

ORDINANCE 2009-31

AN ORDINANCE AMENDING CHAPTER 10, FIRE PREVENTION, LAKE WALES CODE OF ORDINANCES, TO ADOPT STANDARDS OF SEC. 10-1 MINIMUM FIRE SAFETY STANDARDS AND THE DELETION OF SEC. 10-7 SALE, LEASE OR USE OF KEROSENE HEATERS; PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida.

SECTION 1. Chapter 10, Fire Prevention, Lake Wales Code of Ordinances is hereby amended to read as follows:

**Sec. 10-1. Minimum fire safety standards.**

- (a) The City hereby adopts as its minimum fire safety standards the ~~Standard Fire Prevention Code, 1994 Edition, as adopted by the Southern Building Code Congress International, Inc. and the National Fire Protection Association (NFPA) 101, Life Safety Code, 1994 Edition~~ Florida Fire Prevention Code, 2007 Edition, as adopted by the State of Florida.

~~Sec. 10-7. Sale, lease or use of portable kerosene heaters prohibited; penalty.~~

- ~~(a) Definition. For the purpose of this section, a portable oil heater or kerosene stove is any stove or appliance which uses kerosene or any fuel oil or any combustible mixture or inflammable mixture and is designed for the heating of space in buildings or structures and does not require a connection to a flue; including oil stoves and oil heaters equipped with a woven wick but excluding portable apparatus not designed to heat spaces in buildings or structures, such as blow torches or soldering pot.~~
- ~~(b) Prohibitions. It shall be unlawful for any person to:~~
- ~~(1) Maintain a portable oil burner in any building or structure or portion thereof, in such manner as to arranged, designed or intended for use; or~~
- ~~(2) Keep or store a portable oil heater in any space used, arranged, designed or intended for living or sleeping purposes in any building or structure; or being an owner or agent of any building or structure, or otherwise having charge of or control over any space therein (whether or not such space is used, arranged, designed or intended for living or sleeping purposes) to use or knowingly permit the use of a portable oil heater; or~~
- ~~(3) Use or knowingly permit the use of a portable oil heater in any building or structure or portion thereof; or~~
- ~~(4) Being an owner or agent of any building or structure, or otherwise having charge of or control over any space therein (whether or not such space is used, arranged, designed or intended for living or sleeping purposes); provide or place or cause to be provided or placed in such space, a portable oil heater for the use by the occupant of such space.~~
- ~~(e) Sale prohibited. It shall be unlawful for any person, or anyone acting in behalf of a person, firm, partnership, association or corporation to sell or lease in the city any portable oil heater or kerosene stove as defined in paragraph (a).~~
- ~~(d) Penalty. Any prosecution arising from a violation of any ordinance repealed herein, which prosecution may be pending at the time this section becomes effective, or any prosecution which may be started within one (1) year after the date of effect of this section in consequence of any violation of any ordinance repealed herein, which violation~~

~~was committed previous to the date of effect of this section, shall be tried and determined as if such ordinance had not been repealed.~~

**SECTION 2.** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 3.** This ordinance shall become effective upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 15<sup>th</sup> day of December, 2009.

Jack Van Sledright  
Mayor/Commissioner

ATTEST:

Clara Van Blargan  
City Clerk