

Ordinance ^{was} Not Passed

ORDINANCE NO. O-5-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 30. FIRE PROTECTION AND PREVENTION. ARTICLE II. ADMINISTRATION. DIVISION 1 GENERALLY. SECTION 30-26 – FIRE CODE BOARD OF ADJUSTMENT AND APPEALS. TO UPDATE INTERNAL CODE REFERENCES; AND AT ARTICLE III. FIRE PREVENTION STANDARDS. DIVISION 2 CODES ADOPTED. SECTION 30-86. - FLORIDA FIRE PREVENTION CODE INCORPORATED BY REFERENCE. TO UPDATE STATE STATUTE REFERENCES IN THIS SECTION AND TO ADOPT BY REFERENCE THE MOST CURRENT LOCAL AMENDMENTS PROMULGATED BY PALM BEACH COUNTY AT THE REQUEST OF THE COUNTY FIRE MARSHAL; ALSO UPDATING INTERNAL CROSS REFERENCES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 30. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Palm Beach Shores has historically adopted, and continues to adopt as required by state law, the current editions of the Florida Fire Prevention Code and the Life Safety Code NFPA 101; and

WHEREAS, the Palm Beach County Fire Marshal enforces said codes in the Town via agreement between the Town and the county; and

WHEREAS, Palm Beach County has recently adopted the most current edition of the Florida Fire Prevention Code and the Life Safety Code NFPA 101 including local amendments thereto, which strengthen the requirements of the minimum fire safety code, and now requires the Town Commission to adopt same in order to enforce those codes in the Town; and

WHEREAS, the Town Fire Chief also recommends that the Town Commission adopt the Palm Beach County local amendments to the Florida Fire Prevention Code as set forth in Exhibit A to this ordinance, and to update internal references to state law and town code; and

WHEREAS, at a duly advertised public hearing, the Town Commission heard and considered comments of all parties wishing to be heard on this matter; and

WHEREAS, the Town Commission hereby finds and determines that said local amendments are more stringent than and strengthen the Florida Fire Prevention Code's minimum fire safety standards in accordance with Sections 633.202 and 633.208, Florida

Statutes, and that adopting said local amendments will serve the public interest and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: The foregoing recitals and findings are hereby confirmed and incorporated herein.

Section 2: Chapter 30. Fire Protection and Prevention of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article II. Administration, Division 1. Generally, Section 30-26 – Fire code board of adjustment and appeals, to update internal code references in this section; providing that Section 30-26 shall hereafter read as follows:

CHAPTER 30 – FIRE PROTECTION AND PREVENTION

ARTICLE II ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 30-26. - Fire code board of adjustment and appeals.

There is hereby established a fire code board of adjustment and appeals to review decisions made by the fire chief or fire inspector, as applicable, when a written appeal is filed within 30 days of the decision from which the appeal is taken. The members of this board shall be the same as those constituted as the building board of adjustment and appeals set forth in section 14-106 46 of the Code of Ordinances of the Town of Palm Beach Shores.

Section 3: Chapter 30. Fire Protection and Prevention of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article III. Fire Prevention Standards, Division 2. Codes adopted, Section 30-86 – Florida Fire Prevention Code incorporated by reference, to update state statute references in this section and to adopt by reference the most current local amendments promulgated by Palm Beach County at the request of the county fire marshal; providing that Section 30-86 shall hereafter read as follows:

CHAPTER 30 – FIRE PROTECTION AND PREVENTION

ARTICLE III FIRE PREVENTION STANDARDS

DIVISION 2. - CODES ADOPTED

Sec. 30-86. - Florida Fire Prevention Code incorporated by reference.

- (a) The most current edition of the Florida Fire Prevention Code, including the Life Safety Code, Pamphlet 101, by reference, as adopted by the state fire marshal and the state legislature pursuant to §§ 633.~~202~~ 0245 and 633.~~208~~ 025, F.S., is hereby incorporated by reference as the Fire Prevention and Life Safety Code for the Town of Palm Beach Shores, except as otherwise specified herein. The Florida Fire Prevention Code as amended by the most currently adopted local amendments promulgated by Palm Beach County shall be hereinafter referred to as "this Code" or the "Fire Prevention Code." ~~The local amendments to this Code are administrative in nature and are set forth in the other sections of Chapter 30.~~
- (b) Not less than one copy of the current edition of the Florida Fire Prevention Code specifically referenced above shall be on file at the office of the Town fire department. The provisions of this code shall be controlling within the Town of Palm Beach Shores, ~~save and except those portions such as are hereinafter deleted, modified, or amended by other sections of this chapter.~~

Secs. 30-87—30-95. - Reserved.

Section 4: Each and every other section and subsection of Chapter 30. Fire Protection and Prevention. shall remain in full force and effect as previously adopted.

Section 5: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 6: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 7: Specific authority is hereby granted to codify this Ordinance.

Section 8: This Ordinance shall take effect immediately upon adoption.

FIRST READING this ____ day of August, 2022.

SECOND AND FINAL READING this ____ day of September, 2022.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Jude Goudreau, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney