

ORDINANCE NO. 09-08

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 30, ARTICLE III OF THE CODE OF ORDINANCES ENTITLED "REGULATIONS" BY AMENDING SECTION 30-57 TO PROVIDE FOR INCLUSION OF THE MOST RECENT EDITION OF NATIONAL FIRE PREVENTION ASSOCIATION STANDARDS, FLORIDA FIRE PREVENTION CODE AND FLORIDA BUILDING CODE; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, it has become necessary for Chapter 30 of the City of Key West Code of Ordinances to be amended to reflect revisions of the most recent NFPA Life Safety Code adopted by the state of Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 30 of the Code of Ordinances is hereby amended as follows*:

Sec. 30-57. Adoption of fire prevention and life safety codes.

The most recent Life Safety Code (NFPA 1), (NFPA 101), ~~1997 edition~~, published by the National Fire Protection Association; the Florida Fire Prevention Code, ~~1997 edition~~, published by the National Fire Protection Association; and the Florida Building Code as adopted by the State of Florida ~~Standard Fire Prevention Code, 1997 edition, published by the Southern Building Code Congress International, Inc.~~, are adopted and made a part of the Code of Ordinances for the purpose of encouraging and regulating fire prevention and life safety within the city. A copy of each such standard code shall be on file for inspection in the office of the chief of the fire department during regular office hours.

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

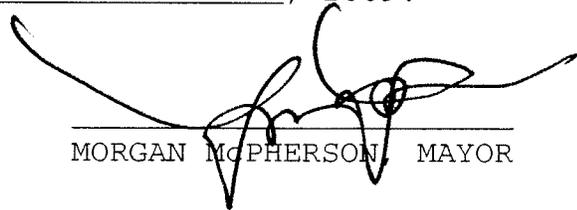
Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a meeting held this day of May 19, 2009.

Read and passed on final reading at a meeting held this day of June 2, 2009.

Authenticated by the presiding officer and Clerk of the Commission on 3rd day of June, 2009.

Filed with the Clerk June 3, 2009.


MORGAN McPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK



EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager

FROM: Michael Davila, Fire Marshal

DATE: April 23, 2009

SUBJECT: Adopt the most recent Fire Prevention Codes to coincide with the State of Florida

Action statement:

This resolution will authorize the City to adopt the most recent Fire Prevention and Life Safety Codes already adopted by the State of Florida.

Background:

The City is currently recognizing the 1997 editions of NFPA 1 Uniform Fire Code, NFPA 101 Life Safety Code, and Standard Fire Prevention Code. The State has also developed the Florida Building Code, where the ordinance still recognizes the Standard Fire Prevention Code, 1997 edition, published by the Southern Building Code Congress International, Inc. There have been several updates to these codes over the past ten years.

Purpose and Justification:

The State of Florida has recently adopted the 2006 versions of NFPA 101 and 1. The State of Florida has also issued the Florida Fire Prevention Codes which incorporate all of these codes with special conditions specific to the State of Florida. The City should be up to date with all code requirements.

Options:

1. Continue enforcing the 1997 versions of the Codes. The City is obligated by State law to enforce the State adopted Life Safety Codes.

2. Adopt the most recent versions of all codes as adopted by the State of Florida which the City is obligated to observe. By using the “most recent” language the City will be compliant with future changes.

Financial Impact:

The City has purchased the new code books already; therefore there would be no financial impact.

Recommendation:

Staff recommends adopting the most recent editions of NFPA 1 and 101 as adopted by the State of Florida, and the most recent Florida Fire Prevention Code and Florida Building Code as adopted by the State of Florida.

Language to be inserted:

Sec. 30-57. Adoption of Fire Prevention and Life Safety Codes

The most recent Life Safety Code (NFPA1) (NFPA 101) published by the National Fire Protection Association, Florida Fire Prevention Code, and the Florida Building Code as adopted by the State of Florida are adopted and made part of the Code of Ordinances for the purpose of encouraging and regulating fire prevention and life safety within the City. A copy of each such standard code shall be on file for inspection in the office of the Fire Department during regular office hours.

Florida Fire Prevention Code



Effective December 31, 2008

**Alex Sink, CFO
State Fire Marshal**

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