



# TOWN OF HIGHLAND BEACH COMMISSION SPECIAL MEETING AGENDA

Thursday, August 24, 2023 AT 1:30 PM

LIBRARY COMMUNITY ROOM, 3618 S. OCEAN BLVD.,  
HIGHLAND BEACH, FL

## Town Commission

Natasha Moore  
David Stern  
Evalyn David  
Donald Peters  
Judith M. Goldberg

Mayor  
Vice Mayor  
Commissioner  
Commissioner  
Commissioner

Marshall Labadie  
Lanelda Gaskins  
Glen J. Torcivia

Town Manager  
Town Clerk  
Town Attorney

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1. **CALL TO ORDER**
  2. **ROLL CALL**
  3. **PLEDGE OF ALLEGIANCE**
  4. **APPROVAL OF THE AGENDA**
  5. **PRESENTATIONS / PROCLAMATIONS**

A. None.

6. **PUBLIC COMMENTS**

Public Comments will be limited to five (5) minutes per speaker.

7. **ANNOUNCEMENTS**

### Board Vacancies

Board of Adjustment and Appeals  
and

September 21, 2024

Two (2) vacancies, all for three-year terms

One (1) vacancy for an unexpired term ending

**Meetings and Events**

August 30, 2023 11:00 A.M. Natural Resources Preservation Advisory Board  
Regular Meeting

September 04, 2023 Town Hall closed in observance of Labor Day

September 05, 2023 1:30 P.M. Town Commission Meeting

September 05, 2023 5:01 P.M. Town Commission First Public Hearing Budget  
Meeting

**Board Action Report**

None

8. **ORDINANCES** (Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.)

A. Ordinance No. 2023-002 (Second Reading/Public Hearing)

An ordinance of the Town of Commission of the Town of Highland Beach, Florida, adopting the current edition of the Florida Fire Prevention Code and providing for local amendments; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date (First Reading was August 1, 2023).

9. **CONSENT AGENDA** (These are items that the Commission typically does not need to discuss individually, and which are voted on as a group.) Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.

A. None.

10. **UNFINISHED BUSINESS** (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Fire Rescue Implementation Update

B. FY 2023/2024 Budget Update

C. Discussion of Remaining Budget Schedule

11. **NEW BUSINESS** (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Consideration to approve the Health Insurance and Other Insurance Programs for Town personnel for Fiscal Year 2024.

B. Ratification of Collective Bargaining Agreement (CBA) between the Town of Highland Beach and the Florida State Lodge Fraternal Order of Police, Inc. (FOP) Town Staff Agreement October 1, 2023 through September 30, 2026.

C. Resolution No. 23-020

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a merit increase policy for non-union employees and amending the Town of Highland Beach salary table; and providing an effective date.

D. Town Manger Review

**12. TOWN COMMISSION COMMENTS**

Commissioner Judith M. Goldberg

Commissioner Donald Peters

Commissioner Evalyn David

Vice Mayor David Stern

Mayor Natasha Moore

**13. TOWN ATTORNEY'S REPORT**

**14. TOWN MANAGER'S REPORT**

**15. ADJOURNMENT**

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NOTE: Any person, firm or corporation decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is to be based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such record.

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall 561-278-4548 within a reasonable time prior to this meeting in order to request such assistance.

**File Attachments for Item:**

A. Ordinance No. 2023-002 (Second Reading/Public Hearing)

An ordinance of the Town of Commission of the Town of Highland Beach, Florida, adopting the current edition of the Florida Fire Prevention Code and providing for local amendments; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date (First Reading was August 1, 2023).



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** *August 1, 2023*

**SUBMITTED BY:** Lanelda Gaskins, Town Clerk's Office

**SUBJECT:** Ordinance No. 2023-002 (Second Reading/Public Hearing)

An ordinance of the Town of Commission of the Town of Highland Beach, Florida, adopting the current edition of the Florida Fire Prevention Code and providing for local amendments; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date (First Reading was August 1, 2023).

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## **SUMMARY:**

On August 1, 2023, the Town Commission discussed and approved the Proposed Ordinance adopting the current edition of the Florida Fire Prevention Code and providing for local amendments on first reading.

On July 18<sup>th</sup>, 2023, the Town Commission considered an introduction to a proposed amendment to the Town Code of Ordinances that would update the local fire prevention ordinance. It was explained that pursuant to Chapter 633, Florida Statutes, every three years the State Fire Marshal adopts an updated Florida Fire Prevention Code, which establishes the statewide minimum fire safety code and incorporates Florida editions of the National Fire Protection Association's Fire Code (NFPA 1 Fire Code) and Life Safety Code (NFPA 101 Life Safety Code).

Ordinance No. 2023-002 was advertised in accordance with Florida Statutes on August 5, 2023. Therefore Ordinance No. 2023-002 is before Town Commission for adoption on second/final reading.

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## **FISCAL IMPACT:**

N/A

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## **ATTACHMENTS:**

**RECOMMENDATION:**

Adopt Ordinance No. 2023-002 on second/final reading.



**TOWN OF HIGHLAND BEACH  
ORDINANCE No. 2023-002**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, REPEALING CHAPTER 9, “FIRE PREVENTION AND PROTECTION,” OF THE TOWN CODE OF ORDINANCES IN ITS ENTIRETY AND SIMULTANEOUSLY ADOPTING A NEW CHAPTER 9 TO REFERENCE THE CURRENT EDITION OF THE FLORIDA FIRE PREVENTION CODE AND ADOPT LOCAL AMENDMENTS THERETO; REPEALING SECTION 35-11, “FLORIDA FIRE PREVENTION CODE,” OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Highland Beach, Florida (the “Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town is in the process of establishing a Fire Rescue Department responsible for overseeing and enforcing the Florida Fire Prevention Code within the Town; and

**WHEREAS**, pursuant to Chapter 633, Florida Statutes, every three years the State Fire Marshall adopts an updated Florida Fire Prevention Code, which establishes the statewide minimum fire safety code and incorporates Florida editions of the National Fire Protection Association’s Fire Code (NFPA 1 Fire Code) and Life Safety Code (NFPA 101 Life Safety Code); and

**WHEREAS**, Chapter 633, Florida Statutes, provides that the updated Florida Fire Prevention Code adopted by the State Fire Marshall shall be deemed adopted by, and shall be enforced by, local governments with fire safety responsibilities as the minimum fire safety code; and

**WHEREAS**, Chapter 633, Florida Statutes authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum fire safety code; and

**WHEREAS**, Town Staff and the Town’s Fire Marshal have recommended that the Town adopt the most recent version of the Florida Fire Prevention Code and local amendments to the Code, and the Town Commission determines that such local amendments are more stringent than and strengthen the minimum fire safety code and that the adoption of such amendments serves a public purpose and is in the best interest of the public health, safety, and welfare of the Town of Highland Beach.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2.** The Town Commission hereby repeals Chapter 9, "Fire Prevention and Protection," of the Town Code of Ordinances in its entirety and simultaneously adopts a new Chapter 9 to read as follows:

**ARTICLE I. CODES AND STANDARDS**

**Sec. 9-1. Codes and Standards—Adopted.**

- (1) The town adopts by reference and incorporates into this code as though fully set out herein, that certain code known as the Florida Fire Prevention Code (8th edition) ("FFPC"), except as provided in this chapter.
- (2) The town adopts by reference and incorporates into this code, as though fully set out herein, those additional specific standards and codes published by the National Fire Protection Agency ("NFPA") and set forth below:

NFPA	18	2017	Standard for Wetting Agents
NFPA	22	2018	Standard for Water Tanks for Private Fire Protection
NFPA	53	2016	Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres
NFPA	67	2019	Guide on Explosive Protection for Gaseous Mixtures in Pipe Systems
NFPA	69	2019	Standard on Explosion Protection Systems
NFPA	102	2016	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures
NFPA	105	2019	Standard for Smoke Control Door Assemblies and Other Opening Protectives
NFPA	115	2020	Standard for Laser Fire Protection
NFPA	140	2018	Standard for Motion Picture and TV Production Facilities
NFPA	160	2016	Standard for the Use of Flame Effects Before an Audience
NFPA	170	2018	Standard for Fire Safety and Emergency Symbols
NFPA	204	2018	Standard for Smoke and Heat Venting



NFPA	241	2019	Standard for Safeguarding Construction, Alteration, and Demolition Operations
NFPA	287	2017	Standard Test Methods for Flammability of Materials in Clean Rooms
NFPA	291	2019	Recommended Practice for Fire Flow Testing and Marking of Hydrants
NFPA	302	2020	Fire Protection Standard for Pleasure and Commercial Motor Craft
NFPA	306	2019	Standard for Control of Gas Hazards on Vessels
NFPA	496	2017	Standard for Purged Pressurized Enclosures for Electrical Equipment
NFPA	502	2020	Standard for Road Tunnels, Bridges, and Limited Access Highways
NFPA	601	2020	Standard for Security Services in Fire Loss Prevention
NFPA	720	2015	Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment
NFPA	780	2020	Standard for the Installation of Lightning Protection Systems
NFPA	801	2020	Standard for Facilities Handling Radioactive Materials
NFPA	820	2020	Standard for Fire Protection and Wastewater Treatment and Collection Facilities
NFPA	914	2019	Code for the Protection of Historic Structures
NFPA	1225	2022	Standard for Emergency Services Communication
NFPA	1961	2020	Standard on Fire Hose
NFPA	1962	2018	Standard for Care, Use, Inspection, Service Testing, and Replacement of Fire Hose, Couplings, Nozzles, and Fire Hose Appliances
NFPA	2001	2018	Standard on Clean Agent Fire Extinguishing Systems

### **Sec. 9-2. Inspections, Testing, and Maintenance.**

The town hereby adopts the following local amendments to the FFPC:

- (1) All systems, equipment, tanks, piping, devices, appliances, controls, or storage facilities over which the code contains regulatory provisions, or which are required by any other law shall always be maintained in a working, compliant condition.
- (2) All fire sprinklers, standpipe, fire pump, and all other fire suppression systems shall be maintained under a written service contract with service companies licensed by the State of Florida to provide such services. Regular inspection, maintenance, and testing of these required systems shall be completed in accordance with the

applicable standards specified under the FFPC, NFPA 1, NFPA 13, 13D, 13R, NFPA 14, NFPA 17, NFPA 17A, NFPA 20, NFPA 24, NFPA 25, NFPA 33, NFPA 90A and 90B, NFPA 91, NFPA 92, NFPA 92A and 92B, NFPA 96, and NFPA 2001, and all state laws and local ordinances. All reports related to fire protection system inspection, testing, and maintenance shall be reported to the fire rescue department, through an internet-based fire inspection reporting system approved by the town. Any report not submitted through the town's internet reporting system will not be accepted.

- (3) The service company performing the inspections, maintenance and tests referred to in subsection (2) above shall forward all reports to the fire rescue department detailing:
  - (a) The nature of any deficiencies and/or impairments identified and the repairs, modifications and/or corrections completed by the service company;
  - (b) The date and time of all inspections, maintenance, tests, and repairs; and
  - (c) Any other information that may be requested or required by the town's fire rescue services department.
- (4) A copy of all required inspection and deficiency reports shall be provided to the building representative and kept in the fire command room, fire protection closet (if provided), or at a designated location approved by the fire marshal. The reports shall be available at all times to fire rescue personnel.

## **ARTICLE II. HAZARDOUS MATERIALS.**

### **Sec. 9-3. Response to discharges of hazardous substances—Response costs.**

- (1) For the purpose of this section, the following words and phrases shall have the meanings given herein:
  - (a) *Discharge* shall mean any intentional or unintentional action or omission resulting in the releasing, spilling, pumping, pouring, emitting, emptying, or dumping of a hazardous substance upon public or private property located within the corporate limits of the town.
  - (b) *Hazardous substances* shall mean any substances or materials in a quantity or form which, in the determination of the town, poses an unreasonable and imminent risk to the life, health, safety, or welfare of persons or property within the town, or poses a risk of harm to the environment, and shall include but not be

limited to those substances listed in the National Fire Protection Association Guide on Hazardous Materials, the Environmental Protection Agency's list of extremely hazardous substances (40 C.F.R. § 335 Appx. A), or the Florida Substance List promulgated by the Florida Department of Economic Opportunity.

(c) *Response actions* shall mean any activity which is carried out in response to any discharge or potential discharge of a hazardous substance, including:

1. Actions necessary for the cleanup or removal of discharged hazardous substances from the environment;
2. Actions necessary to reduce and/or eliminate the threat of discharge of hazardous substances into the environment;
3. Actions necessary to investigate, monitor, assess, and evaluate the discharge or potential discharge of hazardous substances;
4. Actions necessary for the disposal of removed material; and
5. Actions necessary to prevent, minimize, or mitigate damage to the public health, safety, or welfare or to the environment, which may otherwise result from a discharge or threatened discharge. Response actions also include the provision of security fencing or other means to limit access, the provision of alternative water supplies, temporary evacuation of potential individuals, and restoration of the site to pre-discharge conditions.

(d) *Response costs* shall mean any costs incurred in undertaking response actions. Response costs shall not include costs incurred for actual fire suppression services which are regularly provided by the town or its authorized agents, except where a fire is caused or exacerbated by discharge of hazardous materials.

- (2) The town is hereby authorized to undertake response actions in the event of discharges or potential discharges of hazardous substances upon or into public or private property or facilities located within the corporate limits of the town.
- (3) When engaging in a response action caused by the unauthorized discharge or potential discharge of hazardous substances, the town shall keep a detailed record of the response costs.
- (4) Any person or entity responsible for causing or allowing an unauthorized discharge or potential discharge of hazardous substances that requires response actions by the town or its authorized agents shall reimburse the town for the full cost of all

response actions. Reimbursement shall be made within thirty (30) days after receipt of an itemized bill for response costs from the town.

- (6) Any person or entity responsible for causing or allowing an unauthorized discharge or potential discharge of hazardous substances that results in the town incurring response costs and who fails to reimburse the town for such response costs within the time set forth herein shall be subject to a late fee in the amount of ten percent (10%) of the total amount of the response costs after thirty (30) days. Thereafter, the late fee assessed on the unpaid balance shall be increased by two percent (2%) for each additional thirty (30) day period until the full amount, including any applicable late fee, is paid.
- (7) The remedy provided for in this section shall be supplemental to and in addition to all other available remedies at law or in equity.

### **ARTICLE III. GENERAL PROVISIONS**

#### **Sec. 9-4. Burning permit.**

It shall be unlawful for anyone to set a fire on any lot, street, alley or other public or private place within the corporate limits of the town without first obtaining a permit to do so from the fire rescue department and paying all fees specified in the town's municipal facilities and services user fee schedule. The application shall be obtained from the department, and it shall be reviewed for approval or rejection by the chief of the department or his/her designee. Approved permits may be revoked by the department at any time if it is deemed by the department, in its sole discretion, that changes in weather or other circumstances render the fire a hazard or dangerous to the public in any manner.

#### **Sec. 9-5. Illegal storage.**

A determination that storage is illegal or in violation of this or other NFPA code(s) shall be at the discretion of the fire chief or his/her designee. Illegal storage, for the purpose of this section, includes any material stored in an electrical room, in front of major electrical panels, fire pump rooms, fire command rooms (other than what is permitted by the Florida Building Code and the FFPC), fire protection closet, and similar areas. Such areas shall be provided with signs indicating "No Storage."

#### **Sec. 9-6. Premises identification.**

All new and existing buildings shall include signage that identifies the building address. All such signs shall be permanent and shall meet the requirements NFPA 1. All such signage shall be placed on buildings in such a manner that their address numbers are plainly legible and visible from the road or street fronting the property.

**Sec. 9-7. Unit and Suite Identification.**

All apartment units, condominium units, and business suites located in buildings, regardless of occupancy type, shall include signage that identifies their number (or any other identifying designation). All such signs shall be permanent and shall meet the requirements NFPA 1. Units shall be distinguished and identified using numbers or letters, or a combination thereof, in sequence. Proposed numbering or lettering schemes shall be subject to review and approval by the fire chief or his/her designee. Identification signs shall be located on the door of the unit, or the wall adjacent to the unit, such that it is visible and legible to approaching fire rescue personnel. Signs located on a fire rated door or fire rated wall shall not compromise the rating of the door or wall and shall not conflict with manufacturers recommendations.

**Sec. 9-8 Directional/Wayfinding Signs.**

Approved directional signs shall be provided in corridors and other areas of the building, as required to assist fire rescue service personnel. The location of directional signs shall be at the discretion of the fire chief or his/her designee.

**Sec. 9-9 thru 9-25 - Reserved.**

**Sec. 9-26. Fire lanes on private property.**

- (1) For the purpose of this chapter, a "fire lane" shall mean a space sufficient in width and length to permit the parking of fire trucks and other firefighting apparatus and located nearest to, or at the best location to permit firefighting operations for, a building or structure.
- (2) Fire lanes shall be established and maintained on private property where the public has the right to travel by motor vehicle and where the public is permitted by invitation or by license to travel by motor vehicle, to the extent that any such fire lane is necessary for the department to access buildings by fire trucks or other firefighting apparatus, as more specifically provided in FFPC, NFPA 1, Chapter 18.

“Private property where the public has the right to travel by motor vehicle and where the public is permitted by invitation or by license to travel by motor vehicle” shall mean all parking lots, shopping plazas, and shopping centers, as well as all commercial, industrial, single family, and multi-family residential areas.

- (3) After notification by the fire rescue department to establish fire lanes on a particular property, the owner or person in possession and control of the property shall submit a site plan for the fire lanes on the property to the fire department for review and approval of the design and location of the fire lanes. The site plan shall be drawn to scale and shall show all related buildings, driveways, streets, and other information necessary to evaluate the sufficiency of the fire lanes.
- (4) Approval of fire lanes by the fire rescue department shall constitute authorization for the person owning, or in possession and control of, any such property to install required official signs and necessary pavement markings prohibiting the stopping, standing, or parking of motor vehicles within the fire lanes, and the posting of the fire lanes as tow-away zones. Such signs and necessary pavement marking and striping shall be furnished and installed by the owner or person in possession and control of the property at their own cost. The owner or person in possession and control of the property shall thereafter be responsible for the maintenance of the signs, markings, and striping of the required fire lanes.
- (5) All fire lane signs required by and installed pursuant to this section shall have red lettering, not less than two inches (2”) or more than three inches (3”) in height, on a white background. Each sign shall be twelve inches (12”) wide by eighteen inches (18”) in height and shall be consistent with the manual on uniform traffic control devices of the state department of transportation and Chapter 18 of NFPA 1, 8th edition).

**Sec. 9-27. Use of outdoor cooking appliances.**

- (1) This section shall apply to all buildings and structures, except two-family dwellings of one-story design, and single-family dwellings. This section shall not apply to commercial cooking appliances.
- (2) For the purpose of this section, an outdoor cooking appliance shall mean any portable and non-portable cooking appliance, grill, stove, or smoker, fueled, or powered by electricity, wood, charcoal, liquefied petroleum gas, natural gas, gasoline, kerosene, naphtha, alcohol, or other liquid or gaseous fuel.
- (3) Outdoor cooking appliances shall be operated a minimum of ten feet (10') from the exterior of buildings or structures.
- (4) It shall be unlawful for any person to use or cause to be used any outdoor cooking appliance on any balcony, within any screened enclosure, in any covered parking area, in any corridor or hallway, under any overhang or within any area of any building or structure; notwithstanding the foregoing, a tabletop or countertop electric grill, with a cooking surface that is two hundred (200) square inches or less in size, may be used on a balcony, as long as the balcony is not enclosed or within a screened enclosure. This requirement also applies to one-and two-family dwellings.

**Sec. 9-28. Closing of private driveways, roadways, and entrances.**

It shall be unlawful for any person to have or cause to have any driveway, roadway, or entrance barricaded or blocked by obstacles which would interfere with the response of the fire rescue department or other emergency vehicles. If an existing building requires a change of access, the owners shall provide revised life safety plans and obtain a permit from the town.

**Sec. 9-29. Processes deemed hazardous to life and property.**

- (1) The fire chief or fire marshal may issue an order for the immediate cessation of any activity, operation, or process, when such operation, activity, or process constitutes a severe and immediate hazard to persons or property.
- (2) No person who, after being served with either a verbal or written order to cease such severe and immediate hazardous activity, operation, or process, shall fail or refuse to comply with such an order.

**Sec. 9-30. Evacuation of occupied buildings or structures.**

In accordance with the Florida Fire Prevention Code, NFPA 1, sec. 1.7.16, the fire chief, the fire marshal, a fire inspector, or any department officer may order the immediate evacuation of any occupied building or structure or assembly area when such building, structure or assembly area is deemed hazardous due to a fire hazard, obstruction to exits, overcrowding of the premises, or any other hazard or potential which presents immediate and life-threatening danger to the occupants. The premises, or any portion thereof, may not be reoccupied until it has been examined and deemed free of the hazard or potential hazard that caused the evacuation to be ordered.

**Sec. 9-31. Fireworks, pyrotechnic special effects, flame effects.**

- (1) The discharge, firing or use of the following fireworks products are prohibited inside buildings, tents, structures, and other enclosed spaces:
  - (a) Firecrackers, rockets, torpedoes, roman candles or other fireworks or substances designed and intended for pyrotechnic display, and of cap guns, starter pistols, canes, cannons, or other appliances (other than a "firearm" as defined in Fla. Stat. § 790.001) using blank cartridges or caps containing chlorate or potash mixture;
  - (b) Pyrotechnic special effects including, but are not limited to, chemical mixtures used in the entertainment industry to produce visible, audible, or thermal effects by combustion, deflagration, or detonation; and
  - (c) Flame effects including, but not limited to, batons, and/or torches fueled by liquid, solid or gaseous fuels, flame projectors which produce heat effects and/or flames, flash powders composed of fuel(s) and oxidizer(s), flares. and similar devices.
- (2) Except as provided in section 791.08, Florida Statutes, a permit shall be obtained from the town manager or his/her designee, prior to any outdoor use of fireworks, pyrotechnic special effects, flame effects, and/or any other fireworks item identified in section 1 above. The application for a permit shall be on a town form and payment of an application fee shall be required. The town manager or his/her designee may include conditions in the permit, including but not limited to additional inspection fees, to ensure compliance with all applicable requirements herein and state law or to protect the public health, safety, and welfare.
- (3) The permit applicant shall furnish with its application proof of financial responsibility in the form of liability insurance. Such liability insurance shall have a minimum of \$1,000,000.00 coverage for each occurrence and shall provide coverage for all claims



for damages to property or personal injuries, including death, arising out of the use of the fireworks. Additionally, the applicant shall provide the town with an endorsement from its insurer that names the town, and its officers and employees, as an additional insured and shall otherwise be in a form acceptable to the town.

- (4) The outdoor use of fireworks shall be in accordance with NFPA 1123 and NFPA 1124.

**Sec. 9-32. Public Safety Radio Communication System.**

In all newly constructed buildings, a minimum radio signal strength for public safety radio signals shall be required within the building. Installation and signal strength shall be the minimum requirements per NFPA 1225 (2022 edition), Chapter 18 (In-Building Emergency Responder Communication Enhancement Systems) or as otherwise specified by the town. In all new and existing buildings, as outlined in Section 633.202(18), Florida Statutes, that cause a reduction of Emergency Responder Communication signals below the acceptable level for reliable communications, a two-way radio enhancement system shall be required. In buildings where phone jacks are required as part of an alarm system, a two-way radio enhancement system shall be installed and maintained by the building owner, in lieu of the phone jacks.

**Sec. 9-33. Rubbish and linen chutes.**

New buildings with a chute or chutes for trash, linen, or any other building services requires fire sprinkler protection, and all such chutes shall be provided with a riser for the purposes of complete isolation from the remainder of the building's fire sprinkler system. The valve to isolate the riser shall be supervised.

**Sec. 9-34. Liquefied Petroleum Gas Containers.**

All containers installed for the storage, handling, transportation, and use of liquefied petroleum gas shall comply with the requirements of NFPA 58.

- (1) Containers shall not be filled prior to rough-in inspection without the prior approval of the fire chief or his/her designee.
- (2) Underground tanks shall be visually inspected prior to back filling the location of installation.
- (3) Tanks installed within ten feet (10') of a public vehicular thoroughfare or designated parking location shall be provided with vehicular barrier protection.

- (4) Tanks installed under a driveway or designated parking area shall be a non-interchangeable underground tank.
- (5) Tanks installed under a driveway or designated parking area shall be provided with a shroud that allows the tank to be installed at least eighteen inches (18") below grade.
- (6) Tanks installed under a driveway or designated parking area shall be provided with a protective dome or cover, engineered to protect the tank valve assembly, and support the weight of parked or moving vehicles.

### **ARTICLE III. ELEVATORS**

#### **Sec. 9-35. Dimensions and control of automatic elevators.**

In all buildings three stories or more in height erected, after November 23, 1993, which are equipped with automatic elevators, all elevators of the structure shall be arranged for emergency use (firefighter's service) by department personnel. At all times, and regardless of circumstances, elevators shall remain operable and available for emergency use by department personnel. The control of all automatic elevators shall meet the requirements as set forth under Chapter 61-5C, "Florida Elevator Safety Code," Florida Administrative Code. In addition to these requirements, the following specifications shall be met:

- (1) Emergency auxiliary power required.
  - (a) Emergency auxiliary electrical power shall be provided for all elevators equipped with the key switch service for department personnel. The auxiliary power supply shall be capable of supplying power to the elevators for a period of at least twenty-four (24) hours. The auxiliary power supply shall be approved by the fire rescue department.
  - (b) Emergency auxiliary power shall remain on for the service car in use by firefighters regardless of selection switch devices, which may also be installed to rotate emergency power to other cars in the building.
  - (c) No more than ten (10) seconds shall be required for the auxiliary power to be in full operation and the operation of the emergency power supply shall automatically transfer to the firefighters' service car.
  - (d) A maintenance schedule shall be maintained in the generator equipment room to record all tests and operation of such auxiliary power equipment. At all times, the records shall be posted and available to the fire rescue services department.

- (e) All auxiliary power equipment and automatic transfer apparatus shall be tested weekly.
  - (f) For all buildings which are designed and constructed having multiple separate towers, each tower shall be treated as though it were a separate building.
- (2) Key switch operation (firefighter's service).
- (a) As used in this section, authorized personnel shall mean the fire chief and any fire rescue department officer designated in writing by the fire chief as authorized to possess the standard emergency elevator control key or key to a keykeeper box.
  - (b) A keykeeper box shall be installed adjacent to all firefighter's service elevators. The performance standards of the keykeeper box shall equal or exceed those of the Bommer key-keeper box, type 5620, F2828, or the AF Florence Manufacturing Company KK Series Key Keeper Box. The key keeper box shall be equipped with a lock that can be opened with the Emergency Response Region 7 Key (Yale Key No. R-80833-2006-7).
  - (c) The standard emergency elevator control key shall be issued only to authorized personnel.
  - (d) All buildings constructed following the adoption of this code regardless of the number of stories, shall use the emergency elevator control key for Emergency Response Region 7 (Yale Key No. R-80833-2006-7).
  - (e) Any building having undergone "substantial improvement," as defined in Section 161.54(12), Florida Statutes, must comply with subsection 9-35(2)(b) of this Code.
  - (f) All elevators in the town shall utilize the Emergency Response Region 7 (Yale Key No. R-80833-2006-7) key for the keykeeper box lock.
- (3) Minimum size and weight capacity.
- (a) Elevators shall have a platform with dimensions of at least six feet (6') deep by five feet (5'), five inches (5") wide.
  - (b) Elevators shall have minimum headroom inside the car of at least seven feet (7'), six inches(6").
  - (c) Doors to elevators shall be at least six feet (6'), eight inches (8') high by three feet (3') wide.
  - (d) Elevators shall have a weight capacity of at least 3,500 pounds.
- (4) Emergency access keys.

- (a) A standard emergency access door key shall be provided to the department for all elevators.
- (b) An emergency key slot shall be located on each door on every floor or landing on which each elevator can stop.
- (5) A sign shall be posted directly above each elevator door on every floor, stating: "In Case of Fire: Use Exit Stairways—Do Not Use This Elevator."
  - (a) The sign shall be at least two and one-half (2½) inches high by three and one-half (3½) inches wide.
  - (b) The letters shall be of a color that contrasts with background.
- (6) Emergency use elevator to be identified.
  - (a) Any elevator provided with the fire rescue department key switch and emergency power shall be identified by a sign of at least three inches (3") wide by two inches (2") high displaying at least three-quarter (¾) inch letters with the following information: "Fire Rescue Services Department Emergency Power."
  - (b) The background of the sign shall be red with white letters.
  - (c) The sign shall be posted in the center of the door frame directly above the door opening on the floor where the key switch is located.

#### **ARTICLE IV. PERMITS**

##### **Sec. 9-36. Examination of building permits.**

- (1) This section shall not apply to single-family or duplex residential units, except where the installation of fire suppression systems, fire alarm systems, or liquefied petroleum fuel tanks, are proposed, or are required by this code, the Florida Building Code or the FFPC.
- (2) Any plans and/or specification submitted as part of an application for any building permit for new construction, demolition, moving of existing buildings, or renovation of existing structures shall comply with Section 1.14 of the Florida Fire Prevention Code, 8th Edition, and Subtitle 61-G15 of the Florida Administrative Code, as applicable, and examined and approved by the fire rescue department. Each set of plans and specifications submitted for approval pursuant to this section must also include all required fire permit applications.
- (3) The fire rescue department shall provide review comments following rejection of any submitted plans.

- (4) The owner of any new building or any existing building undergoing a level 2 or level 3 alteration, as defined by the Florida Building Code ("FBC"), or extensive modification or reconstruction pursuant to the FFPC, shall provide floor plan drawings on a media type specified by the fire rescue department for the purpose of pre-fire planning. This shall be required prior to issuance of the temporary certificate of occupancy or certificate of occupancy, as applicable.

