

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

### ARTICLE I. IN GENERAL

**Sec. 42-1—42-30. Reserved**

### 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. Work with Human Resources to establish and maintain the necessary eligibility registers for the filling of all vacancies and promotions within the Fire Department. These registers may be created on the basis of items such as, open competitive examinations, advertisements, referrals and interviews. However, all must remain in compliance with all applicable federal and state requirements. Every vacancy or promotion shall be filled by appointments from the appropriate register and in conjunction with the Human Resources Department.
  - b. Removal of any employee shall be subject to limitations contained within the City of Deltona policies , and the limitations of the current collective

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<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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bargaining agreement. Removal of any career employee, not under initial probation, shall require prior approval of the City Manager.

- (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.
- (4) The Fire Chief may, with the approval of the City Manager, hire a Deputy Chief to assist the Fire Chief in the discharge of their duties. In the absence of the Fire Chief, all their duties and responsibilities shall be assumed and discharged by the Deputy Chief. In the absence of both the Fire Chief and Deputy Chief, the Fire Chief or if not available then 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.**

**Secs. 42-74—42-95. Reserved.**

**Secs. 42-97—42-115. Reserved.**

**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)

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**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.**

**Secs. 42-154—42-185. Reserved.**

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

**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.
- (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

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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

## **ARTICLE V. OPEN BURNING**

### **Sec. 42-188. Open burning prohibited.**

- (a) Open burning of land clearing, commercial waste, residential trash, garbage, lawn debris, clippings, trees, or other debris on residential, commercial or industrial property is prohibited except as provided in subsection (b).
- (b) The following types of burning are permitted if pre-approved by the fire official and meet the Florida Fire Service (FSS) and the State of Florida, Department of Environmental Regulations Protection (DERP) requirements:
  - (1) Ceremonial fires used solely for charitable, or religious/ceremonial occasions, that are no larger than four feet in diameter with flames no higher than four feet and do not result in a negative impact to adjoining property tenant and/or owner as determined by the fire official.
  - (2) Fire department training fires.
  - (3) Prescribed burns conducted by the fire department or the Florida Fire Service (FSS).
  - (4) When a bona fide emergency condition exists within the city that warrants burning as determined by the fire official.
- (c) The following types of burning do not require pre-approval by the fire official and are permitted if conducted in a safe manner and without adverse impact to the public as determined by the fire official:
  - (1) Kilns, ovens or other similarly regulated devices.
  - (2) Outdoor cooking fires, to include gas grills, charcoal grills, wood burning grills or smokers.
  - (3) Small fires in outdoor fire pit containers no larger than three feet by three feet diameter.

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- (d) The fire department shall order the immediate suppression of any fire, fires, including pre-approved or non-preapproved that presents a hindrance, danger, or otherwise adversely affects the public as determined by the fire official. It shall be the duty of all persons to adhere to and obey any and all such orders of the fire department and shall be a violation of this section to fail to do so. More than three responses for complaints of burning within a 12-month time period is excessive and constitutes a serious public nuisance and an endangerment to the public health, safety and welfare. The fourth and subsequent fire department response(s) may be subject to a fee in accordance with the city's fee schedule adopted by the city commission for the actual cost of the call.

**Sec. 42-189. Emergency prohibition of burning or use of fireworks and related actions.**

- (a) The fire chief, after consultation with the city manager, shall have authority to impose a burn ban when environmental conditions (drought index exceeding 500) have reached a dangerous level and pose a threat to the health and safety of the community.
- (b) The fire chief, after consultation with the city manager, shall have authority to prohibit the sale or use of fireworks when environmental conditions (drought index exceeding 500) have reached a dangerous level and pose a threat to the health and safety of the community.
- (c) Without limiting the general authority of the fire chief as set forth herein, the fire chief, after consultation with the city manager, and with the assistance of the city attorney, is delegated the authority to adopt rules which protect the city against the dangers of fire result from environmental conditions (drought index exceeding 500) have reached a dangerous level and pose a threat to the health and safety of the community.
- (d) Without limiting the general authority of the fire chief as set forth herein, the fire chief, after consultation with the city manager, and with the assistance of the city attorney, is delegated the authority to enter into mutual aid agreements with other governmental entities which protect the city against the dangers of fire result from environmental conditions (drought index exceeding 500) have reached a dangerous level and pose a threat to the health and safety of the community.

**Sec. 42-190. Penalties; enforcement.**

- (a) In addition to potential prosecution under controlling state law, any person found to be in violation of this article shall be subject to the code enforcement provisions of the City Code as well as all remedies available to the city under controlling state law.

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(b) The city may abate a violation in accordance with the procedures set forth in controlling Florida law and seek any remedy available under controlling law.

(c) The city manager may authorize the city attorney to pursue any legal remedy in any judicial or administrative forum within which such remedy may be cognizable under controlling law.

**Sec. 42-190. Process for Enacting.**

Need to come up with language on what the process (internally) is, per Chief's suggestion.

(Ord. No. 05-01, § 1, 4-2-2001)

(Ord. No. 05-01, § 1, 4-2-2001)

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(Ord. No. 05-01, § 1, 4-2-2001)

(h) .

(Ord. No. 05-01, § 1, 4-2-2001)

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

**Secs. 42-219—42-229. Reserved.**

***ARTICLE VII. FIRE PROTECTION & FIRE DEPARTMENT ACCESS***

**Sec. 42-230. Fire protection**

(a) 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.

(1) In the case of a single-family or duplex residential development; one- or two-story motels, hotels, or multifamily dwellings; or mobile home parks,

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hydrants shall be installed at intervals not to exceed 500 feet with a minimum main size of six inches.

- (2) 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.
- (3) 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.
- (4) 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.
- (5) All fire hydrants shall deliver the required gallonage with a residual pressure of 20 psi.
- (6) 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
AA	1500 gpm or greater	Light blue
A	1,000-1499 gpm	Green
B	500-999 gpm	Orange
C	Less than 500 gpm	Red

- (7) The capacity color should be of a reflective-type paint.
- (8) The barrels of public fire hydrants shall be painted chrome yellow.
- (9) The barrels of private fire hydrants shall be painted red.
- (10) All public and private fire hydrants shall be marked with an approved reflector affixed to the roadway surface fronting the hydrant. It shall be the responsibility of the owner/occupant to ensure they are maintained at all times.

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**Sec. 42-231. Access Roadway Width & Fire Lane Markings**

- (a) Fire department access roads shall have an unobstructed width of not less than 24 ft. Width is measured at the curb face, or the edge of pavement when curbs are not present.
  - (1) Access roadways with an unobstructed width of 34 feet or more allow for parking on both sides of the access roadway and do not require fire lane signage.
  - (2) Access roadways with an unobstructed width of 24 to 33 feet wide shall be marked on one side with approved fire lane markings to allow for parking on one side of the roadway, opposite the fire lane.

(b) Fire lane markings- I need to input the information still.

**Sec. 42-232. Development Access**

- (a) All residential development exceeding XXX (Deland's is 12 lots) lots shall be provided with a minimum of two ingress/egress access points.

**Sec. 42.233. Access Boxes**

- (a) All new occupancies, and any buildings undergoing significant renovations as determined by the Fire Official, that are equipped with a fire protection system shall be required to install a key box in a location accessible to the Fire Department. The key box shall be of a type approved by the Fire Official and installed in a location approved by the Fire Official. The key box shall contain all keys necessary to provide access to the premises and all interior areas as required. The owner and/or occupant shall be responsible for maintaining the key box and ensuring that current and accurate keys are provided at all times.

(Ord. No. 08-2016, § 1, 4-4-2016)