

CITY OF MARCO ISLAND FLORIDA

ORDINANCE # 03-14

AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE II FIRE PREVENTION AND PROTECTION CODE OF THE MARCO ISLAND CITY CODE, AMENDING SECTION 22-31 NFPA CODES AND STANDARDS ADOPTED; AMENDING SECTION 22-32 AMENDMENTS TO NFPA 1, FIRE PREVENTION CODE; AMENDING SECTION 22-33 AMENDMENTS TO NFPA 101, LIFE SAFETY CODE; AMENDING SECTION 22-34 PERMIT FEE SCHEDULE; RESERVING SECTION 22-35 FEES FOR REINSPECTION OF EXISTING OCCUPANCIES; RESERVING SECTION 22-36 FEES FOR RESPONSE TO MALFUNCTIONING FIRE ALARM, DETECTION AND SUPPRESSION SYSTEMS; RESERVING SECTION 22-37 RECOVERY OF COSTS ASSOCIATED WITH HAZARDOUS MATERIAL, SUSPICIOUS INCINDIARY FIRES, INVESTIGATIONS, VIOLATIONS OF LAWS, AND WEAPONS OF MASS DESTRUCTION INCIDENTS; PROVIDING FOR INCORPORATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Florida Statute 633.025, Subsection (1) the State Fire Marshal has adopted a state-wide Fire Prevention Code, and

**WHEREAS**, each municipality with fire safety responsibilities shall enforce the Florida Fire Prevention Code and Life Safety Code as the state minimum fire safety code,

**WHEREAS**, Section 633.025, Florida Statute, Subsection (4) enables a municipality with fire safety responsibilities to adopt more stringent fire safety standards or alternative requirements where, as here, a determination has been made that there is a need to strengthen the requirements of the minimum Fire Safety Code adopted and enforced by the City of Marco Island, and

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

**WHEREAS**, by operation of certain statutory provisions the previously existing local amendments to then existing Fire and Life Safety Code provisions then in effect have been replaced by the statewide minimum code making appropriate the repeal of

no longer effective local ordinances comprising of Article II of Chapter 22 of the City of Marco Island Code of Laws and Ordinances; and

**WHEREAS**, in accordance with Subsection 633.025 (4) (a) a properly advertised public hearing was held and all interested persons were afforded the opportunity to provide any comments; and

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

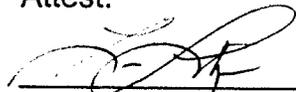
**WHEREAS**, the amendments to the statewide minimum code set forth below are essential to maintain an established and effective level of fire prevention and protection.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF MARCO ISLAND, FLORIDA that:**

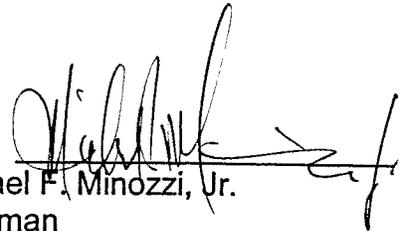
The text of the following sections of Chapter 22 of Article II of the Code of Laws and Ordinances of the City of Marco Island, Florida, are replaced with the text which follows:

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 18th day of August 2003.

Attest:

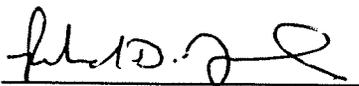


Laura Litzan,  
City Clerk



Michael F. Minozzi, Jr.  
Chairman

Approved as to Form and  
Legal Sufficiency:



Richard Yovanovich  
City Attorney

**Chapter 22 FIRE PREVENTION AND PROTECTION\***

**Cross references:** Buildings and building regulations, ch. 6; civil emergencies, ch. 10; fire protection in the Point Marco planned unit development ordinance, § 30-58.

**State law references:** Fire prevention and control, F.S. ch. 633; minimum fire safety standards, F.S. § 633.025; local fire chief authorized to enforce laws and rules of state fire marshal, F.S. § 633.121; manufacture, distribution and use of explosives, F.S. ch. 552; sale of fireworks, F.S. ch. 791.

Article I. In General

Secs. 22-1--22-30. Reserved.

Article II. Fire Prevention and Protection Code Amend as follows.

Sec. 22-31. NFPA codes and standards adopted.

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

Sec. 22-33. Amendments to NFPA 101, Life Safety Code.

Sec. 22-34. Permit fee schedule.

Sec. 22-35. Fees for reinspection of existing occupancies.

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

Sec. 22-37. Recovery of costs associated with hazardous material, suspicious or incendiary fires, investigations, violations of law, and weapons of mass destruction incidents.

**ARTICLE I. IN GENERAL**

Secs. 22-1--22-30. Reserved.

**ARTICLE II. FIRE PREVENTION AND PROTECTION CODE\***

\*Charter references: Codes of technical regulations, § 3.15.

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

The standards and Code sections of the "National Fire Codes" as published by the National Fire Protection Association (NFPA), as adopted by the rules of the Division of the State Fire Marshals Section 4A3.012, 4A-58, 4A-60.005 Florida Statute or reference by the 2000 Edition of NFPA 1 or NFPA 101 and those listed below by standard number and edition and as amended herein, are hereby adopted by reference and made a part of the City of Marco Island Fire Prevention and Protection Code, intended to protect the health, safety, common interest, and convenience of the citizens, visitors and residents of the City of Marco Island Florida.

**NFPA CODE STANDARD EDITION DESCRIPTION**

18	1995	Wetting Agents
42	1997	Storage of Pyroxylin Plastics
50-A	1999	Gaseous Hydrogen Systems
70-E	2000	Electrical Safety Requirements for Employee Work Place
79	1997	Electrical Standards for Industrial Machinery

97	2000	Glossary of Terms Relating to Chimneys and Vents
170	1999	Fire Safety Symbols
412	1998	Evaluating Aircraft Rescue and Fire Fighting Foam Equipment
423	1999	Construction and Protection of Aircraft Engine Test Facilities
513	1998	Motor Freight Terminals
560	1995	Storage, Handling and Use of Ethylene Oxide
600	2000	Industrial Fire Brigades
601	2000	Security Service in Fire Loss Prevention
801	1998	Facilities Handling Radioactive Materials
901	2001	Standard Classification for Incident Reporting
1961	1997	Fire Hose
1964	1998	Spray Nozzles

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

The National Fire Codes, NFPA 1, Fire Prevention Code, 2000 edition, is hereby amended by local amendment as follows:

(A) Chapter 1 Administration and Enforcement

(1) Board of Appeals

(i) Add to 1-8 to Read as Follows:

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

(2) Notice of Violations, Penalties

(i) Amend 1-19.3 as Follows:

1-19.3 Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant of this code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction. Nothing herein contained is intended to prevent the City of Marco Island from taking such other lawful action in any court of competent jurisdiction, as the City deems necessary to prevent or remedy any violation. Such other lawful action shall include, but shall not be limited to, any equitable action for injunction relief or action or law for damages. The City of Marco Island shall have the power to enforce the provisions of this Code and Ordinances by means of the City of Marco Island Code Enforcement Board.

(B) Chapter 1 Administration and Enforcement

*Subsection 1-2.1* is amended to read as follows:

1-2.1 The purpose of this Code is to prescribe minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire and explosion, as well as potential biological, chemical and/or radioactive events.

*Subsection 1-5.2* is amended to read as follows:

1-5.2. Details regarding processes, methods, specifications, equipment testing and maintenance, design standards, performance, installation, or other pertinent criteria contained in those standards and codes adopted pursuant to Chapter 22 of the City Code of Ordinances and those adopted pursuant to the City of Marco Island Fire Prevention and Protection Code Section 22-31 shall be considered a part of this code.

*Subsection 1-5.5* is amended to read as follows:

1-5.5. Buildings in existence or permitted for construction prior to the adoption of this code shall comply with the provisions stated herein or referenced for existing buildings.

Existing buildings or installations that do not comply with the provisions of the publications referenced in section 1-5.2 shall be permitted to be continued in use, unless the authority having jurisdiction determines that the lack of conformity with these standards presents an imminent danger.

Exception: A limited but reasonable time shall be allowed for compliance with any part of this Code for existing buildings, commensurate with the magnitude of expenditure, disruption of services, and degree of hazard. Occupied existing buildings shall comply with section 1-9.2

## (2) OCCUPANCY

(i) Amend Subsection 1-9.1 to read as follows:

1-9-1 No new construction or existing building shall be occupied in whole or in part in violation of the provisions of this Code or other applicable City laws and ordinances. All tenants and occupants shall obtain a "Notice of Fire Compliance" certificate from the Fire Rescue Department prior to occupancy and use of a new or existing building as evidence of compliance with the City Fire Prevention and Protection Code. Such original certificate shall be displayed in a prominent location within the structure, building, or portion thereof. A copy of the Compliance Certificate shall be forwarded to the Collier County Occupational License Department for processing.

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

## (3) Permits and Approvals

i) Subsection 1-16.16(3) is amended to read as follows:

Bonfires and outdoors rubbish fires. In kindling or maintaining any open fire or a fire in any public street, alley, road, or other public or private ground, instructions and stipulations of the permit shall be adhered to. Cooking fires and small recreational fires not intended for vegetation or rubbish disposal, when conducted safely and on the property of the subject, are exempt and do not require a permit. Approval (verbal or in writing) must be received from the fire prevention bureau on all properties. Approval will be for location, size, time and duration.

Exception: Training exercises conducted by the City Fire Department.

ii) Notwithstanding the above provisions, for 30 days commencing with the declaration of a state of emergency by the Governor of the State of Florida, because of extended drought and the resulting potential for wildfires, which includes all or parts of the City of Marco Island, there shall become effective a prohibition against kindling, creating, or maintaining any campfire, bonfire, open or barrel burning of trash, discarding of lighted smoking materials outdoors, smoking in city or county parks, and the sale or use of fireworks. The use of open barbecues or barbecue pits utilizing charcoal or wood shall be prohibited within 600 yards of any forest, grassland, woods, wild lands or marsh area within the City of Marco Island. The prohibitions expressly provided herein may be extended by resolution duly adopted by the board.

Amend Section 1-16.16 (16)

1-16.16(16) Fireworks permits shall be issued for commercial type displays, located on commercial, state owned, county or city owned property or on open water adjacent to same with viewing and safeguard distance as set forth by NFPA 1123.

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

*Section 1-18* is amended to read as follows:

1- 19. Notice of violations, penalties.

Violations of this code are to be administered according to city's administrative construction code, section 6-111 of the city Code of Ordinances. Pursuant to F.S. § 162.22, a person found to be in violation of this code may be charged a fine, not to exceed \$500.00, and may be sentenced to a definite term of imprisonment, not to exceed 60 days. Violations of this code may also be prosecuted before the code enforcement board, as established by the city, pursuant to chapter 14, article II of the city Code of Ordinances, or its successor. Nothing herein contained is intended to prevent the City from taking such other lawful action in any court of competent jurisdiction as the department deems necessary to prevent or remedy any violation. Such other lawful action shall include, but shall not be limited to, any equitable action for injunctive relief or action at law for damages. The Fire-Rescue department shall also retain the power to enforce the provisions of this code and ordinances by means of the state fire marshal's office.

(4) Plans Review

(i) Amend Subsection 18.2 to read as follows:

1-18.2 It shall be the responsibility of the applicant to ensure that:

- (1) The construction documents include all of the fire protection requirements.
- (2) The shop drawings are correct and in compliance with the applicable codes and standards.
- (3) All plans for proposed new structures and square footage additions to existing structures include 8 and ½ x 11 page or pages entitled "Fire Protection Plan" that depict the following:
  - (a) Completed form titled "Fire Rescue Department Pre-incident Planning Data." Form must be completely filled out, indicating N/A where not applicable.
  - (b) Use of Uniform Drawing Symbols and Legend as published in NFPA 170, Standard for Fire Safety Symbols (particularly chapters 5 & 6) 1999 Edition: Copyright National Fire Protection Association.
  - (c) North arrow.
  - (d) Overall building dimensions.
  - (e) To scale site plan showing the entire property boundaries, entire structural footprint, all building entrance openings, exit stairs, pavement areas and fire lanes, fire hydrants, adjacent roadways with names, and distances to all fire hydrants within 1000 ft (304.8m) measured along the centerline of the street, driveway or fire lane.
  - (f) Florida Building Code Construction Type.
  - (g) Number of stories of structure and total square footage under roof per story.
  - (h) A wall detail/section from foundation through the roof illustrating the predominant or

typical floor(s), wall(s) and roof materials. Such detail/section shall be keyed with a call mark on the structural footprint required (a) above.

- (i) Needed fire flow as required by section 7-5.1.1.
- (j) The Fire Rescue Department water supply flow test(s) as required by section 7-5.1.5
- (k) Main utility (electric, gas, water, etc.) shutoff locations.
- (l) Hazardous and/or combustible materials locations and estimated quantities.
- (m) Locations of features of fire protection systems (fire department connections, fire sprinkler shut-off, fire alarm panels, standpipes etc.

Exception 1: Group R-3. One and Two – Family Residences.

Exception 2: Ancillary structures like guardhouses, restroom etc. Not exceeding 1000 square feet in area.

Exception 3: Square footage additions that do not exceed 1000 square feet.

#### (C) Chapter 2 Definitions

##### (1) Definitions

(i) Add the following definitions to read as follows:

2-1.166 Fire Marshal – The Fire Chief or his/her designee within the Fire Rescue Department.

2-1.167 Fire Official- The individual appointed by the Fire Rescue Department and employed by the City who is responsible for the fire plan review.

2-1.168 Owner – Any person or entity having a legal or equitable interest in the property.

2-1.169 Interlocal Agreement – An agreement entered into between the board of County Commissioners and the City of Marco Island.

2-1.170 Manual Wet Standpipe – Refer to NFPA 14:3-2.5

2-1.171 Residential Occupancy (Group R) – Refer to the Florida Building Code, 2000 Edition for the definition and sub-classification, or its successor.

(ii) Amend 2-1.67 to read as follows;

2-1.67 Fire lane means any driveway, road, or unobstructed area, which may be used by the fire department for the movement of fire vehicles or firefighting operations.

#### (D) CHAPTER 3 GENERAL PROVISIONS

##### (1) OPEN OUTDOOR FIRES, INCINERATORS, AND OUTDOOR FIREPLACES.

1) Amend Subsection 3-4.1 to read as follows:

3-4.1 Permits. Permits are required and shall comply with Section 1-16.

Exception; Cooking fires and small recreational fires not intended for vegetation or rubbish disposal when conducted safely and on the property of the subject. Notwithstanding the above provisions, for 30 days commencing with the declaration of a state of emergency by the Governor of the State of Florida, because of extended drought and the resulting potential for wildfires, which includes all or parts of the City of Marco Island, there shall become effective a prohibition against kindling, creating or maintaining any campfire, bonfire, open or barrel burning of trash, discarding of lighted smoking materials outdoors, smoking in City and County parks, and the sale or use of fireworks. The use of open barbecues or barbecue pits utilizing charcoal or wood shall be prohibited within 600 yards of any forest, grassland,

woods, wild lands or marsh area within the City of Marco Island. The prohibitions expressly provided herein may be extended by resolution duly adopted by the City Council.

ii) 3-4.2 Open fires are not allowed on single-family properties or within 500 feet of a structure.

Amend Subsection 3-4.7 to read as follows:

iii) 3-4.7 No Charcoal burners shall be kindled or maintained on balconies or within 10 feet of any structure.

Exception: Single family dwellings.

iiii) 3-4.8 No gas-fired cooking grill shall be kindled or maintained on balconies or within 10 feet of any structure. LP gas cylinders in excess of 2/1/2 lbs, water weight shall not be stored within 10 ft of a residential building.

Exception Single family dwellings.

## (2) FIRE LANES

i) Amend Subsection 3-5.2 to read as follows:

3-5.2 All buildings that a fire department may be called to protect that are not readily accessible to an adjacent local street shall be provided with a suitable fire lane or parallel access drive unless the analysis of the fire official indicates the fire access is unnecessary. Such fire access is necessary for all buildings three (3) or more stories in height which are not adjacent to a local street.

(a) Parking spaces adjacent to structures that, in the opinion of the fire official, may hinder or delay firefighting forces in the performance of their duties are prohibited. Limited designated parking spaces may be approved by the Fire Marshal or the fire official when alternative arrangements are made prior to construction, which must include automatic fire suppressions systems.

(b) The fire official may require additional fire lanes around commercial buildings when his or her analysis indicates additional access to the building is needed.

(c) No new wet or dry retention or detention areas shall be located directly adjacent to any structure unless prior approval is received from the fire official.

ii) Add subsection 3-5.2.1 to read as follows:

3-5.2.1 Fire lanes shall be not less than 20 ft (6m) of unobstructed width, able to withstand live loads of fire apparatus, and have a minimum of 14 ft vertical clearance. Turning radii for fire lanes not exceeding a 90-degree turn where serving buildings shall be 25 ft inside and 49 ft outside and turning radii for fire lanes serving parking lots only shall be 25 ft inside and 45 ft outside. Where turns exceed 90 degrees the standards for turnarounds shall apply. An approved turn around for fire apparatus shall be provided where an access road is a dead end and in excess of 150 ft (46m) in length. The turnaround shall have a minimum centerline radius of 40 feet (12.7m). The grade surface and location of the fire lane shall be approved by the authority having jurisdiction. At least one elevation of each building shall be accessible to the fire department. Required fire lanes shall be provided with the inner edge of the roadway no closer than 10 feet and no farther than 30 feet from the building. Such lanes shall have a surface designed to accommodate fire apparatus with a minimum weight of 32 tons.

Exception No. 1: Adequacy of emergency vehicle access shall be determined by the authority having jurisdiction.

Exception No.2: T or Y turnaround arrangements shall be permitted.

Exception No.3: When acceptable to the authority having jurisdiction, turnaround

arrangements other than a cul-de-sac shall be permitted to be used.

Amend Subsection 3-5.5 to read as follows:

3-5.5 Fire lanes, private and public roads shall be maintained free of all obstructions at all times inclusive of speed humps/bumps, which could delay response to scene or hospital, damage equipment or injure patient.

iii) Add Subsection 3-5.5.1.1 to read as follows:

#### 3-5.5.1 EMERGENCY VEHICLE ACCESS

3-5.5.1 This section is intended to apply to all gate installations EXCEPT those serving individual single-family residences.

iv) Add Subsection 3-5.5.1.1 to read as follows:

3-5.5.1.1 All electronic access control gate to structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles and are not constantly attended 24 hours per day shall be provided with an electronic transmitter/receiver system capable of being programmed with a unique activation code and frequency approved by the authority having jurisdiction. Such code or frequency shall not be used by or provided to other gate users. Existing installations shall comply within 180 days subsequent to the notification date by the authority having jurisdiction.

v) Add Subsection 3-5.5.2.3 to read as follows:

3-5.5.2.3 All electronic access control gates under section 3-5.5.1.1 shall be compatible with the uniform countywide transmitters. Said transmitters are carried only within emergency vehicles.

vi) Add Subsection 3-5.5.2.4 to read as follows:

3-5.5.2.4 All electronic access control gates shall have a battery backup with a fail safe override.

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

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

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

vii) Add Subsection 3-5.5.2.5 to read as follows:

3-5.5.2.5 All non-electronic access control gates to structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles and are not constantly attended 24 hours a day shall be provided with a key box per section 3-6.

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

viii) Add Subsection 3-5.5.2.6 to read as follows:

3-5.5.2.6 All electronic gates are required to receive a building permit with fire review prior to installation.

ix) Amend Subsection 3-5.6.2.1 to read as follows:

3-5.6.2.1 Hydrants. Clearance of 3 feet to the rear and sides of fire hydrants and clear to the street. No new wet or dry retention or detention areas shall be located between the fire hydrant and the fire access area unless prior approval is received from the fire official.

x) Amend Subsection 3-5.6.2.2 to read as follows:

3-5.6.2.2 Fire Protection Appliances. Clearance of 3 feet to sides and clear to the street. No new wet or dry retention or detention areas shall be located between the fire appliance and the fire access area unless prior approval is received from the fire official.

Subsection 3-7.1 is amended to read as follows:

3-7.1 New and existing buildings and occupancies shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property as well as the street or road in the rear of the property when such street or road exists. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters six inches high for building and four inches high for unit numbers.

#### (3) PUBLIC ASSEMBLAGES AND EVENTS

i) Add Subsection 3-10.7 to read as follows:

##### 3-10.7 Public Assemblages and Events

ii) Where the authority having jurisdiction determines that the gathering of persons in a structure or outside of a structure or the nature of the performance, exhibition, display, contest, or activity presents or is predicted to present unusual and significant impact on public safety, including access to buildings, structures, fire hydrants, fire lanes, and the like, or other provisions of public safety services, including fire protection and emergency medical services, the authority having jurisdiction shall have the authority to order the development of or prescribe a plan for the provision of safety services which provides a reasonable degree of safety for the attendees, participants and other affected members of the public.

iii) Add Subsection 3-10.7.2 to read as follows:

3-10.7.2 The plan shall address such items as emergency vehicle ingress and egress, fire protection, emergency medical services, fire and safety inspections, public assembly areas and the directing of attendees and vehicles, vendor and food concession distribution, and the need for the presence of law enforcement, fire and medical services personnel at the event. Said plan shall be submitted to the authority having jurisdiction a minimum of two weeks prior to the starting date of the event.

iv) Add Subsection 3-10.7.3 To read as follows:

3-10.7.3 The authority having jurisdiction is hereby authorized to assess and collect reasonable compensation for services rendered to public assemblages and events covered by the provisions of section 3-10.7, as it may deem necessary in accordance with the applicable service resolution of the governing body.

#### (4) CLOTHES DRYER VENTING

i) Add section 3-11 to read as follows;

Venting of clothes dryers, whether electric or gas fired shall be on the floor of origin or into an approved shaft.

Exception 1: Group R-3, Detached one and two-family residences.

Exception 2: Other arrangements as may be approved by the authority having jurisdiction.

#### (E) CHAPTER 7 FIRE PROTECTION SYSTEMS

i) Amend Subsection 7-2.2.2 to read as follows;

Exception 1: Buildings classified as R-2, four stories in height are required to have manual wet standpipes in accordance with NFPA 14.

ii) Add Subsection 7-2.2.2.1 to read as follows:

7-2.2.2.1 Any building five stories or more in height and not otherwise classified as a high rise building as defined by the Florida Building Code 2000 Editions, shall have an automatic wet standpipe system in accordance with NFPA 14 capable of supplying the required gallons per minute with a residual pressure of 65 psi at the uppermost hose connection.

iii) Add subsection 7-2.2.2.2 to read as follows:

7-2.2.2.2 Any high-rise building as defined by the Florida Building Code 2000 Edition shall have an automatic wet standpipe system in accordance with NFPA 14 capable of supplying the required gallons per minute with a residual pressure of 100 psi at the uppermost hose connection.

iv) Add Subsection 7-2.2.2.3 to read as follows:

7-2.2.2.3 Fire department valves on standpipe systems shall not be pressure-reducing valves. Pressure restricting devices shall be installed on any valve with pressure in excess of 175 psi. Pressure restricting devices shall be so as to be readily removable, leaving hose threads acceptable to the authority having jurisdiction.

v) Add Subsection 7-2.2.2.4 to read as follows:

Section 7-2.2.2.4 All fire department connections, other than those serving a high rise building, shall be located within 50 ft (15.25m) of a fire hydrant and within 50 ft (15.25m) of a fire department vehicle access road.

Exception 1: Fire department connections supplying fire sprinkler systems in accordance with NFPA 13R that are not a part of a standpipe system.

Exception 2: Actual locations of fire department connections shall be as approved by the authority having jurisdiction.

vi) Add subsection 7-2.2.2.5 to read as follows:

7-2.2.2.5 New high-rise buildings shall be equipped with two fire department connections. One connection shall be located at the building and one shall be located within 15 ft (4.6m) of a fire hydrant. Either fire department connection shall be capable of operating independently of the other. The second fire department connection required at the building shall not be required to be located within 50 ft (15.25m) of a fire hydrant.

vii) Add Subsection 7-3.1.1. to read as follows:

7-3.1.1 Automatic sprinklers shall be installed and maintained in full operating condition, as specified for the occupancy involved in the codes or standards listed in Chapter 32. Installations shall be in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems; NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height; or NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, as appropriate.

All fire sprinkler systems shall be designed with hydraulic calculation method. System design will be based on a current flow test. For flow tests with a static pressure of 55 psi or more the test will be extrapolated to seasonal static of 50 psi. The formula is as follows:

$X \text{ Factor} = \text{Seasonal Static} / \text{Measured Static}$

$\text{Design Res. Pres.} = (\text{Residual Pres}) \times (X \text{ Factor})$

$\text{Design Pitot PSI} = (\text{Pitot Press}) \times (X \text{ Factor})$

For flow tests with static of less than 50 psi the unextrapolated flow test shall be used. However in this case a minimum safety factor of 5 psi above the demand point of the system shall be used. Fire flow data shall be attached to the hydraulic calculations as per section 7-

5.1.1

vii) Add to Section 7-3.2.2 to read as follows:

Automatic fire extinguishing systems shall be provided, in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, when required by this Code, or referenced codes and standards listed in Chapter 32; and in all new residential occupancies containing more than four (4) living units; and when otherwise required by the City of Marco Island.

Exception No. 1 Residential occupancies up to four (4) stories in height may be protected in accordance with NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including four Stories in Height, where not otherwise required to be protected by sprinklers pursuant to the Building code or to other applicable standards.

ix) Add Subsection 7-3.2.2.1, to read as follows:

7-3.2.2.1 All Automatic fire-extinguishing systems, installed voluntarily, arbitrarily or otherwise shall provide an adequate means (stub-out) for future fire sprinkler protection on lanais, balconies and canopies in residential occupancies.

x) Amend Subsection 7-3.4-2 to eliminate (2), (3) and (4) and add two exceptions to the existing exception as follows:

Exception No. 2: 13D Systems in one and two family dwellings.

Exception No. 3: Sprinkler piping serving not more than six sprinklers connected directly to a domestic water supply system. However the control valve shall be locked in the open position.

xi) Add Subsection 7-5.1.1 to read as follows:

7-5.1.1 The following are fire flow requirements for new construction, changes in occupancy or use to a more hazardous classification (according to National Fire Protection Association 101, 2000 Edition) or any physical enlargement of existing buildings. All one and two family dwellings are exempt from these requirements except new subdivisions as provided for in (1) below:

New exclusive one and two family subdivisions;

Building Square Footage Min. Fire Flow (GPM)

Less than or equal to 5000                      500

Greater than 5000                              750

Subdivisions not capable of delivering the required fire flow shall provide automatic sprinkler systems in accordance with NFPA 13, 13R, 13D or 1999 editions as applicable.

All other buildings shall calculate required fire flows in accordance with the following formula shown in subsection (3) below. This formula establishes a base flow from which the degree of hazard, credit for fire sprinkler protection and separation distance will result in a final needed fire flow. National Fire Protection Association 13, 1999 edition shall be used for the purpose of determining hazard classification.

NFPA Classification Formula

Application

Light Light

Ordinary I & II Ordinary

Extra High

Fire flow based on the formula  $NFF = \{(18) \times \text{COEFFICIENT FOR THE CONSTRUCTION TYPE}\} \times \{\text{SQUARE ROOT (BUILDING SQUARE FOOTAGE)}\} \times \text{HAZARD FACTOR} \times \text{EXPOSURE FACTOR} \times \text{FIRE SPRINKLER FACTOR}$

Coefficients based on construction type.

- 1.5 = Wood (Type VI)
- 1.0 = Ordinary (Type V)
- 0.8 = Noncombustible (Type III & IV)
- 0.6 = \*Fire Resistive (Type I & II)

Coefficient based on hazard.

- 0.75 = Light Hazard
- 1.0 = Ordinary Hazard
- 1.25 = High Hazard

Coefficient based on exposure distance in feet.

- 0-10 = 1.25
- 11-30 = 1.2
- 31-60 = 1.15
- 61-100 = 1.1
- 101-150 = 1.05
- >150 = 1

Coefficient based on fire sprinklers.

- 0.5 = Fully fire sprinklered
- 1 = Not fully fire sprinklered

\*Fire resistive construction need only be calculated on the three (3) largest successive floors of highest hazard classification.

A four-hour "fire wall" may be used to reduce total square footage of a building for the purposes of fire flow requirements, providing the wall intersects each successive floor of the building and complies with NFPA 221.

The minimum required fire flow for commercial and multi-family occupancies shall be 750 GPM.

Owners and developers shall make provisions to install water lines and fire hydrants to meet spacing and fire flow requirements. Where fire mains exist but do not meet the fire flow requirements, alternative arrangements may be made, prior to construction, with the authority having jurisdiction. Due to the concern for public safety, failure to meet the fire flow requirements or come to alternative agreement shall be grounds for refusal for the City to issue building permits.

xii) Add Subsection 7-5.1.2 to read as follows:

7-5.1.2 Where buildings are constructed, with the furthest point of the structure being one hundred fifty (150) feet or more from a public street, requires private mains and fire hydrants which shall meet the required fire flow with spacing to be determined by the fire official, not to exceed three hundred (300) foot maximum distance between hydrants. Hydrant spacing and

required fire flow may be altered by the fire official if, by prior arrangement with the fire official, automatic fire suppression systems are installed in all buildings on the premises.

Xiii) Add Subsection 7-5.1.3 to read as follows:

7-5.1.3 Maximum distance between fire hydrants shall be five hundred (500) feet in exclusive one and two family areas with buildings not exceeding 5000 sq ft, and three hundred (300) feet in all other areas.

xiv) Add Subsection 7-5.1.4 to read as follows:

7-5.1.4. Where buildings are proposed in an area not meeting the hydrant spacing requirements, the owner or developer shall provide the number of hydrants prescribed by the fire official, under the terms of this section.

xv) Add Subsection 7-5.1.5 to read as follows:

7-5.1.5 Prior to development of new structures or fire protection systems, a fire flow test in accordance with NFPA 291 shall be performed by the fire district having jurisdiction. Such tests shall be completed no longer than six months prior to the submittal for permit. Calculations of the available fire flow at a minimum of 20 psi residual shall be provided on the fire protection plan required by section 1-18.2 or with the hydraulic calculation package submitted for fire protection system permits. Fire flow test reports shall be submitted on the official letterhead of the fire department.

xvi) Add Subsection 7-5.1.6 to read as follows:

7-5.1.6 Fire hydrants shall be provided for structures in accordance with NFPA 24 and shall be distributed so that the Needed Fire Flow determined by the fire official may be delivered. Hydrant locations and distances to proposed structures shall be indicated on the Fire Protection Plan required in Section 1-18.2.

xvii) Add Subsection 7-5.1.7 to read as follows:

7-5.1.7 Proposed single structure site developments within 1000 ft (304.8m) of existing water mains shall extend such mains so that the main sizes and hydrant locations comply with the provisions of this code. Measurement of the distance shall be along existing or proposed roads, streets, driveways or fire lanes as applicable. Where no piped water supply exists within 1000 ft (304.8m) distance criteria, the requirement of NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting 1999 Edition, shall apply. Proposed multi-structure site developments shall provide permanent fire protection water supply from a public or private utility system or construct a private engineered water system acceptable to the authority having jurisdiction and capable of delivering the required Needed Fire Flow specified in subsection 7-5.1.1

xviii) Add subsection 7-7.1.4 to read as follows:

7-7.1.4 All fire sprinkler systems shall be monitored by a UL listed Remote or Central station monitoring agency.

Exception No. 1: One and two family dwellings

xix) Add Subsection 7-7.1.5 to read as follows:

7-7.1.5. All fire sprinkler systems shall activate one or more monitored audio/visual device located on the exterior of the building. The number and location of the device(s) shall be approved by the authority having jurisdiction.

Exception: single family Dwellings.

## (F) CHAPTER 13: COMMERCIAL COOKING EQUIPMENT

(1) 13-2 PORTABLE FIRE EXTINGUISHERS

i) Amend Subsection 13-2.3 to eliminate the exception.

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

NFPA 101 code for Safety to Life from Fire in buildings and structures, 2000 Edition, is amended as follows:

(A) CHAPTER 4: General

i) Add new Subsection 4.8, "Use of Fire and Spark Producing Devices in Public Places" to read as follows:

4.8 Use of Fire and Spark Producing Devices in Public Places.

ii) Add new subsection 4.8.1 to read as follows:

4.8.1. It shall be unlawful for any person to smoke, light or carry a lighted cigar, cigarette, pipe, match or use any spark, flame or fire producing device not specifically authorized by the fire marshal in any of the following areas:

1) In City Hall and in all other public meeting rooms in the City complex and administrative buildings when a public meeting is in progress.

2) In any public theater, church tent, motion picture house or other auditorium used for such shows or performance when the public gathers.

3) In any mercantile store which voluntarily elects, by and through the action of its management, to be included within this section. This prohibition shall not apply to restrooms, restaurants, coffee shops, soda fountain counters, executive offices or beauty parlors in such mercantile stores.

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

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

(I) GENERAL

i) Add Subsection 9.6.1.10 to read as follows:

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

(II) OCCUPANT NOTIFICATION

ii) Amend Subsection 9-6.3.8 to read as follows:

9-6.3.8 Audible alarm notification appliances shall be of such character and so distributed as to be effectively heard above the average ambient sound level occurring under normal conditions of occupancy.

Residential occupancies: Audible alarm indicating devices shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. The audible alarm indicating device sounding shall be measured in a minimum of 70 decibels at the pillow height in all bedrooms.

(2) SECTION 9.7 AUTOMATIC SPRINKLERS AND OTHER EXTINGUISHING EQUIPMENT

**SECTION 9.7.4 MANUAL EXTINGUISHING EQUIPMENT**

i) Amend 9.7.4.1. to read as follows:

9.7.4.1. Portable fire extinguishers shall be installed in all commercial and multi-family occupancy classifications in accordance with NFPA 10, The Standard for the Installation of Portable Fire Extinguishers.

**Sec. 22-34 Permit Fee Schedule.**

All buildings, structures and projects being built new, or being altered, and/or added to requiring a permit shall be subject to a fee for each of the following categories applicable to the work being done. The fee rate schedule will be evaluated annually to make adjustments to keep the income generated in line with expenses. This will be done at the time the city's normal budget process is being considered. The city council may change, delete or add to the listed fees by resolution

**A. Fire Code Compliance Plan Review Fees**

1) Architectural plan review fees:

Less than or equal to \$120,000.	.57% of Job Value
Greater than \$120,000 and less than or equal to \$600,000	.054% of Job Value
Greater than \$600,000 and less than or equal to \$1,200,000	.079% of Job Value
Greater than \$1,200,000	.034% of Job Value

2) Fire Sprinkler Systems: \$50 + \$.95 Per Head

3) Underground Fire Line (Rounded UP) \$100 + \$.20 Per foot

4) Standpipes \$50 + \$5.00 Per Riser

5) Fire Pumps \$275 Each

6) Pre-engineered Fire suppression Systems (new) \$65 + \$20.00 Per Bottle of Suppression Agent

7) Pre-engineered Systems (existing) \$65.00 + \$2.00 Per Head Altered or Added

8) Kitchen Hood Ventilation Systems \$85 Per system

9) Fire Alarm Systems (zoned systems) \$90 + \$15.00 per zone

10) Fire Alarm Systems (intelligent system) \$90. + \$.65

Monitoring Only \$100.00

11) Fuel Storage Systems \$70.00 + \$50 Per Tank (Install, Removal or Abandonment)

12) LPG Installation \$55 + \$10 Per Tank (Install, Removal or Abandonment)

13) Minimum Review Fee and Items Not Listed Above \$30

14) All fees listed above include the initial and ONE re-review. Additional reviews will be provided in accordance with the following schedule:

2<sup>nd</sup> Re-Review 10% of Original Review \$30 Minimum

3<sup>rd</sup> Re-Review 25% of Original Review \$50 Minimum

4 <sup>th</sup> Re-Review	50% of Original Review \$100 Minimum
5 <sup>th</sup> Re-Review	100% of Original Reviews \$200 Minimum

**B. Fire Code Compliance Inspection Fees:**

1. BUILDINGS – Square footage is defined as the total area of the structure(s) under roof.

Construction Types I, II, III, IV, & V:

New Single Story:	\$300.00 + \$0.02 per square foot.
New Multi Story:	\$150.00 per floor, per tower + \$0.02 per square ft.
Construction Type VI:	
All	\$300.00 per floor + \$0.03 per square ft.
Remodels and Alterations	
All:	\$250.00 per floor, per tower + \$0.15 per square ft.
Single Business/Apt. Units.	\$75.00 per unit

1) FIRE SPRINKLERS

New:	\$300.00 per floor, per tower + \$0.65 per head.
Remodels:	\$200.00 per floor, per tower + \$1.00 per head.

2) FIRE ALARM SYSTEMS

New:	\$300.00 per floor, per tower + \$0.65 per device.
Remodels:	\$200.00 per floor, per tower + 1.00 per device.
Monitoring:	\$100.00 per system.

3) KITCHEN HOODS

All:	\$200.00 + \$1.00 per foot of duct.
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4) SUPPRESSION SYSTEMS

Total Flood & Pre-Engineered:	\$50.00 per bottle + \$2.00 per head.
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5) SPRAY BOOTHS (total square foot of booth)

All: -	\$0.50 per square foot.
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6) UNDERGROUND FIRE LINES

All:	\$100.00 + \$1.00 per linear foot.
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7) STANDPIPES

All:	\$100.00 per independent riser.
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8) FIRE PUMPS

All:	\$300.00 each pump.
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9) LP GAS INSTALLATIONS

Above Ground	\$50.00 per tank.
Under Ground	\$100.00 per tank.

- 10) FUEL STORAGE INSTALLATIONS
- |              |                    |
|--------------|--------------------|
| Above Ground | \$100.00 per tank. |
| Under Ground | \$150.00 per tank. |
- 11) HYDRANT RESTRAINTS
- |      |                       |
|------|-----------------------|
| All: | \$50.00 per restraint |
|------|-----------------------|
- 12) ALTERNATIVE WATER SUPPLY/DRAFT HYDRANTS
- |      |          |
|------|----------|
| All: | \$250.00 |
|------|----------|
- 13) STREET NAME CHANGE
- |     |          |
|-----|----------|
| All | \$120.00 |
|-----|----------|
- 14) MISCELLANEOUS & MINIMUM PERMIT FEE
- |                                 |                         |
|---------------------------------|-------------------------|
| Fire Retardant                  | \$100.00 Each Structure |
| Special Event Tent              | \$100.00 Each           |
| Emergency Access/Electric Gates | \$100.00                |
| Minimum Permit Fee              | \$100.00                |
- (not otherwise noted)
- 15) TIME SPECIFIC INSPECTIONS
- |     |  |
|-----|--|
| All | \$75.00 each inspection – subject to availability. |
|-----|--|
- 16) OCCUPATIONAL LICENSE INSPECTIONS
- |  |                     |
|--|---------------------|
| Inspection and one re-inspection               | \$75.00             |
| 2 <sup>nd</sup> Re-inspection                  | \$50.00 additional  |
| 3 <sup>rd</sup> Re-inspection                  | \$75.00 additional  |
| 4 <sup>th</sup> Re-inspection                  | \$100.00 additional |
| 5 <sup>th</sup> and subsequent re-inspections: | \$200.00 additional |
- 17) YELLOW TAGS (re-inspections)
- |   |                    |
|---|--------------------|
| 1 <sup>st</sup> Fail: per unit              | \$50.00            |
| 2 <sup>nd</sup> Fail: per unit              | \$75.00            |
| 3 <sup>rd</sup> Fail: per unit              | \$100.00           |
| 4 <sup>th</sup> Fail: per unit              | \$250.00           |
| 5 <sup>th</sup> Fail & each subsequent fail | \$500.00 per unit. |
- 18) RED TAGS (*immediate stop work order*) (*re-inspections 2xfee*)
- Working without Permit Card on site.
  - Safety violations on site.
  - Combustibles on site without water supply (hydrants / approved alternative water supply).
  - Job sites inaccessible to fire apparatus.

- Working without Marco Island Building or Fire Permit (4x permit fee)

#### EXCEPTIONS

- 1) Structural permits for detached one and two family dwellings are exempt from fire prevention permit fees.
- 2) Permits that in the opinion of the *Fire Marshal*, do not present a fire protection hazard shall be exempt from fire prevention inspection fees.

#### C.SPECIAL EVENTS FEE:

1. Commercial Fireworks Display, a fee of \$300 will be assessed per display.
2. Large outdoor events, circuses, fairs, carnivals, concerts, exhibits and trade show, a fee of \$150.00 shall be assessed per event.
3. Exceptions:
  - a. Hotel sponsored events on their own property with a fire safety plan that has been approved by the Fire Marshal's office prior to the event.
  - b. Small events with no more than 4 tents measured less than 12 feet by 12 feet, with no cooking allowed, and not obstructing Fire Department access to buildings.

#### D.BURN PERMIT FEE:

1. Commercial land clearing burn permit fee of \$300.00 will be assessed per site location, this permit shall be issued for one calendar year.

#### E. NEW OCCUPANCY AND/OR CHANGE OF OCCUPANCY FEE:

1. A fee of \$75.00 will be assessed for a notice of fire compliance certificate inspection for all new and/or change of ownership of commercial occupancies.
2. Exception:
  - a. New or renovated construction, in which a building permit has been issued for the business, a final fire inspection has been issued within 6 months of application of occupational license application a fee will not be charged.

#### Sec. 22-35. Fees for reinspection of existing occupancies.

(a) The fee rate schedule for reinspections for existing occupancies will be evaluated annually to make adjustments to keep the fee in line with expenses. This will be done at the time the city's normal budget process is being considered. The city council may change, delete or add to the listed fees by resolution. Such fees shall be as follows:

- (1) *Commercial occupancies.*
  - a. Initial inspection: No fee.
  - b. First reinspection:
    1. No fee if all violations are corrected or other arrangements have been made with the fire prevention bureau.

2. A fee of \$75.00 if violations still exist.
  - c. Second and each additional reinspection: \$100.00 fee if violations still exist.
  - (2) *Public lodging and multifamily occupancies.*
    - a. Initial inspection: No fee.
    - b. First reinspection:
      1. No fee if all violations are corrected or other arrangements have been made with the fire prevention bureau.
      2. A fee of \$75.00 if violations still exist.
    - c. Second and each additional reinspection: A fee of \$100.00 if violations still exist.
- (b) Fees are due immediately upon receipt of invoice. Failure to pay fees within 30 days will constitute a civil infraction in accordance with F.S. § 633.052 and with this article and as such will be enforceable in accordance with that statute and this article.

### **Section 22.35 Reserved**

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

- (a) The fee rate schedule for malfunction of fire alarm, detection and suppression systems will be evaluated annually to make adjustments to keep the fee generated in line with expenses. This will be done at the time the City's normal budget progress is being considered. The City may change, delete or add to the listed fees by resolution.
- (b) There is a need for proper operation and maintenance of fire alarm, fire detection and fire suppression systems. The response of fire rescue and other City personnel and equipment to structures with these systems that have malfunctioned causes an added burden on the resources of the City and endangers the lives of the public and employees.
- (1) It shall be the responsibility of the owner/agent or occupant of the structure or premises having a system to have such systems maintained by a qualified contractor at all times. It is also the responsibility of the owner/agent or occupant to have a owner/manager or qualified contractor on site within one hour of a fire department request.
- (2) Any continued malfunction, failure to make needed improvements, failure to protect against malicious activation, of a fire alarm, fire detection and/or fire suppression system to which department fire responds emergency response is made will be handled in the following manner:
  - a. First response: No Charge.
  - b. Second response during the same calendar year: No Charge.
  - c. Third response shall be \$250.00
  - d. All additional responses shall be \$500.00 per occurrence.
- (c) Fees are due immediately upon notice from the Fire Rescue Department. Failure to pay the fee within 30 days will constitute a civil infraction in accordance with F.S § 633.052 and with this article and as such will be enforceable in accordance with that statute and this article.
- (d) Any person found resetting or in any way interfering with the reporting of a fire alarm before arrival of fire personnel shall be in violation of FS. § 806.10 and shall be guilty of a

felony of the third degree.

(Ord. No. 99-8, addendum C, 5-3-1999; Ord. N. 01-30, § 1, exh. A, 11-5-2001)

## Section 22.36 Reserved

### **Sec. 22-37. Recovery of costs associated with hazardous material, suspicious or incendiary fires, investigations, violations of law, and weapons of mass destruction incidents**

(a) *Definitions* [The following words terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:]

*Cost recovery* means those necessary and reasonable costs incurred by the City or its agents in connection with rescue, emergency medical services, mitigation, health, life and safety issues, suppression and investigation of suspicious or incendiary fires, violations of law, mitigating, minimizing, removing or abating hazardous material or weapons of mass destruction incidents, including but not limited to the following: actual labor costs of personnel or its authorized agents, costs and operation of equipment, necessary rental, or subcontracting, or purchase and costs of expendable items, etc.

*Forfeiture* means as defined in F.S. §§ 893.12, 932.701--932.704.

*Hazardous substance* means any substance or material in a quantity or form which, in the determination of the fire chief or the chief's authorized designee, poses an unreasonable and imminent risk to the life, health, safety or welfare of persons or property within the city and shall include but not be limited to those hazardous substances listed in the N.F.P.A. Guide on Hazardous Materials, the EPA's list of extremely hazardous substances and the Emergency Response Guide from DOT, or 49 CFR.

*Release* means any intentional or unintentional action or omission resulting in the attempted or actual release, spill, pumping, pouring, emitting, emptying or dumping of a suspected or actual hazardous, biological, chemical, explosive, radioactive substance or material upon public or private property located within or outside the corporate limits of the city.

*Restitution* means as defined in F.S. § 775.089.

*Suspicious or incendiary fire* means any fire not of natural or accidental cause.

*Weapons of mass destruction* means any nuclear, biological, explosive or chemical event related to an act of terrorism.

#### (b) *Authority of City.*

(1) The fire department is hereby authorized to take such steps as necessary, to protect the life, safety and health of the public and to take all such steps necessary to respond and abate emergencies and recover all associated costs as outlined within this section, including but not limited to the following: actual labor costs of personnel or its authorized agents, costs and operation of equipment, necessary rental, subcontracting, or purchase and costs of expendable items, etc.

(2) The city manager or designee is hereby authorized to collect and recover costs associated with such services and work, including forfeiture and restitution.

(3) The city manager or designee shall be authorized to adopt administrative policies regarding the collection of the fees, assessments, and liens. Costs will be based on the applicable schedule of rates provided by: the current FEMA table; the Florida Fire Chiefs

Association; the Collier County Fire Chiefs Association cost recovery schedules; and actual costs for consumables, equipment, response and fill in personnel, subcontractors, and other city departments requested by fire-rescue.

(c) *Liability for costs.*

(1) Any person(s), property owner, renter or agent charged with a violation of: the City's Code of Ordinances, Florida Statutes, including driving under the influence of drugs and/or alcohol, or otherwise responsible for action by the fire department or its authorized agents in accordance with provisions of this section shall reimburse the City as provided in subsection (b)(3) above.

(2) Reimbursement for expenses is due upon invoice from the City. Failure to pay the cost recovery invoice within 30 days will constitute a civil infraction with this article and as such will be enforceable in accordance with this article, this Code, and state law.

(d) *Additional remedies.*

(1) The remedy provided for in this section shall be supplemental to and in addition to all other available remedies at law and equity, inclusive of forfeiture and restitution as defined in state statute, and may be negotiated or waived by the city manager when in the best interest of the city.

(2) Actions of a juvenile resulting in fire rescue response under this article shall be the responsibility of the legal guardian. The city manager may waive charges upon the enrollment of the child in an approved counseling program.

(Ord. No. 02-29, § 1, 10-7-2002)

**Section 22-37 Reserved**

**SECTION THREE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance are intended to become and to be made a part of the Code of Laws and Ordinances of the City of Marco Island Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION FOUR: CONFLICT AND SEVERENCE**

In the event this Ordinance conflicts with any other Ordinance of the City of Marco Island or other applicable law, the more restrictive provisions are intended to apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion is deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining portion.