## Chapter 14 FIRE PREVENTION [[1]](#BK_83E1DC5E266C69B00FB04D2645472513)

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FOOTNOTE(S):

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**Cross reference—** False alarms and reports, interference with fire system, hindering Firefighters, obedience to lawful authorities at fires, § 21-24 et seq. [(Back)](#BK_7DA2B4CD68267E8C265187A29E19A056)

### ARTICLE I. IN GENERAL

[Sec. 14-1. Setting fires without permit prohibited.](#BK_7458F27991AEC2B465C4006B328C6808)

[Sec. 14-2. Procedure for obtaining permit.](#BK_6B5072C8E32EC57D4FC32E9A344B1BF0)

[Sec. 14-3. Duties and responsibilities of owners or occupants of land.](#BK_61CFCE919790405B60A28BE78B2CAF2A)

[Sec. 14-4. Fire hazards prohibited.](#BK_018ADAB8D9C09E0DCB1AE18941D664A5)

[Sec. 14-5. Supervision of all fires by Metropolitan Dade County Fire Chief.](#BK_414D6211B3C9A404941F4CFED1BE01F3)

[Sec. 14-6. Powers and authority of Metropolitan Dade County Fire Chief.](#BK_2F953BBF1BC72E526AD5E7E38327D879)

[Sec. 14-7. Incorporated areas excluded.](#BK_F30C6BFC56B120380C3FBD7E228C9582)

[Sec. 14-8. Smoking, etc., in hospitals.](#BK_D431597B85D3160AFB6021D9C9E041AE)

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[Sec. 14-10. Fire alarms.](#BK_6FAF80C5694409C9BCE05BC8D6E82497)

[Sec. 14-11. Burnt Motor Vehicles; Owner's Statement to the Miami-Dade County Fire Department.](#BK_C835E08F378E7ADC0ABE8E9B3EC3A70B)

[Secs. 14-12—14-20. Reserved.](#BK_D7916DF0BF77AB53F7DCBBE56A344D08)

Sec. 14-1. Setting fires without permit prohibited.

It shall be unlawful for any person or persons, firm or corporation to set fire to any lands, cause fire to be started or set on any lands, to clear any lands by fire, to set any field, forest or prairie fires, to encourage new pastures by firing, to smoke out or drive game by fire, or to abandon or leave unguarded any open fire, within the unincorporated areas of the County, without first obtaining a permit therefor as herein specifically provided.

(Ord. No. 60-44, § 1, 11-29-60)

Sec. 14-2. Procedure for obtaining permit.

(a) *Filing of application; required information; form.* All applications for permits under Sections [14-1](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-1SEFIWIPEPR) through [14-6](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-6POAUMEDACOFICH) shall be filed with the Metropolitan Dade County Fire Chief and shall set forth in detail the full name and address of the applicant, the date and time the fire is to be set, the kind or type of fire to be set, the area to be burned, what safeguards will be taken to protect the public and any other property from injury, and such other information as may be prescribed by the Metropolitan Dade County Fire Chief. The Metropolitan Dade County Fire Chief shall prescribe the form of application and furnish such application forms to applicants upon request.

(b) *Grounds for nonissuance of permit.* Permit shall not be issued when the Metropolitan Dade County Fire Chief has good reason to believe that the proposed fire or burning will endanger the public health, safety, welfare or other property.

(c) *Application filing fees authorized.* The County Manager may establish a schedule of filing fees to cover the cost of investigating and processing applications for permits.

(d) *Contents of permit.* The permit issued hereunder shall show the time when the fire will be set, the area to be burned, the persons authorized to set such fire, and such special conditions as are necessary to protect life and property.

(Ord. No. 60-44, § 2, 11-29-60; Ord. No. 66-37, §§ 3, 4, 9-7-66)

Sec. 14-3. Duties and responsibilities of owners or occupants of land.

The owners of land, proprietors, lessees, tenants, or other occupants of land within the unincorporated area of the County shall be responsible for the existence of fires thereon, and it shall be the duty of such parties, and they hereby are required by this section, to prevent the starting of fires on such lands, and said owners or other occupants shall eliminate and extinguish and assist in eliminating and extinguishing the same when burning or which may exist from any cause whether of their own account or from other source, including the spreading of fires to said lands from outside areas.

(Ord. No. 60-44, § 3, 11-29-60)

Sec. 14-4. Fire hazards prohibited.

(a) It shall be unlawful for any proprietor of lands, lessee, tenant, or other occupant to have on his premises within the unincorporated areas of the County any brush heap, trash pile, accumulation of stacks or combustible or inflammable material exposed to danger of fire or have the same in such location that the burning thereof may endanger the spread of fire to other property.

(b) It shall be and is hereby required by Sections [14-1](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-1SEFIWIPEPR) through [14-6](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-6POAUMEDACOFICH) that all brush, trash or other inflammable material accumulated, existing or resulting from the clearing of the land shall, when collected in piles, heaps or stacks, be protected from fire by the clearing of the land around such heaps or piles to prevent the spread of fire therefrom in case of fire, and that such heap, pile or stack shall be burned or otherwise disposed of as shall be directed by notice pursuant to rules and regulations theretofore made and promulgated by the Metropolitan Dade County Fire Chief.

(Ord. No. 60-44, § 4, 11-29-60; Ord. No. 66-37, § 5, 9-7-66)

**Cross reference—** Evidence of accumulation of waste, § 15-3; accumulations of enumerated flammable rubbish prohibited, other designated flammable materials prohibited within 50 feet of specified explosive materials, § 33-28.

Sec. 14-5. Supervision of all fires by Metropolitan Dade County Fire Chief.

The setting of all fires, the burning of all trash and brush, and the clearing of all fields, woods, prairie or other lands by fire within the unincorporated areas of the County shall be under the supervision of the Metropolitan Dade County Fire Chief, and in accordance with such rules and regulations as may be prescribed therefor.

(Ord. No. 60-44, § 5, 11-29-60; Ord. No. 66-37, § 6, 9-7-66)

Sec. 14-6. Powers and authority of Metropolitan Dade County Fire Chief.

(a) The Metropolitan Dade County Fire Chief, at proper periods of the year and under conditions favorable therefor, may permit, authorize, order and require the burning of fields, woods, prairies, trash piles, brush heaps or other accumulations of combustible or inflammable material by the owner, proprietor, lessee, tenant or other occupant of such lands within the unincorporated areas of the County. Such permit, authority, order or requirement by the said Metropolitan Dade County Fire Chief shall not excuse or relieve the person or persons to whom issued from any liability or responsibility for damages which may result from carelessness or neglect on his part in setting, starting, looking after or guarding fires permitted, authorized, ordered or required to be set.

(b) The Metropolitan Dade County Fire Chief shall have authority and power to require the owners or proprietors of land, lessees, tenants or other occupants to burn or otherwise dispose of material deemed necessary for safety to be burned or otherwise disposed of, and for failure or refusal to do so, such person, proprietor, lessee, tenant or other occupant shall be subject to the penalties provided in [Section 1-4](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-4AMCOEFNEORAMLA) of this Code.

(Ord. No. 60-44, § 6, 11-29-60; Ord. No. 66-37, §§ 7, 8, 9-7-66)

Sec. 14-7. Incorporated areas excluded.

Sections [14-1](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-1SEFIWIPEPR) through [14-6](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-6POAUMEDACOFICH) shall not apply in the incorporated areas of the County.

(Ord. No. 60-44, § 7, 11-29-60)

Sec. 14-8. Smoking, etc., in hospitals.

(a) *Prohibited.* It shall be unlawful, except as herein specifically provided, for any person to smoke or carry a lighted cigar, cigarette, pipe, match or mechanical flame producing device in any hospital, sanatorium, nursing home or home for the aged or chronic patients; provided that the governing body or administrative head of such institutions may designate particular areas within such institutions in which smoking or the carrying of lighted cigars, cigarettes, pipes, matches and mechanical flame producing devices may be lawfully permitted notwithstanding the provisions hereof; and provided further that patients may be permitted to smoke, with the consent of their respective attending physicians, when such smoking, in the opinion of the hospital authorities concerned, is not detrimental to the welfare of any other patient or patients.

(b) *Penalties for violation.* Any person convicted of a violation of the provisions of this section shall be punished by a fine not to exceed two hundred dollars ($200.00), or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the court of appropriate jurisdiction.

(Ord. No. 64-44, §§ 1, 2, 9-15-64)

**Editor's note—**

Ord. No. 64-44, from §§ 1 and 2 of which [§ 14-8](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-8SMETHO) of this Code is derived, did not designate the manner of codification, hence the same was at the discretion of the editors.

Sec. 14-9. Reserved.

**Editor's note—**

Ord. No. 87-89, § 1, adopted Dec. 15, 1987, repealed [§ 14-9](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-9RE), relative to self-service gasoline stations, which derived from Ord. No. 75-36, § 1, adopted June 4, 1975, and Ord. No. 76-105, § 1, adopted Nov. 16, 1976.

Sec. 14-10. Fire alarms.

(1) *Purpose of regulation.* The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false fire alarms.

(2) *Scope of regulations.* The provisions of this section shall apply throughout the geographical area serviced by the Metropolitan Dade Fire and Rescue Service District.

(3) *Definitions.*

(a) *Alarm user* means the person or other entity that owns, possesses, controls, occupies or manages any premises as defined below.

(b) *False fire alarm* means a signal from a fire alarm system that elicits a response by the Fire Department when no actual or threatened fire-related emergency exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in nonemergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a fire alarm is false if personnel responding from the Fire Depart- ment do not discover any evidence of fire or other emergency after following normal Fire Department operating procedures in investigating the incident. An alarm is not false if the alarm user proves that (1) an individual activated the alarm based upon a reasonable belief that a fire-related emergency existed; (2) the alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system; or (3) the alarm was activated by vandals.

(c) *Fire alarm system* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire-related emergency requiring urgent attention and to which Fire Department personnel may reasonably be expected to respond, but does not include such alarms installed in residential buildings of four (4) units or less.

(d) *Premises* means the building or structure or portion of a building or structure upon which is installed or maintained, a fire alarm system.

(4) *Fire alarms; posting requirements.* A fire alarm user shall conspicuously post at the main entrance to the alarm user's premises a notice stating (1) the name of an individual or alarm company able and authorized to enter the premises and deactivate the alarm; (2) emergency telephone numbers by which those individuals can be reached at all times; and (3) the name and address of the alarm user. The information must be kept current and failure to update this information within forty-eight (48) hours of any change constitutes a violation of this section.

(5) *False fire alarms prohibited.* No fire alarm user shall cause, allow, or permit its fire alarm system to give three (3) or more false alarms in any calendar year.

(6) *Inspection requirements.* After the second and each additional false fire alarm in one (1) calendar year, the alarm user must, within thirty (30) days, file a written certificate with the Fire Department from a licensed fire alarm contractor stating that the fire alarm system has been inspected since the last false fire alarm and is functioning properly.

(7) *Penalties.* Each violation of this section shall be punished as follows:

(a) For a first violation of [Section 14-10](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-10FIAL)(4), by a fine of two hundred fifty dollars ($250.00).

(b) For a second and each additional violation of [Section 14-10](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-10FIAL)(4), by a fine of five hundred dollars ($500.00).

(c) For the third false fire alarm in one (1) calendar year, by a fine of five hundred dollars ($500.00).

(d) For the fourth and each additional false fire alarm in one (1) calendar year, by a fine of one thousand dollars ($1,000.00).

(e) For each violation of [Section 14-10](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-10FIAL)(6), a fine of two hundred fifty dollars ($250.00).

(8) *Enforcement.* The section shall be enforced by the code enforcement provisions of [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Metropolitan Dade County.

(Ord. No. 88-46, § 1, 5-17-88)

**Editor's note—**

Ord. No. 88-46, § 1, adopted May 17, 1988, did not specifically amend this Code; hence inclusion of these provisions as [§ 14-10](../level3/PTIIICOOR_CH14FIPR_ARTIINGE.docx#PTIIICOOR_CH14FIPR_ARTIINGE_S14-10FIAL) was at the discretion of the editor.

**Cross reference—** False alarms and reports, § 21-24; obstructing or interfering with fire and police alarm systems, § 21-25.

Sec. 14-11. Burnt Motor Vehicles; Owner's Statement to the Miami-Dade County Fire Department.

(1) Whenever an insured motor vehicle suffers loss or damage caused by fire or explosion within the jurisdiction of the Miami-Dade County Fire Department, the vehicle's owner of record shall submit to the Miami-Dade County Fire Department a statement signed under penalty of perjury setting forth the owner's knowledge of the incident (the "Owner's Statement"). The Owner's Statement shall contain such information as may reasonably be required by the Fire Chief, and shall be on such forms as may be prescribed by the Fire Chief.

(2) The investigation of the Miami-Dade County Fire Chief shall not be deemed to be completed until receipt by the Fire Chief of the Owner's Statement completed to the reasonable satisfaction of the Fire Chief. No record relating to the investigation, including but not limited to fire incident reports, documents, papers, letters, maps, diagrams, tapes, photographs, films, sound recordings, and evidence shall be made public or subject to subpoena until the investigation is completed.

(3) By exception, the records relating to the investigation shall be made public:

(a) When in the reasonable discretion of the Fire Chief, the department is in possession of sufficient evidence to conclude the investigation notwithstanding the absence of the Owner's Statement; or

(b) When otherwise required by law.

(4) The Miami-Dade Fire Department may in its discretion waive the requirements of this section upon a determination that the loss or damage to the motor vehicle was accidental.

(Ord. No. 02-248, § 1, 12-3-02)

Secs. 14-12—14-20. Reserved.

### ARTICLE II. FOREST PROTECTION [[2]](#BK_0FE91FB507C8A0F2424996B713469788)

[Sec. 14-21. Setting fires in forest protection district; permit.](#BK_241B4182AA44E7FBEBEDDAFCC1ED6D91)

[Sec. 14-22. Unlawful to burn land belonging to another.](#BK_1C42CFE16B388FE223A0513E47466034)

[Sec. 14-23. Setting fires during emergency drought conditions.](#BK_E71B7D82E2C4DC100649CD5B5FCDE287)

[Sec. 14-24. Setting fires on rights-of-way.](#BK_62BD7D70FCAB11C0EB42E29314AA379A)

[Sec. 14-25. Disposing of cigarettes, cigars, ashes.](#BK_2E6AA28F3D1A1316A18485C0EBBD5DDC)

[Sec. 14-26. Camp fires.](#BK_5D5CB6C5D1B09972F28257A171914D23)

[Sec. 14-27. Procedure to lawfully burn land.](#BK_AE3A6E75A34ABC31CF959C34264C3EE3)

[Sec. 14-28. Penalty for violations.](#BK_6AA05F5B337C820D10D9F3CDFFE47E83)

[Sec. 14-29. Burden of proof.](#BK_45FEE9A068C9127D7B2B8396592E7FB1)

[Sec. 14-30. Forestry or fire control signs, penalty for mutilating or destroying.](#BK_C029FD02C642DD7CC382AE3F010C1209)

[Sec. 14-31. Reserved.](#BK_3270B458C3DE223310A88C6285C0B9F3)

[Sec. 14-32. Article provisions declared supplemental.](#BK_BE56DB2B31D3E19FE6108107BCF0EC89)

[Secs. 14-33—14-39. Reserved.](#BK_19F56D2E3D77D750E1A03AD9FF6E164F)

Sec. 14-21. Setting fires in forest protection district; permit.

It is unlawful for any person to carelessly burn or cause to be burned or to set fire or cause fire to be set to, any forest, grass, woods, wild lands or marshes within a forest protection district, unless written permission shall have first been received from a duly appointed Fire Warden or other person authorized to issue such permits.

(Ord. No. 66-24, § 1, 6-7-66)

Sec. 14-22. Unlawful to burn land belonging to another.

It is unlawful for any person to carelessly burn or cause to be burned, or to set fire to or cause fire to be set to, any forest, grass, woods, wild lands or marshes not owned or controlled by such person.

(Ord. No. 66-24, § 2, 6-7-66)

Sec. 14-23. Setting fires during emergency drought conditions.

It is unlawful for any person to set fire to any forest, grass, woods, wild lands or marshes, or to build a campfire or bonfire or to burn trash or other material that may cause a forest, grass or woods fire, within the County, or area within the county, when because of emergency drought conditions, as defined in Section 590.08, Florida Statutes, there is extraordinary danger from fire, unless the setting of any backfire during the drought emergency is necessary to afford protection as determined by a representative of the Florida Board of Forestry, or unless it can be established that the setting of such backfire was necessary for the purpose of saving life or property. The burden of proving such shall rest on such person claiming same as a defense.

(Ord. No. 66-24, § 3, 6-7-66)

Sec. 14-24. Setting fires on rights-of-way.

It is unlawful for any person to set or cause to be set carelessly a fire within the confines of the right-of-way of any public road, State road, railroad, or in any other place and allow it to escape onto and burn over any adjoining land.

(Ord. No. 66-24, § 4, 6-7-66)

Sec. 14-25. Disposing of cigarettes, cigars, ashes.

It is unlawful for any person to throw or drop from an automobile or vehicle, or otherwise, a lighted match, cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may or does cause a forest, grass, or woods fire.

(Ord. No. 66-24, § 5, 6-7-66)

Sec. 14-26. Camp fires.

It is unlawful for any individual or group of individuals to build a warming or camp fire and leave same unextinguished.

(Ord. No. 66-24, § 6, 6-7-66)

Sec. 14-27. Procedure to lawfully burn land.

It is unlawful for any person carelessly to burn or cause to be burned, or to set fire to or cause fire to be set to, any forest, grass, woods, wild lands or marshes owned or controlled by such person without first giving notice to all resident owners, managers or tenants of lands adjoining and surrounding the area to be burned, said notice to be given in the presence of at least one (1) witness or in writing, not less than one (1) nor more than ten (10) days prior to such burning; or to fail to take reasonable precaution against the spreading of fire to other lands by providing adequate fire lines, man-power and fire fighting equipment for the control of such fire, or to watch over said fire until it is extinguished, or to permit fire to escape to adjoining lands; provided, however, that no notice shall be required to be given of the setting of fire in a forest protection district where written permission to set such fire has been obtained from a duly appointed Fire Warden.

(Ord. No. 66-24, § 7, 6-7-66)

Sec. 14-28. Penalty for violations.

Whoever carelessly violates any of the provisions of this article, shall, upon conviction thereof, be deemed guilty of an offense and shall be punished by a fine of not more than two hundred dollars ($200.00) or by imprisonment in the County Jail for a term not exceeding sixty (60) days, or by both such fine and imprisonment in the discretion of the court, and the penalties herein provided shall extend to both the actual violator and to the person or persons, firm or corporation causing, directing or permitting such violation.

(Ord. No. 66-24, § 8, 6-7-66)

Sec. 14-29. Burden of proof.

In any prosecution brought under the provisions of this article it shall not be necessary for the State or plaintiff to allege and prove absence of the right or authority of the defendant to set or cause to be set fire, but such right and authority shall be a matter of affirmative defense to be alleged and proved by the defendant.

(Ord. No. 66-24, § 9, 6-7-66)

Sec. 14-30. Forestry or fire control signs, penalty for mutilating or destroying.

Whoever intentionally breaks down, mutilates, removes or destroys any fire control or forestry sign or poster of the State Board of Forestry erected in the administration of its lawful duties and authorities shall be guilty of an offense and shall be subject to imprisonment not exceeding sixty (60) days, by fine not exceeding two hundred dollars ($200.00), or by both such fine and imprisonment.

(Ord. No. 66-24, § 10, 6-7-66)

Sec. 14-31. Reserved.

**Editor's note—**

Ord. No. 87-89, § 2, adopted Dec. 15, 1987, repealed [§ 14-31](../level3/PTIIICOOR_CH14FIPR_ARTIIFOPR.docx#PTIIICOOR_CH14FIPR_ARTIIFOPR_S14-31RE), relative to the prosecution of article violations in metropolitan court, which derived from Ord. No. 66-24, [§ 11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO), adopted June 7, 1966.

Sec. 14-32. Article provisions declared supplemental.

The provisions of this article are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by the Florida Board of Forestry, but shall be construed as implementing and assisting the enforcement thereof.

(Ord. No. 66-24, § 14, 6-7-66)

Secs. 14-33—14-39. Reserved.

FOOTNOTE(S):

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**State Law reference—** Forest protection, F.S. Ch. 590. [(Back)](#BK_779D748634894660CBD0CC6878528EC1)

### ARTICLE III. SOUTH FLORIDA FIRE PREVENTION CODE [[3]](#BK_BB5C28778C5F587968023B2AB538B91A)

[Sec. 14-40. Short title; adoption by reference; applicability.](#BK_0D09824C98AF2D7BB96129337E45F7B3)

[Sec. 14-41. Intent; construction.](#BK_22C5ADC3115DF329CB13A35320249EBD)

[Sec. 14-42. Minimum fire safety standards.](#BK_CA9065AD0716FE986FE81810B7D5270B)

[Sec. 14-43. Resolution of conflict of laws.](#BK_77F94B8BCC230DD37747AC7FA8F72E35)

[Sec. 14-44. Uniform Fire Safety Standards.](#BK_26E132BE7446DDED86F20A3D6423CCBB)

[Sec. 14-44.1. Statutes adopted by reference.](#BK_DA74E37825E91706A4907EF040E0424E)

[Sec. 14-45. Chief fire official.](#BK_22258B05AFDDF2BA40CE93F3E021493F)

[Sec. 14-46. Dade County Fire Prevention and Safety Appeals Board.](#BK_191DC1CD78FBB1616A2FC59F17B9E266)

[Sec. 14-47. Repeal of conflicting or inconsistent municipal and County laws.](#BK_1A73A4CC5CE369A7361072639211A104)

[Sec. 14-48. Appeals from actions or decisions.](#BK_7E1C37E15A5B9FB3E7F35783D989B711)

[Sec. 14-49. South Florida Fire Prevention Code Enforcement Officer.](#BK_7AAA8940123081B2EB9C99162EE3C107)

[Sec. 14-50. Remedies cumulative and independent.](#BK_63B07399E7DC8BAA53D671212B712F8D)

[Sec. 14-51. Strict liability.](#BK_8912DF792FBACE037BDA0184CD4DF028)

[Sec. 14-52. Criminal penalty.](#BK_39E7CBD18E8D244DC33CB2815EA15B0E)

[Sec. 14-53. Permits.](#BK_56BBDFF4DA7452E4D01FAAA20709A2CD)

[Sec. 14-53.1. Plan review.](#BK_78711AE46F6235D55ADD9E430131FBE0)

[Sec. 14-54. Consent agreements.](#BK_CD68C50AF4BC84482FDE7C7522001C51)

[Sec. 14-55. Attorneys' fees.](#BK_D8A082E8513BFBB6A6A44DC1B8B16221)

[Sec. 14-56. Enforcement; procedure; remedies.](#BK_7A47250D2F57E57708F34427A97A0527)

[Sec. 14-57. Civil penalty and restitution fund.](#BK_42C293F588666020C4A42ECDAA394609)

[Sec. 14-58. Standards.](#BK_A77B2E76C8DEFAEA375E8D3796251889)

[Sec. 14-59. Alternative requirements.](#BK_D32B72D8B895020C99E6EA27955DEF00)

[Sec. 14-60. Submission to legislature.](#BK_CF43116AAEB02D4C01922C2D748987B6)

[Sec. 14-61. Search warrants.](#BK_6F6CDEC2EFF03B5065B9C558CCAC56A6)

[Sec. 14-62. Inspections; inspection warrants.](#BK_F527BF6F844F66CFE903003FF1E38949)

[Sec. 14-63. Orders.](#BK_C3140E058DD694B1EB3322EC1D9E0217)

[Sec. 14-64. Correction of violations.](#BK_B24C1588B2720EE48757BDA75F39080A)

[Sec. 14-65. Liens.](#BK_BD1F739210008C6CA3AD42E1798284BA)

[Sec. 14-66. Fire alarms.](#BK_56E59C6A364CAC5F8A07234F429B8BF1)

[Sec. 14-67. Sprinkler systems, fire pumps, and other extinguishing systems.](#BK_416ED5508556371594C88D53BCAB4277)

Sec. 14-40. Short title; adoption by reference; applicability.

(A) The South Florida Fire Prevention Code is hereby adopted by reference as if fully set forth herein, as said code may be amended from time to time.

(B) The South Florida Fire Prevention Code may hereinafter be referred to as the "S.F.F.P.C."

(C) The S.F.F.P.C. as amended from time to time, and this article, as amended from time to time, shall be applicable in both the incorporated and unincorporated areas of Dade County, Florida. All references in this article to the S.F.F.P.C. and this article shall be deemed respectively to refer to the S.F.F.P.C. as amended from time to time and this article as amended from time to time. All references in this article to the South Florida Building Code shall be deemed to refer to the South Florida Building Code as amended from time to time.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-41. Intent; construction.

(A) The intent of this article and the S.F.F.P.C. is to protect the public health, safety and welfare by prescribing minimum standards for fire prevention and safety.

(B) This article and the S.F.F.P.C. are hereby determined to be remedial and essential to protect the public health, safety, and welfare.

(C) This article and the S.F.F.P.C. shall be liberally construed to protect the public health, safety, and welfare.

(D) This article and the S.F.F.P.C. shall not be construed to provide any cause of action or claim for relief of any kind whatsoever to any person other than the chief fire code enforcement official of the jurisdiction, or his designee, or the South Florida Fire Prevention Code Enforcement Officer, or both, and shall be retroactively applied to effectuate the foregoing.

(Ord. No. 87-89, § 3, 12-15-87; Ord. No. 90-150, § 5, 12-18-90)

Sec. 14-42. Minimum fire safety standards.

(A) The requirements of the S.F.F.P.C. and this article shall be a minimum standard for the incorporated and unincorporated areas of Dade County, Florida.

(B) The requirements of the S.F.F.P.C. and this article shall not apply to buildings and structures subject to the uniform fire safety standards promulgated pursuant to Section 633.022, Florida Statutes, as same may be amended from time to time.

(C) The requirements of the S.F.F.P.C. and this article shall not apply to buildings and structures subject to the minimum fire safety standards adopted pursuant to Sections 394.879 and 396.176, Florida Statutes, as same may be amended from time to time.

(D) The requirements of the S.F.F.P.C. and this article shall be a minimum fire safety standard code. A municipality with fire safety responsibilities may adopt more stringent fire safety standards. Minimum fire safety standards shall be met by every occupancy, facility, building, structure, premises, device, or activity to which said standards apply.

(E) The new building or structure requirements set forth in the S.F.F.P.C. and this article shall apply only to buildings or structures for which the building permit is issued on or after January 1, 1988.

(F) Subject to the provisions of subsection (G) herein, the existing building or structure requirements set forth in the S.F.F.P.C. and this article shall apply to buildings or structures for which the building permit was issued or the building or structures were constructed prior to January 1, 1988.

(G) With respect to existing buildings, the Legislature of the State of Florida has recognized that it is not always practical to apply any or all of the requirements of the S.F.F.P.C. and this article and that physical limitations may require disproportionate effort or expense with little increase in life safety.

(1) Prior to applying the requirements of the S.F.F.P.C. and this article to an existing building, the chief fire official of the jurisdiction, or his designee, shall determine that a threat to life safety or property exists.

(2) If a threat to life safety or property exists the chief fire official of the jurisdiction, or his designee, shall apply the applicable requirements of the S.F.F.P.C. and this article to the extent practical to assure a reasonable degree of life safety and safety of property.

(3) The chief of fire official of the jurisdiction, or his designee, shall fashion a reasonable alternative which affords an equivalent degree of life safety and safety of property.

(4) The decisions of the chief fire official of the jurisdiction, or his designee, under subsection (G) may be appealed to the Dade County Fire Prevention and Safety Appeals Board.

(H) Nothing in this section shall preclude a municipality, County, or special district from requiring a structure to be maintained in accordance with S.F.F.P.C. and this article.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-43. Resolution of conflict of laws.

(A) In the event of a conflict between (i) the requirements of the South Florida Building Code, as same may be amended from time to time, and (ii) the requirements of the South Florida Fire Prevention Code and this article, as all of same may be amended from time to time, the conflict shall be resolved by agreement between the chief building code enforcement official of the jurisdiction, or his designee, and the chief fire code enforcement official of the jurisdiction, or his designee, in favor of the requirement of either the South Florida Building Code or the South Florida Fire Prevention Code or this article which provides the greatest degree of life safety or alternatives which would provide an equivalent degree of life safety and equivalent method of construction.

(B) Any decision made by the chief building code enforcement official of the jurisdiction, or his designee, and the chief fire code enforcement official of the jurisdiction, or his designee, may be appealed to the Dade County Fire Prevention and Safety Appeals Board.

(1) If the decision of the chief building code enforcement official of the jurisdiction, or his designee, and the chief fire code enforcement official of the jurisdiction, or his designee, is to apply the provisions of either the South Florida Building Code or the South Florida Fire Prevention Code or this article, the Dade County Fire Prevention and Safety Appeals Board may not alter the decision unless the Dade County Fire Prevention and Safety Appeals Board determines that the application of the South Florida Building Code or the South Florida Fire Prevention Code or this article is not reasonable.

(2) If the decision of the chief building code enforcement official of the jurisdiction, or his designee, and the chief fire code enforcement official of the jurisdiction, or his designee, is to adopt an alternative to the South Florida Building Code, South Florida Fire Prevention Code, and this article, the Dade County Fire Prevention and Safety Appeals Board shall give due regard to the decision rendered by the aforesaid officials and may modify that decision if the Dade County Fire Prevention and Safety Appeals Board adopts a better alternative, taking into consideration all relevant circumstances.

(3) In any case in which the Dade County Fire Prevention and Safety Appeals Board adopts alternatives to the decision of the chief building code enforcement official of the jurisdiction, or his designee, and the chief fire code enforcement official of the jurisdiction, or his designee, such alternatives shall provide a degree of life safety and method of construction equivalent to the degree of life safety and method of construction provided by the decision of the aforesaid building code and fire code enforcement officials.

(C) In the event that the chief building code enforcement official of the jurisdiction, or his designee, and the chief fire code enforcement official of the jurisdiction, or his designee, are unable to agree on a resolution of the conflict between the requirements of (i) the South Florida Building Code and (ii) the South Florida Fire Prevention Code and this article, the Dade County Fire Prevention and Safety Appeals Board shall resolve the conflict in favor of the requirement which provides the greatest degree of life safety or alternatives which would provide an equivalent degree of life safety and an equivalent method of construction.

(D) In the event of any conflict between a requirement of (i) this article or the South Florida Fire Prevention Code and (ii) a requirement of Chapter 633, Florida Statutes, as amended from time to time, or the rules promulgated by the State Fire Marshal pursuant to Chapter 633, Florida Statutes, as amended from time to time, or the rules promulgated by the State Fire Marshal pursuant to Chapter 633, Florida Statutes, as said rules may be amended from time to time, the provision which established the most stringent standard shall prevail.

(E) In the event of any conflict between a provision of (i) this article or the South Florida Fire Prevention Code and (ii) a provision of any other County or municipal ordinance, code or regulation, the provisions of subsections (A), (B) and (C) shall apply if the conflict is with a requirement of the South Florida Building Code, or, if the conflict is with a provision other than the South Florida Building Code, then the provision which establishes the most stringent standard shall prevail.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-44. Uniform Fire Safety Standards.

(A) Pursuant to Section 633.15, Florida Statutes, Chapter 633, Florida Statutes, as amended from time to time, and all the rules promulgated thereunder by the State Fire Marshal, as same may be amended from time to time, are hereby adopted by reference as if fully set forth herein.

(B) Each jurisdiction within Dade County, Florida, with fire safety responsibilities shall enforce within its fire safety jurisdiction:

(i) The uniform fire safety standards promulgated by the State Fire Marshal for those buildings set forth in Section 633.022(1)(b), Florida Statutes, as same may be amended from time to time;

(ii) The minimum fire safety standards for mental health and alcohol treatment centers as adopted pursuant to Section 394.879, Florida Statutes, and Section 396.176, Florida Statutes, as same may be amended from time to time; and

(iii) The fire safety standards for public schools adopted by the State Board of Education, as same may be amended from time to time.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-44.1. Statutes adopted by reference.

(A) Chapter 791, Florida Statutes, and all the rules and regulations promulgated thereunder, as all of same may be amended from time to time, are hereby adopted by reference as if fully set forth herein.

(B) Section 806.10, Florida Statutes, as same may be amended from time to time, is hereby adopted by reference is if fully set forth herein.

(C) Section 806.101, Florida Statutes, as same may be amended from time to time, is hereby adopted by reference as if fully set forth herein.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-45. Chief fire official.

(A) For the purposes of this article and the South Florida Fire Prevention Code all references to the chief fire official with respect to the unincorporated area of Dade County shall mean the Director of the Metropolitan Dade County Fire Department.

(B) For the purposes of this article and the South Florida Fire Prevention Code all references to the chief fire official with respect to the incorporated areas of Dade County shall mean the Director of the Metropolitan Dade County Fire Department, the Fire Chief of the City of Miami Beach, the Director of the City of Miami Fire Rescue and Inspection Services Department, the Fire Chief of the City of Hialeah, or the Fire Chief of the City of Coral Gables, within their respective areas of fire safety and prevention responsibilities.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-46. Dade County Fire Prevention and Safety Appeals Board.

(A) *Established.* There is hereby created and established the Dade County Fire Prevention and Safety Appeals Board.

(B) *Membership.* This Board shall consist of thirteen (13) members appointed by the County Commission. In order to secure representative membership upon the Board, the Commission shall appoint one (1) architect, one (1) engineer, one (1) property manager, one (1) representative from the fuel industry, one (1) representative from the fire insurance industry, one (1) licensed general contractor possessing a current certificate of competency, two (2) persons who are serving different jurisdictions in the fire fighting service of such jurisdictions, the County Manager or his designee, one (1) representative of the Dade County League of Cities, Inc., one (1) safety engineer certified by a professional safety engineering society, one (1) city or county administrator, and one (1) educator who has expertise in the development of a fire science curriculum. Three (3) members shall be appointed for a term of one (1) year, three (3) members shall be appointed for a term of two (2) years, and three (3) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of three (3) years.

(1) When the jurisdiction of the Dade County Fire Prevention and Safety Appeals Board is exercised pursuant to [Section 14-46](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-46DACOFIPRSAAPBO)(D)(2) of the Code of Metropolitan Dade County, Florida, with respect to those duties and responsibilities of the local administrative Board specifically described in Section 553.73(8)(c), Florida Statutes, as amended from time to time, the membership of the Board shall consist of the eleven (11) members set forth in [Section 14-46](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-46DACOFIPRSAAPBO)(B) above as well as the following eleven (11) members of the Dade County Board of Rules and Appeals who shall be designated by the Chairman of the Dade County Board of Rules and Appeals:

(i) One (1) nonprofessional person;

(ii) Two (2) representatives of the fire service;

(iii) One (1) master plumber;

(iv) One (1) mechanical engineer;

(v) One (1) master electrician;

(vi) One (1) structural engineer;

(vii) One (1) developer;

(viii) Two (2) general contractors;

(ix) One (1) architect.

The aforesaid persons in (i) through (ix) shall be voting ex officio members of the Dade County Fire Prevention and Safety Appeals Board only when the jurisdiction of the Board is exercised as set forth hereinabove for those duties and responsibilities set forth in Section 553.73(8)(c), Florida Statutes, as amended from time to time. Service on the Dade County Fire Prevention and Safety Appeals Board by members of the Dade County Board of Rules and Appeals ex officio as set forth above shall not be deemed to be service on two (2) County Boards simultaneously for the purposes of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Metropolitan Dade County, Florida.

(C) *Organization of the Board; quorum; Secretary.* The members of the Board shall elect a chairperson and such other officers as may be deemed necessary or desirable, all of whom shall serve at the will of the Board. A majority vote of the members present shall be necessary to take any action. Seven (7) members of the Board shall constitute a quorum necessary to hold a meeting and take any action. The Director of the Metropolitan Dade County Fire Department or his designee shall be Secretary of the Board and shall be responsible for the custody of all minutes and records of the Board. The Secretary of the Board shall not be entitled to vote on any matter before the Board by reason of holding the office of Secretary. The Chairperson or his designee may call meetings of the Board; seven (7) members may call a meeting upon signing a written notice; and the Board at any meeting may call meetings for any future dates. Minutes shall be kept of all meetings of the Board.

(1) When the jurisdiction of the Dade County Fire Prevention and Safety Appeals Board is exercised as set forth in (B)(1) above: A majority vote of the twenty-two (22) members present shall be necessary to take any action; the presence of twelve (12) of the twenty-two (22) members shall constitute a quorum necessary to hold a meeting and take any action; and twelve (12) members may call a meeting upon signing a written notice. In all other respects the organization of the Dade County Fire Prevention and Safety Appeals Board shall remain the same as set forth in (C) above.

[(2) Reserved.]

(D) *Duties and powers of the Dade County Fire Prevention and Safety Appeals Board.* The Dade County Fire Prevention and Safety Appeals Board shall have the following duties, functions, powers, and responsibilities:

(1) To exclusively hear and determine appeals by any person aggrieved by any action or decision of any fire official of any jurisdiction in Dade County, Florida, with respect to this article, the South Florida Fire Prevention Code, or any municipal ordinance, code, or regulation which regulates fire prevention or fire safety. Notwithstanding any provision of the Code of Metropolitan Dade County, Florida, the South Florida Fire Prevention Code, any municipal ordinance, or any other County ordinance, no other County or municipal officer, agent, employee or Board, except as provided for code enforcement by Chapter 162, Florida Statutes, or by Chapter 8CC of the Code of Metropolitan Dade County, Florida, may hear or determine any matter which the Dade County Fire Prevention and Safety Appeals Board has the power to hear and determine pursuant to this subsection. The Board shall have the power and authority to affirm, modify, or reverse the action or decision which was appealed.

(2) To exclusively perform the duties and responsibilities of the local administrative Board described in Section 553.73(8)(b) and Section 553.73(8)(c), Florida Statutes, as all of same may be amended from time to time. Notwithstanding any provision of the Code of Metropolitan Dade County, Florida, the South Florida Fire Prevention Code, any municipal ordinance, or any other County ordinance, no other County or municipal officer, agent, employee or Board, may hear or determine any matter which the Dade County Fire Prevention and Safety Appeals Board has the power to hear and determine pursuant to this subsection. The Board shall have the power and authority to adopt alternatives and resolve conflicts as provided by the aforesaid provisions of Florida law, as amended from time to time.

(3) To exclusively hear and determine appeals by any person aggrieved by the decisions or actions of the chief fire official, or his designee, of any jurisdiction in Dade County, Florida, with respect to existing buildings as provided by Section 633.025(8), Florida Statutes, as amended from time to time. Notwithstanding any provision of the Code of Metropolitan Dade County, Florida, the South Florida Fire Prevention Code, any municipal ordinance, or any other County ordinance, no other County or municipal officer, agent, employee or Board, may hear or determine any matter which the Dade County Fire Prevention and Safety Appeals Board has the power to hear and determine pursuant to this subsection. The Board shall have the power and authority to affirm, modify, or reverse the action of decision which was appealed.

(4) To exclusively perform the duties of the local authority as set forth in Section 633.022(2)(b), Florida Statutes, as amended from time to time, by authorizing alternatives to the uniform fire safety standards as set forth in Section 633.022(2)(b), Florida Statutes, as amended from time to time. Notwithstanding any provision of the Code of Metropolitan Dade County, Florida, the South Florida Fire Prevention Code, any municipal ordinance, or any other County ordinance, no other County or municipal officer, agent, employee or Board, may hear or determine any matter which the Dade County Fire Prevention and Safety Appeals Board has the power to hear and determine pursuant to this subsection. The Board shall have the power and authority to adopt alternatives as provided by the aforesaid provision of Florida law, as amended from time to time.

(5) To exclusively perform the duties of all jurisdictions with fire safety responsibilities in Dade County, Florida, as set forth in Section 633.025(5), Florida Statutes, as amended from time to time, by establishing alternative requirements to the requirements of this article, the South Florida Fire Prevention Code, or other more stringent fire safety standards adopted by a municipality, as set forth in Section 633.025(5), Florida Statutes, as same may be amended from time to time. Notwithstanding any provision of the Code of Metropolitan Dade County, Florida, the South Florida Fire Prevention Code, any municipal ordinance, or any other County ordinance, no other County or municipal officer, agent, employee or Board, may hear or determine any matter which the Dade County Fire Prevention and Safety Appeals Board has the power to hear and determine pursuant to this subsection. The Board shall have the power and authority to adopt alternative requirements as provided by the aforesaid provision of Florida law, as amended from time to time.

(6) To exclusively hear and determine appeals by any person aggrieved by the actions or decisions of the South Florida Fire Prevention Code Enforcement Officer established by this article, as amended from time to time. Notwithstanding any provision of the Code of Metropolitan Dade County, Florida, the South Florida Fire Prevention Code, any municipal ordinance, or any other County ordinance, no other County or municipal officer, agent, employee or Board, may hear or determine any matter which the Dade County Fire Prevention and Safety Appeals Board has the power to hear and determine pursuant to this subsection. The Board shall have the power and authority to affirm, modify, or reverse the action or decision which was appealed.

(7) Upon the request of any chief fire official or his designee of any jurisdiction in Dade County, Florida, to render advice to the requesting party on any fire safety or fire prevention matters in Dade County, Florida.

