

PROPOSED ORDINANCE NO. 2007-21

REVISION NO. 1

ORDINANCE NO. 1590

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING SECTION 134.05 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "FALSE SILENT ALARMS"; AMENDING SECTION 134.99, ENTITLED "PENALTIES"; FURTHER AMENDING SECTION 150.32 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "INSPECTION OF FIRE SAFETY PLANS AND APPARATUS; FEE SCHEDULE"; PROVIDING FOR A REVISED FEE FOR CONDUCTING ANNUAL FIRE INSPECTIONS; PROVIDING FOR AN INCREASE IN THE FEE FOR CONDUCTING LIFE SAFETY PLAN REVIEWS; PROVIDING FOR AN INCREASE IN THE FEE FOR FALSE FIRE ALARMS; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fire Department of the City of Pembroke Pines, Florida (hereinafter referred to as the "City") has reviewed the City's fees associated with fire rescue services and determined that such fees have not been revised since the City's Commission's adoption of Ordinance No. 1140 on October 18, 1995; and

WHEREAS, the City is in the process of reevaluating a number of service, permitting and other fees, and the City Commission, based on the recommendation of the Fire Chief, determines that it is appropriate to reexamine the fees associated with fire rescue and inspection services; and

WHEREAS, increases in the fire rescue and inspection service fees will better enable the Pembroke Pines Fire Department to continue to provide a high

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level and quality of service to the residents and businesses in the City despite recent negative impacts on the City's budget; and

WHEREAS, the City Commission has determined that the foregoing amendments are in the best interest of the citizens, residents and businesses of the City of Pembroke Pines;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Section 134.05, entitled "False Silent Alarms" of the Code of Ordinances of the City of Pembroke Pines shall be, as follows:

§ 134.05 False Silent Alarms

(A) Any person knowingly communicating by electronic or electric means, or otherwise turning in, causing to be made, or communicating a false silent alarm, including but not limited to audible or visual alarms, to the Police Department, ~~Fire Department~~, or to any person engaged in the business of receiving and reporting silent alarms to the Police ~~or Fire~~ Department shall be in violation of this section for making in excess of two false silent alarms, including but not limited to audible or visual alarms, per quarter of the calendar year.

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(B) Any person failing to post a telephone number to be called in the case of an emergency in the window or door of his or her business premises shall be in violation of this section. This posting shall be in a place visible to individuals outside of the business premises.

(C) After two false silent alarms per quarter, any person convicted of violating the provisions of this section shall be punished by a fine as set forth in, §134.99, for each violation. Each additional false silent alarm after the two per quarter allowance shall be considered a separate violation of this section.

(D) Any person knowingly communicating by electronic or electric means, or otherwise turning in, causing to be made, or communicating a false alarm, including but not limited to audible or visual alarms to the Fire Department shall be in violation of this section. After two false alarms are reported to the Fire Department within a twelve month period, fines shall be assessed as set forth in §134.99(C), for each violation.

~~(D)~~ (E) Failure to post a telephone number in the window or the door of a business premises as required by division (B) of this section will be punished by a fine as set forth in § 134.99, for each violation.

Section 3. Section 134.99, entitled "Penalty" of the Code of Ordinances of the City of Pembroke Pines shall be, as follows:

§134.99 Penalty.

(A) The violation of any provision of this chapter for which another penalty is not otherwise provided, shall be punished as set forth in § 130.99.

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(B) After two false silent alarms per quarter, any person convicted of violating § 134.05(A) shall be punished by a fine of not more than \$175 for each violation. Each additional false silent alarm after the two per quarter allowance shall be considered a separate violation of § 134.05(A).

(C) After two false alarms are reported violating §134.05(D) a fine of \$100 shall be imposed for the third violation, \$200 for the fourth violation, \$300 for the fifth and subsequent alarm violations within a twelve (12) month period. Once the alarm system has been repaired and re-certified, any additional false alarms that follow in the same twelve (12) month period shall begin at the \$100 fee and progress as stated in this section for subsequent false alarms.

~~(C)~~ (D) Failure to post a telephone number as required by § 134.05(B) will be punished by a fine of not more than \$150 for each violation

Section 4. Section 150.32, entitled "Inspection of Fire Safety Plans and Apparatus; Fee Schedule", of the Code of Ordinances of the City of Pembroke Pines shall be, as follows:

~~§150.32 Inspection of Fire Safety Plans and Annual Fire Inspections,~~
Life Safety Plan Review and Apparatus; Fee Schedule.

The following fee schedule relating to life safety plan review fees, plans examination, inspection, and testing of fire safety and fire-extinguishing apparatus, and annual fire inspection is hereby adopted and enacted within the city.

(A) Life safety plan review fees shall be levied on all new construction, alterations and similar type work requiring a permit except one- and two-family detached residential dwelling units in the

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City. In cases when square footage is not applicable, the minimum fee shall apply.

~~(A) Plans examination.~~

Fees

(1) Minimum fee ~~\$5.00~~ \$50.00

(2) Construction per square foot, each floor ~~\$0.05~~

~~(2) Residential and commercial structures under 50 feet in height (excluding single family and duplex dwellings).~~

~~(a) New construction, per 1,000 square feet, each floor—
2.40~~

~~(b) Additions, per 1,000 square feet, each floor—2.30~~

~~(c) Alterations, per 1,000 square feet, each floor—2.30~~

(d) (3) If plans must be re-examined because of major changes or alterations, a re-examination fee shall be charged which shall be equal to 50% of the original examination fee.

~~(3) Residential and commercial structures over 50 feet in height.~~

~~(a) New construction, per 1,000 square feet, each floor—
\$3.10~~

~~(b) Additions, per 1,000 square feet, each floor—2.90~~

~~(c) Alterations, per 1,000 square feet, each floor—2.90~~

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~~(d) If plans must be re-examined because of major changes or alterations, a re-examination fee shall be charged which shall be equal to 50% of the original examination fee.~~

(B) Inspection and testing of fire safety and fire-extinguishing apparatus inspection; testing fees for new buildings, additions, alterations, and repairs, modifications of occupancy, and pre-sale inspection and annual tests.

(1) Fire standpipe (per test).

Fees

(a) Minimum fee \$50.00

(b) Fee per residential unit or per 1,000 square feet of gross floor area in non-residential structures 2.50

(2) Fire sprinkler system (per test).

(a) Minimum fee \$25.00

(b) Fee per 1,000 square feet of gross floor area 3.50

(c) Fee per each 1,000 square feet of gross floor area in excess of 50,000 square feet 2.50

~~(3) High-rise standpipe and sprinkler systems (for existing buildings).~~

~~(a) Fire standpipe system (per test).~~

~~1. Minimum fee \$50.00~~

~~2. Fee per residential unit or 1,000 square feet of gross floor area in non-residential occupancies 2.50~~

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~~(b) Fire sprinkler system (excluding buildings with standpipe systems), per test.~~

~~1. Minimum fee — \$25.00~~

~~2. Fee per 1,000 square feet of gross floor area. — 3.50~~

~~3. Fee per each 1,000 square feet of gross floor area in excess of 50,000 square feet — 2.50~~

(3) Sprinkler system annual backflow preventer certification processing fee \$25.00

~~(c) Collection, disposal of fees. The fees specified herein shall be collected by the Building and Zoning Department at the time that plans are submitted for review or at the time that the fire safety and fire extinguishing apparatus inspections and testing are accomplished. Thereafter, the Building and Zoning Department shall remit the funds to the account of the Fire Department to be used to promote fire safety within the city.~~

(4) Fire alarm annual inspection minimum fee \$35.50

(C) Annual fire inspections shall be conducted on all businesses or commercial enterprises operating within the City and each business or commercial enterprise shall receive an individual inspection notwithstanding that more than one business or commercial enterprise may be located within a single structure. The "owner" as defined by the Florida Building Code shall be responsible for payment of the inspection fees, provided however that the property owner, as set forth on the latest tax assessment roll provided to the City by the property appraiser's office, shall be ultimately responsible for the payment of the fees set forth herein.

(1) Residential: Hotels, Multiple Family dwelling units, (3 or more):

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Fees

(a) Up to 50 units _____ \$6.00 per unit

(b) 51 to 100 units _____ \$4.75 per unit

(c) 101 or more units _____ \$2.50 per unit

(2) Commercial Buildings

(a) Flat fee _____ \$50.00 per building

(3) Commercial Occupancies (Including Family Day Care and Group Homes)

(a) Up to 2,500 square feet _____ \$40.75

(b) 2,501 to 5,000 square feet _____ \$66.75

(c) Each additional 1,000 square feet _____ \$4.75

(4) Re-inspection fee

(a) \$30.00 or 25% of initial inspection, whichever is greater.

(D) Collection, disposal of fees. The fees specified herein shall be collected by the Building and Zoning Department at the time that plans are submitted for review or at the time that the fire safety and fire-extinguishing apparatus inspections and testing are accomplished. Thereafter, the Building and Zoning Department shall remit the funds to the account of the Fire Department to be used to promote fire safety within the city.

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Section 5. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not effecting the remaining portions or applications remaining in full force and effect.

Section 7. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 8. This Ordinance shall become effective on October 1, 2007.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA ON THE FIRST READING THIS 1st DAY OF AUGUST, 2007.

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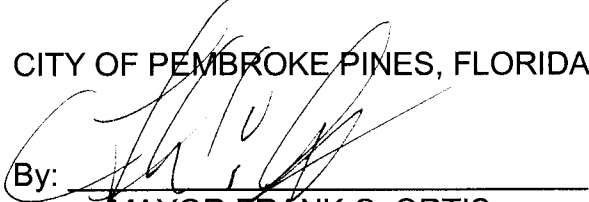
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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA ON THE SECOND AND FINAL READING THIS 5th DAY OF SEPTEMBER, 2007.

CITY OF PEMBROKE PINES, FLORIDA

By: 
MAYOR FRANK C. ORTIS

ATTEST:


JUDITH A. NEUGENT, CITY CLERK

ORTIS	<u>AYE</u>
ARMSTRONG	<u>AYE</u>
CASTILLO	<u>AYE</u>
SHECHTER	<u>AYE</u>
SIPLE	<u>AYE</u>


OFFICE OF THE CITY ATTORNEY



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