

**Chapter 42 FIRE PREVENTION AND PROTECTION<sup>1</sup>**

**ARTICLE I. IN GENERAL**

**~~Secs. 42-1—42-30. Reserved.~~ Florida Fire Prevention Code adopted by reference.**

The city hereby adopts by reference the Florida Fire Prevention Code as if fully set forth herein, as adopted by the state fire marshal under the provisions of F.S. Ch. 633, Pt. II.

**ARTICLE II. FIRE DEPARTMENT<sup>2</sup>**

**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.

<sup>1</sup>Cross 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.

<sup>2</sup>Cross reference(s)—Administration, ch. 2.

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**Commented [EH2]:** Update to remove references and add,  
**Florida Fire Prevention Code adopted by reference.**

The city hereby adopts by reference the Florida Fire Prevention Code as if fully set forth herein, as adopted by the state fire marshal under the provisions of F.S. Ch. 633, Pt. II.

**Commented [EH3R2]:** Does the new general/mission statement need to be added? ORC made motion for City Attorney and Fire Staff to generate one.

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- 25 (3) Prepare and submit an annual proposed departmental budget to the city manager in compliance with  
26 this article, any collective bargaining agreements in force, and applicable statutes or regulations.
- 27 (4) The fire chief may, with the approval of the city manager, hire an assistant chief to assist the chief in  
28 the discharge of his duties. In the absence of the fire chief, all his duties and responsibilities shall be  
29 assumed and discharged by the assistant chief. In the absence of both the chief and assistant chief, the  
30 city manager may appoint a senior member of the staff to fulfill these duties.
- 31 (Ord. No. 96-27, § 1, 1-25-1996; Ord. No. 96-36, § 1, 4-15-1996)

32 ~~Secs. 42-52—42-70. Reserved.~~

33 ~~DIVISION 3. FINANCIAL MATTERS~~

34 ~~Sec. 42-71. Finance and records.~~

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

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

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

42 ~~Sec. 42-72. Budget.~~

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

Commented [EH6]: Still need?

Commented [EH7]: Want to eliminate if possible; section created when City incorporated. Budget transfer completed.

Commented [EH8]: Confirm if updated language is needed or if budget is included in overall City budget and can be removed.

Commented [EH9R8]: ORC Meeting #2 said to remove

- 62 the end of the fiscal year but received more than 60 days after the end of the fiscal year will be charged  
63 against the adopted budget of the year in which the goods are received. Expenditures for these goods shall  
64 be treated in all respects as current expenditures and shall require approval of the commission prior to  
65 payment if a current purchase of the same would require the commission's approval under this division.
- 66 (f) Purchased services shall be charged against the budget in effect in the year in which they are paid.
- 67 (g) The fire chief, with approval of the city manager, is authorized to make changes to the budgeted amounts for  
68 sub-objects in the personal services and operating expenditures objects as long as the resulting amounts do  
69 not change the total amount budgeted for each object.
- 70 (h) It is the expressed intent of the city commission that anticipated revenues and appropriated expenditures be  
71 stated as accurately as is possible in the budget. It is entirely appropriate to establish in the budget  
72 separately stated amounts to cover unforeseen expenditures or unanticipated revenue shortfalls.
- 73 (i) Budgeted ending fund balances will be reported as follows:
- 74 (1) Restricted; when required by contractual obligation for operation of law, each restriction shall be  
75 separately disclosed and explained.
- 76 (2) Designated; when designated by the city commission for a specific purpose, each designation shall be  
77 separately disclosed and explained. Designations for future capital outlay will be supported by a  
78 description of the anticipated capital outlay, estimated cost and date when the outlay is anticipated to  
79 be made.
- 80 (3) Undesignated.
- 81 (j) Anticipated revenues will be recorded for budgetary purposes in the same manner and using the same  
82 accounting principles as required by generally accepted accounting principles used for local governmental  
83 financial reporting.
- 84 (k) The budget calendar will follow the requirement of state law.
- 85 (l) The fire chief shall by June 1 of each year prepare and submit to the city manager the following:
- 86 (1) A projected budget to actual statement comparison for the end of the budget year along with  
87 explanations of projected line item balances that will be materially different than budgeted;
- 88 (2) A list of anticipated capital expenditures for the next five years;
- 89 (3) An estimate of the amounts required for cash carryovers for the next fiscal year along with supporting  
90 calculations and explanations.
- 91 (Ord. No. 96-27, § 2(b), 1-25-1996; Ord. No. 96-36, § 2(b), 4-15-1996)

92 **Sec. 42-73. Funds.**

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

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

99 **Secs. 42-74—42-95. Reserved.**

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PART II - CODE OF ORDINANCES  
Chapter 42 - FIRE PREVENTION AND PROTECTION  
ARTICLE II. - FIRE DEPARTMENT  
DIVISION 4. PROPERTY

**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.

**Commented [EH11]:** Fire station property transfer to City completed. Request removal if possible.

**Commented [EH12]:** Requests legal to review for removal.

**Commented [EH13]:** Need?

**Commented [EH14]:** No specific changes proposed; confirm if updates required.

**Commented [EH15R14]:** City attorney's office called it functionally obsolete in ORC meeting #2

132 ~~(e) Purchase orders of \$1,000.00 or more shall have the prior approval of the city manager. All purchase orders~~  
133 ~~for out-of-state travel shall have the approval or ratification of the city commission. All purchase orders for~~  
134 ~~in-state travel shall have the prior approval of the city manager.~~  
135 ~~(f) Initial maintenance agreements that exceed \$1,000.00 shall be approved by the city manager. Renewals of~~  
136 ~~these agreements will not need commission approval unless renewed within the same fiscal year.~~  
137 ~~(Ord. No. 96-27, § 5, 1-25-1996; Ord. No. 96-36, § 5, 4-15-1996)~~

138 **~~Sec. 42-117. Professional services.~~**

139 ~~Architectural or engineering services the amount of which meets the threshold of F.S. ch. 287 shall be~~  
140 ~~procured by the city commission in accordance with the provisions of that chapter. The fire chief, the city manager~~  
141 ~~or the city commission may otherwise secure such services by quotation, request for proposal or negotiation,~~  
142 ~~within their respective thresholds for purchasing authority.~~  
143 ~~(Ord. No. 96-27, § 6, 1-25-1996; Ord. No. 96-36, § 6, 4-15-1996)~~

144 **Secs. 42-118—42-129. Reserved.**

145 **DIVISION 6. FIRE INSPECTION FEES**

**Commented [EH16]:** Needs updating; New fee schedule recently approved.

146 **Sec. 42-130. Authority.**

147 The Fire Department of the City of Deltona shall be authorized to inspect, test and/or review all structures;  
148 plans submitted for permitting; fire sprinkler or alarm systems and locations conducting a business within the  
149 boundaries of the City of Deltona and shall be entitled to charge a fire inspection fee to recover the cost of such  
150 inspection pursuant to the fire inspection services fee schedule adopted by the city commission.  
151 (Ord. No. 02-2007, § 1, 3-19-2007)

152 **Sec. 42-131. Purpose and intent.**

153 The purpose and intent of this section is to prevent any hazardous fire conditions and potential fire safety  
154 issues in homes, new construction sites, businesses, special events and festival areas and other structures or  
155 locations within the incorporated limits of the City of Deltona and to promote the general health, safety and  
156 welfare of the public.  
157 (Ord. No. 02-2007, § 1, 3-19-2007)

158 **Sec. 42-132. Fees and inspections.**

159 "Fire inspection service fees" shall be imposed at rates as established by the city commission by resolution  
160 and incorporated herein and shall apply to the following activities requiring a fire inspection pursuant to:  
161 1. All special events including, but not limited to, fireworks displays, tents, carnivals, and festivals;  
162 2. Site-plan/construction plan review;  
163 3. Fire sprinkler plan review;

**Commented [EH17]:** New fee schedule recently approved; language doesn't reference a specific resolution or date of adoption, language could be updated to reflect "as may be amended".

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- 164 4. Hydrostatic test;  
165 5. Fire alarm review;  
166 6. Commercial cooking/paint booth inspections;  
167 7. Annual business inspections;  
168 8. Occupational license inspections;  
169 9. Outdoor vendor locations; temporary or permanent;  
170 10. Any and all fire department tests or reviews required pursuant to city ordinance or State of Florida.  
171 (Ord. No. 02-2007, § 1, 3-19-2007)

172 **Sec. 42-133. Payment of fees.**

173 Depending on the applicable department policy, all inspection and review fees shall be paid in full prior to or  
174 upon completion of the inspection or review by the fire department. All other fees shall be paid at the time of any  
175 permit or license issuance. Additional fees shall be paid prior to the issuance of a certificate of occupancy for any  
176 re-inspections, re-test or additional or repetitive plan reviews required as a result of a rejected or failed inspection,  
177 test or review.  
178 (Ord. No. 02-2007, § 1, 3-19-2007)

179 **Secs. 42-134—42-150. Reserved.**

180 **ARTICLE III. COMMITTEES**

181 **Sec. 42-151. Continued.**

182 The employee relations committee and the pension plan committee of the former Deltona Fire District are  
183 continued in force, with the substitutions and reappointments set forth in this division.  
184 (Ord. No. 96-27, § 7, 1-25-1996; Ord. No. 96-36, § 7, 4-15-1996)

185 **Sec. 42-152. Employee relations committee.**

186 There shall be an employee relations committee consisting of an employee relations officer, appointed by  
187 the city manager, two employee representatives, appointed by the employees (one from within any bargaining  
188 unit and one from without) and the city attorney. The purpose of the committee is to hear, resolve or make  
189 recommendations regarding labor-management issues at an early stage before they develop into a disputed  
190 grievance. Meetings shall be called by the employee relations officer on an as-needed basis. The intent of this  
191 committee is to provide a casual and relaxed forum of communications and potential disputes resolution.  
192 (Ord. No. 96-27, § 7(a), 1-25-1996; Ord. No. 96-36, § 7(a), 4-15-1996)

193 **Sec. 42-153. Pension plan committee.**

194 There shall be a pension plan committee consisting of one city commissioner appointed by the city  
195 commission, the city clerk (or, in the absence of a permanent clerk, the city manager), and two employee

