

PROPOSED ORDINANCE NO. 04-18
ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2 OF TITLE XIV OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING THE CITY OF PENSACOLA FIRE CODE; AMENDING AND UPDATING REFERENCES TO APPLICABLE FIRE PREVENTION CODE; REGULATING FIREWORKS; REPEALING LIFE SAFETY CODE AND BUREAU OF FIRE PREVENTION PROVISIONS; CREATING PROVISIONS PROHIBITING OUTDOOR FIRES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1.

Section 14-2-2 of the Code of the City of Pensacola, Florida is amended to read:

Sec. 14-2-2. – Purpose

The purpose of this chapter is to create compliance with F.S. Chs. 633 and 553, and Florida Administrative Code 69A, and to provide rules and regulations to improve public safety by: regulating the use of structures; promoting the control and abatement of fire hazards; and regulating the use of structures, promoting the control and abatement of fire hazards; and regulating the installation, use and maintenance of equipment for fire protection.

SECTION 2.

Section 14-2-3 of the Code of the City of Pensacola, Florida is amended to read:

Sec. 14-2-3. ~~National Fire Codes~~ – Adopted.

- (a) *Generally.* Pursuant to F.S. § 633.025 ~~202~~ 202 and other applicable provisions of law, the Florida Fire Prevention Code, NFPA 1, “Fire Prevention Code” and NFPA 101 “Life Safety Code” of the National Fire Protection Association, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association, being particularly the ~~1997~~ 2015 edition thereof, save and except such portions as are hereafter deleted, modified or amended, and is hereby adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. The same is hereby incorporated as fully as if set out at length herein. A copy of NFPA 1 has been for more than ten (10) days preceding passage of this ordinance and is now on fire in the office of the city fire chief.
- (b) *Amendments.* The following section(s) of the Fire Prevention Code adopted by subsection (a) of this section are amended as follows:

3-6 Key Boxes.

The authority having jurisdiction shall have the authority to require a knox (key) box to be installed in an accessible location in cases where:

- a. A building or other structure is protected by an automatic suppression or standpipe system.
- b. A building or other structure is protected by an automatic alarm system.
- c. A property is protected by a locked fence or gate and immediate access to the property is necessary for life saving or firefighting purposes.
- d. Access to or within a building is difficult because of security, and immediate access to the property is necessary for life saving or firefighting purposes.

The knox (key) box shall be a type approved by the authority having jurisdiction and shall contain keys necessary to gain access as required by the authority having jurisdiction. The operator of the premises shall immediately notify the authority having jurisdiction. The operator of the premises shall immediately notify the authority having jurisdiction, and provide the new key(s), any time a lock is changed or re-keyed and a key(s) to that lock is contained in the key box.

SECTION 3.

Sec. 14-2-4 of the Code of the City of Pensacola, is hereby repealed.

~~Sec. 14-2-4. — Life Safety Code — Adopted.~~

~~Pursuant to Section 633.025, Florida Statutes and other applicable provisions of law, the city hereby adopts NFPA 101, "Life Safety Code" of the National Fire Protection Association, being particularly the 1997 edition thereof, for the purpose of specifying measures which will provide that degree of public safety from fire which can be reasonably required. While the Life Safety Code endeavors to avoid requirements which might involve unreasonable hardships or unnecessary inconvenience or interference with the normal use or occupancy of a structure, it also demands compliance with a minimum standard for fire safety necessary in the public interest even though a financial hardship may be involved in some individual cases. A copy of this code has been for more than ten (10) days preceding passage of this ordinance and is now on file in the office of the city fire chief, and the same is hereby incorporated as fully as if set out at length herein.~~

SECTION 4.

Sec. 14-2-6 of the Code of the City of Pensacola, Florida, is hereby amended to read:

Sec. 14-2-6. Additional ~~firemen~~ firefighters and officers for temporary service.

In case of riot, conflagration or emergency, the ~~city manager~~ mayor may appoint additional ~~firemen~~ firefighters and officers for temporary service, ~~who need not be in the classified service.~~

SECTION 5.

