

Chapter 42 FIRE PREVENTION AND PROTECTION¹

ARTICLE I. IN GENERAL

Secs. 42-1—42-30. Reserved.

ARTICLE II. FIRE DEPARTMENT²

DIVISION 1. GENERALLY

Secs. 42-31—42-50. Reserved.

DIVISION 2. FIRE CHIEF

Sec. 42-51. Appointment; administrator.

The city manager shall appoint a fire chief, who shall supervise and direct the day-to-day administration and operations of the department and shall be responsible to the city manager for the proper administration of the department as follows:

- (1) Direct and supervise all employees of the department;
- (2) Appoint, and recommend to the city manager for removal, all employees of the department as follows:
 - a. Establish and maintain the necessary eligibility registers for the filling of all vacancies and promotions within the department, for all positions in existence on December 31, 1995, or later authorized. These registers shall be created on the basis of advertisement, open competitive examinations and in compliance with all applicable federal and state requirements. Every vacancy or promotion shall be filled by appointments from the appropriate register.
 - b. Removal of any employee shall be subject to limitations contained in the former fire district's rules and regulations as they existed on December 31, 1995, and the limitations in any collective bargaining agreement. Removal of any career employee, not under initial probation, shall require prior approval of the city commission.
- (3) Prepare and submit an annual proposed departmental budget to the city manager in compliance with this article, any collective bargaining agreements in force, and applicable statutes or regulations.

¹Cross reference(s)—Buildings and building regulations, ch. 18; civil emergencies, ch. 26; hazardous materials, § 26-31 et seq.; emergency services, ch. 34; impact fees for fire-rescue service, § 94-31 et seq.

State law reference(s)—Fire prevention and control, F.S. ch. 633.

²Cross reference(s)—Administration, ch. 2.

(4) The fire chief may, with the approval of the city manager, hire an assistant chief to assist the chief in the discharge of his duties. In the absence of the fire chief, all his duties and responsibilities shall be assumed and discharged by the assistant chief. In the absence of both the chief and assistant chief, the city manager may appoint a senior member of the staff to fulfill these duties.

(Ord. No. 96-27, § 1, 1-25-1996; Ord. No. 96-36, § 1, 4-15-1996)

Secs. 42-52—42-70. Reserved.

DIVISION 3. FINANCIAL MATTERS

Sec. 42-71. Finance and records.

The city finance director or, in the absence of such an officer, the city manager, shall perform all duties formerly devolving upon the clerk of the Deltona Fire District, including but not limited to the following:

- (1) Be responsible for the processing of all internal fiscal matters of the department and the former fire district such as ledgers, payroll, and other similar functions.
- (2) Ensure the safekeeping of all records and documents of the district.
- (3) Serve as custodian of the former district's official seal.

(Ord. No. 96-27, § 2(a), 1-25-1996; Ord. No. 96-36, § 2(a), 4-15-1996)

Sec. 42-72. Budget.

- (a) For the purposes of this division, the budget of the former Deltona Fire District, to the extent not expended or encumbered prior to December 31, 1996, shall be the budget for the fire department for the remainder of fiscal year 1995-96, except as may be hereafter amended or superseded by any general budget resolution. To that end, the budget rules and regulations in this section of the former district shall continue to be applicable to the fire department.
- (b) The adopted budget shall at a minimum, include a separate line item for all anticipated revenues by fund and by source and a separate line item for all appropriated expenditures by fund, object and sub-object classification in accordance with the uniform accounting system manual promulgated by the state department of banking and finance.
- (c) Each expenditure line item of the budget shall be supported by schedules of expenditures by natural category. Operating supplies, for example, would be supported by schedules of anticipated gasoline purchases, medical supplies, etc. Natural categories requiring a schedule would be those where anticipated expenditures are at least ten percent of that line item's budgeted amount. Individual items to be purchased exceeding \$1,000.00 must be disclosed and explained.
- (d) Each revenue line item of the budget will include a description of what is included in the line item and explanation of how the anticipated amounts were derived.
- (e) Properly approved purchase orders placed by the end of the budget year will be charged against the budget in the year ordered and will not require reappropriation by the city commission unless delivery of the goods ordered is received more than 60 days after the end of the fiscal year. Deliveries of goods ordered prior to the end of the fiscal year but received more than 60 days after the end of the fiscal year will be charged against the adopted budget of the year in which the goods are received. Expenditures for these goods shall

be treated in all respects as current expenditures and shall require approval of the commission prior to payment if a current purchase of the same would require the commission's approval under this division.

(f) Purchased services shall be charged against the budget in effect in the year in which they are paid.

(g) The fire chief, with approval of the city manager, is authorized to make changes to the budgeted amounts for sub-objects in the personal services and operating expenditures objects as long as the resulting amounts do not change the total amount budgeted for each object.

(h) It is the expressed intent of the city commission that anticipated revenues and appropriated expenditures be stated as accurately as is possible in the budget. It is entirely appropriate to establish in the budget separately stated amounts to cover unforeseen expenditures or unanticipated revenue shortfalls.

(i) Budgeted ending fund balances will be reported as follows:

- (1) Restricted; when required by contractual obligation for operation of law, each restriction shall be separately disclosed and explained.
- (2) Designated; when designated by the city commission for a specific purpose, each designation shall be separately disclosed and explained. Designations for future capital outlay will be supported by a description of the anticipated capital outlay, estimated cost and date when the outlay is anticipated to be made.
- (3) Undesignated.

(j) Anticipated revenues will be recorded for budgetary purposes in the same manner and using the same accounting principles as required by generally accepted accounting principles used for local governmental financial reporting.

(k) The budget calendar will follow the requirement of state law.

(l) The fire chief shall by June 1 of each year prepare and submit to the city manager the following:

- (1) A projected budget to actual statement comparison for the end of the budget year along with explanations of projected line item balances that will be materially different than budgeted;
- (2) A list of anticipated capital expenditures for the next five years;
- (3) An estimate of the amounts required for cash carryovers for the next fiscal year along with supporting calculations and explanations.

