

# **LAKE WALES**

## **OFFICIAL CODE OF ORDINANCES**

### **CHAPTER 10. FIRE PREVENTION**

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# LAKE WALES

## CHAPTER 10. FIRE PREVENTION

### **§ 10-1. Minimum fire safety standards.**

(a) The city hereby adopts as its minimum fire safety standards the Florida Fire Prevention Code, 2010 Edition, as adopted by the State of Florida.

(b) Copies of the city's fire codes will be available for public access in the office of fire prevention during normal office hours, located in the Lake Wales Fire Department main station located at 253 W. Central Avenue.

(Ord. No. 88-1, § 1(1), 2-2-88; Ord. No. 96-03, § 1, 3-19-96; Ord. No. 2009-31, § 1, 12-15-09; Ord. No. 2012-07, § 1, 4-17-12)

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#### **STATE LAW REFERENCE**

Minimum fire safety standards, F.S. § 633.025.

### **§ 10-2. Fire safety appeals board.**

Appeals of administrative fire code decisions or conflicts between a building code requirement and a minimum fire safety code requirement shall be resolved by the decision of the fire and building code administration board as authorized by the Florida Building Code F.S. § 553.79(9), and established by section 2-187, Lake Wales Code of Ordinances. In making its decision, this board shall consider the requirements of all codes and state statutes and shall make its decision based on the greatest degree of life safety.

(Ord. No. 88-1, § 1(2), 2-2-88; Ord. No. 2003-18, § 3, 7-1-03)

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#### **CROSS REFERENCE**

Boards, committees, commissions generally, § 2-26 et seq.; attendance and residency requirements for membership of city boards, § 2-26.

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#### **STATE LAW REFERENCE**

Resolution of conflicting provisions, F.S. § 553.73(10)(a); appeals board, F.S. § 553.73(10)(b).

### **§ 10-3. Penalty.**

Any person violating the provisions of the fire prevention code adopted by reference in section 10-1, shall be punished as provided in section 1-15.

(Code 1962, § 10-2)

### **§ 10-4. Revocation of permit—Hearing.**

The chief of the fire department is hereby authorized to revoke any permit whenever in his judgment any violation of this chapter warrants such revocation, but only after a fair and impartial hearing shall have been recorded the holder of the permit.

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(Code 1962, § 10-3)

**§ 10-5. Modification of chapter provisions.**

The chief of the fire department shall have power to modify any of the provisions of this chapter or the fire prevention code as adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this chapter, provided that the spirit of this chapter shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy furnished the applicant.

(Code 1962, § 10-5)

**§ 10-6. Fire protection outside corporate limits—Limitations; contracts.**

*Effective: Tuesday, August 04, 2015*

(a) Except as otherwise provided by contract no fire protection service shall be rendered outside the corporate limits of the city by the fire department of the city except to:

- (1) Protect property within the city threatened by fire outside the city;
- (2) Protect municipally owned property located outside the city;
- (3) Go to the aid of the fire department of another municipality threatened with disaster, when requested to do so by the duly authorized fire official of such municipality;
- (4) Protect the property of an individual or corporation who has made previous arrangements with the city as provided in paragraph (b) below.

(b) Any political subdivision, business or corporation owning any property may enter into a contract for service protection with the city as outlined in (a), provided a fee for such service is paid to the city.

(1) *Polk County contract.* The city manager shall be authorized to approve fire service contracts with Polk County which are based on standardized formulas used between the county and municipalities with whom they contract.

(2) *Annual fire protection agreement.* The city manager shall be authorized to execute annual fire protection agreements with any political subdivision other than Polk County, business or corporation owning property outside the corporate limits on the following fee basis:

a. *Commercial.* Fee shall be calculated at the current Fire Assessment Fee rate as adopted each year by the City Commission or as otherwise established by the City Commission for each fiscal year.

b. *Residential.* Fee shall be calculated at the current Fire Assessment Fee rate as adopted each year by the City Commission or as otherwise established by the City Commission for each fiscal year.

(3) *Temporary fire protection agreement.* The city manager, with the advice of the fire chief, shall be authorized to enter into agreements for the temporary provision of fire service with fee for such temporary service to be calculated on the basis of hourly equipment and labor costs.

(4) *Payment of fees for fire protection.*

a. *County contract.* Fees shall be paid per distribution schedule determined by the office of the county tax collector.

b. *Annual agreement.* Statements shall be sent to all agreement holders for payment which shall be due on January first of each year. If payment is not received by the city on or before January fifteenth of each year, all fire protection will be terminated.

c. *Temporary agreement.* Anticipated costs will be paid prior to provision of service when feasible. Reimbursement for unanticipated costs and other costs not paid prior to provision of service will be billed by statement and due within thirty (30) days of submittal of statement.

(c) Upon the payment of the fees, as provided in paragraph (b) above, the city manager is hereby authorized to enter into a contract with the individual or corporation desiring fire protection service; however, such a contract shall specifically state that the city and the fire department thereof in no way obligates itself to respond to any call for fire protection service beyond its corporate limits, and that the calls will be answered only within the discretion of the chief of the fire department when, in his opinion, the answering of such calls will in no way interfere with or jeopardize the safety of the properties within the city limits. Nor shall the city or the fire department thereof be liable in any respect to any individual or corporation signing a contract with the city for any damage to property, loss by fire, damage by water, injuries to persons or damage to property by reason of attending the fire, or arising from the failure of the fire department to answer a fire call.

(Code 1962, §§ 10-6—10-8; Ord. No. 94-01, § 1, 1-18-94; Ord. No. 2005-28, § 1, 8-2-05; Ord. No. 2015-06, § 1, 08-04-15)

## **§ 10-7. Reserved.**

### **EDITOR'S NOTE**

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Ord. No. 2009-31, § 1, adopted Dec. 15, 2009, repealed § 10-7, which pertained to the sale, lease or use of portable kerosene heaters and derived from Code 1962, § 15-71 and Ord. No. 90-13, § 1, adopted July 17, 1990.

## **§ 10-8. Outdoor burning.**

### *(a) Prohibitions.*

(1) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization from the fire chief or his designee.

(2) During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without a permit or other proper authorization from the fire chief or his designee.

### *(b) Required conditions for outdoor burning.*

(1) Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.

(2) The fire chief or his designee may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

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(Ord. No. 90-13, § 1, 7-17-90)

**§ 10-9. Fire districts established.**

The first fire district of the City of Lake Wales is hereby established as those areas designated on the zoning map of the city as commercial or industrial zones. Areas where a multiple classification lists the building uses thereof shall govern the designation as to its inclusion in the fire district.

(Ord. No. 90-13, § 1, 7-17-90)

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