Sec. 14-2-7 of the Code of the City of Pensacola, Florida, is hereby amended to read:

Sec. 14-2-7. Authority of ~~chief~~mayor to destroy building to prevent spread of fire.

Whenever any building in the city shall be on fire, it shall be lawful for the ~~chief of the fire department~~mayor to order and direct the building or any other building which he may deem hazardous and likely to communicate fire to buildings, or any part of the building, to be pulled down or destroyed; and no action shall be maintained against the ~~chief~~mayor or any person acting under his authority.

SECTION 6.

Sec. 14-2-23 of the Code of the City of Pensacola, Florida, is hereby repealed.

~~Sec. 14-2-23. Reports and recommendations.~~

~~A report of the activities of the Bureau of Fire Prevention shall be made monthly, and transmitted to the city manager through the chief of the fire department. The report shall contain all proceedings under the city fire code, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the code which in his judgment shall be desirable.~~

SECTION 7.

Sec. 14-2-64 of the Code of the City of Pensacola, Florida, is hereby amended to read:

Sec. 14-2-64. Obstructing streets and alleys.

No person shall close or obstruct for the free passage of pedestrian and vehicular traffic any existing public way or alley either private or public on any public street within the city, without prior approval of the ~~city manager~~mayor. All existing alleys providing ingress and egress to commercial establishments and providing ingress and egress for the fire department of the city and public utilities of the city shall be kept unobstructed and free and clear for that traffic.

SECTION 8.

Section 14-2-67 of the Code of the City of Pensacola, Florida, is hereby amended to read:

Sec. 14-2-67. Possession or sale of fireworks and other explosive devices.

It shall be unlawful to sell or keep or expose for sale within the city any firecracker, torpedo, skyrocket, roman candle, DA60 bomb, or toy pistol charged with gunpowder or with any fulminating, detonating or explosive material and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance; provided, however, that nothing herein shall prohibit the sale or possession of what are commonly known as "sparklers" approved by the State Fire Marshal's Office pursuant to F.S. § 791.013(1).

SECTION 9.

Section 14-2-68 of the Code of the City of Pensacola, Florida, is hereby amended to read:

Sec. 14-2-68. Discharge of fireworks.

It shall be unlawful for any person to discharge or explode in or upon any street, public way or park within the city, or upon any private premises within the city, any ~~firecracker~~ fireworks of the character defined in ~~the preceding section 7~~ Sec. 14-2-67, unless the discharging or exploding be performed under the direction, supervision and control of the chief of the fire department and a permit has been issued by the chief of the fire department so to do; provided, however, that nothing contained herein shall prohibit the use of what are commonly known as "sparklers" as defined in ~~section 7~~ F.S. § 791.01(8).

SECTION 10.

Section 14-2-71 of the Code of the City of Pensacola, Florida, is hereby created to read:

Sec. 14-2-71. Outdoor fires.

~~Outdoor fires shall not be built or maintained in or upon any area determined by the fire marshal or designee to be a hazardous fire area. Outdoor fireplaces, permanent barbecues, portable barbecues, or grills shall not be used for the disposal of rubbish, trash, or combustible waste material.~~

It shall be unlawful to build, ignite, maintain outdoor fires or conduct open burning of any kind within the city limits of Pensacola. This shall include the burning of rubbish, trash and combustible waste materials. Examples include but are not limited to; leaves, grass, shrubbery, tree branches, treated wood, paper, plastics, copper and tires.

Permanent barbecues, portable barbecues, outdoor fireplaces, fire pits, Chiminea's or grills shall not be used for the disposal of rubbish, trash or combustible waste material. These items shall be used for the purposes intended by the manufacturer only. All lids and spark guards shall be used while any such units are in use.

Any person found to be in violation of this code shall be subject to penalties set forth in Section 1-1-8 of the City Code; or pursuant to Chapter 13 of this code. Any investigating officer may cause an illegal burn to be extinguished.

SECTION 11. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 13. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of the City Council

Attest:

City Clerk