(Ord. No. 96-27, § 2(b), 1-25-1996; Ord. No. 96-36, § 2(b), 4-15-1996)

Sec. 42-73. Funds.

The city commission shall by resolution designate a bank as a depository of the funds of the former fire district, which funds, and expenditures from such funds, shall be kept segregated for accounting purposes until the conclusion of all litigation concerning the creation of the city. The funds shall be paid out only upon warrant or check signed by the city manager and city finance director, in accordance with appropriations shown in the duly approved budget.

(Ord. No. 96-27, § 2(c), 1-25-1996; Ord. No. 96-36, § 2(c), 4-15-1996)

Secs. 42-74—42-95. Reserved.

DIVISION 4. PROPERTY

Sec. 42-96. Fire district property to be city property.

- (a) In accordance with section 10 of the city's Charter, all property of the former Deltona Fire District has become property of the city. The city shall conform to the rules of the auditor general for the accounting of fixed assets, including tangible personal property. The city manager and fire chief shall cause an inventory of all such property as it existed on December 31, 1995, to be made and verified; and that property shall be the initial inventory of fire department property.
- (b) All nonexpandable district property shall be clearly marked and identified as city property. Fire department vehicles and equipment shall be utilized only in furtherance of a public purpose in order to carry out the powers of the city. All vehicles shall be painted and lettered displaying the city fire department name and other identifications.

(Ord. No. 96-27, § 4, 1-25-1996; Ord. No. 96-36, § 4, 4-15-1996)

Secs. 42-97—42-115. Reserved.

DIVISION 5. PURCHASE AND CONTRACTS

Sec. 42-116. Purchasing.

- (a) Purchases of \$10,000.00 or more, including supplies, materials, equipment, building construction, and contractual services, other than professional services, shall be made after due public notice inviting sealed bids or under state or other governmental contract prices. The city commission shall have the right to accept as the best or most responsible bid, whether or not that bid is the lowest monetary bid, and shall further have the right to reject any and all bids, whether or not the invitation so states. At the direction of the city commission, the city manager may negotiate a contract with the lowest and most responsible bidder, so long as the specifications are not substantially altered by negotiation.
- (b) The fire chief shall cause written records of all purchases and expenditures to be maintained irrespective of their value.
- (c) The fire chief shall obtain three price quotations on individual or combined purchases from one vendor over \$100.00. The quotations obtained shall be noted on the department's copy of the purchase order or attached to the order.
- (d) The fire chief or the chief's designee shall record all purchases exceeding \$25.00 on a prenumbered purchase order, which shall indicate the date ordered, quantity, price, anticipated delivery date, the approving official, and when required under this division, the date the purchase was approved by the city manager or city commission. Purchase orders are to be prepared for all types of purchases, whether by cash, check or charge.
- (e) Purchase orders of \$1,000.00 or more shall have the prior approval of the city manager. All purchase orders for out-of-state travel shall have the approval or ratification of the city commission. All purchase orders for in-state travel shall have the prior approval of the city manager.
- (f) Initial maintenance agreements that exceed \$1,000.00 shall be approved by the city manager. Renewals of these agreements will not need commission approval unless renewed within the same fiscal year.

(Ord. No. 96-27, § 5, 1-25-1996; Ord. No. 96-36, § 5, 4-15-1996)

Sec. 42-117. Professional services.

Architectural or engineering services the amount of which meets the threshold of F.S. ch. 287 shall be procured by the city commission in accordance with the provisions of that chapter. The fire chief, the city manager or the city commission may otherwise secure such services by quotation, request for proposal or negotiation, within their respective thresholds for purchasing authority.

(Ord. No. 96-27, § 6, 1-25-1996; Ord. No. 96-36, § 6, 4-15-1996)

Secs. 42-118—42-129. Reserved.***DIVISION 6. FIRE INSPECTION FEES*****Sec. 42-130. Authority.**

The Fire Department of the City of Deltona shall be authorized to inspect, test and/or review all structures; plans submitted for permitting; fire sprinkler or alarm systems and locations conducting a business within the boundaries of the City of Deltona and shall be entitled to charge a fire inspection fee to recover the cost of such inspection pursuant to the fire inspection services fee schedule adopted by the city commission.

(Ord. No. 02-2007, § 1, 3-19-2007)

Sec. 42-131. Purpose and intent.

The purpose and intent of this section is to prevent any hazardous fire conditions and potential fire safety issues in homes, new construction sites, businesses, special events and festival areas and other structures or locations within the incorporated limits of the City of Deltona and to promote the general health, safety and welfare of the public.

(Ord. No. 02-2007, § 1, 3-19-2007)

Sec. 42-132. Fees and inspections.

"Fire inspection service fees" shall be imposed at rates as established by the city commission by resolution and incorporated herein and shall apply to the following activities requiring a fire inspection pursuant to:

1. All special events including, but not limited to, fireworks displays, tents, carnivals, and festivals;
2. Site-plan/construction plan review;
3. Fire sprinkler plan review;
4. Hydrostatic test;
5. Fire alarm review;
6. Commercial cooking/paint booth inspections;
7. Annual business inspections;
8. Occupational license inspections;
9. Outdoor vendor locations; temporary or permanent;

10. Any and all fire department tests or reviews required pursuant to city ordinance or State of Florida.
(Ord. No. 02-2007, § 1, 3-19-2007)

Sec. 42-133. Payment of fees.

Depending on the applicable department policy, all inspection and review fees shall be paid in full prior to or upon completion of the inspection or review by the fire department. All other fees shall be paid at the time of any permit or license issuance. Additional fees shall be paid prior to the issuance of a certificate of occupancy for any re-inspections, re-test or additional or repetitive plan reviews required as a result of a rejected or failed inspection, test or review.

(Ord. No. 02-2007, § 1, 3-19-2007)

Secs. 42-134—42-150. Reserved.

ARTICLE III. COMMITTEES

Sec. 42-151. Continued.

The employee relations committee and the pension plan committee of the former Deltona Fire District are continued in force, with the substitutions and reappointments set forth in this division.

(Ord. No. 96-27, § 7, 1-25-1996; Ord. No. 96-36, § 7, 4-15-1996)

Sec. 42-152. Employee relations committee.

There shall be an employee relations committee consisting of an employee relations officer, appointed by the city manager, two employee representatives, appointed by the employees (one from within any bargaining unit and one from without) and the city attorney. The purpose of the committee is to hear, resolve or make recommendations regarding labor-management issues at an early stage before they develop into a disputed grievance. Meetings shall be called by the employee relations officer on an as-needed basis. The intent of this committee is to provide a casual and relaxed forum of communications and potential disputes resolution.

(Ord. No. 96-27, § 7(a), 1-25-1996; Ord. No. 96-36, § 7(a), 4-15-1996)

Sec. 42-153. Pension plan committee.

There shall be a pension plan committee consisting of one city commissioner appointed by the city commission, the city clerk (or, in the absence of a permanent clerk, the city manager), and two employee representatives appointed by the employees (one from within any bargaining unit and one from without), to serve as liaison between the pension administrators and the city. The committee shall consider and make recommendations to the city commission regarding changes to the plan, shall authorize disbursement of funds, and implement the pension plan procedures as stated in the document. The city manager shall cause an audit to be made of the plan as of December 31, 1996, together with a review of the plan's compliance with all applicable provisions of the Internal Revenue Code and F.S. ch. 175, and shall recommend and report to the city commission any necessary corrective measures.

(Ord. No. 96-27, § 7(b), 1-25-1996; Ord. No. 96-36, § 7(b), 4-15-1996)

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Secs. 42-154—42-185. Reserved.

ARTICLE IV. FIRE CODES³

Sec. 42-186. Adopted.

- (a) The most recent edition of the Florida Fire Prevention Code, as adopted by the state fire marshal, which contains the Florida specific version of NFPA 1, Fire Code and NFPA 101, Life Safety Code, shall be adopted and by reference made a part of this article, as set forth in this section, as the minimum fire safety code for the city. The same are hereby adopted as the code of the City of Deltona for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion and providing for issuance of permits and collection of fees.
- (b) Any decision of the fire official pertaining to these codes may be appealed to the fire chief. In the event a dispute occurs that is not resolved by the appeal to the fire chief, the matter can be appealed to the city's special magistrate upon the payment of an appeal fee of. Such appeal shall be heard at the next regularly scheduled special magistrate session.
- (c) In the event of any conflict between this article, the adopted codes of the city, and any applicable state or county law, ordinance, rule or regulation, the more stringent shall apply.

(Ord. No. 96-09, § II, 3-4-1996; Ord. No. 32-01, § 1, 12-12-2001; Ord. No. 14-2014, § 1, 9-15-2014)

Sec. 42-187. Penalties and enforcement.

Any person who shall violate any provision of this article or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder; or fail to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such and order as affirmed or modified by the city's code enforcement board or by a court of competent jurisdiction, within the time fixed herein, shall for each and every such violation and noncompliance, separately and respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment not to exceed 60 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal or prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

(Ord. No. 96-09, § III, 3-4-1996; Ord. No. 32-01, § 2, 12-12-2001)

ARTICLE V. OPEN BURNING

³State law reference(s)—Mandatory state fire protection standards, F.S. § 633.022; uniform minimum mandatory fire protection standards, F.S. § 633.025.

Sec. 42-188. Purpose.

The purpose of this article is to set certain requirements and criteria to regulate and control all types of open burning within the city so as not to pose a threat to health, life, adjoining properties or public ways or to endanger natural vegetation and wild lands, or cause an "unfriendly fire" within the city.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-189. Definitions.

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

Agricultural and silvicultural fires includes all burning for agricultural, silvicultural, or forestry operations related to the growing, harvesting, or maintenance of crops or in connection with wildlife management. This includes the burning of plant material by plant nurseries and for grove operations.

Air curtain incinerator means a combustion device that directs air at high velocity through a manifold head into a pit with vertical walls in such a manner to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

Air pollution means the presence in the outdoor atmosphere of the state of any one or more substances or contaminants in quantities, which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

Bonfire means a fire that is attended by six or more persons and used solely for recreational purposes, charitable, or religious/ceremonial occasions. The pile of material to be burned shall be no larger than six feet in diameter and no higher than six feet. Bonfire events are required to have a permit and may be conducted in the evening after the normal permitted hours.

Campfire means a fire that is used solely for recreational purposes, charitable, or religious/ceremonial occasions. The fire shall be no larger than three feet in diameter with flames no higher than three feet and no more than one per any one location, address, parcel or lot, whichever is most restrictive.

DEP means the State of Florida, Department of Environmental Protection.

FFS means the Florida Fire Service.

Open burning means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

Permitted means an authorized fire requiring a permit issued through the Fire Department.

Pit means a barbecue pit constructed of non-combustible material for outdoor domestic/non-commercial cooking. The pit surface area shall be no larger than 12 square feet with flames no higher than one foot.

Supervised means an adult person safely maintaining the fire by being outside, in the vicinity and in constant view of the fire.

Yard debris means vegetative matter resulting from landscaping and yard maintenance operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

(Ord. No. 05-01, § 1, 4-2-2001)

(Supp. No. 30)

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Sec. 42-190. Permit required to burn.

- (a) It shall be unlawful for any person to conduct open burning of any kind within the city without first obtaining a written permit from the fire chief or his designee, except as otherwise provided herein.
- (b) Only those persons who are involved in land clearing for future construction purposes will be considered for burning permits.
- (c) All persons obtaining burning permits will follow all FFS regulations, DEP regulations, and/or the requirements of this article. If the requirements of this article differ from the requirements of the FFS or the DEP, the more stringent requirement shall apply.
- (d) The person and or company conducting the burning shall provide the city with proof of insurance that includes a liability policy in the amount of \$1,000,000.00.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-191. Hours of burning.

Burning will be permitted only between the hours of 9:00 a.m. and one hour prior to sunset, excluding special permits.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-192. Name of property owner, legal description to be provided.

Prior to the issuance of a burn permit within the city, the person desiring the permit shall provide to the fire chief or his designee the name of the owner of the property, the property address and/or legal description upon which the material is to be burned. This information will also be required by FFS.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-193. Burning requirements.

- (a) The fire chief or his designee shall conduct a survey of the proposed burning site to determine if it meets the requirements of this article and/or FFS and DEP regulations.
- (b) The fire chief or his designee shall conduct a visual inspection of the forced air device, to insure that it meets specific standards that will accomplish complete combustion with a minimal amount of smoke. The forced air system shall provide a minimum air transference of 14,000 cubic feet per minute (cfm) and maintain a minimum static pressure of 90 miles per hour. This information shall be provided to the fire chief or his designee by the permittee. Manufacturer's specifications or written statements by an approved testing agency are acceptable.
- (c) The site must meet the FFS requirements of 100 feet from any road and 300 feet from any occupied structure, with a minimum 50 feet clear area around the piles.
- (d) Said burning shall be by air-curtain incinerator only. Said equipment shall be approved by the fire chief or the designee.

(Ord. No. 05-01, § 1, 4-2-2001)

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Sec. 42-194. FFS burn permit number required.

After inspection by the fire chief or his designee, FFS will be notified for approval to issue daily permit numbers for the site. The person desiring the permit will call FFS to obtain a daily permit number. After obtaining the FFS number, the city's fire department will be notified for final approval to burn for the day.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-195. Materials which may not be burned.

The burning of tires, rubber material, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics, or garbage (except approved waste pesticide containers), or any other material listed by the DEP or this article is prohibited.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-196. Means of controlling unfriendly fire.

Any person conducting burning operations shall have a means of controlling an unfriendly fire immediately available on site. Example:

- (1) Front end loader;
- (2) Pumping water from wells or holding ponds; or
- (3) Other means acceptable and approved by the fire chief or his designee.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-197. Extinguishing of fire by fire department personnel.

- (a) If burning sites are left unattended while debris is still burning, the fire department will respond to extinguish said debris and the permittee will be subject to incur all costs of extinguishment.
- (b) If debris piles are not extinguished by stated time, the fire department will respond to extinguish said debris and the permittee will be subject to incur all costs of extinguishment.
- (c) If debris reignites after extinguishment by the permittee, and the fire department is required to respond and extinguish said debris, the permittee will incur all costs of extinguishment.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-198. Burn permit denied or revoked.

A burn permit may be denied or revoked at any time by the fire chief or his designee for any one or more of the following reasons:

- (1) Failure to provide FFS permit number.
- (2) Failure to provide immediate means of controlling unfriendly fire.
- (3) Extremely dry or windy conditions as determined by the fire chief or his designee;
- (4) Failure to provide a competent person to attend to the burning operation while burning is in progress.

- (5) Two or more complaints are received from nearby residents or building occupants in reference to health reasons, possible damage to property, smoke hazard, any other legitimate reason which would interfere with the health or well-being of a person in the vicinity of the burning operation.
- (6) Any time the burning operation is found to be in violation of FFS or DEP regulations or in violation of any part of this article.
- (7) Any time the fire chief, or his designee, determines that a fire may cause a threat to health, safety and welfare.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-199. Permit suspended and criminal prosecution.

- (a) Any person found to be burning without a permit issued by the fire chief or his designee within the city or conducts a burning operation after the denial or revocation of a burn permit will be issued a suspension from the privilege of receiving a burn permit within the city. The suspension may apply to and be honored by the individual named on the suspension, and any other individual company, firm, contractor, or organization that said individual is employed by or in any way affiliated with while conducting such burning operation and said suspension shall remain in force for a period of:
 - (1) Fourteen days—First offense;
 - (2) Thirty days—Second offense; and
 - (3) Permanent suspension—Third offense.

The suspension may also be applied to the property upon which a violation is located.

- (b) The suspensions and/or criminal prosecution listed in paragraph (a) above, shall be in addition to any other penalties, fines, etc., imposed by the FFS, DEP, or any other enforcing agency as permitted by law.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-200. Types of burning permitted.

- (a) Agricultural and silvicultural fires will be permitted per FFS and DEP regulations and any other requirements of this article.
- (b) Rural land clearing fires will be permitted per FFS and DEP regulations and any other requirements of this article. All land clearing fires will be required to use an air curtain.
- (c) Non-rural land clearing fires will be permitted per FFS and DEP regulations and any other requirements of this article.
- (d) Above ground or enclosed barbecue grills for outdoor domestic cooking, no permit required.
- (e) Campfires or bonfires. The fire chief or his designee may permit campfires or other fires, when used solely for recreational purposes, for ceremonial occasions, and for outdoor, noncommercial preparation of food. Such permitted fires shall be under constant adult supervision and shall not be permitted where smoke will be emitted in quantities so as to create a nuisance to nearby residents.
- (f) Burning of materials or condemned structures by the fire department for the purpose of training in control and extinguishment of fires. No building shall be burned by the fire department for the sole purpose of demolition.
- (g) Burning by the fire department in the control or prevention of wild fires.

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(h) Burning of yard debris on single-family residential properties that are over acre or larger, no permit required.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-201. Types of burning prohibited.