**Sec. 9-37. Permits, fee schedule.**

The following enumerated installations and activities require a permit from the fire rescue department. The applicable fees, as enumerated in the town municipal facilities and services user fee schedule, shall be paid after the permit application is approved. Main use building permits shall not be approved by the fire rescue services department for the following uses until all necessary fire rescue department installation permits for special systems and/or equipment have been applied for by the appropriate subcontractors and issued by the fire rescue department, or as may be specifically approved by the fire chief or a designee.

- (1) Motor vehicle painting—Spray booths and bake ovens.
- (2) Gas and fuel-oil-fired outdoor equipment.
- (3) Elevators.
- (4) Liquid petroleum or natural gas storage.
- (5) Flammable or combustible liquid storage.
- (6) Flammable or combustible liquid dispensing.
- (7) Fire alarm systems.
- (8) Fixed automatic fire protection systems.
- (9) Automatic fire sprinkler systems.
- (10) Standpipe systems, independent or part of sprinkler system.
- (11) Fire pumps.
- (12) Required emergency generators.
- (13) Fire hydrant flow test.
- (14) Hazardous substances storage.
- (15) Fireworks display (see sec. 9-31).
- (16) Outdoor burning (see sec. 9-3).
- (17) BDA Systems – 2-way radio enhancement systems / Bi-Directional Amplification.

**Sec. 9-37. Work started without a permit.**

- (1) When work for which a permit is required by this chapter is started prior to issuance of a fire rescue department permit, the permit fees herein specified shall be tripled.
- (2) The payment of such fee shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work, nor from any other penalties prescribed herein.

**ARTICLE V. FIRE FLOW REQUIREMENTS**

**Sec. 9-38. Fire flow requirements.**

- (1) Intent. The intent of this section is to ensure an adequate water supply for fire suppression by establishing minimum flow rates required to control and extinguish fires that may occur within prescribed occupancy classifications. The requirements of this section shall be applicable to public and private water systems, including individual properties and land development projects.
- (2) Required fire flow.
  - (a) The "required fire flow" is the rate of flow needed for firefighting purposes to confine a major fire to the buildings within a block or other contiguous grouping. The determination of this flow depends upon the size, construction, occupancy, and exposure of buildings within and surrounding the block or group of buildings, and upon the existence of automatic sprinkler protection. The determination of required fire flow in each case shall be made by the fire chief, or a designee, according to the criteria established by this section and by the Guide for Determination of Required Fire Flow, published by the Insurance Services Office, ISO Edition 06-2014, and as it may from time to time be amended, which are adopted and incorporated herein by reference.
  - (b) The minimum required fire flow in the various zoning district classifications shall be as listed in Table I at the end of this section. Where conditions indicate that consideration must be given to possible simultaneous fires, as determined by the fire chief utilizing the criteria established or adopted herein, an additional 1,000 to 8,000 gallons per minute shall be required. However, the maximum fire flow requirement for any system shall be 12,000 gallons per minute. The required minimum duration for fire flow for private fire protection systems not serviced by the town shall be as listed in Table II at the end of this section. All required fire

flow rates shall be in addition to the water flow rates necessary to supply the needs of normal flow demands.

- (3) Normal flow demands. Flow demands for design systems shall be calculated based on full ultimate development as known or projected. The average daily flow for domestic use shall be calculated pursuant to normal flow demand criteria as detailed in the town utilities services department standards manual.
- (4) Fire hydrants and fire flow requirements; exemptions and qualifications; interim criteria.
  - (a) All new buildings and all existing buildings being altered to increase the area, height, or occupancy shall have available the required number of fire hydrants as specified in Table III at the end of this section connected to a public water supply which meets the fire flow requirements specified in Tables I and II at the end of this section, except as follows:
    1. All duplex and single-family detached homes not requiring water main extensions for domestic purposes. For purposes of this subsection, "water main extension" shall mean the extension of a water supply system by installation and construction of a new water main, six inches (6") in diameter or larger, as required by the public utility.
    2. Additions to existing buildings and accessory buildings not exceeding twenty-five percent (25%) of the square footage of existing structure, but in no event greater than 5,000 square feet.
    3. Neighborhood shopping centers with buildings totaling an area of less than 100,000 square feet with no building under one roof of more than 10,000 square feet, with no building exceeding two stories in height, and with at least twenty-five-foot (25') separations between buildings, shall meet fire flow requirements of at least 1,250 gallons per minute.
    4. Individual industrial or commercial buildings or structures not part of a neighborhood shopping center or industrial park, less than 5,000 square feet in area, and with low or ordinary hazard content shall meet a fire flow requirement of at least 750 gallons per minute.
  - (b) If the rate of fire flow required under the terms of this section is not available from the public utility at the time of application for a building permit, and none of the exemptions or qualifications in (a) through (c) above apply, then the following interim criteria shall govern the issuance of building permits:

1. Properties classified as having low hazard contents, and not exceeding two (2) stories in height, will be required to provide a minimum of fifty percent (50%) of the flow rate described in Table I for its zoning district at the end of this section.
  2. Properties classified as having ordinary hazard contents, and not exceeding two (2) stories in height, will be required to provide a minimum of seventy percent (70%) of the flow rate described in Table I for its zoning district at the end of this section.
  3. Properties classified as having low or ordinary hazard contents, and having more than two (2) stories but not exceeding five (5) stories in height, will be required to provide a minimum of seventy-five percent (75%) of the flow rate described in Table I for its zoning district at the end of this section.
  4. Properties classified as having high hazard contents will be required to provide one hundred percent (100%) of the flow rate described in Table I for its zoning district at the end of this section.
  5. All properties, in excess of five (5) stories in height, will be required to provide one hundred percent (100%) of the flow rate described in Table I for its zoning district.
  6. As used herein, "low hazard contents," "ordinary hazard contents" and "high hazard contents" shall be defined as set forth in Florida Fire Prevention Code NFPA 101 section 6-2.2, which section is adopted and incorporated herein by reference.
  7. In all cases of new construction where less than the flow rate described in Table I at the end of this section is permitted pursuant to the provisions of (b) above, engineering and construction of new facilities to meet the total fire flow requirements as described in Table I will be provided so that at the time the public utility is capable of providing full fire flow, the properties receiving the flow will be capable of utilizing the full fire flow provided by the utility.
  8. In all cases wherein the interim criteria of (b) above are utilized, no less than a 500-gallon-per-minute fire flow shall be permitted for any type of improved property, and all fire flow tests will be calculated with a minimum of twenty (20) psi residual pressure remaining in the water main.
- (5) Supplemental flow systems. If the minimum fire flow requirements set out in this section cannot be met by the water supply utility, then the applicant for a building



permit shall be required to supplement those flows through an on-site, or readily available, system meeting the minimum fire flow requirements of this section and meeting with the approval of the fire rescue services department.

- (6) Extensions of time; bond. If the required fire flow is not available to allow an applicant to obtain a certificate of occupancy, but it is determined by the fire rescue department that system improvements are in process and are imminent so that the applicant will be able to meet the fire flow requirements, then the fire rescue services department may extend the time to meet the requirements of this section for an initial interim period not to exceed ninety (90) days and may authorize a temporary certificate of occupancy based thereon. In order to meet the fire flow requirements, a bond sufficient to assure completion of the required system improvements shall be posted by the applicant with the town manager. The amount of the bond shall be determined by the fire rescue services department and shall be equivalent to two hundred (200) percent of the cost to complete the fire flow improvements.
- (7) Fire hydrants and fire hydrant branches.
  - (a) The location, number, and sizes of the fire hydrants, and fire hydrant branches, shall be designated by the fire rescue department in accordance with Table III at the end of this section.
  - (b) Fire hydrants of the approved municipal design and system pattern shall be provided along all primary roadways and fire lanes throughout any proposed project. When such development fronts on one or more existing public street(s), fire hydrants shall be located along the public street(s) as well as throughout the entire project. Spacing shall be measured along the actual route fire apparatus will travel.
  - (c) Unobstructed access to fire hydrants, or on-site private systems, shall be provided and maintained to accommodate firefighting apparatus.
- (8) Distribution systems. The supply mains shall be of adequate size and have properly arranged connections to the arterial mains, which shall extend throughout the system and have numerous connections to the secondary feeders that supply the minor distribution.
- (9) Main sizes. Main sizes and system patterns shall be subject to approval of all applicable agencies pursuant to fire and normal flow demand criteria. Design standards shall be in conformance with current editions of the town utilities services department standards manual.

- (10) Pressure. Sufficient pressures shall be provided within the system to maintain twenty (20) psi residual pressure while providing required fire flows. In those cases where system supply design and hydrant locations are capable of meeting full domestic, commercial and fire flow demands, residual pressures of ten (10) psi will be permitted.
- (11) Violations. No person shall:
- (a) Use or operate any fire hydrant or other valve on any fire system that is intended for use by the town for any purpose unless a fire hydrant use permit has been issued by the town to such person and such person complies with the appropriate provisions of Chapter 29 of the Town Code of Ordinances.
  - (b) Remove, tamper with, or otherwise disturb any fire hydrant or firefighting appliance except for the purpose of extinguishing fires, firefighting training, or making necessary repairs, without first obtaining written approval by the fire rescue services department.

TABLE I. REQUIRED FIRE FLOWS BY ZONING CLASSIFICATION (Defined in Section 30-62 of the Town Code)

Zoning Districts	Requirement
Group 1: RE (Residential Single-Family Estate Zoning District), RS (Residential Single-Family Zoning District)	The system shall deliver not less than 500 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 500 gallons per minute.
Group 2: RML (Residential Multiple-Family Low-Density Zoning District)	The system shall deliver not less than 1,000 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 750 gallons per minute.
Group 3: RMM (Residential Multiple-Family Medium-Density Zoning District)	The system shall deliver not less than 1,500 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 750 gallons per minute.
Group 4: RMH (Residential Multiple-Family High-Density Zoning District)	The system shall deliver not less than 2,000 gallons per minute at 20 psi residual on the

Zoning Districts	Requirement
	system. Each fire hydrant shall deliver not less than 750 gallons per minute.
Group 5: GSD (Government Service Zoning District)	The system shall deliver not less than 2,000 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 1,000 gallons per minute.

TABLE II. REQUIRED DURATION FOR FIRE FLOW

Required Fire Flow (gallons per minute)	Required Duration (hours)
10,000 and greater	10.00
9,500	9
9,000	9
8,500	8
8,000	8
7,500	7
7,000	7
6,500	6
6,000	6
5,500	5
5,000	5
4,500	4
4,000	4
3,500	3
3,000	3
2,500 and less	2

TABLE III. FIRE HYDRANT SPACING

	Districts	Hydrant Spacing (feet)
1.00	Multifamily structures 2 or more stories in height	300.00
2.00	Commercial, industrial, and similar structures regardless of height	300.00
3.00	Areas with multi-laned, divided highways (hydrants shall be provided along both sides of such roads with the location of curb cuts and median cuts considered)	400.00
4.00	Residential districts, single-family and duplex areas with dead-end streets	500.00
5.00	Residential districts, single-family and duplex areas with complete internal circulation	600.00
6.00	Residential districts, cluster developments 1 story in height	400.00

## **ARTICLE VI. FIRE ALARMS AND AUTOMATIC FIRE EXTINGUISHING SYSTEMS**

### **Sec. 9-39. Central station alarm disposition.**

Alarm disposition between a central station and the fire rescue department may be transmitted via any of the transmission modes approved by NFPA 72. However, the maximum duration between the initiation of an alarm signal at the protected premise to transmission to and receipt of the signal by the fire rescue department shall not exceed ninety (90) seconds.

### **Sec. 9-40. Automatic fire-extinguishing and detection systems.**

Any automatic or manual fire alarm signal system and automatic fire-extinguishing or automatic fire detection system hereafter installed, in addition to complying with the Florida Fire Prevention Code, the Florida Building Code, and the state fire marshal's rules and regulations, shall be listed by a Nationally Recognized Testing Laboratory ("NRTL") approved in accordance with the provisions of Section 633.334, Florida Statutes, and shall conform to the following requirements:

- (1) Any fire alarm system, automatic fire sprinkler system, smoke, ionization or heat detection system, clean agent extinguishing system, automatic fire-extinguishing devices, (except stand-alone automatic extinguishing systems in hoods and ducts),

installed in any occupancy, which may be required by applicable provisions of these regulations, shall be so arranged that the normal operation of any required alarm-initiating device or the operation of any automatic fire-extinguishing system shall automatically transmit an alarm to a documented NRTL central station. Listing documentation shall be submitted to the fire rescue department for review and approval.

- (2) A NRTL central station, in accordance with NFPA 72 (2019) Section 26.3, shall be identified by the NRTL certificated service provider for all newly installed and required fire alarm systems. An existing required fire alarm system, wherein the control panel or alarm components are being replaced, shall be considered a new fire alarm system for the purposes of this section, and such system shall meet the certifying requirements of this code. NRTL listed central station service, in full compliance with NFPA 72 (2019) Section 26.3, shall be maintained at the protected property, so long as the requirement for the fire alarm system exists.
- (3) All fire alarm signal systems, and automatic extinguishing and detection systems, installed in accordance with this section shall be maintained under a written service contract providing for regular maintenance and testing of the system in accordance with the state fire marshal's rules and regulations. When the fire rescue department determines a fire alarm system is out of service in need of repair, or where confirmation is required to verify proper functioning of the system, the fire rescue department shall request the response of a technician as required in NFPA 72 within the timeframes specified therein, without consent from any building representative. Failure to comply with such a request for a technician or runner is a violation of this code.
- (4) The service company performing the maintenance and tests shall forward a written report to the fire rescue department indicating the nature of any deficiencies, impairments, repairs, modifications, and/or corrections completed by the service company, the date and time of such tests and inspections, and any other information, which may be required by the fire and life safety division. In addition, a copy of the service report shall be maintained in the fire protection closet or fire command room, or on the premises and it shall be subject to inspection by the fire rescue department at any time.
- (5) In accordance with NFPA 72 (2019), all fire alarm signal systems, automatic extinguishing and/or detection systems shall be provided with an approved

annunciator panel. Annunciator panels, either remote or part of the FACP, shall be equipped with an LCD display with a minimum eighty (80)-character capability, designed to indicate the floor number and the section of the building reporting a fire alarm or fire condition. Fire alarm system activation in multi-level/story occupancies/buildings shall indicate an alarm condition on the floor of incident, one floor below the floor of incident, and all levels above the floor of incident. Each alarm-initiating device shall indicate an individual location on such annunciator. The alarm initiating device shall indicate its individual location to the monitoring central station. The annunciator shall respond to either manual or automatic devices, and all devices within the system shall be connected to the annunciator. The location of the annunciator panel shall be designated by the fire rescue department, and it shall be so located as to be immediately available to the fire rescue department at all times. Fire alarm systems installed solely for the purpose of monitoring a fire sprinkler system shall be allowed upon the approval of the fire chief or his/her designee. In a complex with multiple buildings, each building shall have its own transmitter for alarm signal disposition to the central station.

- (6) Carbon monoxide detection systems shall be required in buildings as provided in NFPA 1, NFPA 101, and NFPA 72. Carbon monoxide levels shall be monitored in new parking structures in addition to the requirements of NFPA 88A. In addition to established requirements, carbon monoxide detection systems shall, upon the detection of carbon monoxide levels above 99 ppm, send a supervisory signal to the buildings fire alarm system panel, and any area attended to by security or staff. Detection of carbon monoxide levels exceeding 199 ppm shall activate a fire alarm signal to notify all occupants of the building and send a signal to central station. Existing parking structures will be required to comply with this section upon completion of a level 2 or level 3 alteration as defined in the Florida Building Code.
- (7) All fire alarm signal and detection systems shall be provided with a secondary source of power always available for use in the event of failure of the primary power supply to insure continuous operation of the system, pursuant to the requirements of NFPA 72 Section 10.6 (2019).
- (8) Pre-signal fire alarm systems shall not be permitted.
- (9) A change in service provider or a transmitter requires a permit and verification by the fire department that the alarm system is reporting the appropriate signals to the central station as required by code.

- (10) Communications methods shall comply with the requirements of NFPA 72 (2019 ed.), Chapter 26, and shall be approved by the fire chief or designee.

**Sec. 9-41. Alarm registration.**

All required fire alarm systems must comply with the requirements of Chapter 9 of the Town Code. All fields on the alarm registration form shall be filled out in their entirety, and a copy of the form shall be posted adjacent to the fire alarm panel.

**Sec. 9-42. Fire alarm installation permits.**

- (1) The fire rescue department shall issue a fire alarm installation permit after receiving and approving a completed fire alarm application, plans, and required supporting documentation, and only after it is determined the fire alarm system meets the criteria of this section. The reason underlying a permit denial shall be documented on the town permitting system and be provided to the applicant.
- (2) The fire alarm system shall be installed in compliance with the Fire Alarm/Central Station Applicable Regulations and Official Policies Guidelines of the fire rescue department.

**Sec. 9-43. - Fire alarm system certification requirements.**

- (1) The applicant for a required fire alarm installation permit shall submit to fire rescue services department for review, along with the permit application, documentation listing the NRTL central station for the alarm system and provide documentation of NRTL certification at time of acceptance testing of the fire alarm system or added components.
- (2) The applicant must demonstrate that the fire alarm monitoring will be performed by a NRTL certified/listed central station.
- (3) All required NRTL certificated/listed fire alarm systems must maintain NRTL compliance and NRTL monitoring.

**Sec. 9-44. False alarms.**

False alarms are defined, and fees, therefore, are as provided for in Chapter 9 of the Town Code.

**Sec. 9-45. Limitation of liability.**

Neither the town nor any of its officers and agents shall be under any obligation or duty to an alarm user or to any other person. The town specifically disclaims liability for any damages, injuries, or losses caused by or resulting from a failure to respond to an alarm.

**ARTICLE VII. FIRE PROTECTION SYSTEMS**

**Sec. 9-46. Applicability.**

Chapter 9, Fire Protection Systems, of the Florida Building Code is supplemented as follows:

- (1) The requirements of this article shall apply to all newly constructed buildings, structures, and installations.
- (2) The requirements of this article shall also apply to any existing building or structure if a level 2 or level 3 alteration occurs, as defined in the Florida Building Code.

**Sec. 9-47. Definitions.**

For the purpose of this article, the following words, terms, and phrases shall have the meanings given in this section, unless the context clearly indicates otherwise:

*Approved double check valve assembly* is an assembly of two (2) independently operating check valves with Outside Stem and Yoke ("O.S. & Y") valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The assembly shall be listed in the "UL Fire Protection Equipment Directory" under "Backflow Special Check Valve Devices (BAEU)." The O.S. & Y valves shall be listed in the "UL Fire Protection Equipment Directory" under "Gate Valve (HMRZ)." The assembly shall be installed in the horizontal position, outside, above ground and shall be readily accessible for maintenance, testing and inspection. The O.S. & Y valves shall be supervised with properly installed tamper switches connected to the fire alarm system. The O.S. & Y valves shall also be secured with a chain and two interlocked padlocks, one of which shall be a Master lock, issued by the fire department, painted red, for fire rescue department access. Fire Rescue Services department connections shall not be directly attached to the assembly.

*Approved dual check valve assembly* is a listed assembly of two (2) independently operating check valves. For fire main use a single O.S. & Y valve shall be installed on the supply side of the approved dual check valve. The O.S. & Y valve shall serve as the main



control valve for the fire protection system. The assembly shall be installed in the horizontal position, outside, above ground, and shall be readily accessible for maintenance and inspection. The O.S. & Y valve shall be secured with a chain and a Master lock, issued by the fire department.

*Fire main* is that pipe, and its appurtenances, on private property between a source of water and the base of the riser for the automatic fire sprinkler systems, open fire sprinkler systems, fixed water spray systems, fire standpipe systems and/or inlets to firefighting foam making systems. When connected to the public water system, the fire main begins at the supply side of the approved double check valve assembly or the approved dual check valve assembly. On NFPA 13D systems, the fire main begins at the point where the water supply line for the fire sprinkler system splits from the domestic water service.

**Sec. 9-48. Backflow prevention for fire protection systems.**

An approved DDCV assembly shall be installed on all fire mains serving all structures, except single-family homes and duplexes, as provided in NFPA 13, NFPA 13R and NFPA 13D. An approved dual check valve assembly shall be installed on all fire mains serving one- and two-family dwellings (NFPA 13D).

Previously approved post indicator valves (“PIV”) shall be kept locked with a #2396 key Master lock. Previously approved PIV’s shall be changed to double detector check valve (“DDCV”) assemblies meeting the requirements of this section when they are determined to be out of service and in need of replacement.

**Sec. 9-49. Fire mains.**

Fire main taps connected to the public water system shall be sized for, and serve, only the building for which they were installed. Fire main taps shall not be shared with other buildings. Fire mains shall be constructed of class 52 ductile iron pipe (DIP) or other pipe UL listed for underground fire main use, as approved by the fire rescue department. Fire main taps may be shared only where a single fire pump is shared in accordance with section 9-50. Fire mains shall only enter a building above ground and through an exterior wall. Fire mains shall not run under foundations or footers. In high-rise buildings (as defined in the Florida Fire Prevention Code and the Florida Building Code), fire main configurations shall be in accordance with the Florida Building Code, Chapter 4. Any alternative fire main configurations shall be subject to the approval of the fire chief or designee at the time of initial permit application.

**Sec. 9-50. Fire pumps.**

Fire pumps installed in buildings to meet requirements for standpipes or hydraulic demand of the fire sprinkler system shall be provided with a secondary source of power (emergency generator) if such system is provided. Fire pumps shall serve only the building or structure for which they were installed and shall not be shared with other buildings or structures, except that a single fire pump may be shared between a building and up to two (2) parking structures if all the following are provided:

- (a) All buildings and structures are under the same ownership.
- (b) A "unity of title" for the buildings and structures is provided before the installation permit is issued.
- (c) The fire mains serving each building/structure are installed underground in accordance with NFPA 24, and this article.

**Sec. 9-51. Fire protection system closet.**

- (1) A fire protection system closet shall be provided for all buildings and structures equipped with a fire alarm or fire sprinkler protection.
  - (a) The closet shall house the fire sprinkler system riser, all appropriate control valves, all appropriate flow and tamper switches, the fire alarm system control panel, annunciator panel, annunciator map/legend and the transmitter/control unit. As provided in the FFPC and NFPA 72, portions of the fire alarm system may be located elsewhere in the building subject to approval by the fire rescue department.
  - (b) The annual fire alarm registration and copies of the most recent fire alarm, and fire sprinkler, inspection reports shall be posted in the closet.
  - (c) The closet shall not be used for storage and shall not be used for any other electrical, plumbing, or mechanical equipment.
  - (d) The minimum size of the closet shall be two feet (2') deep by four feet (4') wide, which shall be increased to accommodate the provided equipment.
  - (e) The closet shall be separated from all other portions of the building with one (1)-hour fire resistive construction as a minimum. The closet shall be located along an outside wall near the fire primary fire department access, at grade, with access from an outside swinging door, which need not be fire rated.

- (f) The door shall be labeled with a sign that reads "Fire Protection Closet." The closet shall be kept locked at all times. A key box approved by the fire and life safety division shall be installed on the outside wall, within three feet (3') of the closet. The key box shall be installed forty-two inches (42") to forty-eight inches (48") above grade. The key box shall be sized appropriately such that the keys, access cards, fobs, and other contents fit inside in a manner that is practical for fire rescue department personnel to open and close with ease. The key box shall contain a key to access the closet, all the keys necessary to control the fire alarm system, and keys to access the building and other important areas, including but not limited to, electrical rooms, fire pump rooms, elevator machine rooms, roof access, hazardous materials storage areas, etc. The property owner may provide additional keys for access to other areas of the building as appropriate.
  - (g) A weatherproof horn/strobe or speaker/strobe shall be installed directly above the key box at a height easily seen upon approach to the area.
  - (h) The closet shall be designed and constructed so as to provide and maintain an air-conditioned temperature of no greater than eighty (80) degrees Fahrenheit.
- (2) Fire protection system closets are not required in high rise buildings and other buildings where a fire pump room and a fire control room are required or provided. Fire protection system closets are not required for fire sprinkler systems provided in single family homes and duplexes.

**Sec. 9-52. - Fire rescue services department connections (FDC).**

- (1) A single 2½-inch freestanding fire rescue department connection located within fifty (50) feet of a fire hydrant shall be provided on all NFPA 13R fire sprinkler systems with twenty (20) or more fire sprinkler heads.
- (2) A double (Siamese) 2½-inch freestanding fire rescue department connection located within fifty (50) feet of fire hydrant shall be provided on all NFPA 13 fire sprinkler systems with twenty (20) or more fire sprinkler heads.
- (3) Two double (Siamese) 2½-inch freestanding fire rescue department connections, each located within fifty (50) feet of a fire hydrant shall be provided on all the following fire sprinkler systems:
  - (a) Light hazard and ordinary hazard NFPA 13 fire sprinkler systems with four hundred (400) or more fire sprinkler heads.

- (b) Extra hazard NFPA 13 fire sprinkler systems with two hundred (200) or more fire sprinkler heads.
- (c) On special fire protection systems or situations as designated by the fire chief or designee.
- (4) Multiple fire rescue services connections shall be installed in locations as remote as possible from each other, as approved by the fire chief or designee.

**Sec. 9-53. Hose connections as a part of fire sprinkler systems.**

- (1) Approved 2½-inch fire department hose connections, in accordance with NFPA 13 sec. 8.16.5.2, shall be installed in buildings and structures as follows:
  - (a) All one (1)-story buildings with a floor area of 52,000 square feet or more.
  - (b) All two (2)-story buildings with a combined floor area of 52,000 square feet or more.
  - (c) All three (3)-story buildings with a combined floor area of 52,000 square feet or more.
- (2) Hose connections shall be fed from an adjoining sprinkler zone on the same floor or from a sprinkler zone on a different floor. Hose connections may be fed directly from the riser ahead of a zone valve. All hose connections, including those that are part of a standpipe system, shall be installed at locations approved by the fire chief or designee, such that all areas of the building can be reached with one hundred feet (100') of hose and twenty-five feet (25') of fire stream throw. Hose connections shall be equipped with caps to protect hose threads.
- (3) Class I standpipe systems shall be provided with 2½" hose connections in the following locations:
  - (a) On the inside of the stairwell at each landing.
  - (b) On the outside of the stairwell at each landing.
  - (c) On each side of the wall adjacent to the opening of horizontal exits.
  - (d) On the roof, near the point where the stairwell terminates. This shall be a double 2½" hose connection. It shall be provided with a UL or FM listed gauge.
  - (e) At other locations required by the fire chief or a designee.
- (4) All standpipe systems permitted and installed shall be a manual wet system, or automatic wet system, based on occupancy code requirements, as defined by the FBC or NFPA 14, Standard for the Installation of Standpipe and Hose Systems.

**Sec. 9-54. Automatic Wet Fire Sprinklers.**

- (1) All new buildings or structures, including one- and two-family dwellings, 7,500 square feet and larger shall be provided with a wet automatic fire sprinkler system in accordance with the requirements in NFPA 13, 13R, or 13D.
- (2) All new buildings or structures, including one- and two-family dwellings, three (3) or more occupiable stories in height shall be provided with a wet automatic fire sprinkler system in accordance with the requirements in NFPA 13, 13R, or 13D).

**ARTICLE VIII. ENFORCEMENT**

**Sec. 9-55. Enforcement authority.**

The fire chief or his/her designee shall have the authority to conduct investigations and to do all other things necessary to enforce the provisions in this chapter.

**Sec. 9-56. Violations.**

Failure to comply with any provisions of this chapter shall be deemed a violation.

**Sec. 9-57. Penalty for violations.**

Any person or entity violating the provisions of this chapter shall be punishable as provided in the Florida Fire Prevention Code, and as otherwise authorized by the town code, including, but not limited to, section 1-9 and through the initiation of code enforcement proceedings.

**Section 3.** The Town Commission hereby repeals Section 35-11, "Florida Fire Prevention Code," in its entirety.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Codification.** Section 2 of the Ordinance shall be made a part of the Town Code of Ordinance and may be re-numbered or re-lettered to accomplish such.

**Section 7. Effective Date.** This Ordinance shall be effective immediately upon adoption at second reading and shall apply prospectively only.

The foregoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

<b>VOTES:</b>	<b>YES</b>	<b>NO</b>
Mayor Natasha Moore	X	
Vice Mayor David Stern	X	
Commissioner Evalyn David	X	
Commissioner Donald Peters	X	
Commissioner Judith M. Goldberg	X	

PASSED on first reading at the Regular Commission meeting held on this 1<sup>st</sup> day of **August**, 2023.

The foregoing Ordinance was moved by Commissioner Evalyn David, seconded by Vice Mayor David Stern and upon being put to the vote, the vote was as follows:

<b>VOTES:</b>	<b>YES</b>	<b>NO</b>
Mayor Natasha Moore		
Vice Mayor David Stern		
Commissioner Evalyn David		
Commissioner Donald Peters		
Commissioner Judith M. Goldberg		

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
Natasha Moore, Mayor

**REVIEWED FOR LEGAL SUFFICIENCY**

\_\_\_\_\_  
Lanelda Gaskins, MMC  
Town Clerk

\_\_\_\_\_  
Glen Torcivia, Town Attorney  
Town of Highland Beach



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** *August 1, 2023*

**SUBMITTED BY:** Matt Welhaf, Assistant Fire Chief

**SUBJECT:** An ordinance of the Town of Highland Beach, Florida, adopting the current edition of the Florida Fire Prevention Code and providing for local amendments; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date.

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## **SUMMARY:**

On July 18<sup>th</sup>, 2023, the Town Commission considered an introduction to a proposed amendment to the Town Code of Ordinances that would update the local fire prevention ordinance. It was explained that pursuant to Chapter 633, Florida Statutes, every three years the State Fire Marshal adopts an updated Florida Fire Prevention Code, which establishes the statewide minimum fire safety code and incorporates Florida editions of the National Fire Protection Association's Fire Code (NFPA 1 Fire Code) and Life Safety Code (NFPA 101 Life Safety Code).

Further, it was explained that the Florida Fire Prevention Code adopted by the State Fire Marshal shall be deemed adopted by, and shall be enforced by, local governments with fire safety responsibilities as the minimum fire safety code. Local governments are authorized to adopt more stringent local amendments to the Florida Fire Prevention Code, which strengthen the requirements of the minimum fire safety code.

Following the introduction by the Fire Marshal, Town Commission members asked several questions relating to fees, third party inspection reporting, and discussed comparisons to adjacent jurisdictions local ordinance amendments.

The ordinance is before the Commission for the first reading. Based upon approval of the first reading, the ordinance will then be advertised in accordance with Florida statutes and presented to the Commission for second read/final adoption on August 15<sup>th</sup>, 2023.

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## **FISCAL IMPACT:**

N/A

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## **ATTACHMENTS:**

Proposed Ordinance

July 18<sup>th</sup> Agenda Memorandum and Introduction of the Proposed Ordinance

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**RECOMMENDATION:**

Staff recommend approval of the proposed ordinance.





## **TOWN OF HIGHLAND BEACH PROPOSED ORDINANCE**

**AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, REPEALING CHAPTER 9, "FIRE PREVENTION AND PROTECTION," OF THE TOWN CODE OF ORDINANCES IN ITS ENTIRETY AND SIMULTANEOUSLY ADOPTING A NEW CHAPTER 9 TO REFERENCE THE CURRENT EDITION OF THE FLORIDA FIRE PREVENTION CODE AND ADOPT LOCAL AMENDMENTS THERETO; REPEALING SECTION 35-11, "FLORIDA FIRE PREVENTION CODE," OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Highland Beach, Florida (the "Town"), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town is in the process of establishing a Fire Rescue Department responsible for overseeing and enforcing the Florida Fire Prevention Code within the Town; and

**WHEREAS**, pursuant to Chapter 633, Florida Statutes, every three years the State Fire Marshall adopts an updated Florida Fire Prevention Code, which establishes the statewide minimum fire safety code and incorporates Florida editions of the National Fire Protection Association's Fire Code (NFPA 1 Fire Code) and Life Safety Code (NFPA 101 Life Safety Code); and

**WHEREAS**, Chapter 633, Florida Statutes, provides that the updated Florida Fire Prevention Code adopted by the State Fire Marshall shall be deemed adopted by, and shall be enforced by, local governments with fire safety responsibilities as the minimum fire safety code; and

**WHEREAS**, Chapter 633, Florida Statutes authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum fire safety code; and

**WHEREAS**, Town Staff and the Town's Fire Marshal have recommended that the Town adopt the most recent version of the Florida Fire Prevention Code and local amendments to the Code, and the Town Commission determines that such local amendments are more stringent than and strengthen the minimum fire safety code and that the adoption of such amendments serves a public purpose and is in the best interest of the public health, safety, and welfare of the Town of Highland Beach.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2.** The Town Commission hereby repeals Chapter 9, "Fire Prevention and Protection," of the Town Code of Ordinances in its entirety and simultaneously adopts a new Chapter 9 to read as follows:

**ARTICLE I. CODES AND STANDARDS**

**Sec. 9-1. Codes and Standards—Adopted.**

- (1) The town adopts by reference and incorporates into this code as though fully set out herein, that certain code known as the Florida Fire Prevention Code (8th edition) ("FFPC"), except as provided in this chapter.
- (2) The town adopts by reference and incorporates into this code, as though fully set out herein, those additional specific standards and codes published by the National Fire Protection Agency ("NFPA") and set forth below:

NFPA	18	2017	Standard for Wetting Agents
NFPA	22	2018	Standard for Water Tanks for Private Fire Protection
NFPA	53	2016	Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres
NFPA	67	2019	Guide on Explosive Protection for Gaseous Mixtures in Pipe Systems
NFPA	69	2019	Standard on Explosion Protection Systems
NFPA	102	2016	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures
NFPA	105	2019	Standard for Smoke Control Door Assemblies and Other Opening Protectives
NFPA	115	2020	Standard for Laser Fire Protection
NFPA	140	2018	Standard for Motion Picture and TV Production Facilities
NFPA	160	2016	Standard for the Use of Flame Effects Before an Audience
NFPA	170	2018	Standard for Fire Safety and Emergency Symbols
NFPA	204	2018	Standard for Smoke and Heat Venting

NFPA	241	2019	Standard for Safeguarding Construction, Alteration, and Demolition Operations
NFPA	287	2017	Standard Test Methods for Flammability of Materials in Clean Rooms
NFPA	291	2019	Recommended Practice for Fire Flow Testing and Marking of Hydrants
NFPA	302	2020	Fire Protection Standard for Pleasure and Commercial Motor Craft
NFPA	306	2019	Standard for Control of Gas Hazards on Vessels
NFPA	496	2017	Standard for Purged Pressurized Enclosures for Electrical Equipment
NFPA	502	2020	Standard for Road Tunnels, Bridges, and Limited Access Highways
NFPA	601	2020	Standard for Security Services in Fire Loss Prevention
NFPA	720	2015	Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment
NFPA	780	2020	Standard for the Installation of Lightning Protection Systems
NFPA	801	2020	Standard for Facilities Handling Radioactive Materials
NFPA	820	2020	Standard for Fire Protection and Wastewater Treatment and Collection Facilities
NFPA	914	2019	Code for the Protection of Historic Structures
NFPA	1225	2022	Standard for Emergency Services Communication
NFPA	1961	2020	Standard on Fire Hose
NFPA	1962	2018	Standard for Care, Use, Inspection, Service Testing, and Replacement of Fire Hose, Couplings, Nozzles, and Fire Hose Appliances
NFPA	2001	2018	Standard on Clean Agent Fire Extinguishing Systems

## **Sec. 9-2. Inspections, Testing, and Maintenance.**

The town hereby adopts the following local amendments to the FFPC:

- (1) All systems, equipment, tanks, piping, devices, appliances, controls, or storage facilities over which the code contains regulatory provisions, or which are required by any other law shall always be maintained in a working, compliant condition.
- (2) All fire sprinklers, standpipe, fire pump, and all other fire suppression systems shall be maintained under a written service contract with service companies licensed by the State of Florida to provide such services. Regular inspection, maintenance, and testing of these required systems shall be completed in accordance with the

applicable standards specified under the FFPC, NFPA 1, NFPA 13, 13D, 13R, NFPA 14, NFPA 17, NFPA 17A, NFPA 20, NFPA 24, NFPA 25, NFPA 33, NFPA 90A and 90B, NFPA 91, NFPA 92, NFPA 92A and 92B, NFPA 96, and NFPA 2001, and all state laws and local ordinances. All reports related to fire protection system inspection, testing, and maintenance shall be reported to the fire rescue department, through an internet-based fire inspection reporting system approved by the town. Any report not submitted through the town's internet reporting system will not be accepted.

- (3) The service company performing the inspections, maintenance and tests referred to in subsection (2) above shall forward all reports to the fire rescue department detailing:
  - (a) The nature of any deficiencies and/or impairments identified and the repairs, modifications and/or corrections completed by the service company;
  - (b) The date and time of all inspections, maintenance, tests, and repairs; and
  - (c) Any other information that may be requested or required by the town's fire rescue services department.
- (4) A copy of all required inspection and deficiency reports shall be provided to the building representative and kept in the fire command room, fire protection closet (if provided), or at a designated location approved by the fire marshal. The reports shall be available at all times to fire rescue personnel.

## **ARTICLE II. HAZARDOUS MATERIALS.**

### **Sec. 9-3. Response to discharges of hazardous substances—Response costs.**

- (1) For the purpose of this section, the following words and phrases shall have the meanings given herein:
  - (a) *Discharge* shall mean any intentional or unintentional action or omission resulting in the releasing, spilling, pumping, pouring, emitting, emptying, or dumping of a hazardous substance upon public or private property located within the corporate limits of the town.
  - (b) *Hazardous substances* shall mean any substances or materials in a quantity or form which, in the determination of the town, poses an unreasonable and imminent risk to the life, health, safety, or welfare of persons or property within the town, or poses a risk of harm to the environment, and shall include but not be

limited to those substances listed in the National Fire Protection Association Guide on Hazardous Materials, the Environmental Protection Agency's list of extremely hazardous substances (40 C.F.R. § 335 Appx. A), or the Florida Substance List promulgated by the Florida Department of Economic Opportunity.

(c) *Response actions* shall mean any activity which is carried out in response to any discharge or potential discharge of a hazardous substance, including:

1. Actions necessary for the cleanup or removal of discharged hazardous substances from the environment;
2. Actions necessary to reduce and/or eliminate the threat of discharge of hazardous substances into the environment;
3. Actions necessary to investigate, monitor, assess, and evaluate the discharge or potential discharge of hazardous substances;
4. Actions necessary for the disposal of removed material; and
5. Actions necessary to prevent, minimize, or mitigate damage to the public health, safety, or welfare or to the environment, which may otherwise result from a discharge or threatened discharge. Response actions also include the provision of security fencing or other means to limit access, the provision of alternative water supplies, temporary evacuation of potential individuals, and restoration of the site to pre-discharge conditions.

(d) *Response costs* shall mean any costs incurred in undertaking response actions. Response costs shall not include costs incurred for actual fire suppression services which are regularly provided by the town or its authorized agents, except where a fire is caused or exacerbated by discharge of hazardous materials.

- (2) The town is hereby authorized to undertake response actions in the event of discharges or potential discharges of hazardous substances upon or into public or private property or facilities located within the corporate limits of the town.
- (3) When engaging in a response action caused by the unauthorized discharge or potential discharge of hazardous substances, the town shall keep a detailed record of the response costs.
- (4) Any person or entity responsible for causing or allowing an unauthorized discharge or potential discharge of hazardous substances that requires response actions by the town or its authorized agents shall reimburse the town for the full cost of all

response actions. Reimbursement shall be made within thirty (30) days after receipt of an itemized bill for response costs from the town.

- (6) Any person or entity responsible for causing or allowing an unauthorized discharge or potential discharge of hazardous substances that results in the town incurring response costs and who fails to reimburse the town for such response costs within the time set forth herein shall be subject to a late fee in the amount of ten percent (10%) of the total amount of the response costs after thirty (30) days. Thereafter, the late fee assessed on the unpaid balance shall be increased by two percent (2%) for each additional thirty (30) day period until the full amount, including any applicable late fee, is paid.
- (7) The remedy provided for in this section shall be supplemental to and in addition to all other available remedies at law or in equity.

### **ARTICLE III. GENERAL PROVISIONS**

#### **Sec. 9-4. Burning permit.**

It shall be unlawful for anyone to set a fire on any lot, street, alley or other public or private place within the corporate limits of the town without first obtaining a permit to do so from the fire rescue department and paying all fees specified in the town's municipal facilities and services user fee schedule. The application shall be obtained from the department, and it shall be reviewed for approval or rejection by the chief of the department or his/her designee. Approved permits may be revoked by the department at any time if it is deemed by the department, in its sole discretion, that changes in weather or other circumstances render the fire a hazard or dangerous to the public in any manner.

#### **Sec. 9-5. Illegal storage.**

A determination that storage is illegal or in violation of this or other NFPA code(s) shall be at the discretion of the fire chief or his/her designee. Illegal storage, for the purpose of this section, includes any material stored in an electrical room, in front of major electrical panels, fire pump rooms, fire command rooms (other than what is permitted by the Florida Building Code and the FFPC), fire protection closet, and similar areas. Such areas shall be provided with signs indicating "No Storage."

#### **Sec. 9-6. Premises identification.**

All new and existing buildings shall include signage that identifies the building address. All such signs shall be permanent and shall meet the requirements NFPA 1. All such signage shall be placed on buildings in such a manner that their address numbers are plainly legible and visible from the road or street fronting the property.

**Sec. 9-7. Unit and Suite Identification.**

All apartment units, condominium units, and business suites located in buildings, regardless of occupancy type, shall include signage that identifies their number (or any other identifying designation). All such signs shall be permanent and shall meet the requirements NFPA 1. Units shall be distinguished and identified using numbers or letters, or a combination thereof, in sequence. Proposed numbering or lettering schemes shall be subject to review and approval by the fire chief or his/her designee. Identification signs shall be located on the door of the unit, or the wall adjacent to the unit, such that it is visible and legible to approaching fire rescue personnel. Signs located on a fire rated door or fire rated wall shall not compromise the rating of the door or wall and shall not conflict with manufacturers recommendations.

**Sec. 9-8 Directional/Wayfinding Signs.**

Approved directional signs shall be provided in corridors and other areas of the building, as required to assist fire rescue service personnel. The location of directional signs shall be at the discretion of the fire chief or his/her designee.

**Sec. 9-9 thru 9-25 - Reserved.**

**Sec. 9-26. Fire lanes on private property.**

- (1) For the purpose of this chapter, a "fire lane" shall mean a space sufficient in width and length to permit the parking of fire trucks and other firefighting apparatus and located nearest to, or at the best location to permit firefighting operations for, a building or structure.
- (2) Fire lanes shall be established and maintained on private property where the public has the right to travel by motor vehicle and where the public is permitted by invitation or by license to travel by motor vehicle, to the extent that any such fire lane is necessary for the department to access buildings by fire trucks or other firefighting apparatus, as more specifically provided in FFPC, NFPA 1, Chapter 18.

“Private property where the public has the right to travel by motor vehicle and where the public is permitted by invitation or by license to travel by motor vehicle” shall mean all parking lots, shopping plazas, and shopping centers, as well as all commercial, industrial, single family, and multi-family residential areas.

- (3) After notification by the fire rescue department to establish fire lanes on a particular property, the owner or person in possession and control of the property shall submit a site plan for the fire lanes on the property to the fire department for review and approval of the design and location of the fire lanes. The site plan shall be drawn to scale and shall show all related buildings, driveways, streets, and other information necessary to evaluate the sufficiency of the fire lanes.
- (4) Approval of fire lanes by the fire rescue department shall constitute authorization for the person owning, or in possession and control of, any such property to install required official signs and necessary pavement markings prohibiting the stopping, standing, or parking of motor vehicles within the fire lanes, and the posting of the fire lanes as tow-away zones. Such signs and necessary pavement marking and striping shall be furnished and installed by the owner or person in possession and control of the property at their own cost. The owner or person in possession and control of the property shall thereafter be responsible for the maintenance of the signs, markings, and striping of the required fire lanes.
- (5) All fire lane signs required by and installed pursuant to this section shall have red lettering, not less than two inches (2”) or more than three inches (3”) in height, on a white background. Each sign shall be twelve inches (12”) wide by eighteen inches (18”) in height and shall be consistent with the manual on uniform traffic control devices of the state department of transportation and Chapter 18 of NFPA 1, 8th edition).



**Sec. 9-27. Use of outdoor cooking appliances.**

- (1) This section shall apply to all buildings and structures, except two-family dwellings of one-story design, and single-family dwellings. This section shall not apply to commercial cooking appliances.
- (2) For the purpose of this section, an outdoor cooking appliance shall mean any portable and non-portable cooking appliance, grill, stove, or smoker, fueled, or powered by electricity, wood, charcoal, liquefied petroleum gas, natural gas, gasoline, kerosene, naphtha, alcohol, or other liquid or gaseous fuel.
- (3) Outdoor cooking appliances shall be operated a minimum of ten feet (10') from the exterior of buildings or structures.
- (4) It shall be unlawful for any person to use or cause to be used any outdoor cooking appliance on any balcony, within any screened enclosure, in any covered parking area, in any corridor or hallway, under any overhang or within any area of any building or structure; notwithstanding the foregoing, a tabletop or countertop electric grill, with a cooking surface that is two hundred (200) square inches or less in size, may be used on a balcony, as long as the balcony is not enclosed or within a screened enclosure. This requirement also applies to one-and two-family dwellings.

**Sec. 9-28. Closing of private driveways, roadways, and entrances.**

It shall be unlawful for any person to have or cause to have any driveway, roadway, or entrance barricaded or blocked by obstacles which would interfere with the response of the fire rescue department or other emergency vehicles. If an existing building requires a change of access, the owners shall provide revised life safety plans and obtain a permit from the town.

**Sec. 9-29. Processes deemed hazardous to life and property.**

- (1) The fire chief or fire marshal may issue an order for the immediate cessation of any activity, operation, or process, when such operation, activity, or process constitutes a severe and immediate hazard to persons or property.
- (2) No person who, after being served with either a verbal or written order to cease such severe and immediate hazardous activity, operation, or process, shall fail or refuse to comply with such an order.

**Sec. 9-30. Evacuation of occupied buildings or structures.**

In accordance with the Florida Fire Prevention Code, NFPA 1, sec. 1.7.16, the fire chief, the fire marshal, a fire inspector, or any department officer may order the immediate evacuation of any occupied building or structure or assembly area when such building, structure or assembly area is deemed hazardous due to a fire hazard, obstruction to exits, overcrowding of the premises, or any other hazard or potential which presents immediate and life-threatening danger to the occupants. The premises, or any portion thereof, may not be reoccupied until it has been examined and deemed free of the hazard or potential hazard that caused the evacuation to be ordered.

**Sec. 9-31. Fireworks, pyrotechnic special effects, flame effects.**

- (1) The discharge, firing or use of the following fireworks products are prohibited inside buildings, tents, structures, and other enclosed spaces:
  - (a) Firecrackers, rockets, torpedoes, roman candles or other fireworks or substances designed and intended for pyrotechnic display, and of cap guns, starter pistols, canes, cannons, or other appliances (other than a "firearm" as defined in Fla. Stat. § 790.001) using blank cartridges or caps containing chlorate or potash mixture;
  - (b) Pyrotechnic special effects including, but are not limited to, chemical mixtures used in the entertainment industry to produce visible, audible, or thermal effects by combustion, deflagration, or detonation; and
  - (c) Flame effects including, but not limited to, batons, and/or torches fueled by liquid, solid or gaseous fuels, flame projectors which produce heat effects and/or flames, flash powders composed of fuel(s) and oxidizer(s), flares, and similar devices.
- (2) Except as provided in section 791.08, Florida Statutes, a permit shall be obtained from the town manager or his/her designee, prior to any outdoor use of fireworks, pyrotechnic special effects, flame effects, and/or any other fireworks item identified in section 1 above. The application for a permit shall be on a town form and payment of an application fee shall be required. The town manager or his/her designee may include conditions in the permit, including but not limited to additional inspection fees, to ensure compliance with all applicable requirements herein and state law or to protect the public health, safety, and welfare.
- (3) The permit applicant shall furnish with its application proof of financial responsibility in the form of liability insurance. Such liability insurance shall have a minimum of \$1,000,000.00 coverage for each occurrence and shall provide coverage for all claims

for damages to property or personal injuries, including death, arising out of the use of the fireworks. Additionally, the applicant shall provide the town with an endorsement from its insurer that names the town, and its officers and employees, as an additional insured and shall otherwise be in a form acceptable to the town.

- (4) The outdoor use of fireworks shall be in accordance with NFPA 1123 and NFPA 1124.

#### **Sec. 9-32. Public Safety Radio Communication System.**

In all newly constructed buildings, a minimum radio signal strength for public safety radio signals shall be required within the building. Installation and signal strength shall be the minimum requirements per NFPA 1225 (2022 edition), Chapter 18 (In-Building Emergency Responder Communication Enhancement Systems) or as otherwise specified by the town. In all new and existing buildings, as outlined in Section 633.202(18), Florida Statutes, that cause a reduction of Emergency Responder Communication signals below the acceptable level for reliable communications, a two-way radio enhancement system shall be required. In buildings where phone jacks are required as part of an alarm system, a two-way radio enhancement system shall be installed and maintained by the building owner, in lieu of the phone jacks.

#### **Sec. 9-33. Rubbish and linen chutes.**

New buildings with a chute or chutes for trash, linen, or any other building services requires fire sprinkler protection, and all such chutes shall be provided with a riser for the purposes of complete isolation from the remainder of the building's fire sprinkler system. The valve to isolate the riser shall be supervised.

#### **Sec. 9-34. Liquefied Petroleum Gas Containers.**

All containers installed for the storage, handling, transportation, and use of liquefied petroleum gas shall comply with the requirements of NFPA 58.

- (1) Containers shall not be filled prior to rough-in inspection without the prior approval of the fire chief or his/her designee.
- (2) Underground tanks shall be visually inspected prior to back filling the location of installation.
- (3) Tanks installed within ten feet (10') of a public vehicular thoroughfare or designated parking location shall be provided with vehicular barrier protection.

- (4) Tanks installed under a driveway or designated parking area shall be a non-interchangeable underground tank.
- (5) Tanks installed under a driveway or designated parking area shall be provided with a shroud that allows the tank to be installed at least eighteen inches (18") below grade.
- (6) Tanks installed under a driveway or designated parking area shall be provided with a protective dome or cover, engineered to protect the tank valve assembly, and support the weight of parked or moving vehicles.

### **ARTICLE III. ELEVATORS**

#### **Sec. 9-35. Dimensions and control of automatic elevators.**

In all buildings three stories or more in height erected, after November 23, 1993, which are equipped with automatic elevators, all elevators of the structure shall be arranged for emergency use (firefighter's service) by department personnel. At all times, and regardless of circumstances, elevators shall remain operable and available for emergency use by department personnel. The control of all automatic elevators shall meet the requirements as set forth under Chapter 61-5C, "Florida Elevator Safety Code," Florida Administrative Code. In addition to these requirements, the following specifications shall be met:

- (1) Emergency auxiliary power required.
  - (a) Emergency auxiliary electrical power shall be provided for all elevators equipped with the key switch service for department personnel. The auxiliary power supply shall be capable of supplying power to the elevators for a period of at least twenty-four (24) hours. The auxiliary power supply shall be approved by the fire rescue department.
  - (b) Emergency auxiliary power shall remain on for the service car in use by firefighters regardless of selection switch devices, which may also be installed to rotate emergency power to other cars in the building.
  - (c) No more than ten (10) seconds shall be required for the auxiliary power to be in full operation and the operation of the emergency power supply shall automatically transfer to the firefighters' service car.
  - (d) A maintenance schedule shall be maintained in the generator equipment room to record all tests and operation of such auxiliary power equipment. At all times, the records shall be posted and available to the fire rescue services department.

- (e) All auxiliary power equipment and automatic transfer apparatus shall be tested weekly.
  - (f) For all buildings which are designed and constructed having multiple separate towers, each tower shall be treated as though it were a separate building.
- (2) Key switch operation (firefighter's service).
- (a) As used in this section, authorized personnel shall mean the fire chief and any fire rescue department officer designated in writing by the fire chief as authorized to possess the standard emergency elevator control key or key to a keykeeper box.
  - (b) A keykeeper box shall be installed adjacent to all firefighter's service elevators. The performance standards of the keykeeper box shall equal or exceed those of the Bommer key-keeper box, type 5620, F2828, or the AF Florence Manufacturing Company KK Series Key Keeper Box. The key keeper box shall be equipped with a lock that can be opened with the Emergency Response Region 7 Key (Yale Key No. R-80833-2006-7).
  - (c) The standard emergency elevator control key shall be issued only to authorized personnel.
  - (d) All buildings constructed following the adoption of this code regardless of the number of stories, shall use the emergency elevator control key for Emergency Response Region 7 (Yale Key No. R-80833-2006-7).
  - (e) Any building having undergone "substantial improvement," as defined in Section 161.54(12), Florida Statutes, must comply with subsection 9-35(2)(b) of this Code.
  - (f) All elevators in the town shall utilize the Emergency Response Region 7 (Yale Key No. R-80833-2006-7) key for the keykeeper box lock.
- (3) Minimum size and weight capacity.
- (a) Elevators shall have a platform with dimensions of at least six feet (6') deep by five feet (5'), five inches (5") wide.
  - (b) Elevators shall have minimum headroom inside the car of at least seven feet (7'), six inches (6").
  - (c) Doors to elevators shall be at least six feet (6'), eight inches (8') high by three feet (3') wide.
  - (d) Elevators shall have a weight capacity of at least 3,500 pounds.
- (4) Emergency access keys.

- (a) A standard emergency access door key shall be provided to the department for all elevators.
- (b) An emergency key slot shall be located on each door on every floor or landing on which each elevator can stop.
- (5) A sign shall be posted directly above each elevator door on every floor, stating: "In Case of Fire: Use Exit Stairways—Do Not Use This Elevator."
  - (a) The sign shall be at least two and one-half (2½) inches high by three and one-half (3½) inches wide.
  - (b) The letters shall be of a color that contrasts with background.
- (6) Emergency use elevator to be identified.
  - (a) Any elevator provided with the fire rescue department key switch and emergency power shall be identified by a sign of at least three inches (3") wide by two inches (2") high displaying at least three-quarter (¾) inch letters with the following information: "Fire Rescue Services Department Emergency Power."
  - (b) The background of the sign shall be red with white letters.
  - (c) The sign shall be posted in the center of the door frame directly above the door opening on the floor where the key switch is located.

#### **ARTICLE IV. PERMITS**

##### **Sec. 9-36. Examination of building permits.**

- (1) This section shall not apply to single-family or duplex residential units, except where the installation of fire suppression systems, fire alarm systems, or liquefied petroleum fuel tanks, are proposed, or are required by this code, the Florida Building Code or the FFPC.
- (2) Any plans and/or specification submitted as part of an application for any building permit for new construction, demolition, moving of existing buildings, or renovation of existing structures shall comply with Section 1.14 of the Florida Fire Prevention Code, 8th Edition, and Subtitle 61-G15 of the Florida Administrative Code, as applicable, and examined and approved by the fire rescue department. Each set of plans and specifications submitted for approval pursuant to this section must also include all required fire permit applications.
- (3) The fire rescue department shall provide review comments following rejection of any submitted plans.

- (4) The owner of any new building or any existing building undergoing a level 2 or level 3 alteration, as defined by the Florida Building Code ("FBC"), or extensive modification or reconstruction pursuant to the FFPC, shall provide floor plan drawings on a media type specified by the fire rescue department for the purpose of pre-fire planning. This shall be required prior to issuance of the temporary certificate of occupancy or certificate of occupancy, as applicable.

**Sec. 9-37. Permits, fee schedule.**

The following enumerated installations and activities require a permit from the fire rescue department. The applicable fees, as enumerated in the town municipal facilities and services user fee schedule, shall be paid after the permit application is approved. Main use building permits shall not be approved by the fire rescue services department for the following uses until all necessary fire rescue department installation permits for special systems and/or equipment have been applied for by the appropriate subcontractors and issued by the fire rescue department, or as may be specifically approved by the fire chief or a designee.

- (1) Motor vehicle painting—Spray booths and bake ovens.
- (2) Gas and fuel-oil-fired outdoor equipment.
- (3) Elevators.
- (4) Liquid petroleum or natural gas storage.
- (5) Flammable or combustible liquid storage.
- (6) Flammable or combustible liquid dispensing.
- (7) Fire alarm systems.
- (8) Fixed automatic fire protection systems.
- (9) Automatic fire sprinkler systems.
- (10) Standpipe systems, independent or part of sprinkler system.
- (11) Fire pumps.
- (12) Required emergency generators.
- (13) Fire hydrant flow test.
- (14) Hazardous substances storage.
- (15) Fireworks display (see sec. 9-31).
- (16) Outdoor burning (see sec. 9-3).
- (17) BDA Systems – 2-way radio enhancement systems / Bi-Directional Amplification.

**Sec. 9-37. Work started without a permit.**

- (1) When work for which a permit is required by this chapter is started prior to issuance of a fire rescue department permit, the permit fees herein specified shall be tripled.
- (2) The payment of such fee shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work, nor from any other penalties prescribed herein.

**ARTICLE V. FIRE FLOW REQUIREMENTS**

**Sec. 9-38. Fire flow requirements.**

- (1) Intent. The intent of this section is to ensure an adequate water supply for fire suppression by establishing minimum flow rates required to control and extinguish fires that may occur within prescribed occupancy classifications. The requirements of this section shall be applicable to public and private water systems, including individual properties and land development projects.
- (2) Required fire flow.
  - (a) The "required fire flow" is the rate of flow needed for firefighting purposes to confine a major fire to the buildings within a block or other contiguous grouping. The determination of this flow depends upon the size, construction, occupancy, and exposure of buildings within and surrounding the block or group of buildings, and upon the existence of automatic sprinkler protection. The determination of required fire flow in each case shall be made by the fire chief, or a designee, according to the criteria established by this section and by the Guide for Determination of Required Fire Flow, published by the Insurance Services Office, ISO Edition 06-2014, and as it may from time to time be amended, which are adopted and incorporated herein by reference.
  - (b) The minimum required fire flow in the various zoning district classifications shall be as listed in Table I at the end of this section. Where conditions indicate that consideration must be given to possible simultaneous fires, as determined by the fire chief utilizing the criteria established or adopted herein, an additional 1,000 to 8,000 gallons per minute shall be required. However, the maximum fire flow requirement for any system shall be 12,000 gallons per minute. The required minimum duration for fire flow for private fire protection systems not serviced by the town shall be as listed in Table II at the end of this section. All required fire



flow rates shall be in addition to the water flow rates necessary to supply the needs of normal flow demands.