**Commented [EH18]:** Confirm if committees still exist or can section be removed.

**Commented [EH19R18]:** Reference collective bargaining?

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

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

204 **Secs. 42-154—42-185. Reserved.**

205 **ARTICLE IV. FIRE CODES<sup>3</sup>**

**Commented [EH20]:** Reference FFPC and clean up language

206 **Sec. 42-186. Adopted.**

207 (a) ~~The most recent edition of the Florida Fire Prevention Code, as adopted by the state fire marshal, which~~  
208 ~~contains the Florida-specific version of NFPA 1, Fire Code and NFPA 101, Life Safety Code, shall be adopted~~  
209 ~~and by reference made a part of this article, as set forth in this section, as the minimum fire safety code for~~  
210 ~~the city. The same are hereby adopted as the code of the City of Deltona for the purpose of prescribing~~  
211 ~~regulations governing conditions hazardous to life and property from fire or explosion and providing for~~  
212 ~~issuance of permits and collection of fees.~~

213 (b) ~~Any decision of the fire official pertaining to these codes may be appealed to the fire chief. In the event a~~  
214 ~~dispute occurs that is not resolved by the appeal to the fire chief, the matter can be appealed to the city's~~  
215 ~~special magistrate upon the payment of an appeal fee of \$125.00. Such appeal shall be heard at the next~~  
216 ~~regularly scheduled special magistrate session.~~

**Commented [EH21]:** As applicable.

**Commented [EH22]:** Add language to make general

217 (c) ~~In the event of any conflict between this article, the adopted codes of the city, and any applicable state or~~  
218 ~~county law, ordinance, rule or regulation, the more stringent shall apply.~~

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

220 **Sec. 42-187. Penalties and enforcement.**

**Commented [EH23]:** Request legal review to remove language for imprisonment.

221 ~~Any person who shall violate any provision of this article or standard hereby adopted or fail to comply~~  
222 ~~therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of~~  
223 ~~any detailed statement or specifications or plans submitted and approved thereunder; or fail to operate in~~  
224 ~~accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who~~  
225 ~~shall fail to comply with such and order as affirmed or modified by the city's code enforcement board, or by a court~~  
226 ~~of competent jurisdiction, within the time fixed herein, shall for each and every such violation and noncompliance,~~  
227 ~~separately and respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor more~~  
228 ~~than \$500.00 or by imprisonment not to exceed 60 days or by both such fine and imprisonment. The imposition of~~  
229 ~~one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be~~  
230 ~~required to correct or remedy such violations or defects within a reasonable time; and when not otherwise~~

**Commented [EH24]:** Should be updated to special magistrate

**Commented [EH25]:** Update language to reference Sect. 633 FFPC

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

231 specified the application of the above penalty shall not be held to prevent the enforced removal or prohibited  
232 conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

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

## 234 **ARTICLE V. OPEN BURNING**

### 235 **Sec. 42-188. Purpose.**

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

239 (Ord. No. 05-01, § 1, 4-2-2001)

### 240 **Sec. 42-189. Definitions.**

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

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

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

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

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

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

260 *DEP* means the State of Florida, Department of Environmental ~~Regulations~~Protection.

261 ~~DOF means the State of Florida, Division of Forestry.~~

262 ~~FFS means the Florida Fire Service.~~

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

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

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

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Commented [EH26]: Suggest a total re-write; meeting w/ ORC to review.

Commented [EH27R26]: ORC Meeting #2 - ORC requested staff to propose/provide re-write language.

Commented [EH28]: Added Florida Forest Service (FFS) and updated old organization names

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

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

272 (Ord. No. 05-01, § 1, 4-2-2001)

273 **Sec. 42-190. Permit required to burn.**

274 (a) It shall be unlawful for any person to conduct open burning of any kind within the city without first obtaining  
275 a written permit from the fire chief or his designee, except as otherwise provided herein.

276 (b) Only those persons who are involved in land clearing for future construction purposes will be considered for  
277 burning permits.

278 (c) All persons obtaining burning permits will follow all DOF-FFS regulations, DER-DEP regulations, and/or the  
279 requirements of this article. If the requirements of this article differ from the requirements of the DOF-FFS or  
280 the DERP, the more stringent requirement shall apply.

281 (d) The person and or company conducting the burning shall provide the city with proof of insurance that  
282 includes a liability policy in the amount of \$1,000,000.00.

283 (Ord. No. 05-01, § 1, 4-2-2001)

284 **Sec. 42-191. Hours of burning.**

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

287 (Ord. No. 05-01, § 1, 4-2-2001)

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

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

292 (Ord. No. 05-01, § 1, 4-2-2001)

293 **Sec. 42-193. Burning requirements.**

294 (a) The fire chief or his designee shall conduct a survey of the proposed burning site to determine if it meets the  
295 requirements of this article and/or DOF-FFS and DER-DEP regulations.

296 (b) The fire chief or his designee shall conduct a visual inspection of the forced air device, to insure that it meets  
297 specific standards that will accomplish complete combustion with a minimal amount of smoke. The forced air  
298 system shall provide a minimum air transference of 14,000 cubic feet per minute (cfm) and maintain a  
299 minimum static pressure of 90 miles per hour. This information shall be provided to the fire chief or his  
300 designee by the permittee. Manufacturer's specifications or written statements by an approved testing  
301 agency are acceptable.

**Commented [EH29]:** Concern with State burn permits issued without City oversight.

**Commented [EH30]:** Update organization names

**Commented [EH31]:** Fire District Staff wants to draft revisions to review with consultant team

- 302 (c) The site must meet the ~~DOF~~FFS requirements of 100 feet from any road and 300 feet from any occupied  
303 structure, with a minimum 50 feet clear area around the piles.
- 304 (d) Said burning shall be by air-curtain incinerator only. Said equipment shall be approved by the fire chief or the  
305 designee.
- 306 (Ord. No. 05-01, § 1, 4-2-2001)

307 **Sec. 42-194. ~~DOF~~FFS burn permit number required.**

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

311 (Ord. No. 05-01, § 1, 4-2-2001)

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

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

316 (Ord. No. 05-01, § 1, 4-2-2001)

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

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

320 (1) Front end loader;

321 (2) Pumping water from wells or holding ponds; or

322 (3) Other means acceptable and approved by the fire chief or his designee.

323 (Ord. No. 05-01, § 1, 4-2-2001)

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

325 (a) If burning sites are left unattended while debris is still burning, the fire department will respond to extinguish  
326 said debris and the permittee will be subject to incur all costs of extinguishment.

327 (b) If debris piles are not extinguished by stated time, the fire department will respond to extinguish said debris  
328 and the permittee will be subject to incur all costs of extinguishment.

329 (c) If debris reignites after extinguishment by the permittee, and the fire department is required to respond and  
330 extinguish said debris, the permittee will incur all costs of extinguishment.

331 (Ord. No. 05-01, § 1, 4-2-2001)

Commented [EH32]: Changed to Florida Forest Service (FFS)

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

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

- 335 (1) Failure to provide ~~DOFFFS~~ permit number.
- 336 (2) Failure to provide immediate means of controlling unfriendly fire.
- 337 (3) Extremely dry or windy conditions as determined by the fire chief or his designee;
- 338 (4) Failure to provide a competent person to attend to the burning operation while burning is in progress.
- 339 (5) Two or more complaints are received from nearby residents or building occupants in reference to  
340 health reasons, possible damage to property, smoke hazard, any other legitimate reason which would  
341 interfere with the health or well-being of a person in the vicinity of the burning operation.
- 342 (6) Any time the burning operation is found to be in violation of ~~DOFFFS~~ or ~~DERDEP~~ regulations or in  
343 violation of any part of this article.
- 344 (7) Any time the fire chief, or his designee, determines that a fire may cause a threat to health, safety and  
345 welfare.

346 (Ord. No. 05-01, § 1, 4-2-2001)

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

348 (a) Any person found to be burning without a permit issued by the fire chief or his designee within the city or  
349 conducts a burning operation after the denial or revocation of a burn permit will be issued a suspension from  
350 the privilege of receiving a burn permit within the city. The suspension may apply to and be honored by the  
351 individual named on the suspension, and any other individual company, firm, contractor, or organization that  
352 said individual is employed by or in any way affiliated with while conducting such burning operation and said  
353 suspension shall remain in force for a period of:

- 354 (1) Fourteen days—First offense;
- 355 (2) Thirty days—Second offense; and
- 356 (3) Permanent suspension—Third offense.

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

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

360 (Ord. No. 05-01, § 1, 4-2-2001)

361 **Sec. 42-200. Types of burning permitted.**

- 362 (a) Agricultural and silvicultural fires will be permitted per ~~DOFFFS~~ and ~~DERDEP~~ regulations and any other  
363 requirements of this article.
- 364 (b) Rural land clearing fires will be permitted per ~~DOFFFS~~ and ~~DERDEP~~ regulations and any other requirements of  
365 this article. All land clearing fires will be required to use an air curtain.
- 366 (c) Non-rural land clearing fires will be permitted per ~~DOFFFS~~ and ~~DERDEP~~ regulations and any other  
367 requirements of this article.

**Commented [EH33]:** Fire District Staff wants City Attorney office to review of criminal prosecution language.

**Commented [EH34]:** Review list to add/remove needed.

**Commented [EH35]:** New agencies

- 368 (d) Above ground or enclosed barbecue grills for outdoor domestic cooking, no permit required.
- 369 (e) Campfires or bonfires. The fire chief or his designee may permit campfires or other fires, when used solely  
 370 for recreational purposes, for ceremonial occasions, and for outdoor, noncommercial preparation of food.  
 371 Such permitted fires shall be under constant adult supervision and shall not be permitted where smoke will  
 372 be emitted in quantities so as to create a nuisance to nearby residents.
- 373 (f) Burning of materials or condemned structures by the fire department for the purpose of training in control  
 374 and extinguishment of fires. No building shall be burned by the fire department for the sole purpose of  
 375 demolition.
- 376 (g) Burning by the fire department in the control or prevention of wild fires.
- 377 (h) ~~Burning of yard debris on single family residential properties that are over acre or larger, no permit required.~~  
 378 (Ord. No. 05-01, § 1, 4-2-2001)

**Commented [EH36]:** Fire Distrct Staff request removal of this type of permitted burning.

**Commented [EH37R36]:** Add - Subject to FFS standards

379 **Sec. 42-201. Types of burning prohibited.**

- 380 (a) During construction or demolition of buildings or structures, no waste materials, rubbish or building  
 381 materials shall be disposed of by burning on the premises or in the immediate vicinity.
- 382 (b) Toxic or hazardous waste.
- 383 (c) Tires, and/other rubberized materials.
- 384 (d) Burning of household trash, and/or rubbish or yard trash.
- 385 (e) Open fires on construction-sites.
- 386 (f) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or  
 387 maintained. During construction or demolition of buildings or structures, no waste materials or rubbish shall  
 388 be disposed of by burning.
- 389 (Ord. No. 05-01, § 1, 4-2-2001)

390 ~~**Sec. 42-202. Fee schedule.**~~

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

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

397 ~~(Ord. No. 05-01, § 1, 4-2-2001)~~

**Commented [EH38]:** Staff says to remove.

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

399 **ARTICLE VI. FIREWORKS**

**Commented [EH39]:** State statute for holiday use 791.08

**Commented [EH40R39]:** Also look at 791.07 note section; City Attorney office review

400 **Sec. 42-205. Definitions.**

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

405 (Ord. No. 17-2004, § 1, 6-7-2004)

406 **Sec. 42-206. Minimum fireworks safety standards.**

407 The outdoor display of fireworks within the City of Deltona shall be governed by the National Fire Protection  
408 Association (NFPA) 1123, Code for Fireworks Display, 1995 Edition as amended, approved by the American National  
409 Standards Institute.

410 (Ord. No. 17-2004, § 1, 6-7-2004)

**Commented [AC41]:** Revise for future flexibility without citing edition no.

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

412 (a) A "sparkler" or other product authorized for sale under this section may not be sold by a retailer or seasonal  
413 retailer unless the product was obtained from a manufacturer, distributor, or wholesaler registered with the  
414 division pursuant to F.S. § 791.015. Each retailer and seasonal retailer shall keep, at every location where  
415 "sparklers" are sold, a copy of an invoice or other evidence of purchase from the manufacturer, distributor,  
416 or wholesaler, which states the registration certificate number for the particular manufacturer, distributor,  
417 or wholesaler and the specific items covered by the invoice. Each seasonal retailer shall, in addition, exhibit a  
418 copy of his or her registration certificate at each seasonal retail location.

419 (b) Only those products approved by the division may be sold in the City of Deltona.

420 (c) Any person who alters an approved "sparkler" product, so that it is no longer a sparkler, and subsequently  
421 sells the product, as if it were approved by the division, violates the provision of this section, and is guilty of a  
422 misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083.

**Commented [EH42]:** Concern with punishment; should remove or not?

423 (d) Any person who fraudulently represents a device as approved for sale as a "sparkler" product when it is not  
424 so approved by the division, violates the provision of this section, and is guilty of a misdemeanor of the first  
425 degree, punishable as provided in F.S. §§ 775.082 or 775.083.

426 (e) Any person who sells, distributes, manufactures, or wholesales fireworks or sparklers without first obtaining  
427 all necessary permits or licenses violates the provision of this section, and is guilty of a misdemeanor of the  
428 first degree, punishable as provided in F.S. §§ 775.082 or 775.083.

429 (f) Any person who violates any other provision of this section shall be subject to a fine of up to \$500.00 for  
430 each occurrence.

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

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

433 A person is required to obtain a valid City of Deltona permit, issued by the city manager, or the city  
434 manager's designee, prior to the sale of any fireworks or sparklers within the city boundaries. Application for  
435 permits shall be made in writing at least 10 days in advance of the first date of sale. In addition to the

**Commented [EH43]:** 791.08 FS sale of fireworks use during designated holiday exemptions

436 requirements of section 42-210 and section 42-211 of this article, all applications for a permit to sell fireworks or  
437 sparklers shall be made as follows:

- 438 (1) The application shall set forth a proposed location where the fireworks or sparklers are to be sold and  
439 whether the location is for a temporary stand or a permanent structure; and
- 440 (2) The application shall be accompanied by certificates of insurance evidencing liability coverage in the  
441 minimum amount of \$1,000,000.00 and property damage coverage in the minimum amount of  
442 \$1,000,000.00. The certificates of insurance shall state that the city will be given ten days written  
443 notice prior to any cancellation of the insurance by the insurance company; and
- 444 (3) The application shall be accompanied by a certificate of insurance evidencing product liability coverage  
445 in a minimum amount of \$1,000,000.00; and
- 446 (4) The application shall be accompanied by a copy of the applicant's Florida Sales Tax License; and
- 447 (5) The application shall be made a minimum of ten days prior to the time when the applicant wishes to  
448 begin selling fireworks within the time constraints set forth in this article; and
- 449 (6) The application shall be accompanied by proof of registration with, and payment to, the division  
450 pursuant to F.S. § 791.015; and
- 451 (7) The application shall be accompanied by an administrative fee of \$100.00 for the sale of fireworks, if  
452 applicable, and \$100.00 for the retail sale of sparklers. Such fees are to offset the cost for the  
453 administration and issuance of the permit, cost of the regulatory requirements, and for conducting  
454 necessary fire, safety, and building code inspections; and
- 455 (8) The application shall post and maintain with the city a cash bond, a surety bond, or some other  
456 comparable security instrument (e.g., irrevocable standby letter of credit), to be approved by the city  
457 attorney in the amount of \$10,000.00. Any surety bond shall bind a grantee and the surety jointly and  
458 severally to the city as obligee. The bond or other security instrument shall be given as security for and  
459 shall be conditioned upon full compliance by the applicant with this article, Florida Statutes, Federal  
460 and State Revenue laws, Florida Administrative Code, Department of Agriculture and Consumer  
461 Services, until the termination or surrender of the permit and any resolution of the city commission  
462 pertaining to any review or appeal by the applicant. The bond or security instrument shall remain in  
463 effect during the term of the permit. The bond or security unit must contain a provision that it may not  
464 be modified, cancelled, or terminated until ten days after receipt by the city manager, or his designee,  
465 of two copies of such written notice of any intent to modify, cancel, terminate, or refuse to renew the  
466 bond or cancel the bond, or withdraw the security. The original of the bond or security instrument shall  
467 be filed with and maintained by the city manager or his designee. All rights reserved to the city with  
468 respect to the surety bond or security instrument are in addition to all other rights of the city, whether  
469 granted or reserved by this article or otherwise authorized by law, and no action, proceedings, or  
470 exercise of a right with respect to the bond or security units shall affect any other right which the city  
471 may have. The bond or security shall protect the city from any and all damages or costs suffered or  
472 incurred by the city as a result thereof, including but not limited to attorney's fees and costs of any  
473 action or proceeding, and including the full amount of compensation, indemnification, cost of removal,  
474 storage, or destruction of any property or other costs due to a violation or abandonment of property,  
475 up to but not limited to the full principal amount of such bond; and the condition shall be a continuing  
476 obligation during the entire term of any permit issued in accordance with this article, and thereafter  
477 until the applicant shall have satisfied in full any and all obligations to the city which arise out of or  
478 pertain to the permit.

479 (Ord. No. 17-2004, § 1, 6-7-2004)

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480 **Sec. 42-209. Posting of permit.**

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

484 (Ord. No. 17-2004, § 1, 6-7-2004)

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

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

495 (Ord. No. 17-2004, § 1, 6-7-2004)

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

- 497 (a) Storage facilities for fireworks or sparklers shall not be located in residential areas.
- 498 (b) Smoking shall not be permitted within 50 feet of any fireworks or sparklers, either on display for sale or  
499 storage.
- 500 (c) "Smoking Prohibited Within 50 Feet", or similarly worded signs, shall be conspicuously posted at all sales and  
501 storage locations. Sign lettering shall be not less than two inches high with a minimum 3/16" stroke on a  
502 contrasting background.
- 503 (d) A sign, clearly visible to the general public, shall be posted at all fireworks or sparklers sales locations,  
504 indicating the legal dates for discharge of fireworks or sparklers as set forth in this article. Sign lettering shall  
505 be not less than one inch high with a minimum 3/16" stroke on a contrasting background.
- 506 (e) All locations containing fireworks or sparklers shall be equipped with a sufficient number of approved  
507 portable fire extinguishers having a combined rating of at least 2A 10BC, as determined by the Division  
508 Chief/Fire Marshall of the City of Deltona or its representative.
- 509 (f) No amount of storage or display of fireworks or sparklers shall, by its presence, be permitted if it creates a  
510 distinct hazard to the life or safety of any customer, employee, or property.
- 511 (g) All sales to wholesalers, manufacturers, distributors, and agencies shall be accompanied by a sales receipt  
512 indicating the name, address, phone number, a copy of the registration with the division, pursuant to F.S. §  
513 791.015, and a Federal Identification Number.
- 514 (h) All sales receipts, with attached copies of required documentation, shall be available at each sales location  
515 for all sales occurring at that location for inspection by the City of Deltona Code Enforcement Officer or law  
516 enforcement official upon request.

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(Supp. No. 30)

- 517 (i) All sales of fireworks pursuant to F.S. § 791.07, Agricultural and fish hatchery use, shall require a copy of the  
518 statement which was filed with the local sheriff's department, as required by Chapter 5A-3 of Florida  
519 Department of Agriculture and Consumer Services, that buyer is engaged in agricultural or fishing works.
- 520 (j) Compliance with all other rules and regulations which apply to the sale of fireworks or retail sale of sparklers,  
521 as required by Florida Statutes, Federal and State Revenue laws, Florida Administrative Code, Department of  
522 Agriculture and Consumer Services, is required additional action by the seller and/or buyer before a sale of  
523 fireworks or sparklers is valid under this article.
- 524 (Ord. No. 17-2004, § 1, 6-7-2004)

525 **Sec. 42-212. Permanent structures.**

- 526 (a) Display of fireworks or sparklers inside permanent structures shall be subject to the following restrictions:
- 527 • Up to 250 pounds of fireworks or sparklers—Such displays are unrestricted.
- 528 • From 251 pounds to 500 pounds of fireworks or sparklers—Such displays must be within constant visual  
529 supervision.
- 530 • Above 500 pounds of fireworks or sparklers—Such display must be constantly attended by a sales person.
- 531 (b) Fireworks and sparklers located in permanent structures shall be maintained as follows:
- 532 • The area where fireworks or sparklers are displayed or stored shall be at least 50 feet from any flammable  
533 liquid, gas, or other highly combustible material.
- 534 • Fireworks or sparklers, including stock for sale, shall not be stored near exit doorways, stairways, or in  
535 locations that would impede egress.
- 536 • Fireworks or sparklers shall be stored, handled, displayed, and sold only as packaged units with unexposed  
537 fuses within permanent structures.
- 538 (c) Fireworks shall be stored, displayed, or sold only in permanent structures as defined by this article and which  
539 comply with all fire, safety, and building codes of the City of Deltona and Florida Statutes.
- 540 (d) Permanent structure means an enclosed structure having a roof supported by columns or walls and includes,  
541 but is not limited to, any structure used or built for the shelter or enclosure of persons, animals, chattels,  
542 materials, equipment, or property of any kind which can be securely locked and conforms to all local zoning  
543 and fire codes.
- 544 (Ord. No. 17-2004, § 1, 6-7-2004)

545 **Sec. 42-213. Temporary stands.**

- 546 (a) Temporary stands shall meet the requirements of the latest edition of the Uniform Building Code adopted by  
547 the City of Deltona. Each permit request shall require payment of an inspection fee, the dates and hours of  
548 operation, and the location of the temporary structure to be inspected prior to the commencement of any  
549 sales.
- 550 (b) Each temporary stand shall have a minimum of two approved exit doors, which swing out at opposite ends of  
551 the stand. Door locking devices, if any, shall be easily released from the inside without special knowledge,  
552 key, or effort.
- 553 (c) Each temporary stand shall have a minimum three-foot wide unobstructed aisle running the length of the  
554 stand, inside and behind the counter.

**Commented [EH44]:** 791.07 FS, number of permits for temporary retail sales facilities issued by a municipality may not exceed the number of permits that such governmental entity issued for such facilities during the previous calendar year

- 
- 555 (d) The pass-through openings for temporary stands shall be arranged to permit customers viewing of the  
556 merchandise for sale, but prevent the touching or handling of unpackaged sparklers by a customer.
- 557 (e) Temporary stands shall be located in properly zoned areas, at least 100 feet from other temporary stands,  
558 flammable liquid or gas storage, and dispensing units.
- 559 (f) If the temporary stand is used for overnight storage of sparklers, it shall be equipped with suitable locking  
560 devices to prevent unauthorized entry.
- 561 (g) Temporary stands shall not be illuminated or heated by any device requiring an open flame or exposed  
562 heating elements. All heaters and light devices shall be approved by the City of Deltona Fire Department  
563 having jurisdiction. Permanent or temporary wiring and the use of extension cords are strictly prohibited.
- 564 (h) A person shall not be allowed to sleep in a temporary stand.
- 565 (i) A temporary stand shall be completely removed from its location within three days after the sales period has  
566 ended as provided in the permit.
- 567 (j) No fireworks shall be stored, displayed, or sold in a temporary stand.
- 568 (Ord. No. 17-2004, § 1, 6-7-2004)

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

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

579 (Ord. No. 17-2004, § 1, 6-7-2004)

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

- 581 (a) It shall be unlawful to discharge any fireworks or sparklers within 100 feet of a temporary stand, LPG,  
582 flammable liquid or gas, storage or dispensing units.
- 583 (b) It shall be unlawful to discharge any fireworks or sparklers within 20 feet of any residence, dwelling, or other  
584 structure.
- 585 (c) It shall be unlawful to discharge any fireworks or sparklers in public rights-of-way, parks, or other public  
586 properties.
- 587 (Ord. No. 17-2004, § 1, 6-7-2004)

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

- 589 (a) Except where otherwise specifically referenced, this article does not apply to:
- 590 (1) Inventories of fireworks of manufacturers, importers, distributors, or wholesalers designed for  
591 shipment directly out of the state by the seller.

- 
- 592 (2) Fireworks displays sponsored by the city.  
593 (3) Applicants for a public display of fireworks or theatrical use of fireworks with a valid permit issued by  
594 the City of Deltona.  
595 (Ord. No. 17-2004, § 1, 6-7-2004)

596 **Sec. 42-217. Public display of fireworks.**

- 597 (a) Applicants for the public display of fireworks or theatrical use of fireworks shall complete an application  
598 provided by the City of Deltona which shall be:
- 599 (1) Accompanied by a site plan of the location where the fireworks are to be discharged and viewed;  
600 (2) Accompanied by a list of fireworks to be discharged;  
601 (3) Accompanied by the location of storage of fireworks to be used;  
602 (4) Accompanied by a sworn statement, acceptable to the fire chief, from the owner of the property  
603 where the fireworks will be discharged and viewed;  
604 (5) Accompanied by a certificate of insurance evidencing liability coverage in the minimum amounts of  
605 \$1,000,000.00 and property damage coverage in the minimum amount of \$1,000,000.00 and naming  
606 the city as an additional insured. The certificates of insurance shall state that the city will be given ten  
607 days written notice prior to any cancellation of the insurance by the insurance company;  
608 (6) Accompanied by a certificate of insurance evidencing products liability coverage in a minimum amount  
609 of \$1,000,000.00;  
610 (7) Accompanied by a copy of the applicant's Florida State license as applicable; and  
611 (8) Made a minimum of ten days prior to the date of display.
- 612 (b) Every public display of fireworks within the City of Deltona shall be approved by the governing body of the  
613 City of Deltona and handled by a competent operator to be approved by the Sheriff of Volusia County and  
614 the Fire Chief of the City of Deltona, and shall be of such a character, and so located, discharged, or fired as  
615 in the opinion of the fire chief, after proper inspection, shall not be hazardous to property or endanger any  
616 person. A person is required to obtain a valid City of Deltona permit, issued by the city manager, or the city  
617 manager's designee, prior to the display of any fireworks within the city boundaries. Application for permits  
618 shall be made in writing at least ten days in advance of the date of the display. After such privilege shall have  
619 been granted, any sale, possession, use, and distribution of fireworks for such display shall be lawful for that  
620 purpose only. No permit granted hereunder shall be transferable.  
621 (Ord. No. 17-2004, § 1, 6-7-2004)

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

623 Any person, firm, co-partnership, or corporation whose property is seized pursuant to a violation of this  
624 article, or Florida Statutes Chapter 791, shall be entitled to request the return of all property seized upon payment  
625 of all fees, expenses, fines, and costs related to any violation of this article, Florida Statutes Chapter 791, and the  
626 storage of any seized property. Any seized property unclaimed within 15 days after actual or constructive notice of  
627 seizure of fireworks property shall vest in the City of Deltona and be destroyed at the cost and expense of the  
628 owner. Notice shall be provided to the person representing the owner or his employee at the location where the  
629 fireworks are seized or mailed to the mailing address provided on the application for the permit. Any action taken  
630 by local law enforcement or code enforcement, due to a violation of this article, may be appealed to the City

631 Commission of the City of Deltona within ten days thereof if the owner of the property seized, the applicant of the  
632 permit suspended, or the person receiving the notice of violation and fine desires to challenge such action. Written  
633 notice of appeal shall be provided to the City Manager of the City of Deltona.  
634 (Ord. No. 17-2004, § 1, 6-7-2004)

635 **Secs. 42-219—42-229. Reserved.**

636 **ARTICLE VII. FIRE PROTECTION SYSTEM**

637 **Sec. 42-230. Fire protection system requirements.**

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

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

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

**Commented [EH45]:** Remove or update to NFPA 1

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†

666

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

668

Table 42-2 Minimum Time Duration  
for Required Fire Flows

669

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

670

671

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).

672

673

674

- (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.

675

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- 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.

678

679

680

- 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.

681

682

**Commented [EH46]:** Discuss removal and referenced in LDC; confirmed no engineering manual

**Commented [EH47R46]:** Confirmed to keep in Ordinance. Any text changes needed?

- 683 c. In the case of a building which will provide standpipe and/or sprinkler systems, a fire hydrant  
 684 shall be installed within 150 feet of the exterior fire department connection with a minimum  
 685 main size of eight inches.
- 686 d. In the case of the development of a high-hazard area including, without limitations, a large  
 687 shopping center, a storage facility for flammable chemical or compressed gases or a  
 688 manufacturing plant, the spacing and main sizes of hydrants shall be determined after computing  
 689 the required fire flow, subject to review and approval by the department of fire services.
- 690 e. All fire hydrants shall deliver the required gallonage with a residual pressure of 20 psi.
- 691 f. Uniform marking of fire hydrants. Color coding of fire hydrants is of substantial value to water  
 692 and fire departments and is based on water flow available from them. Fire hydrant bonnets and  
 693 nozzle caps shall be painted according to the following chart which shall be used to classify fire  
 694 hydrants according to flow:

695 Table 42-3 Colors of Fire Hydrant Bonnets  
 696 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

697  
 698 Barrels of fire hydrants shall be painted chrome yellow.

699 (3) *Fire wells.*

- 700 a. Fire wells may be utilized where permitted by subsection (1), providing they have a separate  
 701 power source and meet one of the following criteria:
- 702 1. The minimum size of a designated fire well shall not be less than four inches in diameter. A  
 703 pump shall be attached capable of providing a minimum fire flow of 250 GPM; or
  - 704 2. A fire well less than four inches in diameter may be utilized provided that it has been  
 705 tested and certified by an engineer that the fire well can produce a minimum fire flow of  
 706 250 GPM.
- 707 b. Fire wells shall be located adjacent to rights-of-way, unless otherwise approved by the  
 708 department of fire services and the DRC.
- 709 c. Fire wells of sufficient capacity to serve adjacent development may be provided and, when so  
 710 provided, may be included in a public services and facilities agreement pursuant to section 74-  
 711 5(f).
- 712 d. Fire wells shall be considered as public improvements subject to all provisions of chapter 96,  
 713 article III of this Code.

714 (Ord. No. 08-2016, § 1, 4-4-2016)

715