02, "Fire Safety Inspections" of the Code of Ordinances of the City of Delray Beach, Florida is hereby amended as follows:

Sec. 96.02. 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 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 designee, to make or cause to be made an inspection whenever and wherever 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 through 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.

(E) Any bill remaining unpaid for a period of ninety (90) days shall be considered delinquent. Any delinquent bill may incur interest at a rate determined by the City Manager. Such notice of an interest charge shall be included on the bill mailed to the building owner or occupant.

(F) The City may collect delinquent charges through any and all available legal remedies.

(G) All reports related to fire protection systems inspections, testing and maintenance shall be reported to the City of Delray Beach Fire Rescue Department through the use of an internet-based fire inspection reporting system approved by the City of Delray Beach. Any report not submitted through the City's internet-based reporting system will not be accepted.

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 hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. This ordinance shall become effective on January 1, 2024, following its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____ 2023.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to Form and Legal Sufficiency:

Lynn Gelin, City Attorney