- (a) During construction or demolition of buildings or structures, no waste materials, rubbish or building materials shall be disposed of by burning on the premises or in the immediate vicinity.
- (b) Toxic or hazardous waste.
- (c) Tires, and/other rubberized materials.
- (d) Burning of household trash, and/or rubbish or yard trash.
- (e) Open fires on construction-sites.
- (f) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning.

(Ord. No. 05-01, § 1, 4-2-2001)

Sec. 42-202. Fee schedule.

When standby fire protection or rescue service is required or requested such that the fire service unit(s) are unavailable for other alarms, the following charges shall apply:

- (1) Fire apparatus—\$75.00 per hour plus personnel costs.
- (2) Other apparatus—\$50.00 per hour plus personnel costs.
- (3) Personnel cost shall be based on the actual cost of the wages and benefits of the personnel assigned.
- (4) A administrative fee shall be charged for all such events.

(Ord. No. 05-01, § 1, 4-2-2001)

Secs. 42-203, 42-204. Reserved.

ARTICLE VI. FIREWORKS

Sec. 42-205. Definitions.

As used herein, the terms "*distributor*", "*fireworks*", "*manufacturer*", "*retailers*", "*seasonal retailer*", "*sparklers*", "*division*", and "*wholesaler*" shall have the same meaning as defined in Florida Statute Section 791.01, as it may from time to time be amended by the legislature. The term "person" shall also include firms, co-partnerships, and corporations.

(Ord. No. 17-2004, § 1, 6-7-2004)

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Sec. 42-206. Minimum fireworks safety standards.

The outdoor display of fireworks within the City of Deltona shall be governed by the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 2018 Edition, approved by the American National Standards Institute.

(Ord. No. 17-2004, § 1, 6-7-2004)

Sec. 42-207. Sale, discharge and possession of fireworks or sparklers restricted; penalties.

- (a) A "sparkler" or other product authorized for sale under this section may not be sold by a retailer or seasonal retailer unless the product was obtained from a manufacturer, distributor, or wholesaler registered with the division pursuant to F.S. § 791.015. Each retailer and seasonal retailer shall keep, at every location where "sparklers" are sold, a copy of an invoice or other evidence of purchase from the manufacturer, distributor, or wholesaler, which states the registration certificate number for the particular manufacturer, distributor, or wholesaler and the specific items covered by the invoice. Each seasonal retailer shall, in addition, exhibit a copy of his or her registration certificate at each seasonal retail location.
- (b) Only those products approved by the division may be sold in the City of Deltona.
- (c) Any person who alters an approved "sparkler" product, so that it is no longer a sparkler, and subsequently sells the product, as if it were approved by the division, violates the provision of this section, and is guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083.
- (d) Any person who fraudulently represents a device as approved for sale as a "sparkler" product when it is not so approved by the division, violates the provision of this section, and is guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083.
- (e) Any person who sells, distributes, manufactures, or wholesales fireworks or sparklers without first obtaining all necessary permits or licenses violates the provision of this section, and is guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083.
- (f) Any person who violates any other provision of this section shall be subject to a fine of up to \$500.00 for each occurrence.

(Ord. No. 17-2004, § 1, 6-7-2004; Ord. No. 04-2007, § 1, 2-5-2007)

Sec. 42-208. Application to sell fireworks or sparklers.

A person is required to obtain a valid City of Deltona permit, issued by the city manager, or the city manager's designee, prior to the sale of any fireworks or sparklers within the city boundaries. Application for permits shall be made in writing at least 10 days in advance of the first date of sale. In addition to the requirements of section 42-210 and section 42-211 of this article, all applications for a permit to sell fireworks or sparklers shall be made as follows:

- (1) The application shall set forth a proposed location where the fireworks or sparklers are to be sold and whether the location is for a temporary stand or a permanent structure; and
- (2) The application shall be accompanied by certificates of insurance evidencing liability coverage in the minimum amount of \$1,000,000.00 and property damage coverage in the minimum amount of \$1,000,000.00. The certificates of insurance shall state that the city will be given ten days written notice prior to any cancellation of the insurance by the insurance company; and

- (3) The application shall be accompanied by a certificate of insurance evidencing product liability coverage in a minimum amount of \$1,000,000.00; and
- (4) The application shall be accompanied by a copy of the applicant's Florida Sales Tax License; and
- (5) The application shall be made a minimum of ten days prior to the time when the applicant wishes to begin selling fireworks within the time constraints set forth in this article; and
- (6) The application shall be accompanied by proof of registration with, and payment to, the division pursuant to F.S. § 791.015; and
- (7) The application shall be accompanied by an administrative fee of \$100.00 for the sale of fireworks, if applicable, and \$100.00 for the retail sale of sparklers. Such fees are to offset the cost for the administration and issuance of the permit, cost of the regulatory requirements, and for conducting necessary fire, safety, and building code inspections; and
- (8) The application shall post and maintain with the city a cash bond, a surety bond, or some other comparable security instrument (e.g., irrevocable standby letter of credit), to be approved by the city attorney in the amount of \$10,000.00. Any surety bond shall bind a grantee and the surety jointly and severally to the city as obligee. The bond or other security instrument shall be given as security for and shall be conditioned upon full compliance by the applicant with this article, Florida Statutes, Federal and State Revenue laws, Florida Administrative Code, Department of Agriculture and Consumer Services, until the termination or surrender of the permit and any resolution of the city commission pertaining to any review or appeal by the applicant. The bond or security instrument shall remain in effect during the term of the permit. The bond or security unit must contain a provision that it may not be modified, cancelled, or terminated until ten days after receipt by the city manager, or his designee, of two copies of such written notice of any intent to modify, cancel, terminate, or refuse to renew the bond or cancel the bond, or withdraw the security. The original of the bond or security instrument shall be filed with and maintained by the city manager or his designee. All rights reserved to the city with respect to the surety bond or security instrument are in addition to all other rights of the city, whether granted or reserved by this article or otherwise authorized by law, and no action, proceedings, or exercise of a right with respect to the bond or security units shall affect any other right which the city may have. The bond or security shall protect the city from any and all damages or costs suffered or incurred by the city as a result thereof, including but not limited to attorney's fees and costs of any action or proceeding, and including the full amount of compensation, indemnification, cost of removal, storage, or destruction of any property or other costs due to a violation or abandonment of property, up to but not limited to the full principal amount of such bond; and the condition shall be a continuing obligation during the entire term of any permit issued in accordance with this article, and thereafter until the applicant shall have satisfied in full any and all obligations to the city which arise out of or pertain to the permit.

(Ord. No. 17-2004, § 1, 6-7-2004)

Sec. 42-209. Posting of permit.

Permits issued pursuant to this article shall be posted in a conspicuous place in a temporary stand and in a conspicuous place in the vicinity of the fireworks in a permanent structure. The permit shall be available for presentation upon request to duly authorized officials.

(Ord. No. 17-2004, § 1, 6-7-2004)

Sec. 42-210. Regulations governing all sparklers retail sales locations.

- (a) All retail sales locations for sparklers shall be under the direct supervision of a responsible person who is 18 years of age or older.
- (b) A salesperson of sparklers shall remain at the sales location at all times unless suitable locking devices are provided to prevent the unauthorized access to the merchandise by others, or the merchandise is removed.
- (c) Sparklers shall not be sold to any person under the age of 16 years, unless accompanied by an adult.
- (d) All retail sales locations of sparklers shall be kept clear of dry grass or other combustible material for a distance of at least 25 feet in all directions.
- (e) The retail sale of sparklers may be located in a permanent structure or a temporary stand, as defined by this article.

(Ord. No. 17-2004, § 1, 6-7-2004)

Sec. 42-211. Regulations governing all fireworks and sparklers sales locations.

- (a) Storage facilities for fireworks or sparklers shall not be located in residential areas.
- (b) Smoking shall not be permitted within 50 feet of any fireworks or sparklers, either on display for sale or storage.
- (c) "Smoking Prohibited Within 50 Feet", or similarly worded signs, shall be conspicuously posted at all sales and storage locations. Sign lettering shall be not less than two inches high with a minimum $\frac{3}{8}$ " stroke on a contrasting background.
- (d) A sign, clearly visible to the general public, shall be posted at all fireworks or sparklers sales locations, indicating the legal dates for discharge of fireworks or sparklers as set forth in this article. Sign lettering shall be not less than one inch high with a minimum $3/16$ " stroke on a contrasting background.
- (e) All locations containing fireworks or sparklers shall be equipped with a sufficient number of approved portable fire extinguishers having a combined rating of at least 2A 10BC, as determined by the Division Chief/Fire Marshall of the City of Deltona or its representative.
- (f) No amount of storage or display of fireworks or sparklers shall, by its presence, be permitted if it creates a distinct hazard to the life or safety of any customer, employee, or property.
- (g) All sales to wholesalers, manufacturers, distributors, and agencies shall be accompanied by a sales receipt indicating the name, address, phone number, a copy of the registration with the division, pursuant to F.S. § 791.015, and a Federal Identification Number.
- (h) All sales receipts, with attached copies of required documentation, shall be available at each sales location for all sales occurring at that location for inspection by the City of Deltona Code Enforcement Officer or law enforcement official upon request.
- (i) All sales of fireworks pursuant to F.S. § 791.07, Agricultural and fish hatchery use, shall require a copy of the statement which was filed with the local sheriff's department, as required by Chapter 5A-3 of Florida Department of Agriculture and Consumer Services, that buyer is engaged in agricultural or fishing works.
- (j) Compliance with all other rules and regulations which apply to the sale of fireworks or retail sale of sparklers, as required by Florida Statutes, Federal and State Revenue laws, Florida Administrative Code, Department of Agriculture and Consumer Services, is required additional action by the seller and/or buyer before a sale of fireworks or sparklers is valid under this article.

(Ord. No. 17-2004, § 1, 6-7-2004)

Sec. 42-212. Permanent structures.

- (a) Display of fireworks or sparklers inside permanent structures shall be subject to the following restrictions:
 - Up to 250 pounds of fireworks or sparklers—Such displays are unrestricted.
 - From 251 pounds to 500 pounds of fireworks or sparklers—Such displays must be within constant visual supervision.
 - Above 500 pounds of fireworks or sparklers—Such display must be constantly attended by a sales person.
- (b) Fireworks and sparklers located in permanent structures shall be maintained as follows:
 - The area where fireworks or sparklers are displayed or stored shall be at least 50 feet from any flammable liquid, gas, or other highly combustible material.
 - Fireworks or sparklers, including stock for sale, shall not be stored near exit doorways, stairways, or in locations that would impede egress.
 - Fireworks or sparklers shall be stored, handled, displayed, and sold only as packaged units with unexposed fuses within permanent structures.
- (c) Fireworks shall be stored, displayed, or sold only in permanent structures as defined by this article and which comply with all fire, safety, and building codes of the City of Deltona and Florida Statutes.
- (d) Permanent structure means an enclosed structure having a roof supported by columns or walls and includes, but is not limited to, any structure used or built for the shelter or enclosure of persons, animals, chattels, materials, equipment, or property of any kind which can be securely locked and conforms to all local zoning and fire codes.

(Ord. No. 17-2004, § 1, 6-7-2004)

Sec. 42-213. Temporary stands.