- (3) Normal flow demands. Flow demands for design systems shall be calculated based on full ultimate development as known or projected. The average daily flow for domestic use shall be calculated pursuant to normal flow demand criteria as detailed in the town utilities services department standards manual.
- (4) Fire hydrants and fire flow requirements; exemptions and qualifications; interim criteria.
  - (a) All new buildings and all existing buildings being altered to increase the area, height, or occupancy shall have available the required number of fire hydrants as specified in Table III at the end of this section connected to a public water supply which meets the fire flow requirements specified in Tables I and II at the end of this section, except as follows:
    1. All duplex and single-family detached homes not requiring water main extensions for domestic purposes. For purposes of this subsection, "water main extension" shall mean the extension of a water supply system by installation and construction of a new water main, six inches (6") in diameter or larger, as required by the public utility.
    2. Additions to existing buildings and accessory buildings not exceeding twenty-five percent (25%) of the square footage of existing structure, but in no event greater than 5,000 square feet.
    3. Neighborhood shopping centers with buildings totaling an area of less than 100,000 square feet with no building under one roof of more than 10,000 square feet, with no building exceeding two stories in height, and with at least twenty-five-foot (25') separations between buildings, shall meet fire flow requirements of at least 1,250 gallons per minute.
    4. Individual industrial or commercial buildings or structures not part of a neighborhood shopping center or industrial park, less than 5,000 square feet in area, and with low or ordinary hazard content shall meet a fire flow requirement of at least 750 gallons per minute.
  - (b) If the rate of fire flow required under the terms of this section is not available from the public utility at the time of application for a building permit, and none of the exemptions or qualifications in (a) through (c) above apply, then the following interim criteria shall govern the issuance of building permits:

1. Properties classified as having low hazard contents, and not exceeding two (2) stories in height, will be required to provide a minimum of fifty percent (50%) of the flow rate described in Table I for its zoning district at the end of this section.
  2. Properties classified as having ordinary hazard contents, and not exceeding two (2) stories in height, will be required to provide a minimum of seventy percent (70%) of the flow rate described in Table I for its zoning district at the end of this section.
  3. Properties classified as having low or ordinary hazard contents, and having more than two (2) stories but not exceeding five (5) stories in height, will be required to provide a minimum of seventy-five percent (75%) of the flow rate described in Table I for its zoning district at the end of this section.
  4. Properties classified as having high hazard contents will be required to provide one hundred percent (100%) of the flow rate described in Table I for its zoning district at the end of this section.
  5. All properties, in excess of five (5) stories in height, will be required to provide one hundred percent (100%) of the flow rate described in Table I for its zoning district.
  6. As used herein, "low hazard contents," "ordinary hazard contents" and "high hazard contents" shall be defined as set forth in Florida Fire Prevention Code NFPA 101 section 6-2.2, which section is adopted and incorporated herein by reference.
  7. In all cases of new construction where less than the flow rate described in Table I at the end of this section is permitted pursuant to the provisions of (b) above, engineering and construction of new facilities to meet the total fire flow requirements as described in Table I will be provided so that at the time the public utility is capable of providing full fire flow, the properties receiving the flow will be capable of utilizing the full fire flow provided by the utility.
  8. In all cases wherein the interim criteria of (b) above are utilized, no less than a 500-gallon-per-minute fire flow shall be permitted for any type of improved property, and all fire flow tests will be calculated with a minimum of twenty (20) psi residual pressure remaining in the water main.
- (5) Supplemental flow systems. If the minimum fire flow requirements set out in this section cannot be met by the water supply utility, then the applicant for a building

permit shall be required to supplement those flows through an on-site, or readily available, system meeting the minimum fire flow requirements of this section and meeting with the approval of the fire rescue services department.

- (6) Extensions of time; bond. If the required fire flow is not available to allow an applicant to obtain a certificate of occupancy, but it is determined by the fire rescue department that system improvements are in process and are imminent so that the applicant will be able to meet the fire flow requirements, then the fire rescue services department may extend the time to meet the requirements of this section for an initial interim period not to exceed ninety (90) days and may authorize a temporary certificate of occupancy based thereon. In order to meet the fire flow requirements, a bond sufficient to assure completion of the required system improvements shall be posted by the applicant with the town manager. The amount of the bond shall be determined by the fire rescue services department and shall be equivalent to two hundred (200) percent of the cost to complete the fire flow improvements.
- (7) Fire hydrants and fire hydrant branches.
  - (a) The location, number, and sizes of the fire hydrants, and fire hydrant branches, shall be designated by the fire rescue department in accordance with Table III at the end of this section.
  - (b) Fire hydrants of the approved municipal design and system pattern shall be provided along all primary roadways and fire lanes throughout any proposed project. When such development fronts on one or more existing public street(s), fire hydrants shall be located along the public street(s) as well as throughout the entire project. Spacing shall be measured along the actual route fire apparatus will travel.
  - (c) Unobstructed access to fire hydrants, or on-site private systems, shall be provided and maintained to accommodate firefighting apparatus.
- (8) Distribution systems. The supply mains shall be of adequate size and have properly arranged connections to the arterial mains, which shall extend throughout the system and have numerous connections to the secondary feeders that supply the minor distribution.
- (9) Main sizes. Main sizes and system patterns shall be subject to approval of all applicable agencies pursuant to fire and normal flow demand criteria. Design standards shall be in conformance with current editions of the town utilities services department standards manual.

- (10) Pressure. Sufficient pressures shall be provided within the system to maintain twenty (20) psi residual pressure while providing required fire flows. In those cases where system supply design and hydrant locations are capable of meeting full domestic, commercial and fire flow demands, residual pressures of ten (10) psi will be permitted.
- (11) Violations. No person shall:
- (a) Use or operate any fire hydrant or other valve on any fire system that is intended for use by the town for any purpose unless a fire hydrant use permit has been issued by the town to such person and such person complies with the appropriate provisions of Chapter 29 of the Town Code of Ordinances.
  - (b) Remove, tamper with, or otherwise disturb any fire hydrant or firefighting appliance except for the purpose of extinguishing fires, firefighting training, or making necessary repairs, without first obtaining written approval by the fire rescue services department.

TABLE I. REQUIRED FIRE FLOWS BY ZONING CLASSIFICATION (Defined in Section 30-62 of the Town Code)

Zoning Districts	Requirement
Group 1: RE (Residential Single-Family Estate Zoning District), RS (Residential Single-Family Zoning District)	The system shall deliver not less than 500 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 500 gallons per minute.
Group 2: RML (Residential Multiple-Family Low-Density Zoning District)	The system shall deliver not less than 1,000 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 750 gallons per minute.
Group 3: RMM (Residential Multiple-Family Medium-Density Zoning District)	The system shall deliver not less than 1,500 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 750 gallons per minute.
Group 4: RMH (Residential Multiple-Family High-Density Zoning District)	The system shall deliver not less than 2,000 gallons per minute at 20 psi residual on the

Zoning Districts	Requirement
	system. Each fire hydrant shall deliver not less than 750 gallons per minute.
Group 5: GSD (Government Service Zoning District)	The system shall deliver not less than 2,000 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 1,000 gallons per minute.

TABLE II. REQUIRED DURATION FOR FIRE FLOW

Required Fire Flow (gallons per minute)	Required Duration (hours)
10,000 and greater	10.00
9,500	9
9,000	9
8,500	8
8,000	8
7,500	7
7,000	7
6,500	6
6,000	6
5,500	5
5,000	5
4,500	4
4,000	4
3,500	3
3,000	3
2,500 and less	2

TABLE III. FIRE HYDRANT SPACING

	Districts	Hydrant Spacing (feet)
1.00	Multifamily structures 2 or more stories in height	300.00
2.00	Commercial, industrial, and similar structures regardless of height	300.00
3.00	Areas with multi-laned, divided highways (hydrants shall be provided along both sides of such roads with the location of curb cuts and median cuts considered)	400.00
4.00	Residential districts, single-family and duplex areas with dead-end streets	500.00
5.00	Residential districts, single-family and duplex areas with complete internal circulation	600.00
6.00	Residential districts, cluster developments 1 story in height	400.00

## ARTICLE VI. FIRE ALARMS AND AUTOMATIC FIRE EXTINGUISHING SYSTEMS

### Sec. 9-39. Central station alarm disposition.

Alarm disposition between a central station and the fire rescue department may be transmitted via any of the transmission modes approved by NFPA 72. However, the maximum duration between the initiation of an alarm signal at the protected premise to transmission to and receipt of the signal by the fire rescue department shall not exceed ninety (90) seconds.

### Sec. 9-40. Automatic fire-extinguishing and detection systems.

Any automatic or manual fire alarm signal system and automatic fire-extinguishing or automatic fire detection system hereafter installed, in addition to complying with the Florida Fire Prevention Code, the Florida Building Code, and the state fire marshal's rules and regulations, shall be listed by a Nationally Recognized Testing Laboratory ("NRTL") approved in accordance with the provisions of Section 633.334, Florida Statutes, and shall conform to the following requirements:

- (1) Any fire alarm system, automatic fire sprinkler system, smoke, ionization or heat detection system, clean agent extinguishing system, automatic fire-extinguishing devices, (except stand-alone automatic extinguishing systems in hoods and ducts), installed in any occupancy, which may be required by applicable provisions of these regulations, shall be so arranged that the normal operation of any required alarm-initiating device or the operation of any automatic fire-extinguishing system shall automatically transmit an alarm to a documented NRTL central station. Listing documentation shall be submitted to the fire rescue department for review and approval.
- (2) A NRTL central station, in accordance with NFPA 72 (2019) Section 26.3, shall be identified by the NRTL certificated service provider for all newly installed and required fire alarm systems. An existing required fire alarm system, wherein the control panel or alarm components are being replaced, shall be considered a new fire alarm system for the purposes of this section, and such system shall meet the certifying requirements of this code. NRTL listed central station service, in full compliance with NFPA 72 (2019) Section 26.3, shall be maintained at the protected property, so long as the requirement for the fire alarm system exists.
- (3) All fire alarm signal systems, and automatic extinguishing and detection systems, installed in accordance with this section shall be maintained under a written service contract providing for regular maintenance and testing of the system in accordance with the state fire marshal's rules and regulations. When the fire rescue department determines a fire alarm system is out of service in need of repair, or where confirmation is required to verify proper functioning of the system, the fire rescue department shall request the response of a technician as required in NFPA 72 within the timeframes specified therein, without consent from any building representative. Failure to comply with such a request for a technician or runner is a violation of this code.
- (4) The service company performing the maintenance and tests shall forward a written report to the fire rescue department indicating the nature of any deficiencies, impairments, repairs, modifications, and/or corrections completed by the service company, the date and time of such tests and inspections, and any other information, which may be required by the fire and life safety division. In addition, a copy of the service report shall be maintained in the fire protection closet or fire command room,

or on the premises and it shall be subject to inspection by the fire rescue department at any time.

- (5) In accordance with NFPA 72 (2019), all fire alarm signal systems, automatic extinguishing and/or detection systems shall be provided with an approved annunciator panel. Annunciator panels, either remote or part of the FACP, shall be equipped with an LCD display with a minimum eighty (80)-character capability, designed to indicate the floor number and the section of the building reporting a fire alarm or fire condition. Fire alarm system activation in multi-level/story occupancies/buildings shall indicate an alarm condition on the floor of incident, one floor below the floor of incident, and all levels above the floor of incident. Each alarm-initiating device shall indicate an individual location on such annunciator. The alarm initiating device shall indicate its individual location to the monitoring central station. The annunciator shall respond to either manual or automatic devices, and all devices within the system shall be connected to the annunciator. The location of the annunciator panel shall be designated by the fire rescue department, and it shall be so located as to be immediately available to the fire rescue department at all times. Fire alarm systems installed solely for the purpose of monitoring a fire sprinkler system shall be allowed upon the approval of the fire chief or his/her designee. In a complex with multiple buildings, each building shall have its own transmitter for alarm signal disposition to the central station.
- (6) Carbon monoxide detection systems shall be required in buildings as provided in NFPA 1, NFPA 101, and NFPA 72. Carbon monoxide levels shall be monitored in new parking structures in addition to the requirements of NFPA 88A. In addition to established requirements, carbon monoxide detection systems shall, upon the detection of carbon monoxide levels above 99 ppm, send a supervisory signal to the buildings fire alarm system panel, and any area attended to by security or staff. Detection of carbon monoxide levels exceeding 199 ppm shall activate a fire alarm signal to notify all occupants of the building and send a signal to central station. Existing parking structures will be required to comply with this section upon completion of a level 2 or level 3 alteration as defined in the Florida Building Code.
- (7) All fire alarm signal and detection systems shall be provided with a secondary source of power always available for use in the event of failure of the primary power supply to insure continuous operation of the system, pursuant to the requirements of NFPA 72 Section 10.6 (2019).



- (8) Pre-signal fire alarm systems shall not be permitted.
- (9) A change in service provider or a transmitter requires a permit and verification by the fire department that the alarm system is reporting the appropriate signals to the central station as required by code.
- (10) Communications methods shall comply with the requirements of NFPA 72 (2019 ed.), Chapter 26, and shall be approved by the fire chief or designee.

**Sec. 9-41. Alarm registration.**

All required fire alarm systems must comply with the requirements of Chapter 9 of the Town Code. All fields on the alarm registration form shall be filled out in their entirety, and a copy of the form shall be posted adjacent to the fire alarm panel.

**Sec. 9-42. Fire alarm installation permits.**

- (1) The fire rescue department shall issue a fire alarm installation permit after receiving and approving a completed fire alarm application, plans, and required supporting documentation, and only after it is determined the fire alarm system meets the criteria of this section. The reason underlying a permit denial shall be documented on the town permitting system and be provided to the applicant.
- (2) The fire alarm system shall be installed in compliance with the Fire Alarm/Central Station Applicable Regulations and Official Policies Guidelines of the fire rescue department.

**Sec. 9-43. - Fire alarm system certification requirements.**

- (1) The applicant for a required fire alarm installation permit shall submit to fire rescue services department for review, along with the permit application, documentation listing the NRTL central station for the alarm system and provide documentation of NRTL certification at time of acceptance testing of the fire alarm system or added components.
- (2) The applicant must demonstrate that the fire alarm monitoring will be performed by a NRTL certified/listed central station.
- (3) All required NRTL certificated/listed fire alarm systems must maintain NRTL compliance and NRTL monitoring.

**Sec. 9-44. False alarms.**

False alarms are defined, and fees, therefore, are as provided for in Chapter 9 of the Town Code.

**Sec. 9-45. Limitation of liability.**

Neither the town nor any of its officers and agents shall be under any obligation or duty to an alarm user or to any other person. The town specifically disclaims liability for any damages, injuries, or losses caused by or resulting from a failure to respond to an alarm.

**ARTICLE VII. FIRE PROTECTION SYSTEMS**

**Sec. 9-46. Applicability.**

Chapter 9, Fire Protection Systems, of the Florida Building Code is supplemented as follows:

- (1) The requirements of this article shall apply to all newly constructed buildings, structures, and installations.
- (2) The requirements of this article shall also apply to any existing building or structure if a level 2 or level 3 alteration occurs, as defined in the Florida Building Code.

**Sec. 9-47. Definitions.**

For the purpose of this article, the following words, terms, and phrases shall have the meanings given in this section, unless the context clearly indicates otherwise:

*Approved double check valve assembly* is an assembly of two (2) independently operating check valves with Outside Stem and Yoke ("O.S. & Y") valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The assembly shall be listed in the "UL Fire Protection Equipment Directory" under "Backflow Special Check Valve Devices (BAEU)." The O.S. & Y valves shall be listed in the "UL Fire Protection Equipment Directory" under "Gate Valve (HMRZ)." The assembly shall be installed in the horizontal position, outside, above ground and shall be readily accessible for maintenance, testing and inspection. The O.S. & Y valves shall be supervised with properly installed tamper switches connected to the fire alarm system. The O.S. & Y valves shall also be secured with a chain and two interlocked padlocks, one of which shall be a Master lock, issued by the fire department, painted red, for fire rescue department access.

Fire Rescue Services department connections shall not be directly attached to the assembly.

*Approved dual check valve assembly* is a listed assembly of two (2) independently operating check valves. For fire main use a single O.S. & Y valve shall be installed on the supply side of the approved dual check valve. The O.S. & Y valve shall serve as the main control valve for the fire protection system. The assembly shall be installed in the horizontal position, outside, above ground, and shall be readily accessible for maintenance and inspection. The O.S. & Y valve shall be secured with a chain and a Master lock, issued by the fire department.

*Fire main* is that pipe, and its appurtenances, on private property between a source of water and the base of the riser for the automatic fire sprinkler systems, open fire sprinkler systems, fixed water spray systems, fire standpipe systems and/or inlets to firefighting foam making systems. When connected to the public water system, the fire main begins at the supply side of the approved double check valve assembly or the approved dual check valve assembly. On NFPA 13D systems, the fire main begins at the point where the water supply line for the fire sprinkler system splits from the domestic water service.

#### **Sec. 9-48. Backflow prevention for fire protection systems.**

An approved DDCV assembly shall be installed on all fire mains serving all structures, except single-family homes and duplexes, as provided in NFPA 13, NFPA 13R and NFPA 13D. An approved dual check valve assembly shall be installed on all fire mains serving one- and two-family dwellings (NFPA 13D).

Previously approved post indicator valves ("PIV") shall be kept locked with a #2396 key Master lock. Previously approved PIV's shall be changed to double detector check valve ("DDCV") assemblies meeting the requirements of this section when they are determined to be out of service and in need of replacement.

#### **Sec. 9-49. Fire mains.**

Fire main taps connected to the public water system shall be sized for, and serve, only the building for which they were installed. Fire main taps shall not be shared with other buildings. Fire mains shall be constructed of class 52 ductile iron pipe (DIP) or other pipe UL listed for underground fire main use, as approved by the fire rescue department. Fire main taps may be shared only where a single fire pump is shared in accordance with section 9-50. Fire mains shall only enter a building above ground and through an exterior

wall. Fire mains shall not run under foundations or footers. In high-rise buildings (as defined in the Florida Fire Prevention Code and the Florida Building Code), fire main configurations shall be in accordance with the Florida Building Code, Chapter 4. Any alternative fire main configurations shall be subject to the approval of the fire chief or designee at the time of initial permit application.

**Sec. 9-50. Fire pumps.**

Fire pumps installed in buildings to meet requirements for standpipes or hydraulic demand of the fire sprinkler system shall be provided with a secondary source of power (emergency generator) if such system is provided. Fire pumps shall serve only the building or structure for which they were installed and shall not be shared with other buildings or structures, except that a single fire pump may be shared between a building and up to two (2) parking structures if all the following are provided:

- (a) All buildings and structures are under the same ownership.
- (b) A "unity of title" for the buildings and structures is provided before the installation permit is issued.
- (c) The fire mains serving each building/structure are installed underground in accordance with NFPA 24, and this article.

**Sec. 9-51. Fire protection system closet.**

- (1) A fire protection system closet shall be provided for all buildings and structures equipped with a fire alarm or fire sprinkler protection.
  - (a) The closet shall house the fire sprinkler system riser, all appropriate control valves, all appropriate flow and tamper switches, the fire alarm system control panel, annunciator panel, annunciator map/legend and the transmitter/control unit. As provided in the FFPC and NFPA 72, portions of the fire alarm system may be located elsewhere in the building subject to approval by the fire rescue department.
  - (b) The annual fire alarm registration and copies of the most recent fire alarm, and fire sprinkler, inspection reports shall be posted in the closet.
  - (c) The closet shall not be used for storage and shall not be used for any other electrical, plumbing, or mechanical equipment.
  - (d) The minimum size of the closet shall be two feet (2') deep by four feet (4') wide, which shall be increased to accommodate the provided equipment.

- (e) The closet shall be separated from all other portions of the building with one (1)-hour fire resistive construction as a minimum. The closet shall be located along an outside wall near the fire primary fire department access, at grade, with access from an outside swinging door, which need not be fire rated.
  - (f) The door shall be labeled with a sign that reads "Fire Protection Closet." The closet shall be kept locked at all times. A key box approved by the fire and life safety division shall be installed on the outside wall, within three feet (3') of the closet. The key box shall be installed forty-two inches (42") to forty-eight inches (48") above grade. The key box shall be sized appropriately such that the keys, access cards, fobs, and other contents fit inside in a manner that is practical for fire rescue department personnel to open and close with ease. The key box shall contain a key to access the closet, all the keys necessary to control the fire alarm system, and keys to access the building and other important areas, including but not limited to, electrical rooms, fire pump rooms, elevator machine rooms, roof access, hazardous materials storage areas, etc. The property owner may provide additional keys for access to other areas of the building as appropriate.
  - (g) A weatherproof horn/strobe or speaker/strobe shall be installed directly above the key box at a height easily seen upon approach to the area.
  - (h) The closet shall be designed and constructed so as to provide and maintain an air-conditioned temperature of no greater than eighty (80) degrees Fahrenheit.
- (2) Fire protection system closets are not required in high rise buildings and other buildings where a fire pump room and a fire control room are required or provided. Fire protection system closets are not required for fire sprinkler systems provided in single family homes and duplexes.

**Sec. 9-52. - Fire rescue services department connections (FDC).**

- (1) A single 2½-inch freestanding fire rescue department connection located within fifty (50) feet of a fire hydrant shall be provided on all NFPA 13R fire sprinkler systems with twenty (20) or more fire sprinkler heads.
- (2) A double (Siamese) 2½-inch freestanding fire rescue department connection located within fifty (50) feet of fire hydrant shall be provided on all NFPA 13 fire sprinkler systems with twenty (20) or more fire sprinkler heads.

- (3) Two double (Siamese) 2½-inch freestanding fire rescue department connections, each located within fifty (50) feet of a fire hydrant shall be provided on all the following fire sprinkler systems:
  - (a) Light hazard and ordinary hazard NFPA 13 fire sprinkler systems with four hundred (400) or more fire sprinkler heads.
  - (b) Extra hazard NFPA 13 fire sprinkler systems with two hundred (200) or more fire sprinkler heads.
  - (c) On special fire protection systems or situations as designated by the fire chief or designee.
- (4) Multiple fire rescue services connections shall be installed in locations as remote as possible from each other, as approved by the fire chief or designee.

**Sec. 9-53. Hose connections as a part of fire sprinkler systems.**

- (1) Approved 2½-inch fire department hose connections, in accordance with NFPA 13 sec. 8.16.5.2, shall be installed in buildings and structures as follows:
  - (a) All one (1)-story buildings with a floor area of 52,000 square feet or more.
  - (b) All two (2)-story buildings with a combined floor area of 52,000 square feet or more.
  - (c) All three (3)-story buildings with a combined floor area of 52,000 square feet or more.
- (2) Hose connections shall be fed from an adjoining sprinkler zone on the same floor or from a sprinkler zone on a different floor. Hose connections may be fed directly from the riser ahead of a zone valve. All hose connections, including those that are part of a standpipe system, shall be installed at locations approved by the fire chief or designee, such that all areas of the building can be reached with one hundred feet (100') of hose and twenty-five feet (25') of fire stream throw. Hose connections shall be equipped with caps to protect hose threads.
- (3) Class I standpipe systems shall be provided with 2½" hose connections in the following locations:
  - (a) On the inside of the stairwell at each landing.
  - (b) On the outside of the stairwell at each landing.
  - (c) On each side of the wall adjacent to the opening of horizontal exits.
  - (d) On the roof, near the point where the stairwell terminates. This shall be a double 2½" hose connection. It shall be provided with a UL or FM listed gauge.

- (e) At other locations required by the fire chief or a designee.
- (4) All standpipe systems permitted and installed shall be a manual wet system, or automatic wet system, based on occupancy code requirements, as defined by the FBC or NFPA 14, Standard for the Installation of Standpipe and Hose Systems.

**Sec. 9-54. Automatic Wet Fire Sprinklers.**

- (1) All new buildings or structures, including one- and two-family dwellings, 7,500 square feet and larger shall be provided with a wet automatic fire sprinkler system in accordance with the requirements in NFPA 13, 13R, or 13D.
- (2) All new buildings or structures, including one- and two-family dwellings, three (3) or more occupiable stories in height shall be provided with a wet automatic fire sprinkler system in accordance with the requirements in NFPA 13, 13R, or 13D).

**ARTICLE VIII. ENFORCEMENT**

**Sec. 9-55. Enforcement authority.**

The fire chief or his/her designee shall have the authority to conduct investigations and to do all other things necessary to enforce the provisions in this chapter.

**Sec. 9-56. Violations.**

Failure to comply with any provisions of this chapter shall be deemed a violation.

**Sec. 9-57. Penalty for violations.**

Any person or entity violating the provisions of this chapter shall be punishable as provided in the Florida Fire Prevention Code, and as otherwise authorized by the town code, including, but not limited to, section 1-9 and through the initiation of code enforcement proceedings.

**Section 3.** The Town Commission hereby repeals Section 35-11, "Florida Fire Prevention Code," in its entirety.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Codification.** Section 2 of the Ordinance shall be made a part of the Town Code of Ordinance and may be re-numbered or re-lettered to accomplish such.

**Section 7. Effective Date.** This Ordinance shall be effective immediately upon adoption at second reading and shall apply prospectively only.

The foregoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Don Peters	_____	_____
Commissioner Judith Goldberg	_____	_____
Commissioner Evalyn David	_____	_____

PASSED on first reading at the Regular Commission meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The foregoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Don Peters	_____	_____
Commissioner Judith Goldberg	_____	_____
Commissioner Evalyn David	_____	_____



PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

By: \_\_\_\_\_  
Lanelda Gaskins, MMC  
Town Clerk

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Glen J. Torcivia, Town Attorney



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** *July 18, 2023*

**SUBMITTED BY:** Matt Welhaf, Assistant Fire Chief

**SUBJECT:** AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING THE CURRENT EDITION OF THE FLORIDA FIRE PREVENTION CODE AND PROVIDING FOR LOCAL AMENDMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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## **SUMMARY:**

The Town is in the process of adopting an update to our local fire prevention ordinance. Pursuant to Chapter 633, Florida Statutes, every three years the State Fire Marshal adopts an updated Florida Fire Prevention Code, which establishes the statewide minimum fire safety code and incorporates Florida editions of the National Fire Protection Association's Fire Code (NFPA 1 Fire Code) and Life Safety Code (NFPA 101 Life Safety Code).

The Florida Fire Prevention Code adopted by the State Fire Marshal shall be deemed adopted by, and shall be enforced by, local governments with fire safety responsibilities as the minimum fire safety code. Local governments are authorized to adopt more stringent local amendments to the Florida Fire Prevention Code, which strengthen the requirements of the minimum fire safety code.

Attached are the proposed local amendments for the Town of Highland Beach to the Florida Fire Prevention Code, which were prepared by Town Staff and the Fire Marshal.

The ordinance is before the Commission for introduction and discussion. The first reading is scheduled for August 1<sup>st</sup>, 2023. Based upon approval of the first reading, the ordinance will then be advertised in accordance with Florida statutes and presented to the Commission for second read/final adoption on August 15<sup>th</sup>, 2023.

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## **FISCAL IMPACT:**

N/A

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## **ATTACHMENTS:**

Proposed Ordinance

Town of Highland Beach Local Amendments to the Florida Fire Prevention Code

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**RECOMMENDATION:**

Commission discussion.



## **TOWN OF HIGHLAND BEACH PROPOSED ORDINANCE**

**AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, REPEALING CHAPTER 9, "FIRE PREVENTION AND PROTECTION," OF THE TOWN CODE OF ORDINANCES IN ITS ENTIRETY AND SIMULTANEOUSLY ADOPTING A NEW CHAPTER 9 TO REFERENCE THE CURRENT EDITION OF THE FLORIDA FIRE PREVENTION CODE AND ADOPT LOCAL AMENDMENTS THERETO; REPEALING SECTION 35-11, "FLORIDA FIRE PREVENTION CODE," OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Highland Beach, Florida (the "Town"), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town is in the process of establishing a Fire Rescue Department responsible for overseeing and enforcing the Florida Fire Prevention Code within the Town; and

**WHEREAS**, pursuant to Chapter 633, Florida Statutes, every three years the State Fire Marshall adopts an updated Florida Fire Prevention Code, which establishes the statewide minimum fire safety code and incorporates Florida editions of the National Fire Protection Association's Fire Code (NFPA 1 Fire Code) and Life Safety Code (NFPA 101 Life Safety Code); and

**WHEREAS**, Chapter 633, Florida Statutes, provides that the updated Florida Fire Prevention Code adopted by the State Fire Marshall shall be deemed adopted by, and shall be enforced by, local governments with fire safety responsibilities as the minimum fire safety code; and

**WHEREAS**, Chapter 633, Florida Statutes authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum fire safety code; and

**WHEREAS**, Town Staff and the Town's Fire Marshal have recommended that the Town adopt the most recent version of the Florida Fire Prevention Code and local amendments to the

Code, and the Town Commission determines that such local amendments are more stringent than and strengthen the minimum fire safety code and that the adoption of such amendments serves a public purpose and is in the best interest of the public health, safety, and welfare of the Town of Highland Beach.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2.** The Town Commission hereby repeals Chapter 9, "Fire Prevention and Protection," of the Town Code of Ordinances in its entirety and simultaneously adopts a new Chapter 9 to read as follows:

**ARTICLE I. CODES AND STANDARDS**

**Sec. 9-1. Codes and Standards—Adopted.**

- (1) The town adopts by reference and incorporates into this code as though fully set out herein, that certain code known as the Florida Fire Prevention Code (8th edition) ("FFPC"), except as provided in this chapter.
- (2) The town adopts by reference and incorporates into this code, as though fully set out herein, those additional specific standards and codes published by the National Fire Protection Agency ("NFPA") and set forth below:

NFPA	18	2017	Standard for Wetting Agents
NFPA	22	2018	Standard for Water Tanks for Private Fire Protection
NFPA	53	2016	Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres
NFPA	67	2019	Guide on Explosive Protection for Gaseous Mixtures in Pipe Systems
NFPA	69	2019	Standard on Explosion Protection Systems
NFPA	102	2016	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures
NFPA	105	2019	Standard for Smoke Control Door Assemblies and Other Opening Protectives
NFPA	115	2020	Standard for Laser Fire Protection
NFPA	140	2018	Standard for Motion Picture and TV Production Facilities

NFPA	160	2016	Standard for the Use of Flame Effects Before an Audience
NFPA	170	2018	Standard for Fire Safety and Emergency Symbols
NFPA	204	2018	Standard for Smoke and Heat Venting
NFPA	241	2019	Standard for Safeguarding Construction, Alteration, and Demolition Operations
NFPA	287	2017	Standard Test Methods for Flammability of Materials in Clean Rooms
NFPA	291	2019	Recommended Practice for Fire Flow Testing and Marking of Hydrants
NFPA	302	2020	Fire Protection Standard for Pleasure and Commercial Motor Craft
NFPA	306	2019	Standard for Control of Gas Hazards on Vessels
NFPA	496	2017	Standard for Purged Pressurized Enclosures for Electrical Equipment
NFPA	502	2020	Standard for Road Tunnels, Bridges, and Limited Access Highways
NFPA	601	2020	Standard for Security Services in Fire Loss Prevention
NFPA	720	2015	Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment
NFPA	780	2020	Standard for the Installation of Lightning Protection Systems
NFPA	801	2020	Standard for Facilities Handling Radioactive Materials
NFPA	820	2020	Standard for Fire Protection and Wastewater Treatment and Collection Facilities
NFPA	914	2019	Code for the Protection of Historic Structures
NFPA	1225	2022	Standard for Emergency Services Communication
NFPA	1961	2020	Standard on Fire Hose
NFPA	1962	2018	Standard for Care, Use, Inspection, Service Testing, and Replacement of Fire Hose, Couplings, Nozzles, and Fire Hose Appliances
NFPA	2001	2018	Standard on Clean Agent Fire Extinguishing Systems

## **Sec. 9-2. Inspections, Testing, and Maintenance.**

The town hereby adopts the following local amendments to the FFPC:

- (1) All systems, equipment, tanks, piping, devices, appliances, controls, or storage facilities over which the code contains regulatory provisions, or which are required by any other law shall always be maintained in a working, compliant condition.

- (2) All fire sprinklers, standpipe, fire pump, and all other fire suppression systems shall be maintained under a written service contract with service companies licensed by the State of Florida to provide such services. Regular inspection, maintenance, and testing of these required systems shall be completed in accordance with the applicable standards specified under the FFPC, NFPA 1, NFPA 13, 13D, 13R, NFPA 14, NFPA 17, NFPA 17A, NFPA 20, NFPA 24, NFPA 25, NFPA 33, NFPA 90A and 90B, NFPA 91, NFPA 92, NFPA 92A and 92B, NFPA 96, and NFPA 2001, and all state laws and local ordinances. All reports related to fire protection system inspection, testing, and maintenance shall be reported to the fire rescue department, through an internet-based fire inspection reporting system approved by the town. Any report not submitted through the town's internet reporting system will not be accepted.
- (3) The service company performing the inspections, maintenance and tests referred to in subsection (2) above shall forward all reports to the fire rescue department detailing:
  - (a) The nature of any deficiencies and/or impairments identified and the repairs, modifications and/or corrections completed by the service company;
  - (b) The date and time of all inspections, maintenance, tests, and repairs; and
  - (c) Any other information that may be requested or required by the town's fire rescue services department.
- (4) A copy of all required inspection and deficiency reports shall be provided to the building representative and kept in the fire command room, fire protection closet (if provided), or at a designated location approved by the fire marshal. The reports shall be available at all times to fire rescue personnel.

## **ARTICLE II. HAZARDOUS MATERIALS.**

### **Sec. 9-3. Response to discharges of hazardous substances—Response costs.**

- (1) For the purpose of this section, the following words and phrases shall have the meanings given herein:
  - (a) *Discharge* shall mean any intentional or unintentional action or omission resulting in the releasing, spilling, pumping, pouring, emitting, emptying, or dumping of a hazardous substance upon public or private property located within the corporate limits of the town.

- (b) *Hazardous substances* shall mean any substances or materials in a quantity or form which, in the determination of the town, poses an unreasonable and imminent risk to the life, health, safety, or welfare of persons or property within the town, or poses a risk of harm to the environment, and shall include but not be limited to those substances listed in the National Fire Protection Association Guide on Hazardous Materials, the Environmental Protection Agency's list of extremely hazardous substances (40 C.F.R. § 335 Appx. A), or the Florida Substance List promulgated by the Florida Department of Economic Opportunity.
- (c) *Response actions* shall mean any activity which is carried out in response to any discharge or potential discharge of a hazardous substance, including:
1. Actions necessary for the cleanup or removal of discharged hazardous substances from the environment;
  2. Actions necessary to reduce and/or eliminate the threat of discharge of hazardous substances into the environment;
  3. Actions necessary to investigate, monitor, assess, and evaluate the discharge or potential discharge of hazardous substances;
  4. Actions necessary for the disposal of removed material; and
  5. Actions necessary to prevent, minimize, or mitigate damage to the public health, safety, or welfare or to the environment, which may otherwise result from a discharge or threatened discharge. Response actions also include the provision of security fencing or other means to limit access, the provision of alternative water supplies, temporary evacuation of potential individuals, and restoration of the site to pre-discharge conditions.
- (d) *Response costs* shall mean any costs incurred in undertaking response actions. Response costs shall not include costs incurred for actual fire suppression services which are regularly provided by the town or its authorized agents, except where a fire is caused or exacerbated by discharge of hazardous materials.
- (2) The town is hereby authorized to undertake response actions in the event of discharges or potential discharges of hazardous substances upon or into public or private property or facilities located within the corporate limits of the town.
- (3) When engaging in a response action caused by the unauthorized discharge or potential discharge of hazardous substances, the town shall keep a detailed record of the response costs.



- (4) Any person or entity responsible for causing or allowing an unauthorized discharge or potential discharge of hazardous substances that requires response actions by the town or its authorized agents shall reimburse the town for the full cost of all response actions. Reimbursement shall be made within thirty (30) days after receipt of an itemized bill for response costs from the town.
- (6) Any person or entity responsible for causing or allowing an unauthorized discharge or potential discharge of hazardous substances that results in the town incurring response costs and who fails to reimburse the town for such response costs within the time set forth herein shall be subject to a late fee in the amount of ten percent (10%) of the total amount of the response costs after thirty (30) days. Thereafter, the late fee assessed on the unpaid balance shall be increased by two percent (2%) for each additional thirty (30) day period until the full amount, including any applicable late fee, is paid.
- (7) The remedy provided for in this section shall be supplemental to and in addition to all other available remedies at law or in equity.

### **ARTICLE III. GENERAL PROVISIONS**

#### **Sec. 9-4. Burning permit.**

It shall be unlawful for anyone to set a fire on any lot, street, alley or other public or private place within the corporate limits of the town without first obtaining a permit to do so from the fire rescue department and paying all fees specified in the town's municipal facilities and services user fee schedule. The application shall be obtained from the department, and it shall be reviewed for approval or rejection by the chief of the department or his/her designee. Approved permits may be revoked by the department at any time if it is deemed by the department, in its sole discretion, that changes in weather or other circumstances render the fire a hazard or dangerous to the public in any manner.

#### **Sec. 9-5. Illegal storage.**

A determination that storage is illegal or in violation of this or other NFPA code(s) shall be at the discretion of the fire chief or his/her designee. Illegal storage, for the purpose of this section, includes any material stored in an electrical room, in front of major electrical panels, fire pump rooms, fire command rooms (other than what is permitted by the Florida

Building Code and the FFPC), fire protection closet, and similar areas. Such areas shall be provided with signs indicating "No Storage."

**Sec. 9-6. Premises identification.**

All new and existing buildings shall include signage that identifies the building address. All such signs shall be permanent and shall meet the requirements NFPA 1. All such signage shall be placed on buildings in such a manner that their address numbers are plainly legible and visible from the road or street fronting the property.

**Sec. 9-7. Unit and Suite Identification.**

All apartment units, condominium units, and business suites located in buildings, regardless of occupancy type, shall include signage that identifies their number (or any other identifying designation). All such signs shall be permanent and shall meet the requirements NFPA 1. Units shall be distinguished and identified using numbers or letters, or a combination thereof, in sequence. Proposed numbering or lettering schemes shall be subject to review and approval by the fire chief or his/her designee. Identification signs shall be located on the door of the unit, or the wall adjacent to the unit, such that it is visible and legible to approaching fire rescue personnel. Signs located on a fire rated door or fire rated wall shall not compromise the rating of the door or wall and shall not conflict with manufacturers recommendations.

**Sec. 9-8 Directional/Wayfinding Signs.**

Approved directional signs shall be provided in corridors and other areas of the building, as required to assist fire rescue service personnel. The location of directional signs shall be at the discretion of the fire chief or his/her designee.

**Sec. 9-9 thru 9-25 - Reserved.**

**Sec. 9-26. Fire lanes on private property.**

- (1) For the purpose of this chapter, a "fire lane" shall mean a space sufficient in width and length to permit the parking of fire trucks and other firefighting apparatus and located nearest to, or at the best location to permit firefighting operations for, a building or structure.

- (2) Fire lanes shall be established and maintained on private property where the public has the right to travel by motor vehicle and where the public is permitted by invitation or by license to travel by motor vehicle, to the extent that any such fire lane is necessary for the department to access buildings by fire trucks or other firefighting apparatus, as more specifically provided in FFPC, NFPA 1, Chapter 18. "Private property where the public has the right to travel by motor vehicle and where the public is permitted by invitation or by license to travel by motor vehicle" shall mean all parking lots, shopping plazas, and shopping centers, as well as all commercial, industrial, single family, and multi-family residential areas.
- (3) After notification by the fire rescue department to establish fire lanes on a particular property, the owner or person in possession and control of the property shall submit a site plan for the fire lanes on the property to the fire department for review and approval of the design and location of the fire lanes. The site plan shall be drawn to scale and shall show all related buildings, driveways, streets, and other information necessary to evaluate the sufficiency of the fire lanes.
- (4) Approval of fire lanes by the fire rescue department shall constitute authorization for the person owning, or in possession and control of, any such property to install required official signs and necessary pavement markings prohibiting the stopping, standing, or parking of motor vehicles within the fire lanes, and the posting of the fire lanes as tow-away zones. Such signs and necessary pavement marking and striping shall be furnished and installed by the owner or person in possession and control of the property at their own cost. The owner or person in possession and control of the property shall thereafter be responsible for the maintenance of the signs, markings, and striping of the required fire lanes.
- (5) All fire lane signs required by and installed pursuant to this section shall have red lettering, not less than two inches (2") or more than three inches (3") in height, on a white background. Each sign shall be twelve inches (12") wide by eighteen inches (18") in height and shall be consistent with the manual on uniform traffic control devices of the state department of transportation and Chapter 18 of NFPA 1, 8th edition).

**Sec. 9-27. Use of outdoor cooking appliances.**

- (1) This section shall apply to all buildings and structures, except two-family dwellings of one-story design, and single-family dwellings. This section shall not apply to commercial cooking appliances.
- (2) For the purpose of this section, an outdoor cooking appliance shall mean any portable and non-portable cooking appliance, grill, stove, or smoker, fueled, or powered by electricity, wood, charcoal, liquefied petroleum gas, natural gas, gasoline, kerosene, naphtha, alcohol, or other liquid or gaseous fuel.
- (3) Outdoor cooking appliances shall be operated a minimum of ten feet (10') from the exterior of buildings or structures.
- (4) It shall be unlawful for any person to use or cause to be used any outdoor cooking appliance on any balcony, within any screened enclosure, in any covered parking area, in any corridor or hallway, under any overhang or within any area of any building or structure; notwithstanding the foregoing, a tabletop or countertop electric grill, with a cooking surface that is two hundred (200) square inches or less in size, may be used on a balcony, as long as the balcony is not enclosed or within a screened enclosure. This requirement also applies to one-and two-family dwellings.

**Sec. 9-28. Closing of private driveways, roadways, and entrances.**

It shall be unlawful for any person to have or cause to have any driveway, roadway, or entrance barricaded or blocked by obstacles which would interfere with the response of the fire rescue department or other emergency vehicles. If an existing building requires a change of access, the owners shall provide revised life safety plans and obtain a permit from the town.

**Sec. 9-29. Processes deemed hazardous to life and property.**

- (1) The fire chief or fire marshal may issue an order for the immediate cessation of any activity, operation, or process, when such operation, activity, or process constitutes a severe and immediate hazard to persons or property.
- (2) No person who, after being served with either a verbal or written order to cease such severe and immediate hazardous activity, operation, or process, shall fail or refuse to comply with such an order.

**Sec. 9-30. Evacuation of occupied buildings or structures.**

In accordance with the Florida Fire Prevention Code, NFPA 1, sec. 1.7.16, the fire chief, the fire marshal, a fire inspector, or any department officer may order the immediate evacuation of any occupied building or structure or assembly area when such building, structure or assembly area is deemed hazardous due to a fire hazard, obstruction to exits, overcrowding of the premises, or any other hazard or potential which presents immediate and life-threatening danger to the occupants. The premises, or any portion thereof, may not be reoccupied until it has been examined and deemed free of the hazard or potential hazard that caused the evacuation to be ordered.

**Sec. 9-31. Fireworks, pyrotechnic special effects, flame effects.**

- (1) The discharge, firing or use of the following fireworks products are prohibited inside buildings, tents, structures, and other enclosed spaces:
  - (a) Firecrackers, rockets, torpedoes, roman candles or other fireworks or substances designed and intended for pyrotechnic display, and of cap guns, starter pistols, canes, cannons, or other appliances (other than a "firearm" as defined in Fla. Stat. § 790.001) using blank cartridges or caps containing chlorate or potash mixture;
  - (b) Pyrotechnic special effects including, but are not limited to, chemical mixtures used in the entertainment industry to produce visible, audible, or thermal effects by combustion, deflagration, or detonation; and
  - (c) Flame effects including, but not limited to, batons, and/or torches fueled by liquid, solid or gaseous fuels, flame projectors which produce heat effects and/or flames, flash powders composed of fuel(s) and oxidizer(s), flares, and similar devices.
- (2) Except as provided in section 791.08, Florida Statutes, a permit shall be obtained from the town manager or his/her designee, prior to any outdoor use of fireworks, pyrotechnic special effects, flame effects, and/or any other fireworks item identified in section 1 above. The application for a permit shall be on a town form and payment of an application fee shall be required. The town manager or his/her designee may include conditions in the permit, including but not limited to additional inspection fees, to ensure compliance with all applicable requirements herein and state law or to protect the public health, safety, and welfare.
- (3) The permit applicant shall furnish with its application proof of financial responsibility in the form of liability insurance. Such liability insurance shall have a minimum of \$1,000,000.00 coverage for each occurrence and shall provide coverage for all claims

for damages to property or personal injuries, including death, arising out of the use of the fireworks. Additionally, the applicant shall provide the town with an endorsement from its insurer that names the town, and its officers and employees, as an additional insured and shall otherwise be in a form acceptable to the town.

- (4) The outdoor use of fireworks shall be in accordance with NFPA 1123 and NFPA 1124.

#### **Sec. 9-32. Public Safety Radio Communication System.**

In all newly constructed buildings, a minimum radio signal strength for public safety radio signals shall be required within the building. Installation and signal strength shall be the minimum requirements per NFPA 1225 (2022 edition), Chapter 18 (In-Building Emergency Responder Communication Enhancement Systems) or as otherwise specified by the town. In all new and existing buildings, as outlined in Section 633.202(18), Florida Statutes, that cause a reduction of Emergency Responder Communication signals below the acceptable level for reliable communications, a two-way radio enhancement system shall be required. In buildings where phone jacks are required as part of an alarm system, a two-way radio enhancement system shall be installed and maintained by the building owner, in lieu of the phone jacks.

#### **Sec. 9-33. Rubbish and linen chutes.**

New buildings with a chute or chutes for trash, linen, or any other building services requires fire sprinkler protection, and all such chutes shall be provided with a riser for the purposes of complete isolation from the remainder of the building's fire sprinkler system. The valve to isolate the riser shall be supervised.

#### **Sec. 9-34. Liquefied Petroleum Gas Containers.**

All containers installed for the storage, handling, transportation, and use of liquefied petroleum gas shall comply with the requirements of NFPA 58.

- (1) Containers shall not be filled prior to rough-in inspection without the prior approval of the fire chief or his/her designee.
- (2) Underground tanks shall be visually inspected prior to back filling the location of installation.
- (3) Tanks installed within ten feet (10') of a public vehicular thoroughfare or designated parking location shall be provided with vehicular barrier protection.

- (4) Tanks installed under a driveway or designated parking area shall be a non-interchangeable underground tank.
- (5) Tanks installed under a driveway or designated parking area shall be provided with a shroud that allows the tank to be installed at least eighteen inches (18") below grade.
- (6) Tanks installed under a driveway or designated parking area shall be provided with a protective dome or cover, engineered to protect the tank valve assembly, and support the weight of parked or moving vehicles.

### **ARTICLE III. ELEVATORS**

#### **Sec. 9-35. Dimensions and control of automatic elevators.**

In all buildings three stories or more in height erected, after November 23, 1993, which are equipped with automatic elevators, all elevators of the structure shall be arranged for emergency use (firefighter's service) by department personnel. At all times, and regardless of circumstances, elevators shall remain operable and available for emergency use by department personnel. The control of all automatic elevators shall meet the requirements as set forth under Chapter 61-5C, "Florida Elevator Safety Code," Florida Administrative Code. In addition to these requirements, the following specifications shall be met:

- (1) Emergency auxiliary power required.
  - (a) Emergency auxiliary electrical power shall be provided for all elevators equipped with the key switch service for department personnel. The auxiliary power supply shall be capable of supplying power to the elevators for a period of at least twenty-four (24) hours. The auxiliary power supply shall be approved by the fire rescue department.
  - (b) Emergency auxiliary power shall remain on for the service car in use by firefighters regardless of selection switch devices, which may also be installed to rotate emergency power to other cars in the building.
  - (c) No more than ten (10) seconds shall be required for the auxiliary power to be in full operation and the operation of the emergency power supply shall automatically transfer to the firefighters' service car.
  - (d) A maintenance schedule shall be maintained in the generator equipment room to record all tests and operation of such auxiliary power equipment. At all times, the records shall be posted and available to the fire rescue services department.

- (e) All auxiliary power equipment and automatic transfer apparatus shall be tested weekly.
  - (f) For all buildings which are designed and constructed having multiple separate towers, each tower shall be treated as though it were a separate building.
- (2) Key switch operation (firefighter's service).
- (a) As used in this section, authorized personnel shall mean the fire chief and any fire rescue department officer designated in writing by the fire chief as authorized to possess the standard emergency elevator control key or key to a keykeeper box.
  - (b) A keykeeper box shall be installed adjacent to all firefighter's service elevators. The performance standards of the keykeeper box shall equal or exceed those of the Bommer key-keeper box, type 5620, F2828, or the AF Florence Manufacturing Company KK Series Key Keeper Box. The key keeper box shall be equipped with a lock that can be opened with the Emergency Response Region 7 Key (Yale Key No. R-80833-2006-7).
  - (c) The standard emergency elevator control key shall be issued only to authorized personnel.
  - (d) All buildings constructed following the adoption of this code regardless of the number of stories, shall use the emergency elevator control key for Emergency Response Region 7 (Yale Key No. R-80833-2006-7).
  - (e) Any building having undergone "substantial improvement," as defined in Section 161.54(12), Florida Statutes, must comply with subsection 9-35(2)(b) of this Code.
  - (f) All elevators in the town shall utilize the Emergency Response Region 7 (Yale Key No. R-80833-2006-7) key for the keykeeper box lock.
- (3) Minimum size and weight capacity.
- (a) Elevators shall have a platform with dimensions of at least six feet (6') deep by five feet (5'), five inches (5") wide.
  - (b) Elevators shall have minimum headroom inside the car of at least seven feet (7'), six inches (6").
  - (c) Doors to elevators shall be at least six feet (6'), eight inches (8') high by three feet (3') wide.
  - (d) Elevators shall have a weight capacity of at least 3,500 pounds.
- (4) Emergency access keys.



- (a) A standard emergency access door key shall be provided to the department for all elevators.
- (b) An emergency key slot shall be located on each door on every floor or landing on which each elevator can stop.
- (5) A sign shall be posted directly above each elevator door on every floor, stating: "In Case of Fire: Use Exit Stairways—Do Not Use This Elevator."
  - (a) The sign shall be at least two and one-half (2½) inches high by three and one-half (3½) inches wide.
  - (b) The letters shall be of a color that contrasts with background.
- (6) Emergency use elevator to be identified.
  - (a) Any elevator provided with the fire rescue department key switch and emergency power shall be identified by a sign of at least three inches (3") wide by two inches (2") high displaying at least three-quarter (¾) inch letters with the following information: "Fire Rescue Services Department Emergency Power."
  - (b) The background of the sign shall be red with white letters.
  - (c) The sign shall be posted in the center of the door frame directly above the door opening on the floor where the key switch is located.

## **ARTICLE IV. PERMITS**

### **Sec. 9-36. Examination of building permits.**

- (1) This section shall not apply to single-family or duplex residential units, except where the installation of fire suppression systems, fire alarm systems, or liquified petroleum fuel tanks, are proposed, or are required by this code, the Florida Building Code or the FFPC.
- (2) Any plans and/or specification submitted as part of an application for any building permit for new construction, demolition, moving of existing buildings, or renovation of existing structures shall comply with Section 1.14 of the Florida Fire Prevention Code, 8th Edition, and Subtitle 61-G15 of the Florida Administrative Code, as applicable, and examined and approved by the fire rescue department. Each set of plans and specifications submitted for approval pursuant to this section must also include all required fire permit applications.
- (3) The fire rescue department shall provide review comments following rejection of any submitted plans.

- (4) The owner of any new building or any existing building undergoing a level 2 or level 3 alteration, as defined by the Florida Building Code ("FBC"), or extensive modification or reconstruction pursuant to the FFPC, shall provide floor plan drawings on a media type specified by the fire rescue department for the purpose of pre-fire planning. This shall be required prior to issuance of the temporary certificate of occupancy or certificate of occupancy, as applicable.

**Sec. 9-37. Permits, fee schedule.**

The following enumerated installations and activities require a permit from the fire rescue department. The applicable fees, as enumerated in the town municipal facilities and services user fee schedule, shall be paid after the permit application is approved. Main use building permits shall not be approved by the fire rescue services department for the following uses until all necessary fire rescue department installation permits for special systems and/or equipment have been applied for by the appropriate subcontractors and issued by the fire rescue department, or as may be specifically approved by the fire chief or a designee.

- (1) Motor vehicle painting—Spray booths and bake ovens.
- (2) Gas and fuel-oil-fired outdoor equipment.
- (3) Elevators.
- (4) Liquid petroleum or natural gas storage.
- (5) Flammable or combustible liquid storage.
- (6) Flammable or combustible liquid dispensing.
- (7) Fire alarm systems.
- (8) Fixed automatic fire protection systems.
- (9) Automatic fire sprinkler systems.
- (10) Standpipe systems, independent or part of sprinkler system.
- (11) Fire pumps.
- (12) Required emergency generators.
- (13) Fire hydrant flow test.
- (14) Hazardous substances storage.
- (15) Fireworks display (see sec. 9-31).
- (16) Outdoor burning (see sec. 9-3).
- (17) BDA Systems – 2-way radio enhancement systems / Bi-Directional Amplification.

**Sec. 9-37. Work started without a permit.**

- (1) When work for which a permit is required by this chapter is started prior to issuance of a fire rescue department permit, the permit fees herein specified shall be tripled.
- (2) The payment of such fee shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work, nor from any other penalties prescribed herein.

**ARTICLE V. FIRE FLOW REQUIREMENTS**

**Sec. 9-38. Fire flow requirements.**

- (1) Intent. The intent of this section is to ensure an adequate water supply for fire suppression by establishing minimum flow rates required to control and extinguish fires that may occur within prescribed occupancy classifications. The requirements of this section shall be applicable to public and private water systems, including individual properties and land development projects.
- (2) Required fire flow.
  - (a) The "required fire flow" is the rate of flow needed for firefighting purposes to confine a major fire to the buildings within a block or other contiguous grouping. The determination of this flow depends upon the size, construction, occupancy, and exposure of buildings within and surrounding the block or group of buildings, and upon the existence of automatic sprinkler protection. The determination of required fire flow in each case shall be made by the fire chief, or a designee, according to the criteria established by this section and by the Guide for Determination of Required Fire Flow, published by the Insurance Services Office, ISO Edition 06-2014, and as it may from time to time be amended, which are adopted and incorporated herein by reference.
  - (b) The minimum required fire flow in the various zoning district classifications shall be as listed in Table I at the end of this section. Where conditions indicate that consideration must be given to possible simultaneous fires, as determined by the fire chief utilizing the criteria established or adopted herein, an additional 1,000 to 8,000 gallons per minute shall be required. However, the maximum fire flow requirement for any system shall be 12,000 gallons per minute. The required minimum duration for fire flow for private fire protection systems not serviced by the town shall be as listed in Table II at the end of this section. All required fire

flow rates shall be in addition to the water flow rates necessary to supply the needs of normal flow demands.

- (3) Normal flow demands. Flow demands for design systems shall be calculated based on full ultimate development as known or projected. The average daily flow for domestic use shall be calculated pursuant to normal flow demand criteria as detailed in the town utilities services department standards manual.
- (4) Fire hydrants and fire flow requirements; exemptions and qualifications; interim criteria.
  - (a) All new buildings and all existing buildings being altered to increase the area, height, or occupancy shall have available the required number of fire hydrants as specified in Table III at the end of this section connected to a public water supply which meets the fire flow requirements specified in Tables I and II at the end of this section, except as follows:
    - 1. All duplex and single-family detached homes not requiring water main extensions for domestic purposes. For purposes of this subsection, "water main extension" shall mean the extension of a water supply system by installation and construction of a new water main, six inches (6") in diameter or larger, as required by the public utility.
    - 2. Additions to existing buildings and accessory buildings not exceeding twenty-five percent (25%) of the square footage of existing structure, but in no event greater than 5,000 square feet.
    - 3. Neighborhood shopping centers with buildings totaling an area of less than 100,000 square feet with no building under one roof of more than 10,000 square feet, with no building exceeding two stories in height, and with at least twenty-five-foot (25') separations between buildings, shall meet fire flow requirements of at least 1,250 gallons per minute.
    - 4. Individual industrial or commercial buildings or structures not part of a neighborhood shopping center or industrial park, less than 5,000 square feet in area, and with low or ordinary hazard content shall meet a fire flow requirement of at least 750 gallons per minute.
  - (b) If the rate of fire flow required under the terms of this section is not available from the public utility at the time of application for a building permit, and none of the exemptions or qualifications in (a) through (c) above apply, then the following interim criteria shall govern the issuance of building permits:

1. Properties classified as having low hazard contents, and not exceeding two (2) stories in height, will be required to provide a minimum of fifty percent (50%) of the flow rate described in Table I for its zoning district at the end of this section.
  2. Properties classified as having ordinary hazard contents, and not exceeding two (2) stories in height, will be required to provide a minimum of seventy percent (70%) of the flow rate described in Table I for its zoning district at the end of this section.
  3. Properties classified as having low or ordinary hazard contents, and having more than two (2) stories but not exceeding five (5) stories in height, will be required to provide a minimum of seventy-five percent (75%) of the flow rate described in Table I for its zoning district at the end of this section.
  4. Properties classified as having high hazard contents will be required to provide one hundred percent (100%) of the flow rate described in Table I for its zoning district at the end of this section.
  5. All properties, in excess of five (5) stories in height, will be required to provide one hundred percent (100%) of the flow rate described in Table I for its zoning district.
  6. As used herein, "low hazard contents," "ordinary hazard contents" and "high hazard contents" shall be defined as set forth in Florida Fire Prevention Code NFPA 101 section 6-2.2, which section is adopted and incorporated herein by reference.
  7. In all cases of new construction where less than the flow rate described in Table I at the end of this section is permitted pursuant to the provisions of (b) above, engineering and construction of new facilities to meet the total fire flow requirements as described in Table I will be provided so that at the time the public utility is capable of providing full fire flow, the properties receiving the flow will be capable of utilizing the full fire flow provided by the utility.
  8. In all cases wherein the interim criteria of (b) above are utilized, no less than a 500-gallon-per-minute fire flow shall be permitted for any type of improved property, and all fire flow tests will be calculated with a minimum of twenty (20) psi residual pressure remaining in the water main.
- (5) Supplemental flow systems. If the minimum fire flow requirements set out in this section cannot be met by the water supply utility, then the applicant for a building

permit shall be required to supplement those flows through an on-site, or readily available, system meeting the minimum fire flow requirements of this section and meeting with the approval of the fire rescue services department.

- (6) Extensions of time; bond. If the required fire flow is not available to allow an applicant to obtain a certificate of occupancy, but it is determined by the fire rescue department that system improvements are in process and are imminent so that the applicant will be able to meet the fire flow requirements, then the fire rescue services department may extend the time to meet the requirements of this section for an initial interim period not to exceed ninety (90) days and may authorize a temporary certificate of occupancy based thereon. In order to meet the fire flow requirements, a bond sufficient to assure completion of the required system improvements shall be posted by the applicant with the town manager. The amount of the bond shall be determined by the fire rescue services department and shall be equivalent to two hundred (200) percent of the cost to complete the fire flow improvements.
- (7) Fire hydrants and fire hydrant branches.
  - (a) The location, number, and sizes of the fire hydrants, and fire hydrant branches, shall be designated by the fire rescue department in accordance with Table III at the end of this section.
  - (b) Fire hydrants of the approved municipal design and system pattern shall be provided along all primary roadways and fire lanes throughout any proposed project. When such development fronts on one or more existing public street(s), fire hydrants shall be located along the public street(s) as well as throughout the entire project. Spacing shall be measured along the actual route fire apparatus will travel.
  - (c) Unobstructed access to fire hydrants, or on-site private systems, shall be provided and maintained to accommodate firefighting apparatus.
- (8) Distribution systems. The supply mains shall be of adequate size and have properly arranged connections to the arterial mains, which shall extend throughout the system and have numerous connections to the secondary feeders that supply the minor distribution.
- (9) Main sizes. Main sizes and system patterns shall be subject to approval of all applicable agencies pursuant to fire and normal flow demand criteria. Design standards shall be in conformance with current editions of the town utilities services department standards manual.

- (10) Pressure. Sufficient pressures shall be provided within the system to maintain twenty (20) psi residual pressure while providing required fire flows. In those cases where system supply design and hydrant locations are capable of meeting full domestic, commercial and fire flow demands, residual pressures of ten (10) psi will be permitted.
- (11) Violations. No person shall:
- (a) Use or operate any fire hydrant or other valve on any fire system that is intended for use by the town for any purpose unless a fire hydrant use permit has been issued by the town to such person and such person complies with the appropriate provisions of Chapter 29 of the Town Code of Ordinances.
  - (b) Remove, tamper with, or otherwise disturb any fire hydrant or firefighting appliance except for the purpose of extinguishing fires, firefighting training, or making necessary repairs, without first obtaining written approval by the fire rescue services department.

TABLE I. REQUIRED FIRE FLOWS BY ZONING CLASSIFICATION (Defined in Section 30-62 of the Town Code)

Zoning Districts	Requirement
Group 1: RE (Residential Single-Family Estate Zoning District), RS (Residential Single-Family Zoning District)	The system shall deliver not less than 500 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 500 gallons per minute.
Group 2: RML (Residential Multiple-Family Low-Density Zoning District)	The system shall deliver not less than 1,000 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 750 gallons per minute.
Group 3: RMM (Residential Multiple-Family Medium-Density Zoning District)	The system shall deliver not less than 1,500 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 750 gallons per minute.
Group 4: RMH (Residential Multiple-Family High-Density Zoning District)	The system shall deliver not less than 2,000 gallons per minute at 20 psi residual on the

Zoning Districts	Requirement
	system. Each fire hydrant shall deliver not less than 750 gallons per minute.
Group 5: GSD (Government Service Zoning District)	The system shall deliver not less than 2,000 gallons per minute at 20 psi residual on the system. Each fire hydrant shall deliver not less than 1,000 gallons per minute.

TABLE II. REQUIRED DURATION FOR FIRE FLOW

Required Fire Flow (gallons per minute)	Required Duration (hours)
10,000 and greater	10.00
9,500	9
9,000	9
8,500	8
8,000	8
7,500	7
7,000	7
6,500	6
6,000	6
5,500	5
5,000	5
4,500	4
4,000	4
3,500	3
3,000	3
2,500 and less	2



TABLE III. FIRE HYDRANT SPACING

	Districts	Hydrant Spacing (feet)
1.00	Multifamily structures 2 or more stories in height	300.00
2.00	Commercial, industrial, and similar structures regardless of height	300.00
3.00	Areas with multi-laned, divided highways (hydrants shall be provided along both sides of such roads with the location of curb cuts and median cuts considered)	400.00
4.00	Residential districts, single-family and duplex areas with dead-end streets	500.00
5.00	Residential districts, single-family and duplex areas with complete internal circulation	600.00
6.00	Residential districts, cluster developments 1 story in height	400.00

## **ARTICLE VI. FIRE ALARMS AND AUTOMATIC FIRE EXTINGUISHING SYSTEMS**

### **Sec. 9-39. Central station alarm disposition.**

Alarm disposition between a central station and the fire rescue department may be transmitted via any of the transmission modes approved by NFPA 72. However, the maximum duration between the initiation of an alarm signal at the protected premise to transmission to and receipt of the signal by the fire rescue department shall not exceed ninety (90) seconds.

### **Sec. 9-40. Automatic fire-extinguishing and detection systems.**

Any automatic or manual fire alarm signal system and automatic fire-extinguishing or automatic fire detection system hereafter installed, in addition to complying with the Florida Fire Prevention Code, the Florida Building Code, and the state fire marshal's rules and regulations, shall be listed by a Nationally Recognized Testing Laboratory ("NRTL") approved in accordance with the provisions of Section 633.334, Florida Statutes, and shall conform to the following requirements:

- (1) Any fire alarm system, automatic fire sprinkler system, smoke, ionization or heat detection system, clean agent extinguishing system, automatic fire-extinguishing devices, (except stand-alone automatic extinguishing systems in hoods and ducts), installed in any occupancy, which may be required by applicable provisions of these regulations, shall be so arranged that the normal operation of any required alarm-initiating device or the operation of any automatic fire-extinguishing system shall automatically transmit an alarm to a documented NRTL central station. Listing documentation shall be submitted to the fire rescue department for review and approval.
- (2) A NRTL central station, in accordance with NFPA 72 (2019) Section 26.3, shall be identified by the NRTL certificated service provider for all newly installed and required fire alarm systems. An existing required fire alarm system, wherein the control panel or alarm components are being replaced, shall be considered a new fire alarm system for the purposes of this section, and such system shall meet the certifying requirements of this code. NRTL listed central station service, in full compliance with NFPA 72 (2019) Section 26.3, shall be maintained at the protected property, so long as the requirement for the fire alarm system exists.
- (3) All fire alarm signal systems, and automatic extinguishing and detection systems, installed in accordance with this section shall be maintained under a written service contract providing for regular maintenance and testing of the system in accordance with the state fire marshal's rules and regulations. When the fire rescue department determines a fire alarm system is out of service in need of repair, or where confirmation is required to verify proper functioning of the system, the fire rescue department shall request the response of a technician as required in NFPA 72 within the timeframes specified therein, without consent from any building representative. Failure to comply with such a request for a technician or runner is a violation of this code.
- (4) The service company performing the maintenance and tests shall forward a written report to the fire rescue department indicating the nature of any deficiencies, impairments, repairs, modifications, and/or corrections completed by the service company, the date and time of such tests and inspections, and any other information, which may be required by the fire and life safety division. In addition, a copy of the service report shall be maintained in the fire protection closet or fire command room,

or on the premises and it shall be subject to inspection by the fire rescue department at any time.

- (5) In accordance with NFPA 72 (2019), all fire alarm signal systems, automatic extinguishing and/or detection systems shall be provided with an approved annunciator panel. Annunciator panels, either remote or part of the FACP, shall be equipped with an LCD display with a minimum eighty (80)-character capability, designed to indicate the floor number and the section of the building reporting a fire alarm or fire condition. Fire alarm system activation in multi-level/story occupancies/buildings shall indicate an alarm condition on the floor of incident, one floor below the floor of incident, and all levels above the floor of incident. Each alarm-initiating device shall indicate an individual location on such annunciator. The alarm initiating device shall indicate its individual location to the monitoring central station. The annunciator shall respond to either manual or automatic devices, and all devices within the system shall be connected to the annunciator. The location of the annunciator panel shall be designated by the fire rescue department, and it shall be so located as to be immediately available to the fire rescue department at all times. Fire alarm systems installed solely for the purpose of monitoring a fire sprinkler system shall be allowed upon the approval of the fire chief or his/her designee. In a complex with multiple buildings, each building shall have its own transmitter for alarm signal disposition to the central station.
- (6) Carbon monoxide detection systems shall be required in buildings as provided in NFPA 1, NFPA 101, and NFPA 72. Carbon monoxide levels shall be monitored in new parking structures in addition to the requirements of NFPA 88A. In addition to established requirements, carbon monoxide detection systems shall, upon the detection of carbon monoxide levels above 99 ppm, send a supervisory signal to the buildings fire alarm system panel, and any area attended to by security or staff. Detection of carbon monoxide levels exceeding 199 ppm shall activate a fire alarm signal to notify all occupants of the building and send a signal to central station. Existing parking structures will be required to comply with this section upon completion of a level 2 or level 3 alteration as defined in the Florida Building Code.
- (7) All fire alarm signal and detection systems shall be provided with a secondary source of power always available for use in the event of failure of the primary power supply to insure continuous operation of the system, pursuant to the requirements of NFPA 72 Section 10.6 (2019).

- (8) Pre-signal fire alarm systems shall not be permitted.
- (9) A change in service provider or a transmitter requires a permit and verification by the fire department that the alarm system is reporting the appropriate signals to the central station as required by code.
- (10) Communications methods shall comply with the requirements of NFPA 72 (2019 ed.), Chapter 26, and shall be approved by the fire chief or designee.

**Sec. 9-41. Alarm registration.**

All required fire alarm systems must comply with the requirements of Chapter 9 of the Town Code. All fields on the alarm registration form shall be filled out in their entirety, and a copy of the form shall be posted adjacent to the fire alarm panel.

**Sec. 9-42. Fire alarm installation permits.**

- (1) The fire rescue department shall issue a fire alarm installation permit after receiving and approving a completed fire alarm application, plans, and required supporting documentation, and only after it is determined the fire alarm system meets the criteria of this section. The reason underlying a permit denial shall be documented on the town permitting system and be provided to the applicant.
- (2) The fire alarm system shall be installed in compliance with the Fire Alarm/Central Station Applicable Regulations and Official Policies Guidelines of the fire rescue department.

**Sec. 9-43. - Fire alarm system certification requirements.**

- (1) The applicant for a required fire alarm installation permit shall submit to fire rescue services department for review, along with the permit application, documentation listing the NRTL central station for the alarm system and provide documentation of NRTL certification at time of acceptance testing of the fire alarm system or added components.
- (2) The applicant must demonstrate that the fire alarm monitoring will be performed by a NRTL certified/listed central station.
- (3) All required NRTL certificated/listed fire alarm systems must maintain NRTL compliance and NRTL monitoring.

**Sec. 9-44. False alarms.**

False alarms are defined, and fees, therefore, are as provided for in Chapter 9 of the Town Code.

**Sec. 9-45. Limitation of liability.**

Neither the town nor any of its officers and agents shall be under any obligation or duty to an alarm user or to any other person. The town specifically disclaims liability for any damages, injuries, or losses caused by or resulting from a failure to respond to an alarm.

**ARTICLE VII. FIRE PROTECTION SYSTEMS**

**Sec. 9-46. Applicability.**

Chapter 9, Fire Protection Systems, of the Florida Building Code is supplemented as follows:

- (1) The requirements of this article shall apply to all newly constructed buildings, structures, and installations.
- (2) The requirements of this article shall also apply to any existing building or structure if a level 2 or level 3 alteration occurs, as defined in the Florida Building Code.

**Sec. 9-47. Definitions.**

For the purpose of this article, the following words, terms, and phrases shall have the meanings given in this section, unless the context clearly indicates otherwise:

*Approved double check valve assembly* is an assembly of two (2) independently operating check valves with Outside Stem and Yoke ("O.S. & Y") valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The assembly shall be listed in the "UL Fire Protection Equipment Directory" under "Backflow Special Check Valve Devices (BAEU)." The O.S. & Y valves shall be listed in the "UL Fire Protection Equipment Directory" under "Gate Valve (HMRZ)." The assembly shall be installed in the horizontal position, outside, above ground and shall be readily accessible for maintenance, testing and inspection. The O.S. & Y valves shall be supervised with properly installed tamper switches connected to the fire alarm system. The O.S. & Y valves shall also be secured with a chain and two interlocked padlocks, one of which shall be a Master lock, issued by the fire department, painted red, for fire rescue department access.

Fire Rescue Services department connections shall not be directly attached to the assembly.

*Approved dual check valve assembly* is a listed assembly of two (2) independently operating check valves. For fire main use a single O.S. & Y valve shall be installed on the supply side of the approved dual check valve. The O.S. & Y valve shall serve as the main control valve for the fire protection system. The assembly shall be installed in the horizontal position, outside, above ground, and shall be readily accessible for maintenance and inspection. The O.S. & Y valve shall be secured with a chain and a Master lock, issued by the fire department.

*Fire main* is that pipe, and its appurtenances, on private property between a source of water and the base of the riser for the automatic fire sprinkler systems, open fire sprinkler systems, fixed water spray systems, fire standpipe systems and/or inlets to firefighting foam making systems. When connected to the public water system, the fire main begins at the supply side of the approved double check valve assembly or the approved dual check valve assembly. On NFPA 13D systems, the fire main begins at the point where the water supply line for the fire sprinkler system splits from the domestic water service.

**Sec. 9-48. Backflow prevention for fire protection systems.**

An approved DDCV assembly shall be installed on all fire mains serving all structures, except single-family homes and duplexes, as provided in NFPA 13, NFPA 13R and NFPA 13D. An approved dual check valve assembly shall be installed on all fire mains serving one- and two-family dwellings (NFPA 13D).

Previously approved post indicator valves (“PIV”) shall be kept locked with a #2396 key Master lock. Previously approved PIV’s shall be changed to double detector check valve (“DDCV”) assemblies meeting the requirements of this section when they are determined to be out of service and in need of replacement.

**Sec. 9-49. Fire mains.**

Fire main taps connected to the public water system shall be sized for, and serve, only the building for which they were installed. Fire main taps shall not be shared with other buildings. Fire mains shall be constructed of class 52 ductile iron pipe (DIP) or other pipe UL listed for underground fire main use, as approved by the fire rescue department. Fire main taps may be shared only where a single fire pump is shared in accordance with section 9-50. Fire mains shall only enter a building above ground and through an exterior

wall. Fire mains shall not run under foundations or footers. In high-rise buildings (as defined in the Florida Fire Prevention Code and the Florida Building Code), fire main configurations shall be in accordance with the Florida Building Code, Chapter 4. Any alternative fire main configurations shall be subject to the approval of the fire chief or designee at the time of initial permit application.

**Sec. 9-50. Fire pumps.**

Fire pumps installed in buildings to meet requirements for standpipes or hydraulic demand of the fire sprinkler system shall be provided with a secondary source of power (emergency generator) if such system is provided. Fire pumps shall serve only the building or structure for which they were installed and shall not be shared with other buildings or structures, except that a single fire pump may be shared between a building and up to two (2) parking structures if all the following are provided:

- (a) All buildings and structures are under the same ownership.
- (b) A "unity of title" for the buildings and structures is provided before the installation permit is issued.
- (c) The fire mains serving each building/structure are installed underground in accordance with NFPA 24, and this article.

**Sec. 9-51. Fire protection system closet.**

- (1) A fire protection system closet shall be provided for all buildings and structures equipped with a fire alarm or fire sprinkler protection.
  - (a) The closet shall house the fire sprinkler system riser, all appropriate control valves, all appropriate flow and tamper switches, the fire alarm system control panel, annunciator panel, annunciator map/legend and the transmitter/control unit. As provided in the FFPC and NFPA 72, portions of the fire alarm system may be located elsewhere in the building subject to approval by the fire rescue department.
  - (b) The annual fire alarm registration and copies of the most recent fire alarm, and fire sprinkler, inspection reports shall be posted in the closet.
  - (c) The closet shall not be used for storage and shall not be used for any other electrical, plumbing, or mechanical equipment.
  - (d) The minimum size of the closet shall be two feet (2') deep by four feet (4') wide, which shall be increased to accommodate the provided equipment.

- (e) The closet shall be separated from all other portions of the building with one (1)-hour fire resistive construction as a minimum. The closet shall be located along an outside wall near the fire primary fire department access, at grade, with access from an outside swinging door, which need not be fire rated.
  - (f) The door shall be labeled with a sign that reads "Fire Protection Closet." The closet shall be kept locked at all times. A key box approved by the fire and life safety division shall be installed on the outside wall, within three feet (3') of the closet. The key box shall be installed forty-two inches (42") to forty-eight inches (48") above grade. The key box shall be sized appropriately such that the keys, access cards, fobs, and other contents fit inside in a manner that is practical for fire rescue department personnel to open and close with ease. The key box shall contain a key to access the closet, all the keys necessary to control the fire alarm system, and keys to access the building and other important areas, including but not limited to, electrical rooms, fire pump rooms, elevator machine rooms, roof access, hazardous materials storage areas, etc. The property owner may provide additional keys for access to other areas of the building as appropriate.
  - (g) A weatherproof horn/strobe or speaker/strobe shall be installed directly above the key box at a height easily seen upon approach to the area.
  - (h) The closet shall be designed and constructed so as to provide and maintain an air-conditioned temperature of no greater than eighty (80) degrees Fahrenheit.
- (2) Fire protection system closets are not required in high rise buildings and other buildings where a fire pump room and a fire control room are required or provided. Fire protection system closets are not required for fire sprinkler systems provided in single family homes and duplexes.

**Sec. 9-52. - Fire rescue services department connections (FDC).**

- (1) A single 2½-inch freestanding fire rescue department connection located within fifty (50) feet of a fire hydrant shall be provided on all NFPA 13R fire sprinkler systems with twenty (20) or more fire sprinkler heads.
- (2) A double (Siamese) 2½-inch freestanding fire rescue department connection located within fifty (50) feet of fire hydrant shall be provided on all NFPA 13 fire sprinkler systems with twenty (20) or more fire sprinkler heads.



- (3) Two double (Siamese) 2½-inch freestanding fire rescue department connections, each located within fifty (50) feet of a fire hydrant shall be provided on all the following fire sprinkler systems:
  - (a) Light hazard and ordinary hazard NFPA 13 fire sprinkler systems with four hundred (400) or more fire sprinkler heads.
  - (b) Extra hazard NFPA 13 fire sprinkler systems with two hundred (200) or more fire sprinkler heads.
  - (c) On special fire protection systems or situations as designated by the fire chief or designee.
- (4) Multiple fire rescue services connections shall be installed in locations as remote as possible from each other, as approved by the fire chief or designee.

**Sec. 9-53. Hose connections as a part of fire sprinkler systems.**

- (1) Approved 2½-inch fire department hose connections, in accordance with NFPA 13 sec. 8.16.5.2, shall be installed in buildings and structures as follows:
  - (a) All one (1)-story buildings with a floor area of 52,000 square feet or more.
  - (b) All two (2)-story buildings with a combined floor area of 52,000 square feet or more.
  - (c) All three (3)-story buildings with a combined floor area of 52,000 square feet or more.
- (2) Hose connections shall be fed from an adjoining sprinkler zone on the same floor or from a sprinkler zone on a different floor. Hose connections may be fed directly from the riser ahead of a zone valve. All hose connections, including those that are part of a standpipe system, shall be installed at locations approved by the fire chief or designee, such that all areas of the building can be reached with one hundred feet (100') of hose and twenty-five feet (25') of fire stream throw. Hose connections shall be equipped with caps to protect hose threads.
- (3) Class I standpipe systems shall be provided with 2½" hose connections in the following locations:
  - (a) On the inside of the stairwell at each landing.
  - (b) On the outside of the stairwell at each landing.
  - (c) On each side of the wall adjacent to the opening of horizontal exits.
  - (d) On the roof, near the point where the stairwell terminates. This shall be a double 2½" hose connection. It shall be provided with a UL or FM listed gauge.

- (e) At other locations required by the fire chief or a designee.
- (4) All standpipe systems permitted and installed shall be a manual wet system, or automatic wet system, based on occupancy code requirements, as defined by the FBC or NFPA 14, Standard for the Installation of Standpipe and Hose Systems.

**Sec. 9-54. Automatic Wet Fire Sprinklers.**

- (1) All new buildings or structures, including one- and two-family dwellings, 7,500 square feet and larger shall be provided with a wet automatic fire sprinkler system in accordance with the requirements in NFPA 13, 13R, or 13D.
- (2) All new buildings or structures, including one- and two-family dwellings, three (3) or more occupiable stories in height shall be provided with a wet automatic fire sprinkler system in accordance with the requirements in NFPA 13, 13R, or 13D).

**ARTICLE VIII. ENFORCEMENT**

**Sec. 9-55. Enforcement authority.**

The fire chief or his/her designee shall have the authority to conduct investigations and to do all other things necessary to enforce the provisions in this chapter.

**Sec. 9-56. Violations.**

Failure to comply with any provisions of this chapter shall be deemed a violation.

**Sec. 9-57. Penalty for violations.**

Any person or entity violating the provisions of this chapter shall be punishable as provided in the Florida Fire Prevention Code, and as otherwise authorized by the town code, including, but not limited to, section 1-9 and through the initiation of code enforcement proceedings.

**Section 3.** The Town Commission hereby repeals Section 35-11, "Florida Fire Prevention Code," in its entirety.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Codification.** Section 2 of the Ordinance shall be made a part of the Town Code of Ordinance and may be re-numbered or re-lettered to accomplish such.

**Section 7. Effective Date.** This Ordinance shall be effective immediately upon adoption at second reading and shall apply prospectively only.

The foregoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Don Peters	_____	_____
Commissioner Judith Goldberg	_____	_____
Commissioner Evalyn David	_____	_____

PASSED on first reading at the Regular Commission meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The foregoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Don Peters	_____	_____
Commissioner Judith Goldberg	_____	_____
Commissioner Evalyn David	_____	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

By: \_\_\_\_\_  
Lanelda Gaskins, MMC  
Town Clerk

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Glen J. Torcivia, Town Attorney

**SUN-SENTINEL**

**Sold To:**

Town of Highland Beach Florida - CU00661788  
3614 S Ocean Blvd  
Highland Beach FL 33487,FL 33487-3393

**Bill To:**

Town of Highland Beach Florida - CU00661788  
3614 S Ocean Blvd  
Highland Beach FL 33487,FL 33487-3393

**Published Daily**

**Fort Lauderdale, Broward County, Florida  
Boca Raton, Palm Beach County, Florida  
Miami, Miami-Dade County, Florida**

**State Of Florida  
County Of Orange**

Before the undersigned authority personally appeared  
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,  
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the  
attached copy of advertisement, being a Legal Notice in:

The matter of 11720-Notice of Public Meeting .  
Was published in said newspaper by print in the issues of, or by publication on the  
newspaper's website, if authorized on Aug 14, 2023

Affiant further says that the newspaper complies with all legal requirements for  
publication in Chapter 50, Florida Statutes.

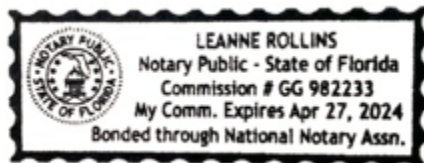


\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me this: August 15, 2023.



\_\_\_\_\_  
Signature of Notary Public



\_\_\_\_\_  
Name of Notary, Typed, Printed, or Stamped  
Personally Known (X) or Produced Identification ( )

**Affidavit Delivery Method:** E-Mail  
**Affidavit Email Address:** lgaskins@highlandbeach.us  
7478900

**TOWN OF HIGHLAND BEACH  
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that the Town Commission of the Town of Highland Beach will conduct a Public Hearing on Thursday, August 24, 2023, at 1:30 PM in the Highland Beach Library Community Room at 3618 South Ocean Boulevard, Highland Beach, Florida to consider the following proposed ordinance:

ORDINANCE NO. 2023-002

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, REPEALING CHAPTER 9, "FIRE PREVENTION AND PROTECTION," OF THE TOWN CODE OF ORDINANCES IN ITS ENTIRETY AND SIMULTANEOUSLY ADOPTING A NEW CHAPTER 9 TO REFERENCE THE CURRENT EDITION OF THE FLORIDA FIRE PREVENTION CODE AND ADOPT LOCAL AMENDMENTS THERETO; REPEALING SECTION 35-11 "FLORIDA FIRE PREVENTION CODE," OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A copy of the ordinance will be available for inspection in the Town Clerk's Office, Monday through Friday, during normal business hours 8:30 A.M. to 4:30 P.M. and on the Town's webpage at <https://mmportal6.teamunicode.com/> no later than Friday, August 18, 2023.

Any person that decides to appeal any decision made by the Planning Board with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

Lanelda Gaskins, MMC  
Town Clerk  
08/14/2023 7478900

Order # - 7478900



**File Attachments for Item:**

A. Consideration to approve the Health Insurance and Other Insurance Programs for Town personnel for Fiscal Year 2024.





# TOWN OF HIGHLAND BEACH

## AGENDA MEMORANDUM

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**MEETING TYPE:** Financial Advisory Board

**MEETING DATE** 08/24/2023

**SUBMITTED BY:** Eric Marmer, Human Resources and Risk Management Director  
David M. Dilena, Finance Director

**SUBJECT:** Health Insurance and Other Related Insurance Rates

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### SUMMARY:

#### Employee Medical Insurance - October 1<sup>st</sup>

The Town's Employee Insurance is set to change on October 1<sup>st</sup>.

With the help of our benefits consultant Rheingold & Associates, this year, we had the privilege of reviewing proposals from several healthcare insurance providers, namely Florida Blue, Humana, United Healthcare (UHC), Aetna, and Cigna. Our journey through this selection process has been marked by careful consideration and insight.

Having enjoyed a three-year partnership with Humana, we were initially presented with renewal quotes suggesting a 3% increase for the upcoming year. However, considering Humana's decision to exit the group insurance market, concerns have arisen regarding the stability of their network and the potential loss of valuable providers. This pivotal development has prompted us to contemplate a transition away from Humana.

While both UHC, Aetna, and Cigna presented plans with slightly lower rates than Humana, their offerings fell short in terms of benefit levels and the expansive provider network that our community greatly values. In sharp contrast, Florida Blue has presented an opportunity to offer better plans with a larger network than our current plans offered by Humana, while also extending an overall cost reduction of approximately 1.3% for the Town.

Like every year when making this decision, our focus remains unwavering on securing a healthcare partner that not only provides economical solutions but also upholds the comprehensive coverage and access to providers that Town staff members rely upon. In this pursuit, Florida Blue emerges as a compelling choice, promising both financial relief and the continuation of a robust network that stands as a pillar of our Town staff's well-being.

The Town will offer two plans to employees and their families through Florida Blue:

1. Base Blue Options Predictable Cost Plan # 03768 with a tiered Health Reimbursement Account (HRA)
2. Blue Options Predictable Cost Plan #03769 with a tiered Health Reimbursement Account (HRA)

## Other Insurance Programs

Apart from healthcare insurance, Town employees and their families can enroll in a range of additional insurance programs, including Short-Term Disability, Long-Term Disability, Life Insurance, Vision, and Dental Insurance. Currently, our Town utilizes a mix of providers for these insurance options. However, following a thorough evaluation, the Town has decided to transition all these insurance offerings to Guardian.

Guardian's offerings stood out after careful consideration, with their prices and coverage aligning well or even slightly surpassing those of our previous insurers in certain aspects. This move to Guardian is aimed at streamlining our insurance provisions and ensuring that Town employees receive the best possible benefits across the board.

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## FISCAL IMPACT:

Below is a comparison of the Humana renewal and Florida Blue.

Health Insurance						
Class	Count	Price	Monthly	Florida Blue	Negotiated Renewal	\$ Change
					Humana	
Employee Only	15	\$ 682.17	\$ 10,232.55	\$ 122,790.60	\$ 127,931.40	\$ (5,140.80)
Employee/Spouse	7	1,555.34	10,887.38	130,648.56	119,403.48	11,245.08
Employee/Child(ren)	6	1,364.34	8,186.04	98,232.48	97,228.80	1,003.68
Family	16	2,182.94	34,927.04	419,124.48	436,675.20	(17,550.72)
	<u>44</u>			<u>\$ 770,796.12</u>	<u>\$ 781,238.88</u>	<u>\$ (10,442.76)</u>
% Change						-1.3%

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## RECOMMENDATION:

Based on cost/benefit analysis, evaluation of service networks Town Staff recommends moving to Florida Blue: 1. Base Blue Options Predictable Cost Plan # 03768 and 2. Blue Options Predictable Cost Plan #03748 Buy-up Option.

Last year, in response to escalating deductibles and healthcare expenses, the Town proactively increased its Health Reimbursement Arrangement (HRA) tiers by \$250 at each level to mitigate the impact on staff. Now that these financial pressures have eased, the Town is poised to revert its HRA funding rates to the levels observed in previous years, ensuring consistent and sustainable coverage for all employees.



**File Attachments for Item:**

B. Ratification of Collective Bargaining Agreement (CBA) between the Town of Highland Beach and the Florida State Lodge Fraternal Order of Police, Inc. (FOP) Town Staff Agreement October 1, 2023 through September 30, 2026.



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** August 24, 2023

**SUBMITTED BY:** Town Manager's Office

**SUBJECT:** Ratification of Collective Bargaining Agreement (CBA) between the Town of Highland Beach and the Florida State Lodge Fraternal Order of Police, Inc. (FOP) Town Staff Agreement October 1, 2023 through September 30, 2026.

---

## **SUMMARY:**

Enclosed is the Collective Bargaining Agreement (CBA) between the Town of Highland Beach and the Florida State Lodge Fraternal Order of Police, Inc. (FOP) Town Staff Agreement October 1, 2023, through September 30, 2026. The agreement has been negotiated in good faith and tentatively agreed to by the FOP and Town of Highland Beach negotiating team. The provisions of the agreement remain consistent with those communicated to the Commission via individual Commissioner meetings.

In summary, the agreement reflects a marketplace costs adjustment and it does so without placing any additional unfunded liabilities (OPEB) on the Town. Lastly, the cost of the agreement was, and is, accounted for within the five-year forecast; that is, no milage rate implications.

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## **FISCAL IMPACT:**

Pursuant to CBA and five-year financial forecast.

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## **ATTACHMENTS:**

Collective Bargaining Agreement (CBA) between the Town of Highland Beach and the Florida State Lodge Fraternal Order of Police, Inc. (FOP) Town Staff Agreement October 1, 2023, through September 30, 2026. (formatting and spacing will be cleaned up post-execution)

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**RECOMMENDATION:**

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Commission ratification of the Collective Bargaining Agreement (CBA) between the Town of Highland Beach and the Florida State Lodge Fraternal Order of Police, Inc. (FOP) Town Staff Agreement October 1, 2023, through September 30, 2026.

COLLECTIVE BARGAINING AGREEMENT BETWEEN

FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE, INC.



AND

THE TOWN OF HIGHLAND BEACH




Town 

FOP 

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Town 

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FOP 



Collective Bargaining Agreement  
Town of Highland Beach / FOP  
2023-2026

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Town



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**PREAMBLE**

THIS AGREEMENT is entered into by and between the TOWN OF HIGHLAND BEACH, FLORIDA, located within the County of Palm Beach, State of Florida (hereinafter referred to as "Town" or "Employer"), and FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, INC. (hereinafter referred to as the "FOP" or the "Union"), as the sole and exclusive bargaining representative of the employees within the certified bargaining unit.

It is the purpose of this Agreement to promote and maintain harmonious relations between the Town and the employees within the certified bargaining unit; to provide for equitable and peaceful means of resolving grievances which may arise; and to establish fair wages, hours, terms and conditions of employment.

Whenever a male pronoun is used in this Agreement, it shall be construed to include references to both sexes.

Town



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## ARTICLE 1 – RECOGNITION

Pursuant to and in accordance with all applicable provisions of Part II of Chapter 447, Florida Statutes, the Employer recognizes the Union as the exclusive collective bargaining representative for those employees in the following unit as provided in PERC Certification number 1908 for the purpose of bargaining collectively in the determination of wages, hours and terms and conditions of employment of those public employees within the bargaining unit.

INCLUDED: All permanent full-time and regular part-time employees of the Town of Highland Beach in the following positions:

Accounting/Payroll Officer, Administrative Assistant/Permit Specialist- Building, Administrative Assistant- Law Enforcement, Administrative Support Specialist- Town Clerk's Office, Code Enforcement Officer, Lead Postal Clerk, Library Assistant, Library Assistant Clerk (PT), Maintenance Worker (Part-Time), Postal Clerk (PT), Utility Maintenance Foreman, Utility Maintenance Mechanic, Water Treatment Plant Operator [A, B and C]

EXCLUDED: All other employees of the Town, including managerial, confidential, supervisory employees, as well as all sworn law enforcement personnel, including employees in the following positions:

Accreditation/Training Manager, Chief of Police, Chief Plant Operator, Deputy Town Clerk, Finance Director, Library Director, Office Manager/Code Enforcement Officer- Building Dept., Police Lieutenant, Police Officer, Police Sergeant, Public Works Director, Research and Support Specialist, Reserve Police Officer, Town Clerk, Town Manager, Utility & Maintenance Superintendent, Water Treatment Plant Superintendent.

It is further understood and agreed that the Staff Representative or his designee will be the official spokesman for the Union in any matter between the Union and the Employer, only however on the matters which the Union has authority regarding its membership. The representative shall designate in writing the name of his designee.

Town



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## **ARTICLE 2 - PAYROLL DEDUCTION AND DUES**

Upon receipt of a written authorization from the employee covered by this Agreement, the Employer will deduct from the employee's pay the amount owed to the Union by such employee for dues. It is understood that this provision will provide for deductions equal to the number of pay periods per year. The Employer will submit to the Union the deducted sums within fifteen (15) calendar days. Changes in the Union membership dues and rates will be certified to the Employer in writing over the signature of the Representative of the Union and shall be done at least thirty (30) calendar days in advance of the effective date of such change. The Union will make a reasonable effort to notify employees of any increase in dues in advance of such increase being deducted by the Employer. The Employer's remittance will be deemed correct if the Union does not give written notice to the Employer within seven (7) calendar days after remittance is received of its belief and reasons stated therefore that the remittance is incorrect.

The Union will indemnify, defend and hold the Employer harmless against any claim made, and against any suit instituted, against the Employer as the result of any check-off of union dues.


An employee may revoke his authorization for deduction of dues provided the employee gives thirty (30) calendar days written notice to the Employer and the Union. Upon receipt of such notification, the Employer shall terminate dues on the pay date immediately following the expiration of the thirty (30) calendar day notice period.

No deduction shall be made from the pay of an employee for any payroll period in which the employee's net earnings for the payroll period are less than the amount of dues to be checked off. Net earnings shall mean net after required deductions.

If there is an amount deducted in excess of what is authorized by this Agreement, the employee affected shall seek recourse within the Union and not the Town, provided that the excess amount deducted was in fact remitted to the Union in the form of dues.

The Town shall remit all dues deducted to the Florida State Lodge, 242 Office Plaza, Tallahassee, FL 32301.

## **ARTICLE 3 – NO STRIKE PROVISION**

Town 

The FOP, its officers, agents, representatives, and its bargaining unit members and employees agree that they will not strike, as defined by the Public Employees Relations Act, and agree not to participate in a strike against the Town by instigating or supporting a strike, nor shall the bargaining unit member participate in a work stoppage, slow-down, sick out or any other activities prohibited by law. Notwithstanding the above, there shall be no picketing whatsoever in uniform or on duty by the bargaining unit members covered by this Agreement. The Parties agree that any bargaining unit member who has been proven to have participated in or promoted any of the aforesaid activities may be discharged or otherwise disciplined by the Town.

In addition to the penalties set forth in Section 447.507, Florida Statutes, any and all employees who violate any provision of the law prohibiting strikes may be disciplined, up to and including discharge, by the Town. The only question that may be raised in any proceeding (grievance, judicial or otherwise) contesting such action is whether the provision prohibiting strikes was violated by the employee to be discharged or otherwise disciplined. The circuit courts of this State shall have jurisdiction to enforce the provisions of this Section by ex parte injunction and contempt proceedings, if necessary. This provision, however, does not waive any other remedies, judicial or otherwise, that the Town is entitled to.

#### ARTICLE 4 - MANAGEMENT SECURITY

Town



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FOP



The Union, its representatives, members or any persons acting on their behalf agree that the following "unlawful acts" as defined in Chapter 447, Florida States are prohibited:

- 1) Solicitation of public employees during working hours; or
- 2) Distributing literature during working hours in areas where the work of the public employees is performed.

The circuit courts of the State shall have jurisdiction to enforce the provisions of this section by injunction and contempt proceedings if necessary. A public employee who is convicted of a violation of any provision of this section may be discharged or otherwise disciplined by the Employer notwithstanding further provisions of this or any other agreement.


No employee organization shall directly or indirectly pay any fines or penalties assessed against individuals pursuant to the provisions of this article.

The Employer and Union agree that the basic intent of this Agreement is to provide a fair day's work in return for a fair day's pay and to provide conditions of employment suitable to maintain a competent work force. The Employer and Union affirm the joint opposition to any discriminatory practices in connection with employment, promotion, training or assignment remembering that the public interest requires full utilization of employees' skills and ability without regard to of age, race, creed, color, national origin, sex, handicap/disability, marital status, familial status, pregnancy, sexual orientation, or religion or any other category protected by applicable law.

In accordance with Chapter 447, Florida Statutes, employees shall have the right to form, join and participate in or refrain from forming, joining or participating in an employee organization of their own choosing. They shall have the right to be represented by an employee organization of their choosing to negotiate collectively through a certified bargaining agent with the Town in the determination of the terms and conditions of their employment.

However, the Parties also recognize that the Town has established an internal procedure to investigate and resolve alleged cases of discrimination which is in addition to existing and adequate procedures established by Palm Beach County, the State of Florida and the Federal government. Accordingly, it is agreed that allegations concerning issues set forth in this Article cannot be processed through the contractual grievance/arbitration procedure, but shall only be subject to the method(s) prescribed under applicable federal, state or local law.

## ARTICLE 5 – MANAGEMENT RIGHTS

Town 

FOP 

It is the right of the Town to determine unilaterally the purpose of each of its constituent agencies, set standards of services to be offered to the public, and exercise control and discretion over its organization and operations. It is also the right of the Town to direct its employees, to take disciplinary action for proper cause, and relieve its employees from duty because of lack of work or for other legitimate reasons. Unless expressly abridged by specific language of a provision of this Agreement, management retains and reserves unto itself all of its rights and privileges which it possessed at any time under law.

Management officials of the Town retain all rights, in accordance with applicable laws, including but not limited to the following:

- a. To manage and direct the employees of the Town.
- b. To hire, promote, transfer, schedule, assign and retain employees in positions with the Town.
- c. To suspend, demote, discharge or take other disciplinary action against employees for cause.
- d. To relieve employees from duties because of lack of work, funds or other legitimate reasons.
- e. To maintain the efficiency of the operations of the Town and to set standards of service to be offered to the public.
- f. To determine the methods, means and personnel by which such operations are to be conducted, including the right to contract and subcontract existing and future work.
- g. To determine the organization of Town government.
- h. To determine the number of employees to be employed by the Town.
- i. To determine and implement the number, types and grades of positions of employees assigned to an organizational unit, department or project.
- j. To determine and implement effective internal security practices.
- k. To require employees to be in a physical and mental condition that allows them to effectively perform their normal duties.
- l. To promulgate reasonable departmental rules and regulations not in conflict with the provisions of this Agreement.

The Town Commission has the sole authority to determine the purpose and mission of the Town and the amount of budget to be adopted.

Town




If, in the sole discretion of the Town Manager, it is declared that Civil Emergency Condition exists, including, but not limited to riots, civil disorders, hurricane conditions, public health emergencies, epidemics, pandemics, or exigencies, the provisions of this Agreement may be suspended by the Town during the time of the declared emergency, provided that rates and monetary fringe benefits shall not be suspended.

## **ARTICLE 6 – UNION STEWARDS AND UNION REPRESENTATION**

6.1 Employees covered by this Agreement will be represented by stewards designated by the Union.

Type text here

Town 

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6.2 A written list of union stewards shall be furnished to the Town prior to the effective date of their assuming of office.

6.3 The Union Representative or his designee will be admitted to the property of the Employer. Union officials, as designated above, shall be able to talk with employees before or after regular working hours, break periods or during the lunch period of said employees on Employer property in areas mutually agreed upon by the Union and the Employer to discuss union business.

6.4 The following sections outline the duties and responsibilities of stewards and recognized union representatives. Generally, union business will be conducted by the union steward on non-work time. In those cases which union business cannot be conducted on non-work time, then with the prior approval of the Town, designated union stewards shall be granted reasonable time off, without loss of pay, to meet and confer in order to settle grievances. Work loss must be minimized. The steward must advise his non-bargaining supervisor of the requirement of such time and secure permission. Such permission will not be unreasonably withheld. Files of the employee as authorized by Chapter 119 of the Florida Statutes, or exempt files authorized by the employee (in writing), shall be open for investigation by the steward when settling grievances. Union stewards shall not conduct any grievance work on premium time (overtime) except in emergency situations occurring during such premium hours that involve suspension or discharge. Supervisor permission shall be given in writing (email or otherwise) to the union steward. Upon returning to his work assignment, the steward shall report to his immediate supervisor, unless prior consent not to do so has been secured.

6.5 Union stewards shall be employees as designated by the Union, and shall be members of the bargaining unit.

6.6 Union representatives, while on public property and functioning as stewards, are subject to the same rules of the Employer as all other public employees, except as specifically provided in this Agreement.

6.7 All stewards have productive work to perform as assigned by the Employer. The parties agree to cooperate with the other in reducing to a minimum the actual time spent by union representatives in investigating, presenting and adjusting grievances or disputes while working.

#### **ARTICLE 7 – PROBATIONARY EMPLOYEES**

All employees shall be classified as probationary employees for the first twelve months of continuous uninterrupted employment. The probationary period shall apply for all employees in a new job classification. The Town Manager has the discretion to extend the probationary

Town



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FOP



period an additional three (3) months. Except in the case of a transfer or a promotion to a new position, the Employer may terminate a new-hire probationary employee with or without cause. Such decision to terminate shall not be subject to the grievance or arbitration procedures of this collective bargaining Agreement. Provisions as to seniority shall not apply to probationary employees; rather, seniority shall date back to the time of hire after an employee has successfully completed his probationary period. If more than one (1) employee is hired on the same day, seniority shall be determined by the day (1-31) of birth, with the employee having the lowest numeric day of birth having the most seniority.

An employee that does not successfully complete his or her initial introductory period, including any extension, shall have no right to utilize the grievance/arbitration procedure contained in this Agreement or any other policy or procedure for any matter concerning a failure to successfully meet job performances standards during said period.

Although employees will accumulate vacation time during their introductory period, they may not use any vacation time until they have completed six months of employment in the Department, unless authorized in writing by the Department Head. Sick leave shall begin to accrue as of the first service date of the employee, but may not be used until the employee has been employed for at least three (3) months.

## ARTICLE 8 – RULES AND REGULATIONS

The Town will provide the Union with copies of any work rules and/or policies which the Town has created, amended, or deleted, which pertain to members of the bargaining unit within a reasonable time after creation, amendment, or deletion.

Town



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FOP



## **ARTICLE 9 –DISCIPLINE AND DISCHARGE**

### **Section 1. Code of Conduct and Corrective Actions**

It shall be the duty of an employee to maintain high standards of cooperation, efficiency and integrity in his or her conduct and work performance with the Town in keeping with the

Town



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FOP



Oath of Office; the laws of the United States, the State of Florida, and the Town of Highland Beach; provision(s) of Departmental or Town Rule(s) or Regulation(s) and Standard Operating Procedure(s).

The Town may follow a system of progressive correction and discipline in that the Town, in its sole discretion, may impose a level of corrective action or discipline deemed necessary to correct undesirable behavior. Actions taken may increase in severity if the original offense is not corrected or if a subsequent offense arises.

Based on the severity of the offense, the action imposed by the Town for the first or subsequent offenses may include verbal counseling, written reprimands, a suspension without pay, or termination

Section 2. Corrective Actions (grievable through Step 2 of the Grievance Procedure, but not subject to arbitration) are as follows:


Verbal Reprimands are not discipline that is arbitrable under this Agreement. Verbal Reprimands are issued by management to verbally warn an employee about his/her conduct or work performance and counsel the employee on how to improve. A record of this warning is maintained in the departmental working file or pending evaluation file.

Written Reprimands are not discipline that is arbitrable under this Agreement. Written Reprimands are issued by management when a verbal reprimand has not resulted in a satisfactory change in the employee's conduct or work performance or when a verbal reprimand is not deemed by management to be sufficiently severe for the offense.

Suspensions are issued by management when a written reprimand has not resulted in a satisfactory change in the employee's conduct or work performance or when a written reprimand is not deemed by management to be sufficiently severe for the offense. A suspension is a removal from the work site which includes loss of pay for the time specified. An employee who has been suspended may supplement his/her paycheck with accrued vacation or comp time.

Section 3. Disciplinary Actions (grievable through arbitration step) are as follows:

Suspensions are discipline that is grievable under this Agreement. Suspensions are issued by management for proper cause when lesser action has not resulted in a satisfactory change in the employee's conduct or work performance or when lesser action is not deemed by management to be sufficiently severe for the offense. A suspension is a removal from the work

Town 

FOP 

site which includes loss of pay for the time specified. An employee who has been suspended may supplement his/her paycheck with accrued vacation or comp time.

Permanent reduction in pay due to a disciplinary issue or a reduction in classification within the bargaining unit (demotion) are discipline which is grievable under this Agreement.

#### Section 4. Termination.

A decision to terminate the employment of an employee may be made by management for proper cause. A termination of employment is a permanent separation from employment with the Town. A specific reason for termination of employment is not required for a probationary employee who fails to meet probationary standards, and such termination of an employee during the probationary period would not be grievable to arbitration.

Employees subject to dismissal shall have the right to a pre-determination hearing to accordance with Florida law. The hearing shall be conducted by the appropriate Department Head.

The pre-determination hearing shall be conducted prior to discharge or suspension. The employee may request the appropriate union steward be present at the hearing along with the supervisor who has made the charge. This section shall not apply to circumstances involving a confirmed positive test result. The union steward and the employee shall receive written notice of the charges against the employee twenty-four (24) hours in advance of the hearing. A waiver of hearing shall be attached to the notice and the employee may waive his right to such hearing.

### ARTICLE 10 – GRIEVANCE AND ARBITRATION PROCEDURES

1) Members of the bargaining unit will follow all lawful and reasonable written and verbal orders given by superiors, even if such orders are alleged to be in conflict with this Agreement. Compliance with such orders will not prejudice the right to file a grievance within

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the time limits contained herein. The following rule applies to all employees: Obey first, grieve later.

2) A grievance is defined exclusively as a dispute involving the interpretation or application of this Agreement. No grievance will or need be entertained or processed unless prepared in writing in the manner described herein, and unless filed in the manner provided herein within the time limit prescribed herein. The Union is under no obligation to process a grievance for an employee who is not a member of the Union; therefore nonmembers of the Union who are covered by this Agreement shall be responsible for filing their own grievances. The Town need not entertain or process under this Article any dispute, or other matter not meeting this definition.


3) Grievances pertaining to more than one bargaining unit member may be filed by the Union on behalf of all affected members.

Step 1: The Union shall present the grievance, in writing and dated, to the Department Head, within fourteen (14) days not including weekends and holidays after knowledge of the act or omission that gave rise to the grievance. The Department Head or his or her designee shall, within 14 calendar days of receipt of the written grievance, conduct a meeting with the Union. The Department Head shall notify the Union in writing of the decision not later than 14 calendar days following the meeting date.

Step 2: If the grievance is not fully resolved at Step 1, the Union, within 14 calendar days of receipt of the answer provided in Step 1, may forward a copy of the original written grievance to the Town Manager with a separate cover letter stating that the grievance is being advanced to Step 2. The Town Manager may, but need not, hold a meeting with the Union regarding the grievance. The Town Manager shall notify the grievant and the Union of the Town Manager's decision within 14 calendar days following receipt by the Town Manager of the grievance. The decision of the Town Manager shall be determinative of the grievance (and such decision is final and binding under the terms of this Agreement, unless modified by a decision on an arbitrable grievance made in compliance with the following arbitration procedure).

Discipline or correction involving oral or written reprimands may be processed through Steps 1 and 2 of this Grievance Procedure and are not arbitrable. The decision of the Town Manager on such grievances shall be final and binding on the parties. The grievant may write any rebuttal he or she wishes to the corrective action, which shall be included in the employee's personnel file along with the record of the discipline.

4) If the grievance is arbitrable as noted herein, and is not resolved by the foregoing grievance procedure, the Union, within fourteen (14) calendar days after the Town Manager's decision in Step 2, may provide the Town Manager a written notice of its desire to submit the

Town 

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matter to arbitration; said written notice to include a written statement of the position of the Union with respect to the unresolved grievance.

5) Within fourteen (14) calendar days from receipt of the written notice immediately above, the Parties shall confer to select an arbitrator. In the event the Parties fail to agree on an arbitrator, both parties shall, within fourteen (14) calendar days, jointly request a list of seven (7) qualified arbitrators from the Federal Mediation and Conciliation Service. The Union and then the Town will alternately strike one name at a time from the list as not acceptable until only one remains and this person will be the arbitrator. The Town and the Union will alternate in the right to first strike arbitrators; the initial first strike being determined by a coin toss.

6) As promptly as possible after the arbitrator has been selected, he or she shall conduct a hearing between the Parties and consider the grievance. The decision of the arbitrator will be served upon the Town and the Union in writing. It shall be the obligation of the arbitrator to rule within thirty (30) calendar days after the close of the hearing. The failure of the arbitrator to issue a timely ruling shall not divest the arbitrator of jurisdiction to issue an award. The expense of the arbitration, including, but not limited to, the fee and expenses of the arbitrator and the cost of a court reporter shall be paid by the losing party. Each Party shall be exclusively responsible for compensating its own representatives and witnesses.

7) The power and authority of the arbitrator shall be strictly limited to an interpretation of the express terms of this Agreement. He or she shall not have the authority to add to or subtract from or modify any of said terms, or to limit or impair any right that is reserved by this Agreement to the Town or the Union or the employees, or to establish or change any wages or rate of pay in this Agreement. The decision of the arbitrator shall be limited to upholding the grievance, or denying the grievance, and the arbitrator shall not have the authority or right to modify the discipline or craft any remedy other than restoring the employee to the position he or she was in prior to the disciplinary action being imposed, with restoration of any lost wages and, if applicable, restoration of any benefits.

8) No decision of any arbitrator or of the Town in one case shall create a basis for retroactive adjustment in any other case.

9) The parties intend that a "make whole" remedy be awarded, if applicable. All claims for back wages shall be limited to the amount of wages including lost overtime, that the employee otherwise would have earned from the Town. In settlement or other resolution of any grievance resulting in retroactive adjustment including back wages, such adjustment shall be limited to a maximum of 14 calendar days prior to the date of the filing of the grievance at Step 1.

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10) The decision of the arbitrator shall be final and binding on both Parties, and the grievance shall be considered permanently resolved, subject to any post-award judicial relief available to either Party under Florida law.

11) The grievance and arbitration procedure shall be exclusive to the FOP as set forth herein. Therefore, subject to Section 447.301 and 447.401, Florida Statutes or other applicable laws, no bargaining unit member may file a grievance or demand the Union file a grievance or request arbitration without the written authorization from the Union. The arbitration shall be conducted under the rules set forth in this agreement.

12) It is agreed, with respect to this grievance and arbitration procedure, that:

a) Any grievance, in order to be processed, must be submitted in writing at Step 1 as noted above and contain all of the following: a statement of the grievance and facts upon which it is based; each specific Article and subsection of this Agreement claimed to have been violated, and the remedy or correction requested. Grievances will be resolved at all later stages based on this statement of the grievance.

b) A grievance which is for any reason not advanced to Step 2 or to arbitration within the time limits prescribed herein for such advancement shall be barred. Failure on the part of the Town to respond within the time limit set forth at any step shall be deemed a denial, and require the Union to proceed to the next step.

c) A time limit at any stage of the grievance procedure may be extended by written and countersigned mutual Agreement of the Union and the Town Manager, including by reciprocal emails agreeing to an extension. No extension of time shall be inferred by any conduct or verbal exchange between the Parties.

d) Any grievances filed on behalf of or for the benefit of any employee or employees must specifically name all such employees, and may not be amended after submission to Step 1 to add names. No monetary or other relief shall be granted or awarded to any employee not so named. The only exception to this is that if the Union claims that a grievance affects the entire unit it may describe the unit generally.

e) Grievances and appeals of denials of a grievance may be delivered to a designated Town official by hand delivery, email or facsimile delivery during the hours of 9:00 am until 5:00 p.m., Monday through Friday. Where the last day for such presentation falls on a Saturday, a Sunday or a holiday expressly recognized as such under this Agreement, presentation shall be considered timely if made on the next business day following such Saturday, Sunday or holiday.

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**ARTICLE 11 – HOLIDAYS**

**SECTION 1: DEFINED**

Town 

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Collective Bargaining Agreement  
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The following Holidays are generally holidays with pay for all full-time and regular part-time Town employees as approved by the Commission or amended by the Commission from time to time:

New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
Presidents Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veterans Day	November 11
Thanksgiving Day / Day after Thanksgiving	4th Thurs. November, day after
Christmas Eve /Christmas Day	December 24 / December 25
Three personal leave days	

Full-time employees are paid for each recognized holiday up to a maximum of 8 hours, unless otherwise covered by terms of a collective bargaining agreement. Part-time employees are paid ½ of the full-time holiday hours recognized by the Town.

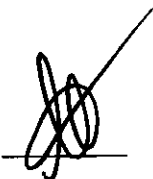
#### SECTION 2: HOLIDAYS FALLING ON WEEKENDS

If a recognized holiday falls on a Saturday, the designated holiday shall be on the previous Friday. If a recognized holiday falls on a Sunday, the designated holiday shall be on the Monday following the holiday.

#### SECTION 3: ACCUMULATION OF PERSONAL HOLIDAYS

Employees starting to work between October 1 and December 31 shall receive three personal holidays for the fiscal year. Employees starting to work between January 1 and March 31 shall receive two personal holidays for the fiscal year. Employees starting to work between April 1 and June 30 shall receive one personal holiday for the fiscal year. Employees starting to work between July 1 and September 30 shall receive no personal holidays for the fiscal year.

#### SECTION 4: HOLIDAY PAY

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In some cases, due to departmental requirements, employees may be scheduled to work on a holiday. In those cases, the employee shall be given credit for the holiday, and they shall be paid time and ½ their regular rate for hours worked. Shift employees receive holiday pay if they are not normally scheduled to work the holiday. Alternatively, the Town Manager may approve any employee, including Department Heads, to take a future day off in lieu of receiving holiday pay for a holiday he/she is required to work. It shall be the employee's choice to either take the future day off or else choose to receive compensation for that day. Employees who are on leave of absence without pay or disability leave without pay without supplementing paid leave shall not be entitled to holiday compensation or an additional day off with pay.

#### SECTION 5: TOWN MANAGER DISCRETION

The Town Manager will determine when, and if, any department or operation will be closed other than the defined holidays as listed in Section 1.

#### SECTION 6: SICK LEAVE BEFORE OR AFTER A HOLIDAY

Where an employee calls in sick the day before or the day after a holiday, the Town Manager may require documentation from the employee's health care provider to confirm the legitimacy of the illness prior to payment being made.

Town 

## ARTICLE 12 – VACATION LEAVE

### SECTION 1: OBJECTIVE

Vacations are provided for the recreation and relaxation of Town employees, and employees are encouraged, if working conditions permit, to take a leave on an annual basis. All vacation leave requests must be approved, in advance of the leave, by the employee's Department Head. Full-time and part-time employees are provided vacation leave as more specifically outlined below.

### SECTION 2: ANNUAL VACATION LEAVE

Every non-exempt employee holding regular status position may use accrued vacation leave after conclusion of the probationary period or as approved by the Town Manager. Part-time employees accrue vacation leave hours at one-half (1/2) the rate indicated below. Such annual leave shall be based on anniversary dates and granted as follows:

- A. Beginning the first day of employment, employees begin accruing 10 working days of vacation leave each year.
- B. After three (3) years, employees will begin accruing 15 working days of vacation.
- C. After ten (10) years, employees will begin accruing 20 working days of vacation.

### SECTION 3: MAXIMUM ACCUMULATION

Generally, employees shall not accumulate more than 30 days of vacation in his/her vacation account. However, the Town Manager may allow an employee to accumulate and carry over more than 30 days of vacation, provided the employee makes arrangements with his/her department head to use the overage by the end of the fiscal year. Accruals of leave in excess of 30 days (240 hours) at the end of the fiscal year shall be forfeited by the employee. An employee who has been unable to take earned vacation time off for which he/she has made a prior written request solely because the Town has denied the request for mission requirements shall be able to carry over those vacation hours to the next year.

### SECTION 4: USE OF ACCUMULATED LEAVE

The time at which an employee may take vacation leave shall be determined by the Department/Division Head with due regard to the wishes of the employee and to the needs of the department/division. All vacation schedules shall be arranged in advance, and approved by the Department Head. In case of emergency, the Department Head may cancel and reschedule any or all approved vacation leaves in advance of their being taken, and, if necessary, may call back an

Town 

employee from a vacation in progress. If an employee is called back from vacation for an emergency, the Town will reimburse, at current IRS rates, the employee for reasonable travel expenses.

#### SECTION 5: ACCUMULATION DURING LEAVE

Credit for vacation leave shall not accumulate during any leave of absence without pay, which includes leave paid through other sources such as workers' compensation or short- or long-term disability plans, or during any layoff. Vacation leave shall continue to accumulate during a leave of absence with pay or during an authorized vacation leave.

#### SECTION 6: HOLIDAYS DURING VACATION LEAVE

Whenever a paid holiday falls during an authorized vacation leave, the employee's leave on the date of the paid holiday shall be considered a holiday for payroll purposes, and shall not be charged to the employee's accumulated vacation leave.


#### SECTION 7: PAYMENT OF VACATION LEAVE UPON TERMINATION OF EMPLOYMENT

Any non-probationary employee, who has worked for the Town at least 12 consecutive calendar months, leaving the Town in good standing shall be compensated for vacation leave earned and unused at the date of termination of employment, up to a maximum of 25 vacation days, at the employee's current pay rate. All vacation leave accrued and unused in excess of 25 vacation days is forfeited.

#### SECTION 8: WAIVER OF VACATION LEAVE

As vacation leave is granted to employees for a period of recreation, no employee shall be permitted to waive such leave for the purpose of receiving double pay.

### ARTICLE 13 – LEAVE AND ATTENDANCE

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Employees are required to be in attendance at their work site in accordance with administrative regulations and rules. Irregular attendance of any kind and/or tardiness, or failure to record tardiness of absences shall be considered in performance reviews and for disciplinary purposes; and, if not remedied, may justify termination.

#### REPORTING ABSENCES FROM DUTY

Employees are required to report absences from duty, not previously arranged, to their department head or a designated superior within one (1) hour before their work day begins, each day such absence occurs. If the absence is expected to be of considerable duration, it shall be reported as specified the first day, together with a statement of approximate length of time such absence is expected to continue. Cases of absences for which compensation is claimed shall be investigated by the Town Manager or designee and the report of a registered physician of his selection may be required, certifying that the employee was unable during the entire absence to perform the duties of his position. Any absence from duty of an employee during the first three (3) months provisional appointment or probationary appointment, except for injury service connected, shall be without compensation.

#### ARTICLE 14 - BEREAVEMENT LEAVE

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A member shall be granted up to five (5) days bereavement leave for the death of any immediate family. "Immediate family member" is defined as father, mother, son, daughter, husband, wife, domestic partner, brother, sister, foster child, grandfather, grandfather-in-law, grandmother, grandmother-in-law, great-grandparents, grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister. If not listed, a request for special circumstances can be made to the Town Manager for approval, prior to travel. Upon request by the Town, the employee shall furnish proof of death in order to receive pay for bereavement leave. A day is considered the equivalent of one shift for the purposes of this Article.

#### ARTICLE 15 - DONATION LEAVE POLICY

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Bargaining unit members are entitled to benefits in the Medical Emergency Leave Donation Policy of the Town, in the Rules and Regulations at Article XXX.

#### ARTICLE 16 - SERVICE CONNECTED INJURY

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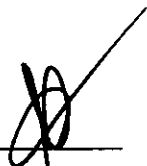


A bargaining unit member covered by Florida Statute, Chapter 440, Workers' Compensation, and in accordance with provisions set forth hereunder, shall be entitled to benefits in accordance with that Florida Statute.

The Town shall provide bargaining unit members with life insurance, and short term and long term disability insurance as provided to other employees of the Town. The details of coverages, conditions and exclusions are set forth in the respective policies.

## ARTICLE 17 - SICK LEAVE

### SECTION 1: ACCUMULATION OF SICK LEAVE

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Each full-time employee shall accrue one sick day per month. Each part-time employee shall accrue one-half (1/2) sick day per month. Sick leave is accrued on a bi-weekly basis starting on the employee's hire date.

Sick leave shall not be accrued when an employee is on leave without pay status, which includes leave paid through other sources such as workers' compensation or short- or long-term disability plans, in any pay period.

Employees accumulate all accrued and unused sick leave hours during the fiscal year. However, all sick leave accruals in excess of 1,120 hours (part-time 560 hours) shall be forfeited at the end of each fiscal year. Sick leave hours accrued under this section 1 may be used only for sick leave as defined in this Article during the employee's employment with the Town. Employees shall have no reasonable expectation of payment for such accrued and unused sick leave, except as expressly set forth in Section 5 below.

## SECTION 2: USE OF SICK LEAVE


Sick leave shall not be considered personal time which an employee may use at his or her discretion. It is intended to insure employees against occasional illness and to provide time off with pay during longer periods of absence due to illness. Sick leave may be used for the following purposes only:

1. Personal illness;
2. Doctor or dentist appointment for employee which cannot reasonably be scheduled for a time outside of the employee's normal work schedule;
3. Illness to an employee's spouse, child or parent which mandates that the employee be present to care for their relative or take their relative to a necessary medical appointment when no other means of transportation is available or appropriate.

## SECTION 3: MEDICAL CERTIFICATE

A medical certificate may be required as evidence of an employee illness or any injury that prevents attendance at work for any period of time. A medical certificate required by a Department/Division Head shall consist of a written statement by a qualified, licensed physician indicating:

- The employee has been examined by the physician during the period of absence.
- The symptoms observed or measured by the physician.
- The stated diagnosis and medication and/or treatment prescribed.
- The dates on which the employee was physically incapacitated from work.

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#### SECTION 4: FULL USE OF SICK LEAVE

An employee who has used all accrued sick leave benefits may be allowed to use available vacation, holidays, or compensatory time in order to maintain earnings without interruption.

#### SECTION 5: PAYMENT OF SICK LEAVE UPON SEPARATION FROM EMPLOYMENT

Upon resignation, retirement or separation due to a physical or mental impairment that renders the employee incapable of performing the essential functions of the job with or without a reasonable accommodation, employees who have a minimum of two (2) years of continuous employment with the Town, shall be paid for the accrued, unused sick time balance as follows:

Employees who are:

- hired on or after the date of August 7, 2018

With 2-5 years of service: 30% conversion, not to exceed 100 (part-time 50) paid hours

With 5-10 years: 40% conversion, not to exceed 100 (part-time 50) paid hours

With over 10 years: 50% conversion, not to exceed 100 (part-time 50) paid hours

- hired prior to the date of August 7, 2018

With 2-5 years of service: 30% conversion, not to exceed 560 (part-time 230) paid hours

With 5-10 years of service: 40% conversion, not to exceed 560 (part-time 230) paid hours

With over 10 years of service: 50% conversion, not to exceed 560 (part-time 230) paid hours

Employees who are terminated involuntarily, whether due to misconduct, budget cuts or general layoffs, are not eligible for payment of sick leave.

#### SECTION 6: SICK LEAVE INCENTIVE PROGRAM

On September 1 of each year, and subject to the availability of budgeted funds, employees who have been employed by the Town for a minimum of one year and have a minimum of 96 (part-time 48) hours of accumulated and unused sick leave will be eligible to participate in a "sick leave incentive program," provided the employee has not been disciplined for tardiness or absenteeism during the twelve-month period immediately preceding September 1. The Finance Department will distribute a sick leave election form on September 1 of each year

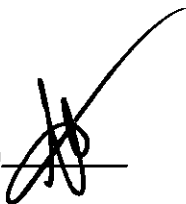
to all eligible employees. On that form, the employee will be advised of the total amount of sick leave he/she has accumulated. The employee may then elect to convert up to five days of accumulated but unused sick leave to either vacation leave or additional pay on the employee's next regular paycheck.

Eligible employees are not required to convert sick leave to payment or vacation leave. A written election declining the conversion may be submitted to the Finance Department to decline conversion. Forms that are not returned to the Finance Department by the deadline reference on the form shall be deemed to indicate the employee declined conversion.

#### **ARTICLE 18 - LEAVE WITHOUT PAY/USERRA**

Employees may, upon written request to the Department/Division Head and subsequent approval by the Town Manager, be granted a Leave of Absence without pay.

Requests for a Leave of Absence without pay shall be made by completing a Leave of Absence Request form and shall be for a period determined on a case by case basis. A Leave of Absence without pay shall not exceed 90 days unless previously approved by the Town

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Manager. The requesting employees shall state the reasons why in his/her opinion the request should be granted, the date when he/she desires the leave to begin, and the date of his/her return. The Town Manager, upon the recommendation of the Department/Division Head, may approve or disapprove such request at his/her discretion and may consider, without limitation the operational requirements of the department, budgetary considerations, availability of temporary substitute employees, the performance and attendance record of the individual, and the reason for the request.


Except for leave qualified under the FMLA or ADA, no assurances of reinstatement will be given to an employee who has been granted a leave of absence without pay. If the employee's position is in existence and is vacant, an employee returning from leave shall be eligible for re-employment, provided that he/she is capable of performing the essential functions of the position involved in accordance with applicable law. In the event that the position previously held by the employee is no longer vacant at the time he/she seeks re-employment, an attempt shall be made to offer employment in another position of the same occupational category, or in a closely related position for which the employee is qualified.

The Town shall adhere to Federal and State law, including the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), as well as Chapter 250, Florida Statutes and §115.07, Florida Statutes, with regard to any Military Leave. In addition, in accordance with USERRA, the Town shall not retaliate against any member assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that member is not a service member. Any alleged violations of this Article shall not be subject to grievance and arbitration.

## **ARTICLE 19 – LABOR MANAGEMENT COMMITTEE**

A Labor-Management Committee shall be established as soon as practicable after signing of this Agreement. The Town and the FOP shall name up to three (3) individuals who are employed by the Town of Highland Beach as members of the Labor-Management Committee.

The Committee shall meet and confer on a quarterly basis, if necessary. Discussions shall concern problems of a general nature that may arise from time to time in the Town but shall not

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constitute renegotiation of this Agreement. There shall be no loss of pay or benefits for those members who are on duty time when a meeting occurs.


## ARTICLE 20 – HOURS OF WORK AND OVERTIME

### Section 1.

The standard work week shall consist of five (5), eight (8) hour days Monday through Friday.

### Section 2.

Town



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Overtime hours and overtime compensation shall be defined, calculated and implemented as prescribed by the Fair Labor Standards Act and the United States Department of Labor. Utilization of overtime, assignment of overtime and selection of personnel to work overtime shall be for both scheduled and non-scheduled work, and shall be done at the discretion of the Department Head or his/her designee.

Section 3.

A. **Compensatory Time - General.** In lieu of overtime pay, a bargaining unit member, in his or her discretion, may choose to accrue compensatory time. Compensatory time will be governed by the Town's Personnel Rules and Regulations, Article XV, Section 2, except that there shall be an annual maximum or cap of 100 regular compensatory hours, with the possibility of an expanded annual maximum cap of 140 compensatory hours earned during any fiscal year, using two separate categories of premium pay as set forth below. Any hours worked beyond these maximums shall not result in accrual of additional compensatory time or premium pay, but shall be paid at straight time or overtime rates, as required by law.

B. **Regular Compensatory Time.** Employees may earn regular compensatory time throughout the year, up to an annual maximum or cap of 100 regular compensatory hours earned during any fiscal year.

C. **Compensation Under Civil Emergency Conditions.**

In summary, in times of Civil Emergency Conditions as designated by the Town Manager, employees will be eligible to receive additional pay under the conditions below. First, they may receive additional Comp time, hour for hour, up to the cap(s) in this Agreement. Then, they may receive premium half time pay for the next 60 hours worked. Each separate declared Civil Emergency is a new event under this provision.

1. **Premium Pay Under Civil Emergency Conditions.** Employees are entitled to receive premium pay, in addition to their regular compensation, under two specified conditions during periods when a declaration of a Civil Emergency Condition has been made by the Town. If the Town Hall is closed based on a declaration that a Civil Emergency Condition exists, or for an election, and some employees of the Town are not required to work, but are paid for time not worked, then the following terms in this Article 20, Section 4. C. 2. and 3. shall apply. Up to the caps as noted below, employees may receive Civil Emergency Compensatory Time. Further, beyond the Civil Emergency Compensatory Time cap, as noted below, they may receive Civil Emergency Premium Pay. Both the Civil Emergency Compensatory Time and Civil Emergency Premium Pay will be paid in addition to the employees' straight time or overtime pay for hours worked as required by law.

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2. Civil Emergency Compensatory Time. Employees may earn Civil Emergency Compensatory Time as follows. Bargaining unit employees who work during the period of a Civil Emergency Condition (while others are paid but not working) shall receive Civil Emergency Compensatory Time, hour for hour based on hours worked, in addition to their regular pay for all hours worked (i.e., akin to double time). Employees may earn Civil Emergency compensatory time up to a maximum or cap of 60 Civil Emergency Compensatory Time hours during any one period of a declared Civil Emergency Condition. Compensatory time earned during a declared Civil Emergency(s) shall be added to an employee's compensatory bank. Should the number of hours in an employee's compensatory bank be at the annual maximum cap of 100 or should it reach the annual maximum cap of 100 with the addition of some or all of the compensatory hours earned during a declared Civil Emergency, the annual maximum cap of 100 shall be increased to 140 hours to accommodate additional compensatory time hours earned during a Civil Emergency(s) only, up to the maximum cap of 140 hours.

For clarity, the maximum caps on compensatory time are:

- Regular compensatory time – up to 100 per year.
- Civil Emergency Compensatory Time – up to 60 hours/each declared Civil Emergency Condition.
- Total possible accrual of comp time from both sources above – up to 140 per year.

3. Civil Emergency Premium Compensation. In each declared period of Civil Emergency, if additional hours are worked after a bargaining unit member has accrued 140 total compensatory time in a year or has accrued 60 hours in a single incident of declared Civil Emergency Conditions as noted above (i.e., they are maxed out in one or both categories), such additional hours of work shall be paid at the Civil Emergency Premium Compensation rate of an additional one-half times the employee's regular straight time rate, for up to an additional 60 hours of work for each period of declared Civil Emergency Conditions. Therefore, it is possible that a portion of the hours worked during a Civil Emergency will be paid as Civil Emergency Compensatory Time, up to the applicable caps, and the balance of hours worked, up to a total of an additional 60 hours in that Civil Emergency incident, will be paid at the Civil Emergency Premium Compensation rate. Hours worked in such a period after the 60 hour Civil Emergency Premium Compensation cap has been reached will be paid at straight time or overtime as otherwise applicable under law. This Civil Emergency Premium Compensation contract half time hourly rate is paid based on the employee's straight time regular rate, and not on any overtime rate, even if the underlying hours worked by the employee to be entitled to this premium pay are paid at the rate of time and one-half overtime based on the Fair Labor Standards Act (i.e., no one-half time on time and one-half).



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D. Furloughs. During the period of a Civil Emergency Condition, if any employees are furloughed in the discretion of the Town, such employees may use accrued and unused vacation time or comp time, or any combination thereof, to be paid during the furlough. Employees who are notified that they are furloughed shall have their group healthcare benefits maintained by the Town as if they were continuously employed for such periods as determined by the Town Manager in his discretion. If employees are partially furloughed (i.e., furloughed to work only half their regular schedule), they shall receive proportional employee benefits accruals (by percentage of regular time worked) during the periods of partial furlough. The Town retains the management right, in its sole discretion, to lay off or terminate employees who are on furlough if the period of a Civil Emergency Condition extends for longer than expected. Furloughs shall be made in order of reverse seniority and recalls from furloughs will be made in order of seniority.

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## ARTICLE 21 – INSURANCE

The Town shall provide \$50,000.00 life insurance coverage for each full time member of the bargaining unit.

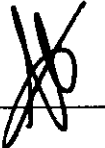
The parties agree to continue to explore the needs for any changes of insurance carrier giving the employees the option of utilizing the major medical and health insurance benefits provided by the Town. The Labor/Management Committee may meet and confer on this issue. The Town agrees to continue to provide employees with a group term life insurance policy.

All Bargaining Unit members of the Town, and their dependents are eligible to participate in the Town group health, dental, vision, and life insurance program. Insurance coverage shall commence after thirty (30) days of employment, and shall cease on the last day of the month following the employee's separation from employment. The details of coverages, conditions and exclusions are set forth in the respective policies. A brochure describing the provisions of available insurance coverage, and the associated costs to the employee, shall be furnished to each employee periodically. The employee may choose to enroll his/her eligible dependents (spouse, domestic partner, and /or eligible child(ren) in addition to himself/herself in group health insurance.

The Town shall provide all bargaining unit members with a Short-Term Disability (STD) policy on the same basis as with other Town employees. The details of coverages, conditions and exclusions are set forth in the respective policies.

The Town shall also provide each bargaining unit member with a Long-Term Disability policy on the same basis as with other Town employees. The details of coverages, conditions and exclusions are set forth in the respective policies.

## ARTICLE 22 – SAFETY AND HEALTH

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The Employer and the Union agree that they will conform to all laws relating to safety, health, sanitation and working conditions. The Employer and the Union will cooperate in the continuing objective of eliminating safety and health hazards where they are shown to exist.

Safety practices may be improved upon from time to time by the Employer and upon recommendations of the Employer and the Union. Protective devices, apparel, and equipment, when provided by the Employer must be used and any failure to obey safety regulations or to use safety devices shall result in disciplinary action, up to and including discharge.

#### ARTICLE 23 – BULLETIN BOARDS

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The Union shall be permitted to use space on bulletin boards at work reporting locations where employees covered by this Agreement work.


The Union agrees it shall use the space on the bulletin board provided for herein only for the following purposes; notices of union meetings, notices of internal elections for union offices, reports of union committees, policies of the Union, recreation and social affairs of the Union, and notices by public bodies. In no event shall the bulletin board be used to post political material or controversial material. The Representative, his designated representative, or the Steward of the Union are the only authorized representatives to post material on the bulletin board. Said representatives shall initial and date all material which is posted.

The Town Manager or his designee shall decide whether or not this Section has been violated. Should it be determined that a violation has occurred the Union shall immediately remove the posted material and the Union may lose its bulletin board privileges, following a meeting between the Employer and the Union.

#### ARTICLE 24 – MILEAGE ALLOWANCE


Town 

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Employees directed by the appropriate Department Head or his designee to use their private automobiles for Town business, shall be compensated at the rate established per mile by the I.R.S. Employees may not claim mileage for their regular commute to and from work.

#### ARTICLE 25 – EDUCATIONAL ASSISTANCE

Town 


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The Town shall provide Tuition Reimbursement of 100% of the approved tuition cost per course for bargaining unit members who receive a grade of C or better, using the requirements and procedures in the Town policy on educational reimbursement.

## ARTICLE 26 – WAGES

### Section 1. Wages

Town 

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Collective Bargaining Agreement  
Town of Highland Beach / FOP  
2023-2026

Wage increases will be administered as follows. The performance review plan of the Town utilizes the following three categories: Does Not Meet Standards – Meets Standards – Exceed Standards. In order to be an eligible bargaining unit member to receive a merit increase, each employee must meet the following criteria in the Town's annual performance evaluation process. All eligible bargaining unit members, entitled to receive the increase, shall have received a Meets Standards or Exceeds Standards rating on their Annual Performance Review. Should a bargaining unit member receive a Does Not Meet Standards, that employee will not be eligible for the increase and his or her wages shall remain unchanged, until the next Annual Performance Review is conducted, at which time this same process to determine eligibility shall apply.

For fiscal year 2023/2024, all eligible bargaining unit members shall receive an adjustment of their base pay of 5% on the first full pay period after [ratification by both parties OR insert date].

Effective the first full pay period after October 1, 2024, all eligible bargaining unit members shall receive an adjustment of their base pay of 5% based upon the merit pay plan of the Town.

Effective the first full pay period after October 1, 2025, all eligible bargaining unit members shall receive an adjustment of their base pay of 5% based upon the merit pay plan of the Town.


Employees are paid within the salary range for their classification. If an eligible employee is at the top of the salary range, or topped out, the employee shall receive the merit increase above, paid out over the 26 pay periods for that year, however, their base pay does not get increased by this merit pay (Their base pay does not increase, but each year thereafter when they are eligible, they shall receive the merit pay in the same manner.)

## Section 2. Educational Incentive

The Town will pay an educational incentive to existing full time non-probationary employees who are employed by the Town on the date of ratification of this Agreement, as follows:

If a covered employee has, or achieves during employment, an Associate's Degree, that employee will receive an additional \$2,000 in annual compensation during the term of this Agreement, which shall be paid bi-weekly in equal payments in each pay period throughout the year.

If a covered employee has, or achieves during employment, a Bachelor's Degree, that employee will receive an additional \$4,000 in annual compensation during the term of this

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Agreement, which shall be paid bi-weekly in equal payments in each pay period throughout the year.

The Town will pay for only the highest degree obtained. Incentive pay may not be stacked for multiple degrees. Employees must present to the Town, through the Town Manager or designee or designee, a copy of their degree, along with a transcript of classes taken. The educational incentive will only be paid if the degree has been earned at an institution recognized by the Council for Higher Education Accreditation, or similarly accredited or recognized institutions of higher education (e.g. foreign colleges and universities), and if it relates to the position held by the employee.

### Section 3. Promotions

A promotion is the advancement of an employee from their current position to another open job, with greater responsibilities, in a higher pay grade. An employee who receives a promotion to a higher salary grade (either by taking on a new position or the employee's current position is reclassified to a higher salary grade) will receive a salary increase at the time the promotion becomes effective, to the minimum of his/her new pay range, or 5%, whichever is greater.

### Section 4. Longevity

The Town Longevity Pay Program provides employees, who have reached a certain number of years of employment at the Town and who are employed on the date of payment, with a lump sum payment based on a percentage of the employee's base salary. Longevity pay shall be paid in accordance with applicable laws.

Employees who reach their Milestones below will receive in a lump sum check:

10 <sup>th</sup> year of employment-	2% of base annual salary
15 <sup>th</sup> year of employment -	3% of base annual salary
20 <sup>th</sup> year of employment-	4% of base annual salary
25 <sup>th</sup> year of employment and each 5 <sup>th</sup> year thereafter-	5% of base annual salary

### Section 5. On Call and Call Back Policy for Public Works Department

Town



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The following addresses after-hour emergencies that Public Works is responsible for responding to and supersedes the Memorandum of Understanding ratified by the parties on December 1, 2022.

The Public Works Director shall establish a rotating weekly schedule in which the department employees will be assigned to be on-call and respond to any emergencies related the Public Works functions.

The Public Works Director will post the schedule in an established location in the water plant with the name and contact information of the employees clearly identified on the schedule.

*Eligibility for On-Call Assignments:*

Non-exempt hourly employees of the Public Works and Water Department (excluding Water Plant Operators) are eligible to be placed on the on-call schedule, as needed, by the Public Works Director.

Non-exempt hourly employees of the Public Works and Water Department (excluding Water Plant Operators) are eligible for Call Back pay as set forth below when they are not assigned to be on-call.

To be eligible for the Compensation set forth in this Section, employees scheduled to be on-call must:

- answer their cell phone and respond to any emergency that requires their attention within one hour or less;
- respond to work or the emergency location outside of their shift or regular working hours when the situation warrants it; and
- be capable of handling any situation that arises and use their best judgment before calling the supervisor.

*Compensation:*

All employees placed on the on-call rotating schedule will have the option to receive either a cell phone stipend of \$75 per month or will be provided a Town cell phone.

Employees will receive an on-call stipend during their assigned week.

Supervisory staff will receive a \$200 stipend during their assigned week.

Nonsupervisory staff will receive a \$125 stipend during their assigned week.

Employees assigned to be on-call will receive 1.5 times the regular rate of pay for all on-call hours worked during the assigned week for any period where the employee is called back to work and performs work outside of the employee's scheduled shift.

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Employees not assigned to be on-call in a given week but are called in automatically receive at least 4 hours of pay at 1.5 times their regular hourly rate plus any additional hours worked past 4 hours are paid at 1.5 time their regular hourly rate. Employees who were called back, but who call in sick and do not have 40 working hours in the week, will get the 4-hour guarantee paid at straight time until the hours actually worked exceed 40 hours in the week, at which point the payment will be at 1.5 times their regular hourly rate.

Town



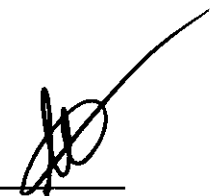
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## ARTICLE 27 – ALCOHOL AND DRUG TESTING

The Town is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee illegally uses drugs on the job; reports to work under the influence of drugs or alcohol; possesses, distributes or sells drugs in the workplace; or abuses alcohol on the job. Therefore, the Town has established a drug-free workplace policy in Article IV of the Town's Personnel Rules and Regulations, which policy shall apply to employees governed by this Agreement.

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## ARTICLE 28 – SENIORITY

Seniority shall be defined as the length of continuous full-time employment with the Employer. Seniority shall be acquired by an employee after satisfactory completion of a twelve (12) month probationary period, at which time seniority shall be retroactive to the first day of employment.

In the event of a furlough, lay-off or reduction in force, employees shall be furloughed or laid off in the inverse order of seniority within job classes, also giving consideration to performance appraisals, disciplinary actions on file, conduct, and qualifications, in the discretion of management.

Employees laid off shall have the right to bump or replace an employee with less seniority in a lower classification for which the employee is qualified, provided said employee has previously held such a position within the Town and can perform the established functions of the current job description.

Seniority shall accumulate during periods of approved leave or absence where the employee remains in a pay status. Seniority is not broken when an employee is on an approved leave of absence without pay, but seniority does not accumulate during this period.

Seniority shall be broken when an employee resigns, retires, is discharged for just cause, or exceeds an authorized leave of absence.

Town



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## ARTICLE 29 – JOB QUALIFICATIONS AND PROMOTIONS


Whenever a job opening in the bargaining unit occurs, other than a temporary opening, or as the result of the development or establishment of a new job classification which is not filled internally, a notice of such opening shall be posted on the Town website.

For the purpose of this Agreement, a vacancy shall be defined as an opening within a classification included in the bargaining unit for which funds have been appropriated.

Whenever a vacancy is posted, employees desiring to be considered for such a vacancy shall make written application for the position in accordance with Town policy. The appropriate Department Head shall interview all qualified bargaining unit applicants prior to filling the vacancy.

Nothing in this Article shall be construed as precluding employees within the bargaining unit from applying for other vacant positions within the Town.

## ARTICLE 30 – SEVERABILITY


Town 

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In the event any Article, Section or portion of this Agreement should be held invalid and unenforceable by any court of competent jurisdiction, such decision shall apply to the specific Article, Section or portion thereof specified in the court's decision, and upon issuance of such decision, the Employer and the Union agree to immediately negotiate a substitute for the invalidated Article, Section or portion thereof.

#### ARTICLE 31 – SAVINGS CLAUSE

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Collective Bargaining Agreement  
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2023-2026

The Employer retains all rights, powers, functions and authority it had prior to the signing of this Agreement except as such rights are specifically relinquished or abridged in this Agreement.

**ARTICLE 32 – ENTIRE AGREEMENT**

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The parties acknowledge that during negotiations, which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, the Employer and the Union for the duration of this Agreement each voluntarily and unqualifiedly waives the right, and each agrees that the other shall not be obligated to bargaining collectively with respect to any subject or matter not specifically referred to or covered in this Agreement even though such subjects or matters may not have been within the knowledge or contemplation of either or both of the parties at the same time they negotiated or signed this Agreement.

#### ARTICLE 33 – DURATION OF AGREEMENT

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Collective Bargaining Agreement  
Town of Highland Beach / FOP  
2023-2026

This Agreement shall be effective upon ratification of both parties through September 30, 2026. If either party desires to negotiate a successor agreement, it may do so by giving the other party written notice to that effect. If negotiations for a successor agreement extend beyond September 30, 2026, then the provisions of this Agreement will remain in full force and effect until a successor agreement is ratified by the parties.

**SIGNATURE PAGE**

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Collective Bargaining Agreement  
Town of Highland Beach / FOP  
2023-2026

IN WITNESS THEREOF, the Parties have caused this Agreement to be signed by their duly authorized representatives on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

FOR THE TOWN

FOR THE FLORIDA STATE LODGE,  
FRATERNAL ORDER OF POLICE, INC.

\_\_\_\_\_  
Marshall Labadie  
Town Manager  
Town of Highland Beach

\_\_\_\_\_  
Vincent Castaglia  
Staff Representative

This agreement was ratified by the members on \_\_\_\_\_, 2023 and by the Town on \_\_\_\_\_, 2023.

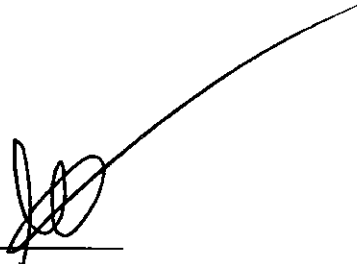
FOR THE TOWN

FOR FLORIDA STATE LODGE  
FRATERNAL ORDER OF POLICE, INC.

\_\_\_\_\_  
Natasha Moore  
Mayor  
Town of Highland Beach

\_\_\_\_\_  
Vincent Castaglia  
Staff Representative

Town



FOP VC

**File Attachments for Item:**

C. Resolution No. 23-020

A Resolution of the Town Commission of the Town of Highland Beach, Florida, adopting a merit increase policy for non-union employees and amending the Town of Highland Beach salary table; and providing an effective date.



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** August 24, 2023

**SUBMITTED BY:** Town Manager's Office

**SUBJECT:** RESOLUTION NO. 23-020

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING A MERIT INCREASE POLICY FOR NON-UNION EMPLOYEES AND AMENDING THE TOWN OF HIGHLAND BEACH SALARY TABLE; AND PROVIDING AN EFFECTIVE DATE.

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**SUMMARY:**

Supporting documentation will be forthcoming.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

N/A

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**RECOMMENDATION:**

Commission discussion.

Additional Information for Item 11.C.  
08/24/2023 Town Commission Special Meeting



**RESOLUTION NO. 2023-020**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING A MERIT INCREASE POLICY FOR NON-UNION EMPLOYEES AND AMENDING THE TOWN OF HIGHLAND BEACH SALARY TABLE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Highland Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and,

**WHEREAS**, the Town of Highland Beach has ratified two union collective bargaining agreements with the FOP and the PBA for the Town's unionized workforce; and,

**WHEREAS**, to better ensure that the Town recognizes the value of its non-unionized employees, the Town wishes to adopt a merit increase resolution for its non-unionized employees for fiscal year (FY) 2024; and,

**WHEREAS**, to further enhance its ability to retain and recruit various position types and classifications within South Florida region the Town recognizes the need to update its FY 2023 Salary Table to be competitive with similarly situated municipalities and to recognize regional economic changes.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, THAT:**

**SECTION 1.** The Town Commission hereby establishes the following merit increase policy for non-unionized employees during the FY 2024:

An annual evaluation is to be completed for each Town employee. For each non-unionized employee obtaining an evaluation that "meets expectations" or "exceeds expectations" for all categories on the evaluation, he or she shall receive a six and one half (6.5%) percent merit increase to his or her salary to be paid out over 26 pay periods. This policy is only for the Town's FY 2024 and shall not have any impact on future fiscal years.

**SECTION 2.** The Town Commission hereby amends the Town of Highland Beach FY 2023 Salary Table (approved August 4, 2022) to adjust the minimum, midpoint and maximum salary amounts listed for each of the pay grades (10-38) pursuant to the September 13, 2023 published 12-month Consumer Price Index for All Urban Consumers (CPI-U) for Miami-Fort Lauderdale-West Palm Beach (Series ID No. CUURA320SA0) published by the United States Bureau of Labor Statistics to be effective September 30, 2023.

**SECTION 3.** The Town Commission hereby amends the Town of Highland Beach Personnel Rules and Regulations, Article XX: Holidays, Section.1 Defined adding the Juneteenth Holiday (June 19) to the list of observed federal holidays in the Town of Highland Beach.

**SECTION 4.** The Town Commission hereby amends the Town of Highland Beach Personnel Rules and Regulations, Article XXIII: Sick Leave, Section 6. Sick Leave Incentive so all non-probationary, non-union/represented employees qualify regardless of employment hire date. Said amendment is as follows:

**SECTION 6: SICK LEAVE INCENTIVE PROGRAM**

On September 1 of each year, and subject to the availability of budgeted funds, employees who have been employed by the Town for a minimum of one year and have a minimum of 96 (part-time 48) hours of accumulated and unused sick leave will be eligible to participate in a “sick leave incentive program,” provided the employee has not been disciplined for tardiness or absenteeism during the twelve-month period immediately preceding September 1. The Finance Department will distribute a sick leave election form on September 1 of each year to all eligible employees. On that form, the employee will be advised of the total amount of sick leave he/she has accumulated. The employee may then elect to convert up to ~~four~~ five days of accumulated but unused sick leave to either vacation leave or additional pay on the employee’s next regular paycheck.

Eligible employees are not required to convert sick leave to payment or vacation leave. A written election declining the conversion may be submitted to the Finance Department to decline conversion. Forms that are not returned to the Finance Department by the deadline reference on the form shall be deemed to indicate the employee declined conversion.

**SECTION 5.** This resolution shall become effective upon the start of the Town’s FY 2023-2024 budget on October 1, 2023.

**DONE AND ADOPTED** by the Town Commission of the Town of Highland Beach, Florida,  
this 24<sup>th</sup> day of August 2023.

**ATTEST:**

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Natasha Moore, Mayor

**REVIEWED                      FOR                      LEGAL  
SUFFICIENCY**

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Lanelda Gaskins, MMC  
Town Clerk

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Glen Torcivia, Town Attorney  
Town of Highland Beach

**VOTES:**

**YES   NO**

Mayor Natasha Moore  
Vice Mayor David Stern  
Commissioner Evalyn David  
Commissioner Donald Peters  
Commissioner Judith M. Goldberg