

ORDINANCE # 20-\_\_

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA,  
AMENDING THE MARCO ISLAND CODE OF ORDINANCES BY  
AMENDING CHAPTER 22, "FIRE PREVENTION AND PROTECTION,"  
TO PROVIDE FOR THE ADOPTION OF THE CITY OF MARCO ISLAND  
AMENDMENTS TO THE FLORIDA FIRE PREVENTION AND LIFE  
SAFETY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR  
CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING  
FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 633.202(1), Florida Statutes, establishes the Florida Fire Prevention Code and Life Safety Code, as adopted by the State Fire Marshal as the state minimum; and

**WHEREAS**, Section 633.202(2), Florida Statutes, requires that the State Fire Marshal shall adopt the current editions of National Fire Protection Association's Standard 1, Fire Prevention Code, and 101 Life Safety Code; and

**WHEREAS**, Section 633.208(1), Florida Statutes, mandates that each municipality with fire safety responsibilities shall enforce the Florida Fire Prevention Code and Life Safety Code as the state minimum fire safety code, and

**WHEREAS**, as required by Section 633.202, Florida Statutes, the State Fire Marshal has recently adopted a new edition of the Florida Fire Prevention Code; and

**WHEREAS**, Section 633.202(3), Florida Statutes, enables a municipality with fire safety responsibilities to adopt more stringent fire safety standards or alternative requirements where, as here, a determination has been made that there is a need to strengthen the requirements of the minimum Fire Safety Code adopted and enforced by the City of Marco Island, and

**WHEREAS**, the City hereby determines upon its review of local conditions, which review demonstrates that local conditions justify more stringent requirements than those specified in the minimum fire and life safety code for the protection of life and property or justify requirements that meet special situations arising from historic, geographic, or unusual conditions that local amendments to the statewide minimum code are needed and will serve a public purpose; and

**WHEREAS**, by operation of certain statutory provisions the previously existing local amendments to the existing Fire and Life Safety Code provisions then in effect have been replaced by the statewide minimum code making appropriate the repeal of no longer effective local ordinances comprising of Article II of Chapter 22 of the City of Marco Island Code of Laws and Ordinances; and

**WHEREAS**, in accordance with Section 633.208(3)(a), Florida Statutes, a properly advertised public hearing was held and all interested persons were afforded the opportunity to provide any comments; and

**WHEREAS**, it is necessary to update the City of Marco Island Fire Prevention and Protection Code to reflect the foregoing matters; and

**WHEREAS**, the amendments to the statewide minimum code set forth below are essential to maintain an established and effective level of fire prevention and protection; and

51  
52 **WHEREAS**, the City Council of the City of Marco Island finds that the adoption of the  
53 amendments to the Fire and Life Safety Code are in the best interest of the health, safety, and welfare of  
54 the residents and businesses of the City of Marco Island.

55  
56 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
57 **MARCO ISLAND<sup>1</sup>:**

58  
59 **Section 1. Recitals.**

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61 The foregoing “WHEREAS” clauses are true and correct and reflective of the legislative intent  
62 underlying this Ordinance and are hereby ratified and made a specific part of this Ordinance.

63  
64 **Section 2. Chapter 22, “Fire Prevention and Protection,” of the City Code of Ordinances is**  
65 **Amended.**

66  
67 That Chapter 22, “Fire Prevention and Protection,” of the City of Marco Island Code of Ordinances  
68 be, and the same is hereby amended to read as follows:

69 **Chapter 22 FIRE PREVENTION AND PROTECTION**

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71 \* \* \*

72  
73 **ARTICLE II. FIRE PREVENTION AND PROTECTION CODE**

74  
75 **Sec. 22-31. NFPA codes and standards adopted.**

76 The standards and Code sections of the “National Fire Codes” as published by the National Fire  
77 Protection Association (NFPA), as adopted by the rules of the Division of the State Fire Marshal  
78 Section 69A-3.012, 69A-60.005 Florida Administrative Code~~Statute~~ or reference by the 2018  
79 Edition of NFPA 1 or NFPA 101 and those listed below by standard number and edition and as  
80 amended herein, are hereby adopted by reference and made a part of the City of Marco Island Fire  
81 Prevention and Protection Code, intended to protect the health, safety, common interest, and  
82 convenience of the citizens, visitors and residents of the City of Marco Island Florida.

