



**MEMORANDUM**  
**Office of the City Attorney**

Leg # 002251

Phone: 334-5011/Fax 334-2229  
Box 46

**TO:** Mayor and Commissioners  
**FROM:** Marion J. Radson, City Attorney  
**SUBJECT:** **ORDINANCE NO.: 0-02-03**  
**FLORIDA FIRE PREVENTION CODE**

SECOND READING:  
September 9, 2002

An ordinance of the City of Gainesville, Florida, amending Chapter 10, Article I, by repealing sections 10-7 through 10-11.1; renumbering Sections 10-12 through 10-13; renumbering and amending Chapter 10, Article II, Section 10-30 by adopting the Florida Fire Prevention Code; renumbering and amending Section 10-31 by amending the adopted Florida Fire Prevention Code relating to Fire Hydrants, Fire Protection Systems, and the Fire Safety Board of Adjustment; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

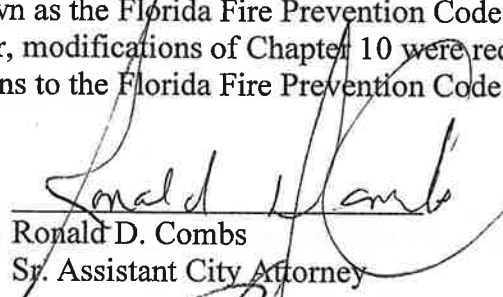
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**RECOMMENDATION:** The City Commission adopt the proposed ordinance.


At its meeting on January 14, 2002, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 10 of the City of Gainesville Code of Ordinances to create compliance with the Florida Fire Prevention Code.

To bring more uniformity to the different versions of fire prevention codes and building codes being used throughout Florida, the legislature mandated a statewide building code and fire prevention code known as the Florida Fire Prevention Code. Its application to local governments is automatic, however, modifications of Chapter 10 were required to create compliance with and to denote modifications to the Florida Fire Prevention Code.

Prepared by:

  
Ronald D. Combs  
Sr. Assistant City Attorney

Approved and  
Submitted by:

  
Marion J. Radson  
City Attorney

RDC:bs

Attachment

PASSED ON FIRST READING BY A VOTE OF 5 - 0.

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ORDINANCE NO. \_\_\_\_\_  
0-02-03

An ordinance of the City of Gainesville, Florida, amending Chapter 10, Article I, by repealing sections 10-7 through 10-11.1; renumbering Sections 10-12 through 10-13; renumbering and amending Chapter 10, Article II, Section 10-30 by adopting the Florida Fire Prevention Code; renumbering and amending Section 10-31 by amending the adopted Florida Fire Prevention Code relating to Fire Hydrants, Fire Protection Systems, and the Fire Safety Board of Adjustment; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**WHEREAS**, the Florida Legislature mandated a state wide Building Code and Fire Prevention Code in 1998. (Chapter 98-287). This mandate now appears in Chapter 633, Florida Statutes; and

**WHEREAS**, modifications must be made to Chapter 10 of the City's Code of Ordinances to create compliance with the Florida Fire Prevention Code.

**WHEREAS**, at least 10 days notice has been given once prior to adoption by publication in a newspaper of general circulation notifying the public of this proposed ordinance and or a Public Hearing in the City commission Auditorium in City Hall, City of Gainesville; and

**WHEREAS**, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

**Section 1.** Sections 10-7 through 10-11.1 of the Code of Ordinances of the City of Gainesville Florida, are repealed in their entirety; Sections 10-12 and 10-13 are renumbered as 10-7 and 10-8 respectively; Sections 10-30 and 10-31 are amended and renumbered as Sections 10-9 and

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1 10-10 and made a part of Article II; Sections 10-11, through 10-14 are added as amendments to the  
2 Florida Fire Prevention Code to read as follows:

## 3 **Chapter 10 FIRE PREVENTION AND PROTECTION**

### 4 5 **ARTICLE I. IN GENERAL**

#### 6 7 **Sec. 10-1. Fire prevention bureau--Established; officers; composition.**

8  
9 (a) A division of fire safety management in the fire department of the city is hereby established  
10 which shall be operated under the supervision of the chief of the fire department.

11 (b) The chief of the fire department shall designate a member of the fire department as division  
12 manager of the fire safety management division and may change the designation at his/her  
13 discretion. The division manager will function as the fire official per the definition contained in the  
14 Standard Fire Prevention Code as published by the Southern Standard Building Code Congress  
International, Inc.

#### 15 16 **Sec. 10-2. Same--Authority to allow variances from code.**

17 The division manager of the fire loss management division shall have the power to modify any of  
18 the provisions of the fire prevention code by application in writing by the owner or lessee or his/her  
19 duly authorized agent, when there are practical difficulties in conforming to the strict letter of the  
20 code, provided that the spirit of the code shall be observed, the public safety secured, and  
21 substantial justice done. The particulars of the modification, when granted or allowed, and the  
22 decision of the division manager of the fire loss management division thereon, shall be entered  
23 upon the records of the department and a signed copy shall be furnished to the applicant.

#### 24 **Sec. 10-3. Amendments.**

25 The chief of the fire department shall recommend any amendments to this chapter which in  
his/her judgment shall be desirable.

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1 **Sec. 10-4. State fire marshal's regulations to be enforced.**

2 All regulations issued by the state fire marshal under authority of F.S. Ch. 633 shall be enforceable  
3 by the proper authorities of the city. The chief of the fire department is hereby authorized to  
4 perform within the corporate limits of the city, any duties that may be imposed upon him/her by  
5 such law or in accordance therewith and to have such assistance as he/she may find necessary from  
6 other officials of the city in the discharge of such duties.

7 **Sec. 10-5. Site plans, developments, building permits.**

8 (a) No site plan or development plan shall be approved by any official or agency of the city  
9 unless the fire official has stated in writing that the plans submitted demonstrated that the proposed  
10 construction will be able to satisfy the requirements of this chapter and any and all codes or  
11 ordinances adopted by the city to prevent or control fire loss within buildings or the city.

12 (b) No building permit shall be issued for the construction of any building unless the fire  
13 official has stated in writing that the proposed work will satisfy the requirements of this chapter and  
14 any and all codes or ordinances adopted by the city to prevent or control fire loss within buildings  
15 or the city. No building permit shall be issued for the alteration of any building unless the fire  
16 official has stated in writing that the proposed work will satisfy the requirements of this chapter and  
17 any and all codes or ordinances adopted by the city to prevent or control fire loss within buildings  
18 or the city.

19 **Sec. 10-6. Certificate of occupancy.**

20 No certificate of occupancy shall be issued by the city unless the fire chief certifies by affixation of  
21 signature on the certificate of occupancy that the business, profession or occupation for which the  
22 certificate of occupancy sought is in full compliance with all the rules, codes and ordinances of the  
23 city relating to fire protection at the particular location that the license is to be issued for.

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1 ~~Sec. 10-7. Fire hydrants—Requirements and standards; internal, external fire protection~~  
2 ~~systems.~~

3 ~~(a) — Fire hydrant requirements.~~

4 ~~(1) — No portion of any one and two family dwelling shall be more than 500 feet, as measured~~  
5 ~~by way of fire apparatus access, from a fire hydrant which meets the fire hydrant standards of this~~  
6 ~~section and the Gainesville Regional Utilities' "Water Standards and Approved Materials Manual."~~

7 ~~(2) — No portion of any building shall be more than 500 feet, as measured by way of fire~~  
8 ~~apparatus access, which meets the fire hydrant standards of this section and the Gainesville~~  
9 ~~Regional Utilities' "Water and Approved Materials Manual."~~

10 ~~(3) — The provisions in subsections (a)(1) and (a)(2) notwithstanding, the fire hydrant~~  
11 ~~requirements of this section may be varied at the discretion of the fire chief if such official finds~~  
12 ~~that adequate fire protection can be provided from an approved fire hydrant which does not meet~~  
13 ~~such requirements and/or a fully automatic fire extinguishing system.~~

14 ~~(b) — Fire hydrant standards.~~

15 ~~(1) — Each fire hydrant which serves any portion of a building shall be situated so that fire~~  
16 ~~apparatus may be easily parked adjacent to same and shall be situated so that a fire hose may be run~~  
17 ~~from the hydrant to the portion of any building which it serves. No fire hydrant shall be considered~~  
18 ~~to meet this standard if there is any obstruction such as a fence, wall, canal, creek, swimming pool,~~  
19 ~~structure or any other type of interference situated between the fire hydrant and any portion of any~~  
20 ~~building which is to be served by the hydrant.~~

21 ~~(2) — Each fire hydrant shall meet Gainesville Regional Utilities' "Water Standards and Approved~~  
22 ~~Materials Manual."~~

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- 1 ~~(3) — Each fire hydrant which serves any portion of any building shall be in proper operating~~  
2 ~~condition and accessible by the fire department at all times.~~
- 3 ~~(c) — Internal fire protection system requirements.~~
- 4 ~~(1) — An internal fire protection system shall be provided for each building, except that one and~~  
5 ~~two family dwellings shall be exempt from this requirement. The term "internal fire protection~~  
6 ~~system" is hereby defined as the water lines, fire hydrants, fittings, valves and other appurtenances~~  
7 ~~required to be installed on private property to provide fire protection, but excluding any~~  
8 ~~appurtenances within ten feet of any building and excluding any part of the fire protection system~~  
9 ~~located within any building.~~
- 10 ~~(2) — Every internal fire protection system shall be designed and installed in accordance with the~~  
11 ~~Gainesville Regional Utilities' "Water Standards and Approved Materials Manual."~~
- 12 ~~(3) — Every internal fire protection system shall be designed and installed so as to provide an~~  
13 ~~adequate fire flow in accordance with the "Guide for Determination of Required Fire Flow,"~~  
14 ~~December 1974, published by Insurance Service Office. One copy of the guide has been deposited~~  
15 ~~in the office of the city clerk and shall be kept in that office for public use, inspection and~~  
16 ~~examination. The provisions of this subsection notwithstanding, the fire flow requirements may be~~  
17 ~~varied at the discretion of the fire chief if the official finds that adequate fire protection can be~~  
18 ~~provided without such fire flow and/or the building is provided with a fully automatic fire~~  
19 ~~extinguishing system.~~
- 20 ~~(4) — Each internal fire protection system shall be separate and distinct from the domestic water~~  
21 ~~supply system located on the property. The requirement of this subsection may be varied at the~~  
22 ~~discretion of the fire official if the official finds that adequate water and fire protection service can~~  
23 ~~be provided without regard to such requirement.~~

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1 ~~(5) — The installation of the internal fire protection system shall be coordinated with the~~  
2 ~~installation of other underground utilities to be located on the property and the system shall be~~  
3 ~~activated prior to the start of construction.~~

4 ~~(6) — The internal fire protection system shall be conveyed to the city, at no cost to the city,~~  
5 ~~together with any necessary easements to permit city maintenance of the system.~~

6 ~~(7) — All costs associated with the construction and installation of an internal fire protection~~  
7 ~~system, including the cost of inspection services performed by the city, shall be paid in full by the~~  
8 ~~owner or developer prior to acceptance of the system by the city.~~

9 ~~(d) — External fire protection system requirements. No construction or development shall be~~  
10 ~~permitted unless the central water distribution system located outside of the property will provide~~  
11 ~~an adequate fire flow in accordance with "Guide for Determination of Required Fire Flow,"~~  
12 ~~December 1974. The provisions of this subsection notwithstanding, the fire flow requirements may~~  
13 ~~be varied at the discretion of the fire chief if the official finds that adequate fire protection can be~~  
14 ~~provided without such fire flow.~~

15 ~~(e) — Cost of reconstruction. Where an existing water distribution system must be reconstructed~~  
16 ~~to meet the requirements of this section, the owner or developer will be assessed a share of any~~  
17 ~~costs incurred by the city in accordance with section 27-99.~~

18 ~~(f) — Access during construction or alteration. During construction or alteration of any building~~  
19 ~~access to the building and any hydrant which serves any portion of the building shall be provided~~  
20 ~~for fire protection purposes without interference or obstruction.~~

21 ~~(g) — Prohibitions. It shall be unlawful for any person to construct, or cause to be constructed, any~~  
22 ~~building which does not meet the requirements of this section unless the requirements have been~~  
~~varied by the fire chief designated in this article as being authorized to vary such requirements. It~~

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1 shall also be unlawful to alter, cause to be altered, occupy or allow to be occupied any building  
2 constructed after August 10, 1981, which does not meet the requirements of this section unless the  
3 requirements have been varied as provided in this section.