- (a) Temporary stands shall meet the requirements of the latest edition of the Uniform Building Code adopted by the City of Deltona. Each permit request shall require payment of an inspection fee, the dates and hours of operation, and the location of the temporary structure to be inspected prior to the commencement of any sales.
- (b) Each temporary stand shall have a minimum of two approved exit doors, which swing out at opposite ends of the stand. Door locking devices, if any, shall be easily released from the inside without special knowledge, key, or effort.
- (c) Each temporary stand shall have a minimum three-foot wide unobstructed aisle running the length of the stand, inside and behind the counter.
- (d) The pass-through openings for temporary stands shall be arranged to permit customers viewing of the merchandise for sale, but prevent the touching or handling of unpackaged sparklers by a customer.
- (e) Temporary stands shall be located in properly zoned areas, at least 100 feet from other temporary stands, flammable liquid or gas storage, and dispensing units.
- (f) If the temporary stand is used for overnight storage of sparklers, it shall be equipped with suitable locking devices to prevent unauthorized entry.

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- (g) Temporary stands shall not be illuminated or heated by any device requiring an open flame or exposed heating elements. All heaters and light devices shall be approved by the City of Deltona Fire Department having jurisdiction. Permanent or temporary wiring and the use of extension cords are strictly prohibited.
- (h) A person shall not be allowed to sleep in a temporary stand.
- (i) A temporary stand shall be completely removed from its location within three days after the sales period has ended as provided in the permit.
- (j) No fireworks shall be stored, displayed, or sold in a temporary stand.

(Ord. No. 17-2004, § 1, 6-7-2004)

Sec. 42-214. Seizure of fireworks or sparklers—Suspension of permit.

Failure to strictly comply with any of the requirements of this article is a violation thereof. Fireworks or sparklers sold or offered for sale in violation of this article may be immediately seized and stored at the owner's expense, and the permit at the location where the person selling or offering fireworks or sparklers for sale shall be suspended for 30 days. Pursuant to F.S. 791.05, Volusia County Sheriff Department and any officials charged with the enforcement of the laws of the state, and any law enforcement or code enforcement officer charged with the enforcement of the ordinances of the City of Deltona shall have the authority to seize, take, remove or cause to be removed, store, and destroy at the expense of the owner, all stock of fireworks, sparklers, or combustibles available, exposed, or offered for sale, stored, or held in violation of this article. Any violation of this article shall be grounds for immediate seizure of the fireworks and sparklers and a 30-day suspension of the permit.

(Ord. No. 17-2004, § 1, 6-7-2004)

Sec. 42-215. Discharge of fireworks or sparklers restricted.

- (a) It shall be unlawful to discharge any fireworks or sparklers within 100 feet of a temporary stand, LPG, flammable liquid or gas, storage or dispensing units.
- (b) It shall be unlawful to discharge any fireworks or sparklers within 20 feet of any residence, dwelling, or other structure.
- (c) It shall be unlawful to discharge any fireworks or sparklers in public rights-of-way, parks, or other public properties.

(Ord. No. 17-2004, § 1, 6-7-2004)

Sec. 42-216. Businesses exempt from this article.

- (a) Except where otherwise specifically referenced, this article does not apply to:
 - (1) Inventories of fireworks of manufacturers, importers, distributors, or wholesalers designed for shipment directly out of the state by the seller.
 - (2) Fireworks displays sponsored by the city.
 - (3) Applicants for a public display of fireworks or theatrical use of fireworks with a valid permit issued by the City of Deltona.

(Ord. No. 17-2004, § 1, 6-7-2004)

(Supp. No. 30)

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Sec. 42-217. Public display of fireworks.

- (a) Applicants for the public display of fireworks or theatrical use of fireworks shall complete an application provided by the City of Deltona which shall be:
 - (1) Accompanied by a site plan of the location where the fireworks are to be discharged and viewed;
 - (2) Accompanied by a list of fireworks to be discharged;
 - (3) Accompanied by the location of storage of fireworks to be used;
 - (4) Accompanied by a sworn statement, acceptable to the fire chief, from the owner of the property where the fireworks will be discharged and viewed;
 - (5) Accompanied by a certificate of insurance evidencing liability coverage in the minimum amounts of \$1,000,000.00 and property damage coverage in the minimum amount of \$1,000,000.00 and naming the city as an additional insured. The certificates of insurance shall state that the city will be given ten days written notice prior to any cancellation of the insurance by the insurance company;
 - (6) Accompanied by a certificate of insurance evidencing products liability coverage in a minimum amount of \$1,000,000.00;
 - (7) Accompanied by a copy of the applicant's Florida State license as applicable; and
 - (8) Made a minimum of ten days prior to the date of display.
- (b) Every public display of fireworks within the City of Deltona shall be approved by the governing body of the City of Deltona and handled by a competent operator to be approved by the Sheriff of Volusia County and the Fire Chief of the City of Deltona, and shall be of such a character, and so located, discharged, or fired as in the opinion of the fire chief, after proper inspection, shall not be hazardous to property or endanger any person. A person is required to obtain a valid City of Deltona permit, issued by the city manager, or the city manager's designee, prior to the display of any fireworks within the city boundaries. Application for permits shall be made in writing at least ten days in advance of the date of the display. After such privilege shall have been granted, any sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(Ord. No. 17-2004, § 1, 6-7-2004)

Sec. 42-218. Return of fireworks; appeals.

Any person, firm, co-partnership, or corporation whose property is seized pursuant to a violation of this article, or Florida Statutes Chapter 791, shall be entitled to request the return of all property seized upon payment of all fees, expenses, fines, and costs related to any violation of this article, Florida Statutes Chapter 791, and the storage of any seized property. Any seized property unclaimed within 15 days after actual or constructive notice of seizure of fireworks property shall vest in the City of Deltona and be destroyed at the cost and expense of the owner. Notice shall be provided to the person representing the owner or his employee at the location where the fireworks are seized or mailed to the mailing address provided on the application for the permit. Any action taken by local law enforcement or code enforcement, due to a violation of this article, may be appealed to the City Commission of the City of Deltona within ten days thereof if the owner of the property seized, the applicant of the permit suspended, or the person receiving the notice of violation and fine desires to challenge such action. Written notice of appeal shall be provided to the City Manager of the City of Deltona.