83  
84 **Sec. 22-32. Amendments to NFPA 1, Fire Prevention Code.**

85 The National Fire Codes, NFPA 1, Fire Prevention Code, 2018 edition, is hereby amended by local  
86 amendment as follows:

87 **(A) Chapter 1 Administration**

88 (1) Fire Code Board of Appeals

89 (i) Add to 1.10.1.1.1 to Read as Follows:

90 The City Council may serve as the Fire Code Board of Appeals in all matters concerning this code  
91 and enforcement.

92 (2) Notice of Violations; and Penalties

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words.

(i) Amend 1.16.4 Penalties as Follows:

1.16.4.1 Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant of this Code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction.

Nothing herein contained is intended to prevent the City of Marco Island from taking such other lawful action in any court of competent jurisdiction, as the City deems necessary to prevent or remedy any violation. Such other lawful action shall include, but shall not be limited to, any equitable action for injunction relief or action or law for damages. The City of Marco Island shall have the power to enforce the provisions of this Code and Ordinances by means of the City of Marco Island Code Enforcement Board.

~~(B) (3) Chapter 1 Administration Purpose~~

(i) Amend Section 1.2, Purpose is amended to read as follows:

1.2 The purpose of this Code is to prescribe minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire and explosion and dangerous conditions, as well as potential biological, chemical and/or radioactive events.

~~ii) (4) Application~~

(i) Subsection 1.3.2 Referenced Standards, is amended to read as follows:

Subsection 1.3.2.1 is amended to read as follows:

1.3.2.1 Details regarding processes, methods, specifications, equipment testing and maintenance, design standards, performance, installation, or other pertinent criteria contained in those codes and standards listed in Chapter 2 of this Code shall be considered a part of this Code; as well as those adopted pursuant to Chapter 22 of the City Code of Ordinances and those adopted pursuant to the City of Marco Island Fire Prevention and Protection Code Section 22-31 shall be considered a part of this code.

~~(iii) (5) Section 1.7 Authority~~

(i) Subsection 1.7.17 Standby and Fire Watch Personnel, is amended to read as follows:

~~Amend subsection 1.7.17.1 to read as follows: The AHJ—City of Marco Island~~ shall have the authority to require standby Fire and EMS personnel or an approved fire watch for a permitted event, or when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest or activity, an impairment to a fire protection feature, or the number of persons present.

~~(3) (6) Permits and Approvals~~

(i) Add to table 1.12.8 (a) Land Based Displays of 1.3G Fireworks Classification are prohibited within the City Limits. All 1.3G displays shall be barge based in open water. a-Fireworks and Pyrotechnic permits shall be issued for commercial type displays, located on or in commercial, state owned, county or city owned property or on open water adjacent to same with viewing and safeguard distance as set forth by the currently adopted edition of NFPA 1123 and 1126.

a. Fireworks and Pyrotechnics shall not be permitted on residential type properties or waterways adjacent to residential type properties within City limits.

(ii) Add Subsection to table 1.12.8 (a) Open burning is not allowed within City Limits, Cooking fires and small recreational fires not intended for vegetation or rubbish disposal, when conducted safely and on the property of the subject, are exempt and do not require a permit.

Exception: Training exercises conducted by the City Fire Department.

~~(4)~~ (7) Notice of Violations and Penalties.

Add Sub-Section 1.16.1.1 as follows:

Violations of this code are to be administered according to city's administrative construction code, section 6-111 of the city Code of Ordinances. Pursuant to F.S. § 162.22, a person found to be in violation of this code may be charged a fine, and all actual City costs incurred, and may be sentenced to a definite term of imprisonment, not to exceed 60 days. Violations of this code may also be prosecuted before the code enforcement board, as established by the city, pursuant to chapter 14, article II of the city Code of Ordinances, or its successor. Nothing herein contained is intended to prevent the City from taking such other lawful action in any court of competent jurisdiction as the department deems necessary to prevent or remedy any violation. Such other lawful action shall include, but shall not be limited to, any equitable action for injunctive relief or action at law for damages. The Fire-Rescue department shall also retain the power to enforce the provisions of this code and ordinances by means of the State Fire Marshal's Office.

~~(5)~~ (8) Plan Review

(i) Amend Subsection 1.14.2 to add condition (4) as follows:

~~1.14.2 The applicant shall be responsible to ensure that the following conditions are met:~~

(4) Where required by the Fire Department, pre-fire plans shall be provided prior to a Building "Notice of Fire Compliance" being issued.

