

ORDINANCE NO. 498

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA RELATING TO FIRE SAFETY; REPEALING IN ITS ENTIRETY CHAPTER 92.01 - 92.99 “FIRE SAFETY PROTECTION CODE” OF THE CODE OF ORDINANCES; ENACTING AND ADOPTING A NEW CHAPTER 92, “FIRE PREVENTION CODE” BY ADOPTING THE STATE OF FLORIDA FIRE PREVENTION CODE AND LIFE SAFETY CODE; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has adopted the Florida Fire Prevention Code and the Life Safety Code, which sets standards uniformly applicable to local governments throughout the State of Florida; and

WHEREAS, the Florida Fire Prevention Code encompasses everything contained in Chapter 92 of the current Town’s Fire Protection Code relating to general provisions, fire lanes and burning trash; and

WHEREAS, the Town Council of the Town of Indian River Shores, Florida desires to adopt the Florida State minimum fire safety standards for the Town of Indian River Shores.

NOW, THEREFORE BE IT DULY ORDAINED, AS FOLLOWS:

Section 1. REPEAL

Articles 1, General Provisions, Sections 92.01 through 92.28; Article II, Fire Lanes, Sections 92.50 through 92.59; and Article III, Burning Trash, Sections 92.70 through 92.99, are repealed in their entirety.

Section 2. SUBSTITUTION

The following is substituted for the repealed provisions above:

ARTICLE I. GENERAL PROVISIONS

Section. 92.01. TITLE

This Chapter shall be known as the Fire Prevention and the Life Safety Code of the Town of Indian River Shores, Florida.

Section 92.02. STANDARDS ADOPTED BY REFERENCE

- (a) The Uniform Fire Prevention and Life Safety Code as adopted by the State of Florida Fire Marshal and as same may be amended are adopted and incorporated by reference as if fully set forth herein.

- (b) The most current edition of the Florida Fire Prevention Code, adopted and as amended in the future, is adopted by the Town as a part of its Fire Prevention Code.

Section 92.03. PENALTY

- (a) The penalty for violating the provisions of the Florida Fire Prevention Code or the Life Safety Code shall be as provided for in each applicable code, if any are contained therein.
- (b) If no penalty is provided for in the Florida Prevention Code or the Life Safety Code, then a violation of either shall be subject to a fine not exceeding \$500 or imprisonment for a period not exceeding 90 days, or both.
- (c) As an alternative to the penalties provided for in (a) and (b) above, the Town may elect to treat a violation of either Code as subject to enforcement by the Town's Code Enforcement Board.

Section 3. SEVERABILITY

If any section, clause, sentence, or phrase of the ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 4. EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage and adoption by the Town Council of the Town of Indian River Shores, Florida.

Passed First Reading: May 28, 2009
Advertised On: June 13, 2009
Second Reading and Effective Date: June 25, 2009

I HEREBY CERTIFY that the foregoing Ordinance was passed by the Town Council of the Town of Indian River Shores, Florida, on the 25th day of June, 2009.

_____/s_____
E. William Kenyon, Mayor

Attest: /s
 Laura Aldrich, Town Clerk