(Ord. No. 17-2004, § 1, 6-7-2004)

Secs. 42-219—42-229. Reserved.

ARTICLE VII. FIRE PROTECTION SYSTEM

Sec. 42-230. Fire protection system requirements.

(a) The fire protection system of a proposed development shall be based upon the following requirements:

(1) *Water supply.* The fire protection water supply for the proposed development shall meet the following fire flow requirements:

- a. In the case of a single-family or duplex residential development of less than ten dwelling units with lot sizes of less than one acre, or in the case of a single-family or duplex residential development of ten or more dwelling units, but less than 200 dwelling units with lot sizes of one acre or more, fire wells may be utilized.
- b. In the case of a single-family or duplex residential development with lot sizes of one acre or more totaling 200 or more units, a central water system shall be utilized for fire protection water supply which meets the water flow requirements of table 42-1.
- c. In the case of a single-family or duplex residential development with lot sizes of less than one acre, the fire protection water supply shall be provided by a central potable or nonpotable water supply or a combination of central water supply, auxiliary supply of fire wells which will produce the water flows contained in table 42-1. In no case shall the central water supply for fire protection be less than 50 percent of the minimum required by table I. Auxiliary water supply may be provided by a combination of tank trucks, ground tanks, cisterns, elevated storage, drafting stations on canals or reservoirs, or other methods subject to approval by the department of fire services.
- d. In the case of a multifamily residential development; a business or industrial development; or a place of assembly; the fire protection water supply shall be as defined in the most current edition of National Fire Protection Association (NFPA) 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting. In all cases the minimum fire flows shall not be less than required for dwellings in table 42-1.
- e. A single water supply system may be used for both potable and fire protection supply provided the requirements of table 42-1 and/or National Fire Protection Association (NFPA) 1142 are maintained, as applicable.
- f. The minimum time duration for required fire flows shall be in accordance with table 42-2.

Table 42-1 Fire Flows for Groups of Dwellings

| Exposure Distances (feet) | Required Fire Flow (gallons per minute)* |
|------------------------------|---|
| Over 100 | 500 |
| 31 to 100 | 750—1,000 |
| 11 to 30 | 1,000—1,500 |
| 10 or less | 1,500—2,000† |

†Use 2,500 GPM minimum if buildings are continuous.

**Table 42-2 Minimum Time Duration
for Required Fire Flows**

| Minimum Flow at Source of Supply (GPM) | Minimum Duration (hours) |
|--|--------------------------------|
| 1,000 or less | 2 |
| 1,250 | 2 |
| 1,500 | 2 |
| 1,750 | 2 |
| 2,000 | 2 |
| 2,250 | 2 |
| 2,500 | 2 |
| 3,000 | 3 |
| 3,500 | 3 |
| 4,000 | 4 |
| 4,500 | 4 |
| 5,000 | 5 |
| 5,500 | 5 |
| 6,000 | 6 |
| 7,000 | 7 |
| 8,000 | 8 |
| 9,000 | 9 |
| 10,000 | 10 |
| 11,000 | 10 |
| 13,000 | 10 |

The calculations of required fire flows in gallons per minute (GPM) considers the construction, occupancy, exposure and communication as outlined in the NFPA Fire Protection Handbook (latest edition).

(2) *Fire hydrants.* Fire hydrants shall be installed according to the following requirements, with distances measured along street rights-of-way or private access roads. No distance shall be measured across thoroughfares.

- a. In the case of a single-family or duplex residential development; one- or two-story motels, hotels, or multifamily dwellings; or mobile home parks, hydrants shall be installed at intervals not to exceed 500 feet with a minimum main size of six inches.
- b. In the case of a business or industrial development, excluding developments in a. above, hydrants shall be installed at intervals not to exceed 300 feet with a minimum main size of eight inches.
- c. In the case of a building which will provide standpipe and/or sprinkler systems, a fire hydrant shall be installed within 150 feet of the exterior fire department connection with a minimum main size of eight inches.
- d. In the case of the development of a high-hazard area including, without limitations, a large shopping center, a storage facility for flammable chemical or compressed gases or a manufacturing plant, the spacing and main sizes of hydrants shall be determined after computing the required fire flow, subject to review and approval by the department of fire services.

- e. All fire hydrants shall deliver the required gallonage with a residual pressure of 20 psi.
- f. Uniform marking of fire hydrants. Color coding of fire hydrants is of substantial value to water and fire departments and is based on water flow available from them. Fire hydrant bonnets and nozzle caps shall be painted according to the following chart which shall be used to classify fire hydrants according to flow:

Table 42-3 Colors of Fire Hydrant Bonnets
and Nozzle Caps

| Class | Flow | Color of Bonnets and Nozzle Caps |
|-------|----------------------|----------------------------------|
| A | 1,001 GPM or greater | Green |
| B | 500 GPM to 1,000 GPM | Orange |
| C | Less than 500 GPM | Red |

Barrels of fire hydrants shall be painted chrome yellow.

(3) *Fire wells.*

- a. Fire wells may be utilized where permitted by subsection (1), providing they have a separate power source and meet one of the following criteria:
 1. The minimum size of a designated fire well shall not be less than four inches in diameter. A pump shall be attached capable of providing a minimum fire flow of 250 GPM; or
 2. A fire well less than four inches in diameter may be utilized provided that it has been tested and certified by an engineer that the fire well can produce a minimum fire flow of 250 GPM.
- b. Fire wells shall be located adjacent to rights-of-way, unless otherwise approved by the department of fire services and the DRC.
- c. Fire wells of sufficient capacity to serve adjacent development may be provided and, when so provided, may be included in a public services and facilities agreement pursuant to section 74-5(f).
- d. Fire wells shall be considered as public improvements subject to all provisions of chapter 96, article III of this Code.

(Ord. No. 08-2016, § 1, 4-4-2016)