~~(2)~~ **(B) Chapter 4 General Requirements**

(1) Conditions for Occupancy.

(i) Amend Subsection 4.5.4 to Add Condition (4)

(4) All tenants and occupants shall obtain a "Notice of Fire Compliance" certificate from the Fire Rescue Department prior to occupancy and use of a new or existing building as evidence of compliance with the City Fire Prevention and Protection Code. Such original certificate shall be displayed in a prominent location within the structure, building, or portion thereof. A copy of the Compliance Certificate shall be forwarded to the Collier County Occupational License Department for processing.

Exception: Occupants of one and two-family dwellings and residential tenants in multi-family buildings are exempt from the requirement of obtaining a "Notice of Fire Compliance."

~~(D)~~ **Chapter 10 General Safety Requirements**

~~(1) Subsection 10.10~~ Open Flames, Candles, Open Fires, and Incinerators.

(i) Amend Subsection 10.4410.1, Permits, to read as follows:

10.10.1.1.1 Permits. The burning or igniting of refuse, rubbish or vegetation as a manner of disposal, land clearing or other intent, is prohibited within the City of Marco Island.

~~(3 2)~~ Special Outdoor Events, Carnivals and Fairs

(ii) Amend Subsection 10.14.3, Life Safety Evaluation to read as follows:

10.14.3 Life Safety Evaluations of medium to high attendance, outdoor and indoor, events are required and shall be in accordance with 12.4.1 of NFPA 101 Life Safety Code. The evaluation shall be submitted to the AHJ a minimum of two weeks prior to the starting date of the event.

(iii) Amend Subsection 10.14.4 to read as follows:

10.14.4 The authority having jurisdiction is hereby authorized to assess and collect compensation for services rendered to public assemblages and events covered by the provisions of section 1.7.15 Authority, as it may deem necessary.

~~(ii)~~ (iv) Add Subsection 10.18.87 to read as follows:

Fuel containers shall not be stored within or under multifamily or commercial structures unless otherwise permitted within the parameters of NFPA 30.

## **(E D) CHAPTER 13 FIRE PROTECTION SYSTEMS**

### **(1) Section 13.2**

i) Add Subsection 13.2.2.2.2 to read as follows:

13.2.2.2.2 Any building five stories or more in height and not otherwise classified as a high rise building as defined by the Florida Building Code 2001 Edition or its successor, shall have an automatic wet standpipe system in accordance with NFPA 14 capable of supplying the required gallons per minute with a residual pressure of 65 psi at the uppermost hose connection.

ii) Add Subsection 13.2.2.4.3 to read as follows:

13.2.2.4.3 Fire department valves on standpipe systems shall not be pressure-reducing valves. Pressure restricting devices shall be installed on any valve with pressure in excess of 175 psi. Pressure restricting devices shall be so as to be readily removable, leaving hose threads acceptable to the authority having jurisdiction.

## **(2 E) CHAPTER 18 FIRE DEPARTMENT ACCESS ROADS AND WATER SUPPLY**

### **(1) Subsection 18.2.2.2**

(i) Amend Subsection 18.2.2.2 to add:

This section is intended to apply to all gate installations EXCEPT those serving individual single-family residences.

18.2.2.2.1 Any gate that obstructs Fire Department access shall be installed with electronic controlled access. All electronic access control gates to structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles and are not constantly attended 24 hours per day shall be provided with an electronic transmitter/receiver system capable of being programmed with a unique activation code and frequency approved by the authority having jurisdiction. Such code or frequency shall not be used by or provided to other gate users. Existing installations shall comply within 180 days subsequent to the notification date by the authority having jurisdiction.

(ii) Add Subsection 18.2.2.2.2 to read as follows:

18.2.2.2.2. All electronic access control gates under section 18.2.2.2.1 shall be compatible with the uniform countywide transmitters. Said transmitters are carried only within emergency vehicles.

(iii) Add Subsection 18.2.2.2.3 to read as follows:

18.2.2.2.3 All electronic access control gates shall have a battery backup with a failsafe override.

Exception No. 1 Any other override system acceptable to the City of Marco Island.

Exception No. 2 Gates serving individual single-family residences are recommended to install access control systems for emergency use by the Fire, Police and EMS Departments.