(8) To exclusively hear and determine, after notice to municipality, whether or not fire safety standards adopted by a municipality are more stringent than the fire safety standards set forth in this article and the South Florida Fire Prevention Code, as all of same are amended from time to time. Notwithstanding any provision of the Code of Metropolitan Dade County, Florida, the South Florida Fire Prevention Code, any municipal ordinance, or any other County ordinance, no other County or municipal officer, agent, employee or Board, may hear or determine any matter which the Dade County Fire Prevention and Safety Appeals Board has the power to hear and determine pursuant to this subsection. The Board shall have the power and authority to order the chief fire official, or his designee, of the municipality or the South Florida Fire Prevention Code Enforcement Officer, or both, to enforce the fire safety standards which are the most stringent.

(9) To exclusively hear and determine, after notice of the affected County department or County Board, whether or not a provision of the Code of Metropolitan Dade County, Florida, other than the South Florida Building Code, conflicts with the provisions of this article or the South Florida Fire Prevention Code, as all of same may be amended from time to time, and, if such conflict exists, to determine which provision established the most stringent standard. Notwithstanding any provision of the Code of Metropolitan Dade County, Florida, the South Florida Fire Prevention Code, any municipal ordinance, or any other County ordinance, no other County or municipal officer, agent, employee or Board, may hear and determine any matter which the Dade County Fire Prevention and Safety Appeals Board has the power to hear and determine pursuant to this subsection. The Board shall have the power and authority to order the chief fire officials, or their designees, of all jurisdiction in Dade County, Florida, and the South Florida Fire Prevention Code Enforcement Officer, to enforce the fire safety standards which are the most stringent.

(10) Upon the request of the Board of County Commissioners, to render advice to the Board of County Commissioners or such other persons as the Board of County Commissioners may direct, on any fire prevention or fire safety matters in Dade County, Florida.

(11) To issue subpoenas to compel the presence of a witness or documents or other items at any proceeding of the Dade County Fire Prevention and Safety Appeals Board authorized under this article or the South Florida Fire Prevention Code, as all of same may be amended from time to time.

(12) To adopt, promulgate, amend and rescind such rules of procedure and evidence as may be necessary to exercise the Board's authority, provided, however, that no such rules shall conflict with the provisions of this article or the South Florida Fire Prevention Code, as all of same may be amended from time to time.

(13) The powers enumerated in this section shall be in addition to and not a limitation of or in derogation of any other powers granted to the Dade County Fire Prevention and Safety Appeals Board by any other provision of this article, the South Florida Fire Prevention Code, or by State law, rule or regulation, as all of same may be amended from time to time. Notwithstanding any provision of the Code of Metropolitan Dade County, Florida, the South Florida Fire Prevention Code, any municipal ordinance or any other County ordinance, except as provided in subsection (1) herein, no other County or municipal officer, agent, employee or Board shall exercise any of the powers granted to the Dade County Fire Prevention and Safety Appeals Board by this article, the South Florida Fire Prevention Code or by State law, rule, or regulation, as all of same may be amended from time to time.

(14) To designate one (1) or more persons to be members of one (1) or more technical advisory panels to advise the Dade County Fire Prevention and Safety Appeals Board on technical matters related to fire prevention or fire safety. The members of such panels shall be persons technically skilled and qualified to render advice on particular matters of fire prevention or fire safety pending before the Board. The members shall serve at the will of the Board and shall furnish advice and information of a technical nature to the Board for so long a period of time as the Board may request it. All such advice and information given by the panel or any member thereof shall be in the form of testimony either in person or by deposition before the Board at a regularly scheduled meeting and subject to cross-examination at the deposition and meeting by any interested party. The members of the panels shall not be deemed County officers or employees. Members of the panels may be compensated by the County.

(15) To require and administer oaths or affirmations to witnesses in any proceeding of the Board.

(Ord. No. 87-89, § 3, 12-15-87; Ord. No. 94-7, § 1, 1-18-94)

Annotation—CAO 76-39.

Sec. 14-47. Repeal of conflicting or inconsistent municipal and County laws.

This article and the South Florida Fire Prevention Code are intended and shall be construed as constituting minimum standards for all governmental units in Dade County with respect to fire prevention and safety standards, in accordance with the provisions of [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(18) of the Home Rule Charter of Government for Dade County, Florida. To the extent of the minimum standards herein provided, all County and municipal ordinance, County and municipal resolutions, municipal charters, special laws applying only to Dade County or any general law which the County Commission is authorized by the constitution to supersede, nullify or amend, and any part of any such ordinance, resolution, charter, or law in conflict with or inconsistent with the minimum fire prevention and safety standards herein established are hereby repealed and superseded.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-48. Appeals from actions or decisions.

Any person aggrieved by any action or decision described in [Section 14-46](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-46DACOFIPRSAAPBO)(D)(1), (2), (3), (4), (5), (6), (8), and (9) of this Code may appeal to the Dade County Fire Prevention and Safety Appeals Board by filing with the Secretary of said Board a written notice of appeal within fifteen (15) days after the date of the action or decision which is the subject of the appeal. Filing of a written notice of appeal shall not stay the effect of any such action or decision which is the subject to the appeal. The written notice of appeal shall set forth concisely the date and nature of the action or decision to be reviewed as well as the reasons or grounds for the appeal. The Secretary of the Board shall set each such appeal for hearing at the earliest practicable Board meeting date available and shall provide written or oral notice of the hearing to the appellant and to the person whose action or decision is the subject of the appeal. The Dade County Fire Prevention and Safety Appeals Board shall hear and consider all facts material and relevant to the appeal and shall render a decision as soon as reasonably practicable. Irrelevant, immaterial or unduly repetitious evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath or affirmation. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a decision of the Board unless it would be admissible over objection in civil actions. The Chairperson of the Board or the attorney of the Board or a Notary Public shall have the power to administer oaths or affirmations. Subpoenas may be issued by the Chairperson of the Board or another member of the Board designated by the Chairperson, upon the written request of any party or upon the Chairperson's or Board's own motion, to compel the presence of a witness or documents or other items at any proceeding of the Board authorized under this article or the South Florida Fire Prevention Code, as all of same may be amended from time to time. The Chairperson of the Board or another member of the Board designated by the Chairperson, may permit discovery, on the written request of any party or upon the Board's own motion, by any means available to the courts and in the manner provided in the Florida Rules of Civil Procedure, including the imposition of sanctions, except contempt. Any person subject to a subpoena may, before compliance and on timely petition, request the Board to invalidate the subpoena on the grounds that it was not lawfully issued, is unreasonably broad in scope, or requires the production of irrelevant material. Any party or the Board may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued hereunder by filing a petition for enforcement in the Circuit Court of Dade County, Florida. A failure to comply with an order of the Court shall result in a finding of contempt. However, no person shall be in contempt while a subpoena is being challenged as provided herein. The Court may award to the prevailing party all or part of the costs and attorneys fees incurred in obtaining the Court order. A party shall have the opportunity to respond, to present evidence and argument on all issues involved, conduct cross-examination and submit rebuttal evidence. When appropriate, the general public may be given an opportunity to present evidence. If the Board intends to consider such evidence, then all parties shall be given an opportunity to cross-examine, challenge, and rebut the evidence. When official recognition is requested, the parties shall be notified and given an opportunity to examine and contest the matter requested to be officially recognized. All decisions of the Board, pursuant to Section 553.73, Florida Statutes, as amended from time to time, shall be in writing and be binding upon all persons but shall not limit the authority of the State Fire Marshal pursuant to Section 633.161, Florida Statutes, as amended from time to time. All decisions of the Board, pursuant to Section 553.73, Florida Statutes, as amended from time to time, of general application shall be indexed by the Secretary of the Board by building and fire code sections and shall be available for inspection and copying during normal business hours. Similarly, all decisions of the chief building code enforcement official of the jurisdiction, or his designee, and the chief fire code enforcement official of the jurisdiction, or his designee, pursuant to Section 553.73, Florida Statutes, as amended from time to time, shall be in writing and be binding upon all persons but shall not limit the authority of the State Fire Marshal pursuant to Section 633.161, Florida Statutes, as amended from time to time, and said decisions of general application shall be indexed by the Secretary of the Board by building and fire code section and shall be available for inspection and copying during normal business hours. All decisions of the Board shall be in writing, shall set forth the reasons for the decision, and shall be signed by the Chairperson of the Board or other member of the Board designated by the Chairperson or in the absence of the Chairperson, a member of the Board designated by the Board. The decision of the Dade County Fire Prevention and Safety Appeals Board shall constitute final administrative review and no rehearing or reconsideration shall be considered. Any person aggrieved by any decision of the Dade County Fire Prevention and Safety Appeals Board on an appeal may seek judicial review in accordance with the Florida Rules of Appellate Procedure.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-49. South Florida Fire Prevention Code Enforcement Officer.

(A) There is hereby created and established the position of South Florida Fire Prevention Code Enforcement Officer. The South Florida Fire Prevention Code Enforcement Officer shall be appointed by the County Manager after considering the recommendations of the Dade County Fire Prevention and Safety Appeals Board. Said officer shall be exempt from the classified service and shall serve at the will of the County Manager. The Dade County Fire Prevention and Safety Appeals Board shall supervise the activities of said officer and may recommend the replacement of said officer.

(B) The County Manager may appoint and employ personnel to assist the South Florida Fire Prevention Code Enforcement Officer, subject to the appropriation of funds and approval of salaries by the Board of County Commissioners. Such personnel may include members of a South Florida Fire Prevention Code Enforcement Team who shall work under the direct supervision of the South Florida Fire Prevention Code Enforcement Officer. The Dade County Fire Prevention and Safety Appeals Board may recommend persons to the County Manager for appointment to the aforesaid team.

(C) The South Florida Fire Prevention Code Enforcement Officer or his designees shall have the following powers, duties and responsibilities:

(1) To perform inspections of any property or premises or thing in the unincorporated and incorporated areas of Dade County for the purpose of determining whether or not the jurisdiction having fire safety and fire prevention responsibilities is adequately or uniformly enforcing the provisions of the South Florida Fire Prevention Code, this article, fire safety standards adopted by a municipality which are more stringent than the fire safety standards in this article or in the South Florida Fire Prevention Code, or in the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time. No such inspection shall occur unless the chief fire code enforcement official of the jurisdiction, or his designee, is notified of the inspection prior to the occurrence in the inspection.

(2) To order any person within any jurisdiction in Dade County, Florida, to comply with the provisions of the South Florida Fire Prevention Code, this article, any fire safety standards adopted by a municipality which are more stringent than the fire safety standards in this article or in the South Florida Fire Prevention Code, or in the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time. Such order shall superseded and nullify the particular orders or actions of the fire officials of the particular jurisdiction; however, no such order shall be issued until the chief fire code enforcement official of the jurisdiction, or his designee, is afforded a reasonable period of time to obtain compliance. Said reasonable period of time shall be determined by and in the sole discretion of the South Florida Fire Prevention Enforcement Officer. The South Florida Fire Prevention Code Enforcement Officer shall provide a copy of the order to the chief fire code enforcement official of the jurisdiction, or his designee, and to the governing body of the particular jurisdiction.

(3) To report to the Dade County Fire Prevention and Safety Appeals Board all actions taken by the South Florida Fire Prevention Code Enforcement Officer and Team on no less than a monthly basis.

(4) To report, on no less than an annual basis, to the Board of County Commissioners, all activities of the South Florida Fire Prevention Code Enforcement Officer and Team.

(5) The powers enumerated in this section shall be in addition to and not a limitation of or in derogation of any other powers granted to the South Florida Fire Prevention Code Enforcement Officer by any other provision of this article, the South Florida Fire Prevention Code or by state law, rule or regulation, as all of same may be amended from time to time. No other County or municipal officer, agent, employee or Board shall exercise any of the powers granted to the South Florida Fire Prevention Code Enforcement Officer by this article, the South Florida Fire Prevention Code, or by State law, rule or regulation, as all of same may be amended from time to time.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-50. Remedies cumulative and independent.

All the judicial and administrative remedies in this article, the South Florida Fire Prevention Code, municipal ordinances, County ordinances, State laws, and rules and regulations, as all of same may be amended from time to time, are independent and cumulative.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-51. Strict liability.

Whenever a violation of this article or of the South Florida Fire Prevention Code or of a more stringent municipal fire safety standard occurs or exists, any person, individually or otherwise who has a legal, beneficial or equitable interest in the facility or instrumentality causing or contributing to the violation or who has a legal, beneficial, or equitable interest in the real property upon which such facility or instrumentality is located shall be jointly and severally liable for said violation regardless of fault and regardless of knowledge of the violation. This provision shall be construed to impose joint and several liability, regardless of fault and regardless of knowledge of the violation, upon all persons, individually or otherwise, who, although no longer having any such legal, beneficial or equitable interest in said facility or instrumentality or real property, did have such an interest at any time during which such violation existed or occurred or continued to exist or to occur. This provision shall be liberally construed and shall be retroactively applied to protect the public health, safety, and welfare and to accomplish the purposes of this article and the South Florida Fire Prevention Code.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-52. Criminal penalty.

If any person shall fail or refuse to obey or comply with, or violates any of the provisions of this article or of the South Florida Fire Prevention Code or of a more stringent fire safety standard or any lawful order of the chief fire code enforcement official of the jurisdiction, or his designee, or any lawful order of the South Florida Fire Prevention Code Enforcement Officer, or his designee, or any condition, limitation or restriction which is part of a permit issued or rendered under and pursuant to this article or the South Florida Fire Prevention Code, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both in the discretion of the court. Each day of each continued violation shall be considered as a separate offense.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-53. Permits.

(A) No person shall operate, utilize or occupy, or cause, allow, let, permit or suffer to be operated, utilized or occupied any facility, instrumentality or real property, in the unincorporated or incorporated areas of Dade County, which is required to obtain a permit issued by the Fire Department having jurisdiction pursuant to this article or the South Florida Fire Prevention Code without such a valid permit or in violation of any condition, limitation or restriction which is part of such a permit.