4 ~~Sec. 10-8. Same—Interfering with prohibited; exception.~~

5 ~~It shall be unlawful for any person to interfere with the fire hydrants in the city by unscrewing the  
6 caps on same or by taking water therefrom for private or personal use, except with the written  
7 consent of the fire chief.~~

8 ~~Sec. 10-9. Same—Protection from obstructions and damage.~~

9 ~~(a) — Obstructions unlawful; exceptions. Each fire hydrant shall be free from obstructions on all  
10 sides by a minimum clearance of three feet. It shall be unlawful for any person to cause, suffer or  
11 permit the obstruction of a fire hydrant; or to allow access to any fire hydrant to be obstructed by  
12 the erection, construction, or installation of any object, pole, shrub, bush, or any other object within  
13 a three foot radius from any fire hydrant. This section does not prohibit grass, paving, or other  
14 material located at ground level that does not interfere with access to the hydrant or its operation in  
15 the opinion of the fire chief or designee.~~

16 ~~(b) — Fire hydrant protection posts. The fire chief or designee may require the placement of  
17 protection posts to be erected and maintained around a fire hydrant under the following conditions:~~

18 ~~(1) — Fire hydrants that are exposed to vehicular damage or obstructions (i.e., a loading dock), in  
19 the opinion of the fire chief or designee, shall be protected by protection posts as provided in  
20 subsection (2) below.~~

21 ~~(2) — Protective posts shall meet the following minimum requirements:~~



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1 ~~a. — Be a minimum of three-inch diameter schedule 40 PVC or three-inch diameter steel pipe set~~  
2 ~~in 36 inches depth of concrete at least 15 inches in diameter. The inside of the pipe shall be filled~~  
3 ~~with solid concrete.~~

4 ~~b. — Be located at least three feet from the fire hydrant.~~

5 ~~c. — Extend above ground to a minimum of fire hydrant height.~~

6 ~~d. — Be spaced a minimum of three linear feet to protect the fire hydrant.~~

7 ~~(c) — Schedule for compliance.~~

8 ~~(1) — All existing fire hydrants shall be made to comply with subsection (a) of this section on or~~  
9 ~~before December 1, 1999.~~

10 ~~(2) — Protective posts as provided in subsection (b) above shall be required as a condition of site~~  
11 ~~plan approval, or shall be required for any existing fire hydrant by order of the fire chief or~~  
12 ~~designee and the owner/operator shall be allowed at least 60 days to comply with said order.~~

## 13 ~~Sec. 10-10. False fire alarms.~~

14 ~~It shall be unlawful for any person to willfully or maliciously turn in a false fire alarm.~~

15 ~~State law reference(s) False alarms of fires, F.S. § 806.101.~~

## 16 ~~Sec. 10-11. Crossing fire hose prohibited.~~

17 ~~It shall be unlawful for the driver of any wheeled vehicle to drive over any section of the fire hose~~  
18 ~~of the city while the same is connected to any hydrant within the limits of the city.~~

19 ~~State law reference(s) Crossing fire hose, F.S. § 316.2034.~~

## 20 ~~Sec. 10-11.1. Reserved.~~

## 21 **Sec. 10-12 7. Report of violation.**

22 Police officers and firefighters shall report all violations of this chapter to the chief of police or to  
the chief of the fire department. Such officers shall see that all violations are prosecuted.

1 **Sec. 10-13 8. Penalty for violations.**

2 Except as otherwise provided in this chapter, any person violating any of the provisions of this  
3 chapter shall be subject to the penalties of section 1-9.

4 ~~Secs. 10-14—10-29. Reserved.~~

5 **ARTICLE II. FIRE PREVENTION CODES**

6 **Sec. 10-30 9. ~~Life Safety Code and Standard Fire Prevention Code~~ Florida Fire Prevention  
7 Code adopted.**

8 The Florida Fire Prevention Code ~~There~~ is hereby adopted for the purpose of prescribing  
9 regulations governing conditions hazardous to life and property from fire and explosion, ~~those~~  
10 ~~certain codes known as the National Fire Protection Association (NFPA) 101, Life Safety Code,~~  
11 ~~1994 Edition, and the Standard Fire Prevention Code, 1994 edition, as adopted by the Southern~~  
12 ~~Building Code Congress International, Inc.,~~ as fully as if set out at length herein. The provisions  
13 herein adopted shall ~~take effect on October 28, 1996, and shall~~ be controlling within the corporate  
14 limits of the city.

15 **Sec. 10-31 10. Amendments to Section 3-5.6.2.1 of the Standard Florida Fire Prevention  
16 Code.**

17 Section 3-5.6.2.1 is amended by adding the following:

18 ~~Chapter 1, section 101.6, Special Historic Buildings, is amended to read as follows:~~

19 ~~The provisions of the "Building and Fire Code Regulations for Historic Buildings," set out in~~  
20 ~~Appendix A to Chapter 6 of this Code, shall apply to buildings and facilities designated as historic~~  
21 ~~structures.~~

22 (a) Protection from obstructions and damage.

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1 (1) Obstructions unlawful; exceptions. Each fire hydrant shall be free from obstructions on all  
2 sides by a minimum clearance of three feet. It shall be unlawful for any person to cause, suffer or  
3 permit the obstruction of a fire hydrant; or to allow access to any fire hydrant to be obstructed by  
4 the erection, construction, or installation of any object, pole, shrub, bush, or any other object within  
5 a three-foot radius from any fire hydrant. This section does not prohibit grass, paving, or other  
6 material located at ground level that does not interfere with access to the hydrant or its operation in  
7 the opinion of the fire chief or designee.

8 (2) Fire hydrant protection posts. The fire chief or designee may require the placement of  
9 protection posts to be erected and maintained around a fire hydrant under the following conditions:

10 a. Fire hydrants that are exposed to vehicular damage or obstructions (i.e., a loading dock), in  
11 the opinion of the fire chief or designee, shall be protected by protection posts as provided in  
12 subsection (2) below.

13 (3) Protective posts shall meet the following minimum requirements:

14 a. Be a minimum of three-inch diameter schedule 40 PVC or three-inch diameter steel pipe set  
15 in 36 inches depth of concrete at least 15 inches in diameter. The inside of the pipe shall be filled  
16 with solid concrete.

17 b. Be located at least three feet from the fire hydrant.

18 c. Extend above ground to a minimum of fire hydrant height.

19 d. Be spaced a minimum of three linear feet to protect the fire hydrant.

20 (b) Schedule for compliance.

21 (1) All existing fire hydrants shall comply with subsection (1) of this section.

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1 (2) Protective posts as provided in subsection (2) above shall be required as a condition of site  
2 plan approval, or shall be required for any existing fire hydrant by order of the fire chief or  
3 designee and the owner/operator shall be allowed at least 60 days to comply with said order.

## 4 Sec. 10-11. Amendments to Section 3-5.6.2.2 of the Florida Fire Prevention Code.

5 Section 3-5.6.2.2 is amended by adding the following:

6 (a) Fire hydrants--Requirements and standards; internal, external fire protection systems.

7 Fire hydrant requirements.

8 (1) No portion of any one- and two-family dwelling shall be more than 500 feet, as measured  
9 by way of fire apparatus access, from a fire hydrant which meets the fire hydrant standards of this  
10 section and the Gainesville Regional Utilities' "Water Standards and Approved Materials Manual."

11 (2) No portion of any building shall be more than 500 feet, as measured by way of fire  
12 apparatus access, which meets the fire hydrant standards of this section and the Gainesville  
13 Regional Utilities' "Water and Approved Materials Manual."

14 (3) The provisions in subsections (a)(1) and (a)(2) notwithstanding, the fire hydrant  
15 requirements of this section may be varied at the discretion of the fire chief if such official finds  
16 that adequate fire protection can be provided from an approved fire hydrant which does not meet  
17 such requirements and/or a fully automatic fire extinguishing system.

18 (4) Each fire hydrant which serves any portion of any building shall be in proper operating  
19 condition and accessible by the fire department at all times.

## 20 Sec. 10-12. Amendments to Section 3-5.6 of the Florida Fire Prevention Code.

21 Section 3-5.6 is amended by adding the following:

22 (a) Interfering with prohibited; exception.

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It shall be unlawful for any person to interfere with the fire hydrants in the city by unscrewing the caps on same or by taking water therefrom for private or personal use, except with the written consent of the fire chief.

**Sec. 10-13. Amendments to Section 3-5.7 of the Florida Fire Prevention Code.**

Section 3-5.7 is amended by adding the following:

(a) Internal fire protection system requirements.

(1) An internal fire protection system shall be provided for each building, except that one- and two-family dwellings shall be exempt from this requirement. The term "internal fire protection system" is hereby defined as the water lines, fire hydrants, fittings, valves and other appurtenances required to be installed on private property to provide fire protection, but excluding any appurtenances within ten feet of any building and excluding any part of the fire protection system located within any building.

(2) Every internal fire protection system shall be designed and installed in accordance with the Gainesville Regional Utilities' "Water Standards and Approved Materials Manual."

(3) Every internal fire protection system shall be designed and installed so as to provide an adequate fire flow in accordance with the "Guide for Determination of Required Fire Flow," December 1974, published by Insurance Service Office. One copy of the guide has been deposited in the office of the city clerk and shall be kept in that office for public use, inspection and examination. The provisions of this subsection notwithstanding, the fire flow requirements may be varied at the discretion of the fire chief if the official finds that adequate fire protection can be provided without such fire flow and/or the building is provided with a fully automatic fire extinguishing system.

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1 (4) Each internal fire protection system shall be separate and distinct from the domestic water  
2 supply system located on the property. The requirement of this subsection may be varied at the  
3 discretion of the fire official if the official finds that adequate water and fire protection service can  
4 be provided without regard to such requirement.

5 (5) The installation of the internal fire protection system shall be coordinated with the  
6 installation of other underground utilities to be located on the property and the system shall be  
7 activated prior to the start of construction.

8 (6) The internal fire protection system shall be conveyed to the city, at no cost to the city,  
9 together with any necessary easements to permit city maintenance of the system.

10 (7) All costs associated with the construction and installation of an internal fire protection  
11 system, including the cost of inspection services performed by the city, shall be paid in full by the  
12 owner or developer prior to acceptance of the system by the city.

13 (8) External fire protection system requirements. No construction or development shall be  
14 permitted unless the central water distribution system located outside of the property will provide  
15 an adequate fire flow in accordance with "Guide for Determination of Required Fire Flow,"  
16 December 1974. The provisions of this subsection notwithstanding, the fire flow requirements may  
17 be varied at the discretion of the fire chief if the official finds that adequate fire protection can be  
18 provided without such fire flow.

19 (9) Cost of reconstruction. Where an existing water distribution system must be reconstructed  
20 to meet the requirements of this section, the owner or developer will be assessed a share of any  
21 costs incurred by the city in accordance with section 27-99.

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(10) Access during construction or alteration. During construction or alteration of any building access to the building and any hydrant which serves any portion of the building shall be provided for fire protection purposes without interference or obstruction.

(11) Prohibitions. It shall be unlawful for any person to construct, or cause to be constructed, any building which does not meet the requirements of this section unless the requirements have been varied by the fire chief designated in this article as being authorized to vary such requirements. It shall also be unlawful to alter, cause to be altered, occupy or allow to be occupied any building constructed after August 10, 1981, which does not meet the requirements of this section unless the requirements have been varied as provided in this section.

~~Chapter 1, section 105, Section 10-14, Board of Adjustments and Appeals, is amended~~  
to read as follows:

**105. Sec. 10-14. FIRE SAFETY BOARD OF ADJUSTMENT**

**105.1. (a) Fire Safety Board of Adjustment to serve as appeals board.**

The Fire Safety Board of Adjustment, consisting of five members who, to the greatest extent possible are qualified by training and experience in building construction and fire safety standards, is hereby authorized to hear appeals and to vary the application of any provision of this code and the building code when this code and the building code are in conflict. The board is appointed by the city commission. Each member shall be appointed for a term of three years and shall hold office until his/her successor has been appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. Terms shall expire November first of such year the term expires.

**105.2. Schedule.**

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1 ~~The terms and expiration of terms for the Fire Safety Board of Adjustment are as follows:~~

2 ~~Notwithstanding the provisions of the previous subsection, one term shall expire November 1,~~  
3 ~~1988; two terms shall expire November 1, 1989; two terms shall expire November 1, 1990. After~~  
4 ~~each of said terms expires, appointments shall be made for three year terms or for unexpired terms.~~

5 **105.3.(b) Chairman.**

6 A majority of the board shall elect a chairman who shall serve in that capacity for a two-year term.

7 **105.4.(c) Meetings.**

8 The board shall meet at least quarterly but may, by rule, increase the frequency of meetings.

9 **105.5.(d) Secretary.**

10 The fire official, or his/her authorized representative, shall act as secretary of the board as regards  
11 the aforementioned appeals.

12 ~~**105.6.(e) Decisions.**~~

13 (1) Every decision of the board shall be final and binding on all persons, subject, however, to the  
14 authority of the state fire marshal pursuant to F.S. § 633.161 and to such remedy as any aggrieved  
15 party might have at law or in equity. All decisions of the local building official and local fire  
16 official and all decisions of the board shall be in writing and decisions by the board shall indicate  
17 the vote upon the decision. Every decision shall be promptly filed in the office of the fire official  
18 and shall be open to public inspection; a certified copy shall be sent to appellant and a copy shall be  
19 kept in the office of the fire official for two weeks after filing. Decisions of general application  
20 shall be indexed by building and fire code sections and shall be available for inspection by the  
21 public during normal business hours.

22 (2) The board shall, in every case, reach a decision without unreasonably or unnecessary delay. The  
23 fire official and building official shall immediately take action in accordance with such decision.



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(3) If a decision of the board reverses or modifies a refusal, order, or disallowance of the fire official or varies the application of any provision of this code, the fire official shall immediately take action in accordance with such decision.

## **105.7.(f) Appeal.**

(1) Fire code only. Whenever it is claimed that the provisions of this code do not apply, or the fire official shall reject an alternate material or method of construction, or when it is claimed that the true intent and meaning of this code has been misinterpreted, the owner or his/her duly authorized agent may appeal the decision of the fire official to the board. Notice of appeal shall be in writing stating the reasons why relief is sought and what decision the person feels should be forthcoming. Appeal must be filed within 15 days after the decision is rendered by the fire official in such form as prescribed by the board.

(2) Fire code/building code conflict. If the applicable minimum building code conflicts with the applicable minimum fire safety code, the conflict shall be resolved by agreement between the building code enforcement official and the fire code enforcement official in favor of the requirement of the code which offers the greatest degree of life safety or alternatives which would provide an equivalent degree of life safety and an equivalent method of construction.

Any decision made by the fire official and the building official may be appealed to the board.

Notice of appeal shall be in writing and filed within 15 days after the decision to be appealed is

rendered. If the decision of the fire official and the building official is to apply the provisions of

either the applicable minimum building code or the applicable minimum fire safety code, the board

may not alter the decision unless the board determines that the application of such code is not

reasonable. If the decision of the fire official and the building official is to adopt an alternative to

the codes, the board shall give due regard to the decision rendered by the officials and may modify

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1 that decision if the administrative board adopts a better alternative, taking into consideration all  
2 relevant circumstances. In any case in which the board adopts alternatives to the decision rendered  
3 by the fire official and the building official, such alternatives shall provide an equivalent method of  
4 construction as the decision rendered by the officials.

5 If the building official and the fire official are unable to agree on a resolution of the conflict  
6 between the building code and the fire code, the board shall resolve the conflict in favor of the code  
7 which offers the greatest degree of life safety or alternatives which would provide an equivalent  
8 degree of life safety and an equivalent method of construction.

9 **Sec. 10-15 – 10-31. Reserved.**

10 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of this  
11 Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,  
12 Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in  
13 order to accomplish such intentions.

14 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
15 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect  
16 the validity of the remaining portions of this ordinance.

17 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
18 such conflict hereby repealed.

19 **Section 5.** This ordinance shall become effective immediately upon adoption.  
20

D R A F T

8/15/02

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

\_\_\_\_\_  
THOMAS D. BUSSING  
MAYOR

ATTEST

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