(iv) Add Subsection 18.2.2.2.4 to read as follows:

18.2.2.2.4 All temporary non-electronic access control gates to construction sites, structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles shall be provided with a key box per section 18.2.2.1

Exception No. 1 - Gates serving individual single-family residences.

Add Subsection 18.2.2.2.5 to read as follows:

18.2.2.2.5 All electronic gates are required to receive a building permit with fire review prior to installation.

(2) Subsection 18.2.3.5.1 Dimensions

(i) Amend subsection 18.2.3.5.1.2 to read as follows:

18.2.3.5.1.2 Fire department access roads shall have an unobstructed vertical clearance of not less than 14 ft.

(ii) Amend subsection 18.2.3.5.3.1 to read as follows:

18.2.3.5.3.1 Turning radii for fire lanes not exceeding a 90-degree turn where serving buildings shall be 25 ft. inside and 49 ft. outside and turning radii for fire lanes serving parking lots only shall be 25 ft. inside and 45 ft. outside. Where turns exceed 90 degrees the standards for turnarounds shall apply.

(iii) Amend subsection 18.2.3.5.4 to read as follows:

18.2.3.5.4 The turnaround shall have a minimum centerline radius of 40 feet (12.7m). The grade surface and location of the fire lane shall be approved by the authority having jurisdiction. At least one elevation of each building shall be accessible to the fire department

(iv) Amend Subsection 18.2.3.5.7 to read as follows:

18.2.3.5.7 Fire lanes, private and public roads shall be maintained free of all obstructions at all times inclusive of speed humps/bumps and traffic calming devices which could delay response to scene or hospital, damage equipment or injure patients.

(i) ~~Amend subsection 18.2.3.4.1.2 to read as follows:~~

~~Fire department access roads shall have an unobstructed vertical clearance of not less than 14 ft.~~

(ii) ~~Amend subsection 18.2.3.4.3.1 to read as follows:~~

~~Turning radii for fire lanes not exceeding a 90 degree turn where serving buildings shall be 25 ft. inside and 49 ft. outside and turning radii for fire lanes serving parking lots only shall be 25 ft. inside and 45 ft. outside. Where turns exceed 90 degrees the standards for turnarounds shall~~

apply.

(iii) — Amend subsection 18.2.3.4.4 to read as follows:

~~The turnaround shall have a minimum centerline radius of 40 feet (12.7m). The grade surface and location of the fire lane shall be approved by the authority having jurisdiction. At least one elevation of each building shall be accessible to the fire department~~

Amend Subsection 18.2.3.4.7 to read as follows:

~~18.2.3.4.7 Fire lanes, private and public roads shall be maintained free of all obstructions at all times inclusive of speed humps/bumps and traffic calming devices which could delay response to scene or hospital, damage equipment or injure patients.~~

(iv) — Add Subsection 18.2.2.2.1 to read as follows:

#### ~~18.2.2 ACCESS TO STRUCTURES OR AREAS~~

~~Amend to add: 18.2.2.2.1 This section is intended to apply to all gate installations EXCEPT those serving individual single family residences.~~

(v) — Add Subsection 18.2.2.2.1 to read as follows:

~~18.2.2.2.1 Any gate that obstructs Fire Department access shall be installed with electronic controlled access. All electronic access control gates to structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles and are not constantly attended 24 hours per day shall be provided with an electronic transmitter/receiver system capable of being programmed with a unique activation code and frequency approved by the authority having jurisdiction. Such code or frequency shall not be used by or provided to other gate users. Existing installations shall comply within 180 days subsequent to the notification date by the authority having jurisdiction.~~

(vi) — Add Subsection 18.2.2.2.2 to read as follows:

~~18.2.2.2.2 All electronic access control gates under section 18.2.2.2.1 shall be compatible with the uniform countywide transmitters. Said transmitters are carried only within emergency vehicles.~~

(vii) — Add Subsection 18.2.2.2.3 to read as follows:

~~18.2.2.2.3 All electronic access control gates shall have a battery backup with a failsafe override.~~

~~Exception No. 1 Any other override system acceptable to the Authority having jurisdiction.~~

~~Exception No. 2 Gates serving individual single family residences.~~

~~Note: Gates serving single family residences are highly recommended to install access control systems for emergency use by the Fire, Police and EMS Departments.~~

(viii) — Add Subsection 18.2.2.2.4 to read as follows:

~~18.2.2.2.4 All temporary non-electronic access control gates to construction sites, structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles shall be provided with a key box per section 18.2.2.1~~

~~Exception No. 1 — Gates serving individual single family residences.~~

(ix) — Add Subsection 18.2.2.2.5 to read as follows:

~~18.2.2.2.5 All electronic gates are required to receive a building permit with fire review prior to installation.~~

**Sec. 22-33 Amendments to the Life Safety Code**

NFPA 101 code for Safety to Life from Fire in buildings and structures, 2015~~18~~ Edition, is amended as follows:

(A) CHAPTER 9: BUILDING SERVICE AND FIRE PROTECTION EQUIPMENT

(1) SECTION 9.6: FIRE DETECTION, ALARM, AND COMMUNICATIONS SYSTEMS

(I) 9.6.1 GENERAL

i) Add Subsection 9.6.2.6~~7~~.1 to read as follows:

9.6.2.6~~7~~.1 The authority having jurisdiction may approve and shall have the authority to require listed manual fire alarm box covers or listed double action pull stations to be installed where manual fire alarm systems are susceptible to malicious false alarms.

\* \* \*

**Sec 22-36. Fees for response to malfunctioning fire alarm, detection, and suppression systems.**

(a) The fee schedule for malfunctioning or nuisance fire alarms, detection and suppression systems will be evaluated annually to make adjustments to keep the fee generated in line with expenses. This will be done at the time the City's normal budget progress is being considered. The City may change, delete or add to the listed fees by resolution.

(b) There is a need for proper operation and maintenance of fire alarm, fire detection and fire suppression systems. The response of fire rescue and other City personnel and equipment to structures with these systems that have malfunctioned causes an added burden on the resources of the City and endangers the lives of the public and employees.

(1) It shall be the responsibility of the owner/agent or occupant of the structure or premises having a system to have such systems maintained by a qualified contractor at all times. It is also the responsibility of the owner/agent or occupant to have a owner/manager or qualified contractor on site within one hour of a fire department request.

(2) Any continued malfunction, failure to make needed improvements, failure to protect against malicious activation, of a fire alarm, fire detection and/or fire suppression system to which department fire responds emergency response is made will be handled in the following manner:

a. First response: The Fire Department will not charge for the first fire alarm response provided that corrective action is taken by the property owner or agent in the form of system repair or evaluation by a licensed fire alarm contractor. Should no corrective action be taken, and the units are called back for the same alarm within a 48-hour period there shall be a charge of \$75.00 in addition to the \$75.00 for a second response.

b. Second response during the same budget year: \$75.00.

c. Third and Fourth responses shall be \$350.00

d. Fifth and Sixth responses shall be \$550.00



e. All additional responses shall be \$750.00 per occurrence.

(c) Fees are due within 45 days following ~~immediately upon~~ notice from the Fire Rescue Department. ~~The failure to pay the applicable fee within 4530 days may be enforced through the City's code enforcement or civil citation process will constitute as a civil infraction in accordance with Section 633.214633.052, Florida Statutes, and with this article and as such will be enforceable in accordance with that statute and this article~~

(d) Any person found resetting or in any way interfering with the reporting of a fire alarm before arrival of fire personnel shall be in violation of Section 806.10, Florida Statutes, and shall be guilty of a felony of the third degree.

### **Section 3. Codification.**

It is the intention of the City Council, and it is hereby ordained, that the amendments to the City of Marco Island Code of Ordinances made by this Ordinance shall constitute new provisions within the Code of Ordinances, and that the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word "Ordinance" may be changed to "Section", "Article" or other appropriate word.

### **Section 4. Conflicts.**

All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby superseded and resolved to the extent of any conflict in favor of the provisions of this Ordinance.

### **Section 5. Severability.**

If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences or phrases portions of this Ordinance, and this Ordinance shall be read and applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence or section did not exist.

### **Section 6. Effective Date.**

This Ordinance shall become effective upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF MARCO ISLAND**

By: \_\_\_\_\_  
\_\_\_\_\_, Chair

Attest:

By: \_\_\_\_\_

Laura M. Litzan, City Clerk

Reviewed for legal sufficiency:

By: \_\_\_\_\_  
Alan L. Gabriel, City Attorney

PROPOSED