

ORDINANCE NO. 08-12

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES ENTITLED "FALSE ALARMS" BY AMENDING SECTION 30-1 THROUGH 30-9 TO PROVIDE FOR NEW FEES CONSISTENT WITH COSTS; CLEARER, MORE USER FRIENDLY DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the costs that the Key West Fire Department incurs in responding to false alarms has increased significantly in recent years by way of fuel prices, man hours and overtime; and

WHEREAS, it has become necessary for Chapter 30 of the City of Key West Code of Ordinances to be amended to reflect those increased costs; and

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*:

ARTICLE 1. FALSE ALARMS

Sec. 30-1 Fees for false alarms and fire code inspections

Fees shall be charged for false fire alarms in accordance with the provisions of sections 30-2 to 30-8, herein. Fees shall be charged to the ~~property owner for yearly~~ business owner for initial and annual fire prevention code inspections and re-inspections performed on structures, buildings, or occupancies by the fire department in the amounts set forth in section 30-9, herein.

Sec. 30-3. Private fire detection, protection systems; identification decal.

Installations and maintenance of fire detection, protection systems that are required by local or state law shall be undertaken and completed according to local or state law, and permitted accordingly. Each private fire detection and or protection system permit holder shall be issued a systems decal by the ~~city license department~~ City of Key West Fire Department. This decal shall be displayed in a conspicuous place visible to the outside of the premises covered by the permit.

Sec. 30-4. Prior to installation of alarm system.

Installations of alarms that are required by local or state law shall be undertaken and completed according to local or state law. Prior to installation, the following information shall be submitted to the fire prevention bureau and building department:

- (1) Name, address, and telephone number of the system's user.
- (2) Address and telephone number of the system's user's premises or building to be served by the system.
- (3) The name, address, and telephone number of the person or persons in charge of the premises or building served by the system.
- (4) The name, address, and telephone number of the person or entity monitoring the system.
- (5) With respect to permitting, a complete application shall be submitted to the Building Department for review and approval by the Fire Marshal or his designee.

Sec. 30-5. Excessive false alarms declared a public nuisance.

The transmission of more than three (3) false alarms signals by an automatic fire detection system protecting any occupancy within a twelve-month period of time is excessive and constitutes a serious public nuisance, and is hereby declared to be unlawful and a violation of this section. No person shall

allow, permit, cause, or fail to prevent the transmission, for any reason, by an automatic fire detection system used by him, or any such system serving a premises or a building occupied and controlled by such person, of more than three (3) false alarms signals within any twelve-month period.

Sec. 30-6. False alarm signal service charge; collection.

For response to excessive false alarms signals by the fire department, the alarm user shall be charged a service fee by the city of Key West of ~~twenty five dollars (\$25.00)~~ (\$100.00) for the fourth false alarm signal in any 12-month period; ~~fifty dollars (\$50.00)~~ (\$200.00) for the fifth false alarm signal in any 12-month period; and ~~one hundred dollars (\$100.00)~~ (\$400.00) for the sixth and each successive false alarm signal in any 12-month period. The provisions of this section shall not apply for a period of three months from the date a permit is issued by the City for the installation of an automatic fire detection system. The Fire Chief or his or her designee shall determine whether a false alarm system signal has been transmitted and the frequency of such alarm signals, and the City shall notify alarm users of amounts owed to the City. In the event of nonpayment, the City may proceed with suit in a court of competent jurisdiction. In the event a false alarm signal results in a code violation, any

costs incurred by the Fire Department such as overtime, fuel expended, personnel hours or any other costs deemed to be reasonable by the code enforcement magistrate shall be taxed to the property owner and/or tenant in addition to the customary court costs.

Sec. 30-9. Schedule of ~~permit~~ inspection fees.

The Office of the Fire Marshal shall charge and collect for the various permits required by the Florida Fire Prevention Code, as adopted by reference in section 30-57 and made part of the ordinances of the city, as follows:

(a) *Plans review.*

(1) ~~Commercial (other than one[family] and two family residential)~~ All buildings (including balconies, porches, additions, and garages, and accessory buildings):

a. For each \$1,000.00 of value, or fractional part thereof, of enclosed space . . . \$0.50

b. Minimum fee . . . 75.00

(2) New structures (other than buildings) including water towers, radio towers, water plants, cisterns, seawalls, docks, aboveground fuel storage tanks, belowground fuel storage tanks (including commercial LPG tanks):

a. For each \$1,000.00 of value, or fractional part thereof . . . \$0.50

b. Minimum fee . . . 75.00

(3) Repairs, renovations, or remodeling to building:

a. For each \$1,000.00 of estimated cost or fractional part thereof . . . 0.50

b. Minimum fee . . . 75.00

(b) *Applications.*

(1) Development review committee applications . . . 50.00

(2) Application to board of adjustment ~~(zone variance)~~ . . . 50.00

(c) *Inspections.*

(1) *Annual inspections.* (Occupancy use as defined in the most current and adopted Florida Fire Prevention Code ~~2001 (FFBC-2001)~~ and Florida Building Code 2001 ~~(FBC-2001)~~).

