

AN ORDINANCE ADOPTING A FIRE PREVENTION AND ARSON DETECTION CODE; PROVIDING FOR ENFORCEMENT; PROVIDING A METHOD OF ESTABLISHING ZONES FOR STORAGE OF DANGEROUS AND HAZARDOUS MATERIALS; ESTABLISHMENT OF ROUTES FOR MOTOR VEHICLES TRANSPORTING DANGEROUS AND HAZARDOUS MATERIALS; PROVIDING FOR INSPECTIONS AND ABATEMENT PROCEDURES; PROVIDING FOR ARSON INVESTIGATION AND PREVENTION; PROVIDING FOR BURN PERMITS AND EXCEPTIONS; PROVIDING FOR SPECIAL APPLICATION OF ORDINANCE TO HERNANDO FIRE DISTRICT; PENALTIES; SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

SECTION I: INTENT AND PURPOSE.

1. Hernando County is undergoing rapid growth and will continue rapid growth in the future.

2. With the rapid growth in population and accompanying needs, Hernando County needs uniform standards, county-wide, in order that the existing Fire Districts, Brooksville Fire District and Spring Hill Fire District, plus Fire Districts which may be created in the future, may work together to control hazardous conditions county-wide, investigate arsons, suspected arsons and related crimes, to share men, equipment and knowledge to better provide for the Health, Safety and Welfare of the people of Hernando County, Florida.

3. It is the intent and purpose of this ordinance to provide the established fire districts and fire districts that may be created in the future, the authority and mechanisms, within the perimeters of judicial, federal, state and local laws, to investigate, inspect, review and enforce laws, rules and regulations for the health, safety, welfare and benefit of the citizens of Hernando County, Florida.

4. It is the further intent and purposes of this ordinance to protect the persons and property of the citizens of Hernando County, Florida, from hazardous and dangerous conditions caused by others.

SECTION II: ADOPTION OF FIRE PREVENTION AND ARSON DETECTION CODE.

1. There is hereby adopted by the Hernando County Board of County Commissioners, and concurred in by the City of Brooksville

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City Commission, City of Brooksville Fire District Commissioners and the Spring Hill Fire District Commissioners, as shown by signatures of the chairman of each of the respective aforementioned Boards and Commissions, an ordinance known as the Fire Prevention and Arson Detection Code, for the purpose of prescribing rules and regulations governing conditions hazardous to life and property from fire, explosion and dangerous chemicals over which fire departments and firefighters have jurisdiction.

2. There is hereby adopted in its entirety as it currently exists, and as it may be amended in the future, the National Fire Protection Association, 1978 edition including sixteen (16) volumes and its revisions, American Insurance Association, except as may be in conflict with the provisions of this ordinance and Southern Standard Building Code, and this ordinance shall be on file during pendency of the public hearings on this ordinance, and if passed, to be continually on file along with amendments thereto at the following locations: Office of the Clerk of Circuit Court, Office of the City Clerk of the City of Brooksville, at the office of the Spring Hill Fire District, and at the offices of any fire district created in the future.

3. There are further adopted guidelines, rules and regulations for arson detection. (See Section VIII of this ordinance for specific guidelines, rules and regulations.)

SECTION III: DEFINITIONS.

1. FIRE DISTRICT - A special taxing unit established by referendum vote of the people affected, and within defined boundaries, for the purpose of levying taxes to provide fire protection within such district.

2. FIRE CHIEF - The person appointed by the appropriate governing body as head of the fire fighting unit serving the designate fire district to serve at the pleasure of said governing body.

3. GOVERNING BODY - Any one and/or combinations of the following: Spring Hill Fire District Commissioners; Hernando Fire

Tax District (a/k/a Brooksville Fire District and Section 22 Fire District) Commissioners; City Commission of the City of Brooksville and Board of County Commissioners of Hernando County.

4. ARSON DETECTION UNIT OR SQUAD - Designated firefighter or firefighters, who have specialized training relating to detection of arson, suspected arson and related crimes. Shall include as minimum qualifications:

A. Meet the Florida State Minimum Standards requirements for firefighters.

B. Have achieved a certificate of compliance with the Florida State Minimum Standards Council.

C. Have a thorough understanding of building codes and arson laws, shown through examination.

D. Experience in fire prevention, detection, firefighting, and or law enforcement.

E. Be interviewed and approved by the Chief of the Fire District and Fire Commissioners.

5. FIREFIGHTER - A person as defined in Chapter 633.01 et seq as may be amended, and must have the qualifications as defined therein.

SECTION IV: ENFORCEMENT OF FIRE PREVENTION CODE AND DUTIES OF FIRE DEPARTMENT.

1. The Fire Prevention Code shall be enforced by the Fire Department of the Fire Districts which are already established and which may be established in the future, operated under the supervision of the chiefs of the Fire Departments of the respective fire districts and enforced by firefighters certified pursuant to Chapter 633, Florida Statutes.

2. The Fire Chief, or his designee, shall be responsible for enforcing the Fire Prevention Code.

3. The Fire Chief shall make an annual report to the appropriate governing body of all proceedings under this code.

4. The Fire Chief, or his designee, shall review and approve Fire and Life Safety plans for all new commercial buildings in the Fire District in cooperation with County and/or City Building Departments.

SECTION V: ESTABLISHMENTS OF ZONING IN WHICH EXPLOSIVES, BLASTING AGENTS, FLAMMABLE LIQUIDS, LIQUIFIED PETROLEUM GASES AND OTHER DANGEROUS AND HAZARDOUS MATERIALS MAY BE STORED, AND RESTRICTIONS PLACED THEREON.

1. The Planning and Zoning Department of the appropriate governing body, working in conjunction with the Fire Chief, or designee, shall make recommendations to the Board of County Commissioners of Hernando County, or, to the City Commission of the City of Brooksville, to establish certain zones within each Fire District where explosives, blasting agents, flammable liquids, liquified petroleum gases and other dangerous and hazardous materials may be stored, using the Southern Standard Building Code, the National Fire Protection Association, 1978 Additions, Volume 5 and amendments thereof, and the American Insurance Association Codes as guidelines for said storage and prohibitions relating to said storage.

2. It shall be a violation of this ordinance to store or maintain in any manner the materials as enumerated in Section V(1) above, in areas not zoned as described in Section V(1) above.

3. Violators of this section shall be subject to those penalties as described in Section XII hereinafter included.

SECTION VI: ESTABLISHMENT OF MOTOR VEHICLE ROUTES FOR VEHICLES TRANSPORTING HAZARDOUS CHEMICALS OR OTHER DANGEROUS MATERIALS.

1. Motor vehicle routes for vehicles transporting hazardous chemicals and other dangerous materials shall be established in accordance with guidelines and standards pursuant to United States Government and the State of Florida laws and the rules and regulations promulgated by the appropriate agencies of the aforementioned governmental bodies.

SECTION VII: FIRE PREVENTION; FIRE HAZARDS; INSPECTION AND ABATEMENT; LIMITATIONS.

1. The Fire Chief, or his appointed representative, is hereby empowered to enter any commercial and public buildings, premises, storage areas, or other places, at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate within a specified time, not to be less than ten (10) days nor more than thirty (30) days.

2. If the owner or occupant fails to abate within the specified time limit, the Fire Chief, or his representative, may apply to a court of competent jurisdiction for an order of abatement, or temporary or permanent injunction against the fire and or life safety hazard.

3. Notwithstanding anything contained in this ordinance, no Fire Chief, or his representative, may enter in or on a building or premises for reasons stated in this ordinance without the consent of the owner or occupant, or, if consent is not given, without an administrative search warrant signed by a judge of competent jurisdiction, or without a court order allowing such entry.

SECTION VIII: ARSON; INVESTIGATION; DETECTION AND PREVENTION.

1. The Fire Chief, or his designee, of each Fire District is hereby authorized to create within each Fire Department an Arson Unit. The Arson Unit shall be composed of only those firefighters who meet the qualifications as stated in Section III of this ordinance.

2. Each Arson Unit shall have the responsibility for investigation of arsons, suspected arsons and other related crimes.

3. The technical investigation procedures to be used by the Arson Unit; i.e., photography, preservation of evidence, cordoning off areas, maintaining chain of evidence, investigation, etc., shall be established by the Fire Chief, or designated representative, after having consulted with local, state and federal law enforcement officials.

4. Each Fire District's technical investigation procedures shall be substantially the same as other Fire Districts covered under this ordinance, with variations being allowed due to the particular circumstances of the individual Fire District.

5. Each Fire District is hereby authorized, when needed, to loan, exchange and otherwise contribute specialized personnel, equipment, information, and procedures from one Arson Unit to another under controlled methods to be established between the Fire Districts and approved by the appropriate governing bodies.

SECTION IX: PERMITS, EXCEPTIONS, GOVERNMENTAL COOPERATION.

1. It shall be unlawful for any persons to burn any material in the open within any fire district without having first obtained a permit to burn such material from the Fire Chief, or his representative, of the Fire District.

2. This section shall not apply to residential indoor fireplaces, residential outdoor cooking areas, silvic culture businesses, residential yard maintenance vegetation burning outside incorporated municipalities and governmental fire departments and fire control units.

3. This ordinance shall be supplemental to Chapter 590 of Florida Statutes, and each fire district in Hernando County is hereby authorized to enter into agreements with the Division of Forestry of the Department of Agriculture and Consumer Services of the State of Florida to determine and define which department shall issue burn permits within each fire district.

SECTION X: SPECIAL APPLICATION TO HERNANDO FIRE DISTRICT (A/K/A BROOKSVILLE FIRE DISTRICT AND SECTION 22 FIRE DISTRICT).

As to the Hernando Fire District, Chapter 9, Fire Protection, of the City of Brooksville Code of Ordinances, and as may be amended, is hereby adopted in its entirety and incorporated by reference,

pursuant to the intent of that certain agreement between Hernando County and the City of Brooksville, dated November 18, 1968, wherein the City agrees to furnish adequate fire protection to Township 22 South, Range 19 East, Hernando County, Florida.

SECTION XI: ORDINANCE SUPPLEMENTAL TO EXISTING ORDINANCES.

Except as specified herein, this ordinance shall be supplemental to existing ordinances affecting and relating to the Fire Districts.

SECTION XII: PENALTIES.

It shall be unlawful for any person, firm, corporation, or other entity to violate or fail to comply with any of the provisions of this ordinance. Penalties for violation of this ordinance shall be as follows:

1. Except for Arson and related crimes, violations of this ordinance shall be considered a misdemeanor of the second degree, punishable as set forth in F.S. 775-082 (4)(b), and/or 775.083 (1)(e).
2. Penalties for arson and related crimes shall be determined by the State of Florida Criminal Laws.
3. Each violation shall be considered separate and violations which continue after notice of such violation shall be considered a separate violation for each day the violation continues thereafter.

SECTION XIII: SAVINGS CLAUSE.

If any part of provision of this ordinance is held invalid or unconstitutional, such invalidity shall not affect the validity of any other part, portion or provision of this ordinance.

SECTION XIV: EFFECTIVE DATE.

This ordinance shall become effective after the required public hearings; after the signature of the authorized officials