(B) The criterion for issuance of a permit by the Fire Department having jurisdiction shall be compliance with the provisions of this article, the South Florida Fire Prevention Code or, within a municipality, any fire safety standards adopted by a municipality which are more stringent than the fire safety standards in this article or in the South Florida Fire Prevention Code, or in the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time. The Fire Department having jurisdiction may require conditions, limitations and restrictions as part of any permit if said conditions, limitations, or restrictions are consistent with this article, the South Florida Fire Prevention Code, and, within a municipality, any fire safety standards adopted by a municipality which are more stringent than the fire safety standards in this article or in the South Florida Fire Prevention Code, or in the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(C) The Fire Department having jurisdiction may deny the issuance of, suspend or revoke any permit for failure to comply with the provisions of this article, the South Florida Fire Prevention Code, or, within a municipality, any fire safety standards adopted by a municipality which are more stringent than the fire safety standards in this article, or in the South Florida Fire Prevention Code, or in the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(D) The Fire Department having jurisdiction may deny the issuance of any such permit or revoke or suspend any such permit for failure to comply with the conditions, limitations and restrictions of any such permit.

(E) No such permits shall be required for the aforesaid facilities, instrumentalities and real property existing on the effective date of this section until one hundred twenty (120) days from the effective date of this section.

(F) All applications for permits pursuant to this section shall be on a form prescribed by the Fire Department having jurisdiction and accompanied by the required fee. The fees shall be established by administrative order of the County Manager and approved by the Board of County Commissioners for permits within the jurisdiction of the Metropolitan Dade County Fire Department. The fees shall be established by the governing body of the City of Miami Beach, the City of Miami, the City of Hialeah and the City of Coral Gables for such permits within the respective jurisdictions of the aforesaid municipalities.

(G) The permit fees payable hereunder shall be deposited in a separate County fund, or, in the case of the aforesaid municipalities, in separate municipal funds, to be used exclusively by the Fire Department of the jurisdiction to pay for the costs of the following:

(1) Investigation, preparation, and prosecution of civil and criminal actions, pursuant to this article or the South Florida Fire Prevention Code, to enforce the provisions of this article, the South Florida Fire Prevention Code and, in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than the provisions in this article, the South Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(2) Monitoring, permitting, and inspection of facilities, instrumentalities, and real property to determine and seek to insure compliance with this article, the South Florida Fire Prevention Code, and, in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than this article, the South Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(3) Responding to and attempting to resolve citizen complaints against violations or possible violations of this article, the South Florida Fire Prevention Code, and in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than this article, the South Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(4) Fire safety and prevention planning, protection, and programming.

(H) No part of such separate County and separate municipal funds shall be used for purposes other than the aforesaid. The amount of said fees shall be reasonably regulated to the cost of the services and regulation provided.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-53.1. Plan review.

(A) No County or municipal officer, agent, employee, agency, or Board shall issue any permit for construction, erection, alteration, repair, or demolition until the chief building code enforcement official of the jurisdiction, or his designee, in conjunction with the chief fire code enforcement official of the jurisdiction, or his designee, has reviewed the plans and specifications for such proposal and both of the aforesaid code enforcement officials, or their designees, have determined that the plans are in compliance with the South Florida Building Code, the South Florida Fire Prevention Code, this article, the rules and regulations of the State Fire Marshal, and any fire safety standards adopted by the municipality which are more stringent than the fire safety standards in this article, the South Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(B) Any building or structure which is exempt from the County or municipal building permit process shall not be required to have its plans reviewed pursuant to (A) above.

(C) Industrial construction on sites where design, construction, and fire safety are supervised by appropriate design and inspection professionals and which contain adequate in-house Fire Departments and rescue squads shall not be exempt from review of plans and inspections.

(D) The County or municipality shall issue a permit to construct, erect, alter, repair, or demolish any building where the plans and specifications for such proposal comply with the South Florida Building Code, the South Florida Fire Prevention Code, this article, the rules and regulations of the State Fire Marshal, and any fire safety standards adopted by the municipality which are more stringent than the fire safety standards in this article, the South Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(E) The chief building code enforcement official of the jurisdiction, or his designee, shall require of every threshold building that all plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the South Florida Building Code, the South Florida Fire Prevention Code, this article, the rules and regulations of the State Fire Marshal, and any fire safety standards adopted by the municipality which are more stringent than the fire safety standards in this article, the South Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(F) Nothing in this section shall be construed to alter or supplement the provisions of Part IV of Chapter 553, Florida Statutes, relating to factory-built housing.

(G) One- and two-family detached residential dwelling units shall not be subject to plan review by the chief fire code enforcement official of the jurisdiction, or his designee.

(H) One- and two-family detached residential dwelling units shall be subject to inspection by the chief fire code enforcement official of the jurisdiction, or his designee, or by the South Florida Fire Prevention Code Enforcement Officer, or both, pursuant to Chapter 633, Florida Statutes, this article, the South Florida Fire Prevention Code, or as provided by law, as all of same may be amended from time to time.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-54. Consent agreements.

The chief fire enforcement official of the jurisdiction, or his designee, may, in the official's or his designee's discretion, and the South Florida Fire Prevention Code Enforcement Officer may, in the officer's discretion, terminate an investigation or an action commenced under the provisions of this article or the South Florida Fire Prevention Code upon execution of a written consent agreement between the chief fire enforcement official of the jurisdiction, or his designee, or the South Florida Dire Prevention Code Enforcement Officer, and the persons who are the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance by said persons with the applicable provisions of this article, the South Florida Fire Prevention Code, and in the case of a municipality, fire safety standards adopted by the municipality which are more stringent than the provisions in this article, the South Florida Fire Prevention Code, or rules and regulations of the State Fire Marshal, as all of same may be amended from time to time. The consent agreement may, in the discretion of the chief fire code enforcement official, or his designee, or in the discretion of the South Florida Fire Prevention Code Enforcement Officer, provide the following: Posting of a surety, bond, or other security to assure compliance; costs and expenses of the Fire Department having jurisdiction or of the South Florida Fire Prevention Code Enforcement Officer for investigation, enforcement, testing, monitoring, and litigation, including attorneys' fees; civil penalties; remedial or corrective action. An executed written consent agreement shall not be evidence of a prior violation of this article, the South Florida Fire Prevention Code, or, in the case of a municipality, of any municipal ordinance. Such consent agreement shall not be deemed to impose any limitation upon any investigation or action of the South Florida Fire Prevention Code Enforcement Officer or chief fire code enforcement official of the jurisdiction, or his designee, in the enforcement of this article, the South Florida Fire Prevention Code or, in the case of a municipality, any municipal ordinance. The consent agreement shall not constitute a waiver of or limitation upon the enforcement of any federal, State or local laws and ordinances. Executed written consent agreements are hereby deemed to be lawful orders of the chief fire code enforcement official of the jurisdiction, or his designee, or of the South Florida Fire Prevention Code Enforcement Officer. Each violation of any of the terms and conditions of an executed written consent agreement shall constitute a separate offense under this article, the South Florida Fire Prevention Code, and, in the case of a municipality, an applicable municipal ordinance, by the persons who executed the consent agreement, their respective officers, directors, agents, servants, employees, and attorneys; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this article, the South Florida Fire Prevention Code, and in the case of a municipality, any applicable municipal ordinance. Decisions and actions of the chief fire code enforcement official, or his designee, or of the South Florida Fire Prevention Code Enforcement Officer, pursuant to this section or the written consent agreements provided herein, shall not be subject to review by the Dade County Fire Prevention and Safety Appeals Board or by any other County or municipal Board, officer, agent or employee.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-55. Attorneys' fees.

Upon the rendition of a judgment or decree by any of the courts of this state against any person in favor of the chief fire code enforcement official of the jurisdiction, or his designee, or in favor of the South Florida Fire Prevention Code Enforcement Officer, to enforce any of the provisions of this article or the South Florida Fire Prevention Code, the trial court, or, in the event of an appeal in which the chief fire code enforcement official of the jurisdiction, or his designee, or the South Florida Fire Prevention Code Enforcement Officer, prevails, the appellate court shall adjudge or decree against said person and in favor of the chief fire code enforcement official of the jurisdiction, or his designee, or the South Florida Fire Prevention Code Enforcement Officer, a reasonable sum as fees or compensation for the attorney of the chief fire code enforcement official of the jurisdiction, or his designee, or for the attorney of the South Florida Fire Prevention Code Enforcement Officer, who prosecuted the suit in which the recovery was had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all pending or prospective civil actions, legal or equitable, filed by the chief fire code enforcement official of any jurisdiction in Dade County, or his designee, or by the South Florida Fire Prevention Code Enforcement Officer, to enforce the provisions of this article or the South Florida Fire Prevention Code or any more stringent municipal fire safety standard. Cessation, correction or remediation of any violation of the provisions of this article or the South Florida Fire Prevention Code or of any more stringent fire safety standard whatsoever, prior to rendition of a judgment or of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the chief fire code enforcement official of the jurisdiction, or his designee, or by the South Florida Fire Prevention Code Enforcement Officer, to enforce the provisions of this article or the South Florida Fire Prevention Code or a more stringent municipal fire safety standard, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the chief fire code enforcement official of the jurisdiction, or his designee, or the South Florida Fire Prevention Code Enforcement Officer, for which attorneys' fees shall be awarded by the trial court as set forth hereinabove.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-56. Enforcement; procedure; remedies.

(A) It shall be unlawful for any person to violate or to permit, allow, let or suffer any violation of: Any of the provisions of this article, the South Florida Fire Prevention Code, or any fire safety standard of a municipality which is more stringent in accordance with Section 633.025(5), Florida Statutes, as all of same may be amended from time to time; any condition, limitation or restriction which is part of a permit issued pursuant to this article or the South Florida Fire Prevention Code, as all of same may be amended from time to time; lawful orders of the chief fire code enforcement official of the jurisdiction, or his designee; lawful orders of the South Florida Fire Prevention Code Enforcement Officer; and consent agreements. In addition to any other judicial or administrative remedies provided by this article or by the South Florida Fire Prevention Code, the chief fire code enforcement official of the jurisdiction, or his designee, or the South Florida Fire Prevention Code Enforcement Officer, or both, shall have the following judicial remedies:

(1) To institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of: Any of the provisions of this article or of the South Florida Fire Prevention Code, as all of same may be amended from time to time; any lawful order of the chief fire code enforcement official of the jurisdiction, or his designee; any lawful order of the South Florida Fire Prevention Code Enforcement Officer; any fire safety standard of a municipality which is more stringent in accordance with Section 633.025(5), Florida Statutes, as amended from time to time; any condition, limitation, or restriction which is part of a permit issued pursuant to this article or the South Florida Fire Prevention Code, as all of same may be amended from time to time; or any consent agreement.

(2) To institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty in an amount of not more than twenty-five thousand dollars ($25,000.00) for each violation of: Any of the provisions of this article or of the South Florida Fire Prevention Code, as all of same may be amended from time to time; any lawful order of chief fire code enforcement official of the jurisdiction, or his designee; any lawful order of the South Florida Fire Prevention Code Enforcement Officer; any fire safety standard of a municipality which is more stringent in accordance with Section 633.025(5), Florida Statutes, as amended from time to time; any condition, limitation, or restriction which is part of a permit issued pursuant to this article or the South Florida Fire Prevention Code, as all of same may be amended from time to time; or any consent agreement.

(3) To institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief to recover any sums expended and costs incurred for:

(i) Tracing, investigating, preventing, controlling, abating, or remedying violations of: This article, the South Florida Fire Prevention Code and fire safety standard adopted by a municipality which are more stringent in accordance with Section 633.025(5), Florida Statutes, as all of same may be amended from time to time; or any lawful order of the chief fire code enforcement official of the jurisdiction, or his designee; or any lawful order of the South Florida Fire Prevention Code Enforcement Officer; or any condition, limitation, or restriction which is a part of a permit issued pursuant to this article or the South Florida Fire Prevention Code, as all of same may be amended from time to time; or any consent agreement.

(ii) Restoration of the air, waters, property, animal life, aquatic life and plant life within the County or municipality of their former condition.

(B) Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. The right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalties to be imposed and recovered hereunder.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-57. Civil penalty and restitution fund.

(A) The sums recoverable by the chief fire code enforcement official of the jurisdiction, or his designee, or by the South Florida Fire Prevention Code Enforcement Officer pursuant to [Section 14-56](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-56ENPRRE)(A)(2) and (3) shall be deposited (i) in a separate County fund for sums recovered by the chief fire code enforcement official of the Metropolitan Dade County Fire Department, or his designee, with respect to both the incorporated and unincorporated areas of Dade County under the fire safety jurisdiction of the Metropolitan Dade County Fire Department as well as sums recovered by the South Florida Fire Prevention Code Enforcement Officer with respect to both the incorporated and unincorporated areas of Dade County, or (ii) in separate municipal funds for sums recovered by the chief fire code enforcement official, or his designee, of the following municipalities: The City of Miami Beach, the City of Miami, the City of Hialeah, and the City of Coral Gables.

(B) The aforesaid separate County and separate municipal funds shall only be used to pay for the following:

(1) Tracing, investigating, controlling, abating, and remedying violations of this article, the South Florida Fire Prevention Code and, in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than the provisions in this article, the South Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(2) Restoration of the air, waters, property, animal life, aquatic life and plant life within the County or municipality to their former condition.

(3) Fire safety and prevention, planning, protection, and programming.

(4) Responding to and attempting to resolve citizen complaints against violations or possible violations of this article, the South Florida Fire Prevention Code, and, in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than this article, the South Florida Fire Prevention Code, or the rule and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(5) Investigation, preparation, and prosecution of civil and criminal actions, pursuant to this article or the South Florida Fire Prevention Code, to enforce the provisions of this article, the South Florida Fire Prevention Code and, in the case of the aforesaid municipalities, fire standards adopted by the municipality which are more stringent than the provisions in this article, the South Florida Fire Prevention Code, or the rules and regulations of the State Fire Marshal, as all of same may be amended from time to time.

(C) No part of such separate County and separate municipal funds shall be used for purposes other than the aforesaid.

Sec. 14-58. Standards.

(A) The following standards of the National Fire Protection Association, Battery-March Park, Quincy, MA 02269, are hereby adopted by reference as if fully set forth herein:

(1) NFPA 1-1982, Fire Prevention Code, which shall only apply to combustible fibers.

(2) NFPA 10-1991, Standard for Portable Fire Extinguishers.

(3) NFPA 11-1988, Standard for Low Expansion Foam and Combined Agent Systems.

(4) NFPA 11A-1988, Standard for Medium and High Expansion Systems.

(5) NFPA 12-1989, Standard on Carbon Dioxide Extinguishing Systems.

(6) NFPA 12A-1989, Standard on Halon 1301 Fire Extinguishing Systems.

(7) NFPA 12B-1990, Standard on Halon 1211 Fire Extinguishing Systems.

(8) NFPA 13-1989, Standard for the Installation of Sprinkler Systems.

(9) NFPA 13A-1987, Inspection, Testing and Maintenance of Sprinkler Systems.

(10) NFPA 13D-1989, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Mobile Homes.

(11) NFPA 13R-1989, Installation of Sprinkler Systems in Residential Occupancies up to Four Stories in Height.

(12) NFPA 14-1990, Standard for the Installation of Standpipe and Hose Systems.

(13) NFPA 15-1990, Standard for Water Spray Fixed System for Fire Protection.

(14) NFPA 16-1991, Standard for the Installation of Deluge Foam-Water Sprinkler and Foam Water Spray Systems.

(15) NFPA 16A-1988, Standard for the Installation of Closed-Head Foam-Water Sprinklers and Foam-Water Spray Systems.

(16) NFPA 17-1990, Standard for Dry Chemical Extinguishing Systems.

(17) NFPA 17A-1990, Wet Chemical Extinguishing Systems.

(18) NFPA 20-1990, Standard for the Installation of Centrifugal Fire Pumps.

(19) NFPA 22-1987, Standard for Water Tanks for Private Fire Protection.

(20) NFPA 24-1987, Standards for the Installation of Private Fire Service Mains and Their Appurtenances.

(21) NFPA 26-1988, Supervision of Valves Controlling Water Supplies for Fire Protection.

(22) NFPA 30-1990, Flammable and Combustible Liquids Code.

(23) NFPA 30A-1990, Automotive Service Station Code.

(24) NFPA 31-1987, Standard for the Installation of Oil Burning Equipment.

(25) NFPA 32-1990, Standard for Dry Cleaning Plants.

(26) NFPA 33-1989, Standard for Spray Application Using Flammable and Combustible Materials.

(27) NFPA 34-1989, Standard for Dipping and Coating Processes Using Flammable Combustible Liquids.

(28) NFPA 35-1987, Standard for the Manufacture of Organic Coatings.

(29) NFPA 40-1988, Standard and Handling of Cellulose Nitrate Motion Picture Film.

(30) NFPA 40E-1986, Standard for the Storage of Pyroxylin Plastics.

(31) NFPA 43A-1990, Standard for the Storage of Liquid and Solid Oxidating Materials.

(32) NFPA 43B-1986, Standards for Storage of Organic Peroxide Formulation.

(33) NFPA 43C-1986, Standards for Storage of Gaseous Oxidizing Material.

(34) NFPA 43D-1986, Standard for Storage of Pesticides in Portable Containers.

(35) NFPA 45-1986, Standard of Fire Protection for Laboratories Using Chemicals.

(36) NFPA 46-1990, Storage of Forest Products.

(37) NFPA 49-1991, Hazardous Chemicals Data.

(38) NFPA 50-1990, Bulk Oxygen Systems at Consumer Sites.

(39) NFPA 50B-1989, Liquefied Hydrogen Systems at Consumer Sites.

(40) NFPA 51-1987, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes.

(41) NFPA 51A-1989, Acetylene Cylinder Charging Plants.

(42) NFPA 51B-1989, Standard for Fire Prevention and Use of Cutting and Welding Processes.

(43) NFPA 52-1988, Compressed Natural Gas Vehicular Fuel Systems.

(44) NFPA 54-1988, National Fuel Gas Code.

(45) NFPA 58-1989, Standard for the Storage and Handling of Liquefied Petroleum Gases.

(46) NFPA 61A-1989, Standard for the Prevention of Fire and Dust Explosions in Facilities Manufacturing and Handling Starch.

(47) NFPA 61B-1980, Standards for the Prevention of Fires and Explosions in Grain Elevators and Facilities Handling Bulk Raw Agricultural Commodities.

(48) NFPA 61C-1989, Standard for the Prevention of Fire and Dust Explosions in Feed Mills.

(49) NFPA 61D-1989, Standard for the Prevention of Fire and Dust Explosion in the Milling of Agriculture Commodities for Human Consumption.

(50) NFPA 65-1989, Standard for the Processing and Finishing of Aluminum.

(51) NFPA 69-1986, Explosion Venting Systems.

(52) NFPA 70-1990, National Electrical Code.

(53) NFPA 71-1989, Standard for the Installation, Maintenance and Use of Central Station Signaling Systems.

(54) NFPA 72-1990, Standard for the Installation, Maintenance and Use of Local Protective Signaling Systems.

(55) NFPA 72E-1987, Standard on Automatic Fire Detectors.

(56) NFPA 72G-1989, Guide for the Installation, Maintenance and Use of Notification Appliances for Protective Signaling Systems.

(57) NFPA 72H-1988, Guide for Testing Procedures for Local, Auxiliary, Remote Station and Proprietary Protection Signaling Systems.

(58) NFPA 74-1989, Standard for the Installation, Maintenance and Use of Household Fire Warning Equipment.

(59) NFPA 75-1989, Standard for the Protection of Electronic Computer/Data Processing Equipment.

(60) NFPA 80-1990, Standard for Fire Doors and Windows.

(61) NFPA 82-1990, Standard on Incinerators, Waste and Line Handling Systems and Equipment.

(62) NFPA 85A-1987, Standard for the Prevention of Furnace Explosions in Fuel Oil and Natural Gas-Fired Single Burner Boiler-Furnaces.

(63) NFPA 85B-1989, Standard for the Prevention of Furnace Explosions in Natural-Fired Multiple Burner Boiler-Furnaces.

(64) NFPA 85D-1989, Standard for the Prevention of Furnace Explosion in Fuel Oil-Fired Multiple Burner Boiler-Furnaces.

(65) NFPA 85E-1985, Standard for the Prevention of Furnace Explosions in Pulverized Coal-Fired Multiple Burner Boiler-Furnaces.

(66) NFPA 85F-1988, Standard for the Installation and Operation of Pulverized Fuel Systems.

(67) NFPA 85G-1987, Furnace Implosions in Multiple Burner Boiler-Furnaces.

(68) NFPA 86-1990, Standard for Ovens and Furnaces, Design, Location and Equipment.

(69) NFPA 88A-1985, Standard for Parking Structures.

(70) NFPA 88B-1985, Standard for Repair Garages.

(71) NFPA 90A-1989, Standard for the Installation of Air Conditioning and Ventilating Systems.

(72) NFPA 90B-1989, Standard for the Installation of Warm Air Heating and Air Conditioning Systems.

(73) NFPA 91-1990, Standard for the Installation of Blower and Exhaust Systems.

(74) NFPA 92B-1991, Smoke Management Systems in Mall Atria and Large Areas.

(75) NFPA 96-1991, Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment.

(76) NFPA 97M-1988, Glossary of Terms Relating to Chimneys, Vents, and Heat-Producing Appliances.

(77) NFPA 99-1990, Standard for Health Care Facilities.

(78) NFPA 99B-1990, Hypobaric Facilities.

(79) NFPA 101-1991, Safety to Life From Fire In Buildings and Structures.

(80) NFPA 101M-1988, Manual on Alternative Approaches to Life Safety.

(81) NFPA 102-1986, Standard for Assembly Seating, Tents and Air-Supported Structures.

(82) NFPA 110-1988, Standard for Emergency and Standby Power Systems.

(83) NFPA 120-1988, Standard for Coal Preparation Plants.

(84) NFPA 150-1991, Fire Safety in Racetrack Stables.

(85) NFPA 211-1988, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances.

(86) NFPA 214-1988, Water Cooling Towers.

(87) NFPA 220-1985, Standard on Types of Building Construction.

(88) NFPA 231-1990, Standard for Indoor General Storage.

(89) NFPA 231C-1991, Standard for Rack Storage of Materials.

(90) NFPA 231D-1989, Standard for Storage of Rubber Tires.

(91) NFPA 231E-1989, Storage of Baled Cotton.

(92) NFPA 231F-1987, Standard for Storage of Rolled Paper.

(93) NFPA 232-1986, Standard for the Protection of Records.

(94) NFPA 241-1989, Standard for Safeguarding Building Construction and Demolition Operations.

(95) NFPA 251-1990, Standard Methods of Fire Tests of Building Construction and Materials.

(96) NFPA 252-1990, Standard Methods of Fire Tests of Door Assemblies.

(97) NFPA 253-1990, Standard Method of Fire Tests for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source.

(98) NFPA 255-1990, Standard Method of Test of Surface Burning Characteristics of Building Materials.

(99) NFPA 256-1987, Standard Methods of Fire Tests of Roof Coverings.

(100) NFPA 257-1985, Standard for Fire Tests of Window Assemblies.

(101) NFPA 259-1987, Standard Test Method for Potential Heat of Building Materials.

(102) NFPA 303-1990, Fire Protection Standards for Marinas and Boatyards.

(103) NFPA 307-1990, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves.

(104) NFPA 327-1987, Standard Procedure for Cleaning or Safeguarding Small Tanks and Containers.

(105) NFPA 385-1990, Standard for Tank Vehicles for Flammable and Combustible Liquids.

(106) NFPA 386-1990, Standard for Portable Shipping Tanks for Flammable and Combustible Liquids.

(107) NFPA 395-1988, Standard for Storage of Flammable and Combustible Liquids on Farms and Isolated Construction Projects.

(108) NFPA 407-1990, Aircraft Fuel Servicing.

(109) NFPA 409-1990, Aircraft Hangars.

(110) NFPA 416-1987, Construction and Protection of Airport Terminal Buildings.

(111) NFPA 418-1990, Roof-Top Heliport Construction and Protection.

(112) NFPA 480-1987, Storage, Handling and Protecting of Magnesium.

(113) NFPA 490-1986, Code for the Storage of Ammonium Nitrate.

(114) NFPA 491M-1991, Hazardous Chemical Reactions.

(115) NFPA 495-1990, Manufacture, Transportation, Storage and Use of Explosive Materials.

(116) NFPA 501A-1987, Standard for Firesafety Criteria for Mobile Home Installations, Sites and Communities.

(117) NFPA 501C-1990, Standard for Firesafety Criteria for Recreational Vehicles.

(118) NFPA 501D-1990, Standards for Firesafety Criteria and Recreational Vehicle Parks and Campgrounds.

(119) NFPA 651-1987, Standard for the Manufacture of Aluminum and Magnesium Powder.

(120) NFPA 654-1988, Prevention of Fire and Dust Explosions in Chemical, Dye, Pharmaceutical and Plastic Industries.

(121) NFPA 655-1988, Prevention of Sulfur Fires and Explosions.

(122) NFPA 664-1987, Prevention of Fires and Explosions in Wood Processing and Wood Working Facilities.

(123) NFPA 701-1989, Standard Methods of Fire Tests for Flame Resistant Textiles and Films.

(124) NFPA 703-1985, Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials.

(125) NFPA 704-1990, Standard System for the Identification of the Fire Hazards of Materials.

(126) NFPA 907M-1988, Investigation of Fires of Electrical Origin.

(127) NFPA 1123-1990, Standard for Public Display of Fireworks.

(128) NFPA 1221-1988, Standard for the Installation, Maintenance and Use of Public Fire Service Communications.

(129) NFPA 1962-1988, Standard for the Care, Use and Maintenance of Fire Hose.

(130) NFPA 1963-1985, Screw Threads and Gaskets for Fire Hose Connections.

(B) The following standards of the American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018, are hereby adopted by reference as if fully set forth herein:

(1) Identification of Piping Systems, ANSI A13.1-1981

(2) Safety Code for Fixed Ladders, ANSI A14.3-1974

(3) Safety Code for Elevators and Escalators, ANSI A17.1-1984

(4) Standard for Compressed Gas Cylinder Valve, Outlet and Inlet Connections, ANSI B-57 I 1965

(5) Power Piping, ANSI B31.1-1983

(6) Fuel Gas Piping, ANSI B31.2-1968

(7) Chemical Plant and Petroleum Refinery Piping, ANSI B31.3-1984

(8) Liquid Petroleum Transportation Piping Systems, ANSI B31.4-1979

(9) Gas Transmission and Distribution Piping Systems, ANSI B31.8-1982

(10) Building Services Piping Code, ANSI B31.9-1982

(11) Manual for Determining the Remaining Strength of Corroded Pipelines, ANSI B31G-1984

(12) Refrigeration Piping, ANSI B31.5-1983

(13) Safety Code for Mechanical Refrigeration, ANSI 15-1978

(C) The following standards of the American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017, are hereby adopted by reference as if fully set forth herein:

(1) Safety Code for Elevators and Escalators, A17.1-1984

(2) Unfired Pressure Vessel Code 1980

(D) The following standards of the Underwriters Laboratories, Inc., 1285 Walt Whitman Road, Melville, Long Island, N.Y. 11747, are hereby adopted by reference as if fully set forth herein:

(1) UL647-1983, Standard for Unvented Kerosene-Fired Room Heaters and Portable Heaters.

(E) The following standards of the Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Arlington, VA 22202, are hereby adopted by reference as if fully set forth herein:

(1) CGA Pamphlet V-5, Standard for Noninterchangeable Low-Pressure Connections for Medical Gases, Air, and Suction

(2) CGA Pamphlet G-1, Acetylene

(3) CGA Pamphlet G-2, Anhydrous Ammonia

(4) CGA Pamphlet G-3, Sulphur Dioxide

(5) CGA Pamphlet G-4, Oxygen

(6) CGA Pamphlet G-5, Hydrogen

(7) CGA Pamphlet P-1, Safe Handling of Compressed Gases

(8) CGA Pamphlet P-2, Characteristics and Safe Handling of Medical Gases

(9) CGA Pamphlet V-5, Diameter-Index Safety System

(F) The following standards of the American Petroleum Institute, 2101 L Street, N.W., Washington D.C., are hereby adopted by reference as if fully set forth herein:

(1) API 620-1990 Rules for Design and Construction of Large, Welded, Low-Pressure Storage Tanks

(2) API 1604-1987, Removal and Disposal of Used Underground Petroleum Storage Tanks

(G) The following standards of the American Society for Testing Materials, 1916 Race Street, Philadelphia PA, 19103, are hereby adopted by reference as if fully set forth herein:

(1) ASTM B88-81, Seamless Copper Tube

(2) ASTM D56-77, Flash Point by Tag Closed Tester

(3) ASTM D86-62, Standard Method of Test for Distillation of Petroleum Products

(4) ASTM Flash and Fire Points by Cleveland Cup

(5) ASTM D93-75, Flash Point by Pensky-Maltens Closed Tester

(6) ASTM D323-72, Vapor Pressure of Petroleum Products

(7) ASTM D3243-73, Flash Point of Aviation Turbine Fuels by Setaflash Closed Tester

(8) ASTM D3278-73, Flash Point of Liquids by Setaflash Closed Tester

(9) ASTM E84-81a, Surface Burning Characteristics of Building Materials

(10) ASTM E136-79, Non-Combustibility of Elementary Materials

(H) The following standards of the Institute of Makers of Explosives, 1575 I Street, N.W., Washington, D.C. 20005, are hereby adopted by reference as if fully set forth herein:

(1) Pamphlet No. 1, Standard Storage Magazine

(2) Pamphlet No. 20, Radio Frequency Radiation Hazard in Use of Electric Blasting Caps

(I) The following standards of the Fertilizer Institute, 1015—18th Street, N.W., Washington, D.C. 20006, are hereby adopted by reference as if fully set forth herein:

(1) Definition and Test Procedures for Ammonium Nitrate Fertilizer

(J) The following standards of the Architectural Fabric Structures Institute, 1800 Pickwick Avenue, Glenview, IL 60025-1377, are hereby adopted by reference as if fully set forth herein:

(1) ASI-1977, Air Structures Design and Standards Manual.

(Ord. No. 87-89, § 3, 12-15-87; Ord. No. 90-150, § 2, 12-18-90; Ord. No. 92-35, § 1, 5-5-92)

Sec. 14-59. Alternative requirements.

References in this article or the South Florida Fire Prevention Code to provisions and standards shall be deemed to include any alternative requirements or any alternatives authorized pursuant to law and ordinance.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-60. Submission to legislature.

The Dade County Board of Rules and Appeals is hereby directed to send a certified copy of this article and a certified copy of the South Florida Fire Prevention Code to the Legislature of the State of Florida on the effective date of this Ordinance Number 87-89.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-61. Search warrants.

The chief fire code enforcement officials of the jurisdictions in Dade County, Florida, having fire safety responsibilities, or their respective designees, and the South Florida Fire Prevention Code Enforcement Officer, or his designee, are hereby authorized and empowered to seek all search warrants reasonable and necessary to carry out their respective responsibilities, powers and duties set forth in this article and the South Florida Fire Prevention Code in accordance with the requirements of the Constitutions of the United States of America and the State of Florida.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-62. Inspections; inspection warrants.

(A) Any duly authorized representative of the chief fire code enforcement official of the jurisdiction, or his designee, or the South Florida Fire Prevention Code Enforcement Officer, may, at any reasonable time, enter, monitor, sample, test, and inspect, as often as may be necessary, any property, premises, building or place, public or private, residential or nonresidential, owner-occupied or nonowner occupied, within the jurisdiction, for the purpose of: Ascertaining and causing to be corrected any conditions which may cause or contribute to a fire; or which conditions may endanger life and property due to fire; to enforce the provisions of this article, the South Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal, and any municipal ordinance containing fire safety standards which are more stringent than the foregoing; and to investigate the cause, origin, circumstances of every fire occurring within the jurisdiction which is suspicious in nature or which involves the loss of life or injury to person or by which property has been damaged.

(B) No person shall refuse reasonable entry or access to the duly authorized representative who requests entry for any of the purposes set forth in (A) above and who presents appropriate credentials identifying himself.

(C) No person shall obstruct, hamper, or interfere with any such inspection, entry, monitoring, testing, or sampling.

(D) An inspection, entry, monitoring, testing and sampling, pursuant to this section may be conducted only after:

(1) Consent for the entry, inspection, testing, monitoring and sampling is received from the owner or person in charge of the property, building, premises or place; or

(2) An inspection warrant as provided in this section or by law is obtained.

(E) An inspection warrant as authorized by this article may be issued by a judge of any County Court or Circuit Court of this State which has jurisdiction of the place or thing to be searched.

(F) Upon proper affidavit being made, an inspection warrant may be issued pursuant to the provisions of this article for the following causes shown:

(1) When it is reasonable to believe that the properties or items to be inspected may be connected with or contain evidence of the violation of any of the provisions of this article, the South Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal, or any fire safety standard of a municipality which is more stringent than the foregoing; or

(2) When the inspection sought is an integral part of a scheme of systematic routine or area inspections based upon reasonable legislative or administrative standards and neutral criteria.

(G) Before issuing an inspection warrant, the judge shall examine on oath or affirmation the applicant and any other witness and shall satisfy himself of the existence of cause as set forth in (F) above for granting such application.

(H) If the judge is satisfied that cause for the inspection warrant exists, the judge may issue the warrant particularly describing the place, dwelling, item, structure or premises to be inspected and designating on the warrant the purpose and limitations of the inspection.

(I) An inspection warrant shall be effective for the time specified therein, but not for a period of more than fourteen (14) days unless it is extended or renewed by the judge who signed and issued the original warrant upon satisfying himself that such extension or renewal is in the public interest. Such inspection warrant must be executed and returned to the judge by whom it was issued within the time specified in the warrant or within the extended or renewed time. After the expiration of such time, the warrant, unless executed, is void.

(J) An inspection pursuant to an inspection warrant shall not be made by means of forcible entry, except that the judge may expressly authorize a forcible entry when facts are shown which are sufficient to create a reasonable suspicion of a violation which, if such violation existed, would be an immediate threat to health or safety or when facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful.

(K) Each jurisdiction in Dade County with fire safety responsibilities shall prepare and institute a fire safety and fire prevention inspection program for routine and area inspections within each such jurisdiction based upon specific, objective and neutral criteria and standards contained in written plans prepared by each of said jurisdictions. No inspection warrant shall be issued within the jurisdiction based upon cause under (F)(2) of this section, unless and until the written plan of the jurisdiction aforesaid is approved by the Board of County Commissioners by ordinance.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-63. Orders.

(A) Whenever evidence has been received establishing that a violation of this article, the South Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal, or any fire safety standards of a municipality which are more stringent than any of the foregoing, has occurred or may reasonably be expected to occur, the chief fire code enforcement official of the jurisdiction, or his designee, or the South Florida Fire Prevention Code Enforcement Officer, or both, may issue, in their discretion, a notice to correct the violation or a citation to cease the violation and cause the same to be served upon the violator by personal service or certified mail to the violator's last known address or post office box or by posting a copy in a conspicuous place at the premises of the violation. Failure to claim the certified mail shall be deemed to be complete and proper service. Such notice or citation shall briefly set forth the general nature of the violation and specify a reasonable time within which the violation shall be rectified or stopped. Reasonable time herein means the shortest practicable time to rectify or stop the violation. Such notice or citation may require the violator to restrict, cease or suspend use or operation of the facility or premises. Any orders hereunder may be enforced as provided in [Section 14-56](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-56ENPRRE) of this article. This provision shall not be construed to require the issuance or service of a notice of violation or citation to cease or other order prior to initiating proceedings against a violator pursuant to [Section 14-56](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-56ENPRRE) of this article.

(B) For the purposes of this article, a violator shall mean the owner, lessee and any other person responsible for the condition of the premises. In the case of a corporation it shall also mean the resident agent, any director or officer. In the case of a partnership it shall also mean any partner.

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-64. Correction of violations.

(A) When a violation of this article, the South Florida Fire Prevention Code, the rules and regulations of the State Fire Marshal or any fire safety standard of a municipality more stringent than any of the foregoing, has occurred or continues to exist or when there is a reasonable likelihood of imminent endangerment to life or property because of a threatened violation of any of the foregoing provisions, the chief fire code enforcement official of the jurisdiction, or his designee, or the South Florida Fire Prevention Code Enforcement Officer, or both, in their discretion, may:

(1) Take any action necessary to prevent such a violation, and

(2) Trace, investigate, control, abate and remedy such a violation, and

(3) Restore the air, waters, property, animal life, aquatic life and plant life within the County or municipality to their former condition.

(B) This section shall not be construed to provide a defense to or otherwise relieve or limit the liability or responsibility of any person who violated or is violating the particular provisions of law or ordinance aforesaid. Any sums expended may be recovered as provided by [Section 14-56](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-56ENPRRE)(A)(3)(i) and (ii).

(Ord. No. 87-89, § 3, 12-15-87)

Sec. 14-65. Liens.

Owners of real property shall be liable for the sums expended by the County or municipality pursuant to [Section 14-64](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-64COVI) of this article when the violation occurred or continued to exist or appeared imminent upon the real property aforesaid, regardless of fault and regardless of knowledge of the aforesaid violation. All sums expended by the county or municipality pursuant to [Section 14-64](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-64COVI) of this article shall constitute and are hereby imposed as special assessments against the real property aforesaid, and until fully paid and discharged or barred by law, shall remain liens equal in rank and dignity with the lien of County or municipal ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. All such sums shall become immediately due and owing to the County or municipality upon expenditure by the County or municipality and shall become delinquent if not fully paid within sixty (60) days after the due date. All such delinquent sums shall bear a penalty of fifteen (15) percent per annum. Unpaid and delinquent sums, together with all penalties imposed thereon, shall remain and constitute special assessment liens against the real property involved for the period of five (5) years from the due date thereof. Said special assessment liens may be enforced by the County or municipality by any of the methods provided in Chapter 85, Florida Statutes, or, in the alternative, foreclosure proceedings may be instituted and prosecuted by the County or municipality pursuant to the provisions of Chapter 173, Florida Statutes, or the collection and enforcement of payment thereof may be accomplished by any other method provided by law. All sums recovered by the County or municipality pursuant to this provision shall be deposited by the County or municipality into the fund from which said sums were expended.

(Ord. No. 87-89, § 3, 12-15-87; Ord. No. 90-150, § 4, 12-18-90)

Sec. 14-66. Fire alarms.

(1) *Purpose.* The purpose of this section is to seek to obtain proper installation, operation, maintenance, testing, and supervision of fire alarm systems and to seek to obtain compliance with Chapter 633, Florida Statutes, the Florida Fire Prevention Code, the Florida Administrative Code Rule 69A-48 and Rule 69A-60, NFPA 72 (2002 Edition) National Fire Alarm Code, NFPA 13 (2002 Edition) Standard for the Installation of Sprinkler Systems and this section.

(2) *Scope of regulation.* The provisions of this section shall apply to all fire alarm systems, except one- and two-family dwelling unit fire alarm systems, within the geographical area of Miami-Dade County.

(3) *Definitions applicable to* [*Section 14-66*](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-66FIAL) *and* [*Section 14-67*](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-67SPSYFIPUOTEXSY) *of this Code.*

(a) *Alarm Signal.* A signal indicating an emergency that requires immediate action including, but not limited to, a signal indicative of fire.

(b) *Annunciator.* A unit containing one or more indicator lamps, alphanumeric displays, or other equivalent means in which each indication provides status information about a circuit, condition, or location.

(c) *Authority Having Jurisdiction (AHJ).* The chief fire official responsible for approving equipment, materials, an installation, or a procedure.

(d) *Central Station.* A supervising station that is listed for central station service.

(e) *Central Station Fire Alarm System.* A system or group of systems in which the operations of circuits and devices are transmitted automatically to, recorded in, maintained by, and supervised from a listed central station that has competent and experienced servers and operators who, upon receipt of a signal, take such action as required by this Code. Such service is to be controlled and operated by a person, firm, or corporation whose business is the furnishing, maintaining, or monitoring of supervised fire alarm systems.

(f) *Central Station Service.* The use of a system or a group of systems in which the operations of circuits and devices at a protected property are signaled to, recorded in, and supervised from a listed central station that has competent and experienced operators who, upon receipt of a signal, take such action as required by this Code. Related activities at the protected property, such as equipment installation, inspection, testing, maintenance, and runner service, are the responsibility of the central station or a listed fire alarm service local company.

(g) *Certificate (Certificated).* Posted verification of a systematic program that uses randomly selected follow-up inspections of the certificated systems installed under the program that allows the listing organization to verify that a fire alarm system complies with all the requirements of NFPA 72 (2002 Edition) National Fire Alarm Code. A system installed under such a program is identified by the issuance of a certificate and is designated as a certificated system.

(h) *Combination System.* A fire alarm system in which components are used, in whole or in part, in common with a non-fire signaling system.

(i) *Fire Department Notification.* The immediate and automatic notification of the local fire jurisdiction by electronic means in accordance with NFPA 72 (2002 Edition) National Fire Alarm Code, that a fire alarm signal has been reported to the fire alarm system.

(j) *Evacuation Signal.* A distinctive signal intended to be recognized by the occupants as requiring evacuation of the building or zone.

(k) *Fire Alarm Control Unit (Fire Alarm Control Panel).* A system component that receives inputs from automatic and manual fire alarm devices and might supply power to detection devices and to a transponder(s) or off-premises transmitter(s). The control unit might also provide transfer of power to the notification appliances and transfer of condition to relays or devices connected to the control unit. The fire alarm control unit can be a local fire alarm control unit or a master control unit.

(l) *Fire Alarm Signal.* A signal initiated by a fire alarm-initiating device such as a manual fire alarm box, automatic fire detector, water flow switch, or other device in which activation is indicative of the presence of a fire or a fire signature.

(m) *Fire Alarm System.* A system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

(n) *Listed.* Equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

(o) *Master Control Unit (Panel).* A control unit that serves the protected premises or portion of the protected premises as a local control unit and accepts inputs from other fire alarm control units.

(p) *Nuisance Alarm.* Any alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or any alarm activated by a cause that cannot be determined.

(q) *Placard (Placarded).* A means to signify that the fire alarm system of a particular facility is receiving central station service in accordance with NFPA 72 (2002 Edition) National Fire Alarm Code by a listed central station or listed fire alarm service-local company that is part of a systematic follow-up program under the control of an independent third-party listing organization or a nationally recognized testing laboratory.

(r) *Proprietary Supervising Station.* A location to which alarm or supervisory signaling devices on proprietary fire alarm systems are connected and where personnel are in attendance at all times to supervise operation and investigate all signals.

(s) *Proprietary Supervising Station Fire Alarm System.* An installation of fire alarm systems that serves contiguous and noncontiguous properties, under one ownership, from a proprietary supervising station located at the protected property, or at one of multiple non-contiguous protected properties, at which trained, competent personnel are in constant attendance.

(t) *Protected Premises.* The physical location protected by a fire alarm system.

(u) *Protected Premises (Local) Fire Alarm System.* A protected premises system that sounds an alarm at the protected premises as the result of the manual operation of a fire alarm box or the operation of protection equipment or systems including, but not limited to, water flowing in a sprinkler system, the discharge of carbon dioxide, the detection of smoke, or the detection of heat.

(v) *Remote Supervising Station Fire Alarm System.* A system installed in accordance with this Code to transmit alarm, supervisory, and trouble signals from one or more protected premises to a remote location where appropriate action is taken.

(w) *Runner.* A fire alarm service technician who is qualified to inspect, test and maintain fire alarm systems in accordance with NFPA 72 (2002 Edition) National Fire Alarm Code, who is licensed pursuant to Chapter 489 Part II, Florida Statutes, and who is available at all times to respond to signals at a protected premises.

(x) *Runner Service.* The service provided by a runner at the protected premises, including resetting and silencing of all equipment transmitting fire alarm or supervisory signals to an off-premises location and the restoration or repair of the fire alarm system.

(y) *Signal.* A status indication communicated by electrical or other means.

(z) *Sprinkler system.* For fire protection purposes, an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The installation includes one or more automatic water supplies. The portion of the sprinkler system aboveground is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are attached in a systematic pattern. The valve controlling each system riser is located in the system riser or its supply piping. Each sprinkler system riser includes a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

(aa) *Supervision.* The monitoring of supervisory signals by qualified personnel from an approved monitoring facility in compliance with NFPA 72 (2002 Edition) National Fire Alarm Code.

(bb) *Supervisory Signal.* A signal indicating the need for action in connection with the supervision of guard tours, the fire suppression systems or equipment, or the maintenance features of related systems.

(cc) *Supervising Station.* A facility that receives signals and at which personnel are in attendance at all times to respond to these signals.

(dd) *Supervisory Service.* The service required to monitor performance of guard tours and the operative condition of fixed suppression systems or other systems for the protection of life and property.

(ee) *Third-Party Verification Organization.* An independent organization providing published standards for the operation and administration of a listed central station service program that is acceptable to the authority having jurisdiction and that operates in accordance with NFPA 72 (2002 Edition) National Fire Alarm Code in providing a system for the verification and listing of fire alarm systems for central station service and which provides a certificate or placard indicating compliance.

(ff) *Trouble Signal.* A signal initiated by the fire alarm system or device indicative of a fault in a monitored circuit or component.

(4) *Runner Service and Service Contracts.* All fire alarm systems shall be required to have in effect at all times a service contract with a licensed fire alarm service contractor, a listed fire alarm service-local company or a listed central station to provide all maintenance, service and testing as required by this Code.

(a) The service contract shall include a provision for runner service available to respond to the protected premises at any and all times within two (2) hours of notification of the runner service of any alarm or supervisory signal, and within four (4) hours of notification of any trouble signal. Existing fire alarm systems shall comply with [Section 14-66](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-66FIAL)(4) of this Code not later than five hundred forty-five (545) days after the effective date of this ordinance. The authority having jurisdiction shall have the authority to extend the time for compliance with [Section 14-66](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-66FIAL)(4) of this Code for existing fire alarm systems to not later than one thousand ninety-five (1,095) days after the effective date of this ordinance if the authority having jurisdiction determines that compliance within five hundred forty-five (545) days is not reasonable under all the facts and circumstances.

1. The runner shall restore the fire alarm system to complete working order.

2. In the event that the runner cannot restore the fire alarm system to complete working order, the building, structure, or occupancy may be subject to certain limitations, conditions, and restrictions, including fire watch requirements, as determined by the authority having jurisdiction.

(b) Posting requirements. A fire alarm user shall conspicuously post at the main entrance to the alarm user's premises a notice stating: (1) the name of an individual or alarm company able and authorized to enter the premises and deactivate the alarm; (2) emergency telephone numbers by which those individuals can be reached at all times; and (3) the name and address of the alarm user. The information must be kept current and failure to update this information within forty-eight (48) hours of any change constitutes a violation of this section.

(c) The runner at all times shall be provided with a key or other means of accessing the fire alarm control panel at any time.

(d) The licensed fire alarm service contractor, listed fire alarm service-local company or listed central station shall provide to the authority having jurisdiction written notification in such form and manner as approved by the authority having jurisdiction not less than thirty (30) days prior to the termination, cancellation, or expiration of the service contract and shall not terminate the services required by the contract for any reason until thirty (30) days after said notification has been received by the authority having jurisdiction.

(5) *Serviceability.* All fire alarm systems shall be maintained fully functional at all times and all deficiencies shall be reported to the authority having jurisdiction in writing in accordance with Florida Administrative Code Rule 69A-48, and shall be repaired not later than four (4) hours after the fire alarm system is out of service or not later than a time determined by the authority having jurisdiction.

(6) *Evacuation Signals.* All fire alarm systems providing evacuation signals shall provide audible notification signals at the sound pressure levels required in NFPA 72 (2002 Edition) National Fire Alarm Code.

(a) Existing fire alarm systems not meeting a minimum sound pressure level of at least 15 dBA above the average ambient sound level, or 5 dBA above the maximum sound level having a duration of at least sixty seconds, whichever is greater, measured 1.5 meters above the floor in the occupiable area, using the A-weighted scale (dBA), may be required by the authority having jurisdiction to upgrade the audibility of the fire alarm system to meet all of the requirements set forth in NFPA 72 (2002 Edition) National Fire Alarm Code. The minimum sound level in sleeping rooms or areas with all intervening barriers closed shall be 70 dBA. Fire alarm systems not meeting the 70 dBA standard may be required by the authority having jurisdiction to upgrade the audibility of the system to meet the requirements set forth in NFPA 72 (2002 Edition) National Fire Alarm Code.

(b) If the authority having jurisdiction reasonably believes that an existing fire alarm system does not provide adequate sound pressure levels to accomplish evacuation notification then the authority having jurisdiction may, in the discretion of the authority having jurisdiction, require that the user of the existing fire alarm system provide to the authority having jurisdiction a signed, written report in such form and manner as approved by the authority having jurisdiction from a fire alarm contractor licensed to service fire alarm systems in Miami-Dade County setting forth the sound pressure levels (dBA) throughout the building. The fire alarm system user shall provide the signed, written report to the authority having jurisdiction not later than sixty (60) days after receipt of written notification from the authority having jurisdiction to provide the signed written report.

(7) *Annunciators and Fire Alarm Control Units.* All protected premises shall be required to have the fire alarm control unit or a remote annunciator located in the building lobby near the main entrance, or, if there is no main entrance or lobby, in a common area where the fire alarm control unit or remote annunciator can be seen and heard by the occupants of the building, structure, or occupancy, or shall be located in another location approved by the authority having jurisdiction.

(a) Existing remote supervising station fire alarm systems which are otherwise in compliance with this section may be exempted from the provisions of [Section 14-66](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-66FIAL)(7) of this Code by the authority having jurisdiction when it is determined by the authority having jurisdiction that a reasonable degree of safety is provided without the addition of a remote annunciator.

(8) *Supervising Stations.* All supervising stations shall be listed by a third-party verification organization acceptable to the authority having jurisdiction.

(9) *New Installations.* All new fire alarm systems and all new sprinkler systems with supervision or emergency forces notification shall meet the requirements for central station service or proprietary supervising station fire alarm systems and shall be either a certificated or placarded central station fire alarm system as set forth in NFPA 72 (2002 Edition) National Fire Alarm Code or a listed proprietary supervising fire alarm system.

(a) Verification of compliance with the requirements of this section with respect to the installation of new fire alarm systems, as implemented in accordance with the applicable code(s), specifications, or other criteria applicable to the specific installation, shall be certified by a third-party verification organization acceptable to the authority having jurisdiction and shall be evidenced by a certificate or placard.

(b) The user of all new fire alarm systems and new sprinkler systems with supervision or emergency forces notification shall at all times conspicuously post a certificate or a placard on or within thirty-six (36) inches of the fire alarm control unit, as set forth in NFPA 72 (2002 Edition) National Fire Alarm Code.

(10) *Upgrades, Renovation, Additions, Repairs, or Modernization.* Any upgrade, renovation, addition, repair, or modernization of any existing fire alarm system which includes the replacement of the master control unit with anything other than the exact make and model as the existing master control unit or which includes the addition of a fire alarm control panel which will provide or replace any of the functions of the existing master control unit, except notification, shall be required to have the complete fire alarm system in compliance with all the requirements for new installations. If an upgrade, renovation, addition, repair, or modernization includes greater than one-half of the entire fire alarm system, then the entire fire alarm system shall be required to be in compliance with [Section 14-66](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-66FIAL) (9) of this Code.

(11) *Proprietary Supervising Station Fire Alarm Systems.*

(a) All proprietary supervising station fire alarm systems shall be listed by a third party verification organization.

(b) Existing proprietary supervising station fire alarm systems shall comply with subsection (11)(a) hereinabove not later than five hundred forty-five (545) days after the effective date of this ordinance.

(12) *False Alarms, Inoperable Systems, Remedy of Existing Systems.* Any existing fire alarm system determined by the authority having jurisdiction to be inoperable for any reason, unless the system has been reported to the authority having jurisdiction and is in the process of actively being repaired, or a fire alarm system which has caused more than four nuisance alarms within any three hundred sixty-five (365) day period, shall be required to upgrade the fire alarm system to be in compliance with the new fire alarm requirements set forth in NFPA 101 (2003 Edition) Life Safety Code and [Section 14-66](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-66FIAL)(9) of this Code.

(Ord. No. 08-27, § 1, 3-4-08)

Sec. 14-67. Sprinkler systems, fire pumps, and other extinguishing systems.

(1) *Purpose.* The purpose of this section is to seek to obtain proper installation, operation, maintenance, testing, and supervision of sprinkler systems, fire pumps, and other fire extinguishing systems, and to seek to obtain compliance with Chapter 633, Florida Statutes, the Florida Fire Prevention Code, the Florida Administrative Code Rule 69A-48 and Rule 69A-60, NFPA 72 (2002 Edition) National Fire Alarm Code, NFPA 13 (2002 Edition) Standard for the Installation of Sprinkler Systems, NFPA 13R (2002 Edition) Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, and this section.

(2) *Scope of Regulations.* The provisions of this section shall apply to all sprinkler systems, except one- and two-family dwelling unit sprinkler systems, within the geographical area of Miami-Dade County.

(3) *New Sprinkler Systems.* All new sprinkler systems shall be supervised in accordance with NFPA 72 (2002 Edition) National Fire Alarm Code.

(4) *Compliance with* [*Section 14-66*](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-66FIAL)Sprinkler systems, fire pumps and other extinguishing systems required to be supervised in accordance with NFPA 72 (2002 Edition), by any applicable code, or this section shall be installed, maintained, serviced and operated in accordance with all applicable codes and standards and [Section 14-66](../level3/PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO.docx#PTIIICOOR_CH14FIPR_ARTIIISOFLFIPRCO_S14-66FIAL) of this Code.

(Ord. No. 08-27, § 1, 3-4-08)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 87-89, § 1, adopted Dec. 15, 1987, repealed the Dade County Fire Prevention and Safety Code and § 2 of said ordinance enacted the South Florida Fire Prevention Code. Ord. No. 87-89, § 3, adopted Dec. 15, 1987, amended Art. III, relative to the Dade County Fire Prevention Code, in its entirety to read as herein set out. Formally, Art. III was composed of §§ 14-40—14-47 as derived from Ord. No. 66-31, §§ 1—8, adopted July 26, 1966; Ord. No. 68-6, § 1, adopted Feb. 6, 1968; and Ord. No. 78-30, §§ 1, 2, adopted April 18, 1978. [(Back)](#BK_1FAB9A58FA2E4EB6E84AE7A6B9DAECD8)

**Cross reference—** Building code, Ch. 8; explosives, Ch. 13. [(Back)](#BK_1FAB9A58FA2E4EB6E84AE7A6B9DAECD8)

**State Law reference—** Minimum fire safety standards, F.S. § 633.025. [(Back)](#BK_1FAB9A58FA2E4EB6E84AE7A6B9DAECD8)