a. ~~Apartments-Condominiums~~ Residential,--Transient and Non-transient:

1. ~~5-11 units . . . \$35.00~~ All Residential-
\$50.00

2. ~~12-24 units . . . 55.00~~ Transient
Hotel/Motel

3. ~~25-100 units . . . 75.00~~

(i) 1-24 units-\$50.00

(ii) 25-50 units-\$100.00

(iii) 51-100 units-\$150.00

(iv) 101 or more units-\$200.00

~~4. Over 100 units . . . 125.00~~

b. Assembly-\$50.00

~~1. All \$50.00~~

c. All others including, but not limited to:

Business, Day Care, Educational, Fuel storage &

Delivery facilities, Health Care Facilities,

Marinas/ Boat Yards, Mercantile, Storage/ Repair

Facilities -\$50.00

~~1. Under 1,000 sf . . . 25.00~~

~~2. 1,000-5,000 sf . . . 50.00~~

~~3. 5,000-10,000 sf . . . 75.00~~

~~4. Over 10,000 sf . . . 125.00~~

~~d. Day Care \$50.00~~

~~1. Nursery Pre K . . . 50.00~~

~~2. Adult . . . 50.00~~

~~e. Educational, Public and Private \$50.00~~

~~1. Instructional areas . . . 50.00~~

~~2. Administration areas . . . Same as~~

~~Business~~

- ~~3. Storage areas . . . Same as
Mercantile Storage~~
- ~~4. Food service . . . Same as
Private Fire Detection and
Protection
Systems (1. and 2.)~~
- ~~5. Repair facilities . . . Same as
Mercantile Storage~~
- ~~f. Fuel Storage and Delivery Facilities \$75.00~~
 - ~~1. All above ground fuel tanks . . . 75.00~~
 - ~~2. Delivery facilities:~~
 - ~~Motor vehicles . . . 75.00~~
 - ~~Marina Boat yards . . . 75.00~~
- ~~g. Health Care \$50.00~~
 - ~~1. Hospital . . . 50.00~~
 - ~~2. Nursing home/convalescent center . . . 50.00~~
- ~~h. Marina Boat Yards \$50.00~~
 - ~~1. 3-10 slips . . . 50.00~~
 - ~~2. 10-20 slips . . . 90.00~~
 - ~~3. 20-50 slips . . . 180.00~~
 - ~~4. Over 50 slips, per slip . . . 5.00~~
- ~~i. Mercantile Storage Repair Facilities \$50.00~~
 - ~~1. Under 1,000 sf . . . 25.00~~

- ~~2. 1,000 - 5,000 sf . . . 50.00~~
- ~~3. 5,000 - 10,000 sf . . . 75.00~~
- ~~4. 10,000 - 20,000 sf . . . 100.00~~
- ~~5. Over 20,000 sf . . . 125.00~~

(2) ~~Business tax license renewal inspection.~~ Annual Fire

Inspection and follow up . . . 25.00 -\$50.00

- ~~a. Annual . . . 25.00~~
- ~~b. License transfer . . . 15.00~~
- ~~c. Adult congregate living facility (ACLF) . . .~~
50.00

~~(3) Temporary structures.~~

- ~~a. 1 - 3 structures (per structure) . . . 35.00~~
- ~~b. 4 - 50 structures (per structure) . . . 10.00~~
- ~~c. Over 50 structures (per structure) . . . 20.00~~

~~(The maximum fee for fire code inspection of temporary structures, with cooking facilities or portable electric power generation, at any one event, shall not exceed \$2,000.00.)~~

(4) *Private fire detection and protection systems.*

- ~~a. Mechanical exhaust (NFPA96) . . . 50.00~~
- ~~b.a. Fixed fire protection (NFPA 17) . . . 50.00~~
- ~~e.b. Automatic/manual fire detection (NFPA 72,101).~~
. 25.00

d.c.	Automatic fire sprinklers (NFPA 13, 13D, 13R, 231)	. . . 50.00	<u>Sprinkler/Standpipe systems-</u>	<u>\$50.00</u>
e.	Fire standpipe systems	. . .	50.00	
f.d.	Fire pump	. . .	25.00	
g.e.	Fire wells, per well	. . .	25.00	

*(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 regular meeting held
this 5th day of August, 2008.

Read and passed on final reading at a regular meeting held
this 3rd day of September, 2008.

Authenticated by the presiding officer and Clerk of the
Commission on 11th day of September, 2008.

Filed with the Clerk September 11, 2008.



MORGAN McPHERSON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK