

ORDINANCE NO. 12-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 96.02, "FIRE SAFETY INSPECTIONS", TO PROVIDE ADDITIONAL METHODS OF COLLECTING PAYMENT AND IMPOSING INTEREST FOR DELINQUENT FIRE SAFETY INSPECTION CHARGES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the City of Delray Beach, Florida, has determined that a need exists to revise and update the City's Code of Ordinances related to Fire Safety and Emergency Services; and

WHEREAS, the City Commission desires to provide additional methods of collection for delinquent fire inspection fees as well as to impose the inclusion of interest for delinquent charges; and

WHEREAS, the City Commission has determined that the adoption of this ordinance is in the best interests of the health, safety, and welfare of the citizens and the public at large.

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

Section 1. The above recitals are true and correct and are hereby incorporated in this Ordinance as if fully restated herein.

Section 2. That 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, shall be amended to read 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.

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. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

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Shelly Petrolia, Mayor

First Reading\_\_\_\_\_

Second Reading\_\_\_\_\_

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney