

ORDINANCE NO. 0-09-08

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An ordinance of the City of Gainesville, Florida, amending Chapter 10 of the Code of Ordinances relating to Fire Prevention and Protection; changing the title of the fire department and, the fire prevention bureau; adopting the Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshall; updating numerical references to the Florida Fire Prevention Code in Article II; creating and adding a new Article V, relating to assembly occupancy safety; providing for identification and training and responsibilities of crowd managers; requiring approved counting devices to ensure safe occupant loads; requiring an emergency evacuation alert network; providing for security of fire rescue connections; providing penalties; authorizing the name change of fire department to fire rescue department in the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings 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 10-1 and 10-2 of the Code of Ordinances of the City of Gainesville are amended to read as follows:

Section 10.1 ~~Fire prevention~~ Risk reduction bureau--Established; officers; composition.

(a) A ~~division bureau~~ of ~~fire safety management~~ risk reduction in the fire rescue department of the city is hereby established which shall be operated under the supervision of the chief of the

1 fire rescue department.

2 (b) The chief of the fire rescue department shall designate a member of the fire rescue  
3 department as ~~division manager~~ bureau chief of the ~~fire safety management division~~ risk  
4 reduction bureau and may change the designation at his/her discretion. The ~~division manager~~  
5 bureau chief will function as the fire official per ~~the definition contained in the Standard Florida~~  
6 Fire Prevention Code ~~as published by the Southern Standard~~ and Florida Building Code.

7 ~~Congress International, Inc.~~

8 **Sec. 10-2. Same--Authority to allow variances from code.**

9 The ~~division manager~~ bureau chief of the ~~fire loss management division~~ risk reduction bureau  
10 shall have the power to modify any of the provisions of the fire prevention code by application in  
11 writing by the owner or lessee or his/her duly authorized agent, when there are practical  
12 difficulties in conforming to the strict letter of the code, provided that the spirit of the code shall  
13 be observed, the public safety secured, and substantial justice done. The particulars of the  
14 modification, when granted or allowed, and the decision of the ~~division manager~~ bureau chief of  
15 the ~~fire loss management division~~ risk reduction bureau thereon, shall be entered upon the  
16 records of the department and a signed copy shall be furnished to the applicant.

17 **Section 2.** Section 10-9 of the Code of Ordinances of the City of Gainesville is amended to read  
18 as follows:

19 **Sec. 10-9. Florida Fire Prevention Code and the Life Safety Code adopted.**

20 The Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire  
21 Marshal, which shall operate in conjunction with the Florida Building Code, is are hereby  
22 adopted for the purpose of prescribing regulations governing conditions hazardous to life and  
23 property from fire and explosion, as fully as if set out at length herein. Except as modified in this  
24 chapter, the provisions herein adopted shall be controlling within the corporate limits of the city.

1 The minimum fire safety codes shall not apply to buildings and structures subject to the uniform  
2 fire safety standards under section 633.022, F.S., and buildings and structures subject to the  
3 minimum fire safety standards adopted pursuant to section 394.879, F.S.

4 **Section 3.** Section 10-10 of the Code of Ordinances of the City of Gainesville is amended by  
5 updating the following references to the Florida Fire Prevention Code, adopted in Section 10-9:

6 **Sec. 10-10. Amendments to ~~Section 3-5.6.2.1~~ NFPA 1 Section 13.1.3 of the Florida Fire**  
7 **Prevention Code.**

8 ~~Section 3-5.6.2.1 NFPA 1 Section 13.1.3~~ is amended by adding the following:

9 (a) Protection from obstructions and damage.

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

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

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

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

- a. Be a minimum of three-inch diameter schedule 40 PVC or three-inch diameter steel pipe set in 36 inches depth of concrete at least 15 inches in diameter. The inside of the pipe shall be filled with solid concrete.
- b. Be located at least three feet from the fire hydrant.
- c. Extend above ground to a minimum of fire hydrant height.
- d. Be spaced a minimum of three linear feet to protect the fire hydrant.

(b) Schedule for compliance.

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

**Section 4.** Section 10-11 of the Code of Ordinances of the City of Gainesville is amended by updating the following references to the Florida Fire Prevention Code, adopted in Section 10-9:

**Sec. 10-11. Amendments to ~~Section 3-5.6.2.2~~ NFPA 1 Section 13.1.4 of the Florida Fire Prevention Code.**

~~Section 3-5.6.2.2~~ NFPA 1 Section 13.1.4 is amended by adding the following:

~~(a)~~—Fire hydrants--Requirements and standards; internal, external fire protection systems.  
Fire hydrant requirements.

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

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

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

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

**Section 5.** Section 10-12 of the Code of Ordinances of the City of Gainesville is amended by updating the following references to the Florida Fire Prevention Code, adopted in Section 10-9:

**Sec. 10-12. Amendments to ~~Section 3-5.6~~ NFPA 1 Section 13.1.3 of the Florida Fire Prevention Code.**

~~Section 3-5.6~~ NFPA 1 Section 13.1.3 is amended by adding the following:

(a) ~~Interfering with prohibited;~~ exception.

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.

**Section 6.** Section 10-13 of the Code of Ordinances of the City of Gainesville is amended by updating the following references to the Florida Fire Prevention Code, adopted in Section 10-9:

**Sec. 10-13. Amendments to ~~Section 3-5.7~~ NFPA 1 Section 13.1.7 of the Florida Fire Prevention Code.**

~~Section 3-5.7~~ NFPA 1 Section 13.1.7 is amended by adding the following:

1 (a) Internal fire protection system requirements.

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

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

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

19 (4) Each internal fire protection system shall be separate and distinct from the  
20 domestic water supply system located on the property. The requirement of this subsection  
21 may be varied at the discretion of the fire official if the official finds that adequate water  
22 and fire protection service can 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  
3 shall be 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  
5 city, 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  
7 protection system, including the cost of inspection services performed by the city, shall  
8 be paid in full by the owner or developer prior to acceptance of the system by the city.

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

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

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

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

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

5 **Section 7.** Chapter 10 of the Code of Ordinances of the City of Gainesville is amended by  
6 creating a new Article V entitled Assembly Occupancy Safety, consisting of sections 10-50  
7 through 10-53, to read as follows:

8 **ARTICLE V. ASSEMBLY OCCUPANCY SAFETY**

9 **Sec. 10-50. Definitions**

10 The following words, terms and phrases, when used in this article, shall have the meanings  
11 ascribed to them in this section, except where the context clearly indicates a different meaning:

12 Crowd manager, as required by section 20.1.5.6, NFPA 1, means an individual who has  
13 successfully completed a crowd manager program, approved by the Gainesville Fire Rescue  
14 Department, and has obtained an official identification card.

15 Fire Rescue connection means a connection to the automatic sprinkler system or  
16 standpipe system of a structure that is utilized by Fire Rescue to provide additional water  
17 pressure for the system to work at capacity due to hose streams or inadequate supply.

18 Emergency evacuation alert network means an automated system to alert patrons to an  
19 emergency, adequate to be heard and effective by a person of normal sensitivity, especially in  
20 relation to the level of noise and distraction accompanying the event.

21 **Sec. 10-51. Requirements for crowd managers**

22 (a) Each crowd manager on duty must have the official valid crowd manager identification  
23 card on his/her person.

24 (b) The crowd manager of assembly occupancies shall provide staff with approved counting



1 devices to keep accurate count of occupant load at all times the business is open to the public.

2 (c) The crowd manager of assembly occupancies shall provide an approved emergency  
3 evacuation alert network to assist with evacuations.

4 **Sec. 10-52. Fire rescue connections**

5 Assembly occupancies shall ensure the security of all fire rescue connections, utilizing an  
6 approved fire rescue connection securing device that prevents tampering, prevents debris from  
7 entering the sprinkler or standpipe system, and prevents the caps from theft.

8 **Sec. 10-53. Penalties**

9 Any person who violates any provisions of this article shall be subject to punishment as  
10 provided in Section 1-9 of this Code.

11 **Section 8.** The codifier is directed and authorized to change the name of the Gainesville Fire  
12 Department to the Gainesville Fire Rescue Department wherever the same appears in the  
13 Gainesville Code of Ordinances.

14 **Section 9.** It is the intention of the City Commission that the provisions of Sections 1 through 7  
15 shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida,  
16 and that the sections and paragraphs of this ordinance may be renumbered or relettered in order  
17 to accomplish such intentions.

18 **Section 10.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the  
19 application hereof to any person or circumstance is held invalid or unconstitutional, such finding  
20 shall not affect the other provisions or applications of the ordinance which can be given effect  
21 without the invalid or unconstitutional provisions or application, and to this end the provisions of  
22 this ordinance are declared severable.

23 **Section 11.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such  
24 conflict hereby repealed.

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1 **Section 12.** This ordinance shall take effect immediately upon adoption.

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3 **PASSED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2009.

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ATTEST:

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\_\_\_\_\_  
PEGEEN HANRAHAN,  
MAYOR

Approved as to form and legality

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

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\_\_\_\_\_  
KURT M. LANNON

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CLERK OF THE COMMISSION

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17 This Ordinance passed on first reading this \_\_\_ day of \_\_\_\_\_, 2009.

18 This Ordinance passed on second reading this \_\_\_ day of \_\_\_\_\_, 2009.