

**ORDINANCE NO. 02-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SEVERAL PROVISIONS OF THE CITY CODE REGARDING FIRE PREVENTION ACTIVITIES AND MATTERS AFFECTING THE RESPONSIBILITIES OF THE FIRE DEPARTMENT INCLUDING ALARM SYSTEMS, OPEN FIRES, NUMBERING OF BUILDINGS, FIRE LANES, AND OTHER MATTERS PERTAINING TO FIRE PREVENTION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, numerous provisions of the City Code pertain to fire prevention activities and matters that affect the City's fire department; and

**WHEREAS**, the City's Fire Chief has identified several provisions of the existing City Code that his department is recommending be updated as more specifically set forth in this Ordinance; and

**WHEREAS**, upon recommendation from the City's Fire Chief, the City Council finds that this Ordinance is in the best interests of the public health, safety and welfare of the citizens of Cocoa.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HEREBY ORDAINS, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of Council.

**Section 2. Amendments Chapter 3.5 of the City Code.** The City of Cocoa Code of Ordinances, Chapter 3.5 – Alarm Systems is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions; while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Chapter 3.5. It is intended that the text in Chapter 3.5 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance):

## CHAPTER 3.5 – ALARM SYSTEMS

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### Sec. 3.5-5. - Inspection and approval of system plans and equipment.

- (a) No alarm system shall be installed within the city unless same is "underwriters laboratory approved" or equivalent as determined by the chief building inspector, prior to installation of the system.
- (b) In the case of fire alarm system or devices, the following additional requirements shall be complied with:
  - ~~(1) Fire alarm devices shall be subject to approval by the fire marshal.~~
  - ~~(2) Plans and specifications for all fire alarm and sprinkler system supervision shall be submitted to the fire marshal and chief building inspector, prior to installation.~~
  - (1) Fire alarm systems, including all devices and appliances shall be installed, tested and maintained in accordance with NFPA 72 National Fire Alarm and Signaling Code.
  - (2) All fire alarm systems supervised by a central station shall be tested and maintained in accordance with NFPA 72 National Fire Alarm and Signaling Code. Central station shall provide and label the fire alarm panel a toll-free number, by which the fire department can contact the central station.
  - (3) Fire alarm signal received from the supervised station shall be verified and reported to the emergency dispatch center within 90 seconds to 120 Seconds.
  - (4) The supervised central station shall have a responsible person such as the building owner or business owner's authorized representative respond to the protected premises within 45 minutes upon notification.
  - (5) Service directory, including names and phone numbers who are responsible for the building and fire alarm system, copy of current and past year records of testing and maintenance shall be located in an approved three-ring book or located inside a document cabinet located near the fire alarm panel or at a location acceptable to the AHJ.
  - (6) Key box may be required by the police and/or fire department and located no higher than 6 feet from ground level. UL Key box shall be used and approved by the authority having jurisdiction.

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### Sec. 3.5-8. - Response to alarms; corrective actions; reports required; fees charged.

- (a) For each response by the city police/department of fire rescue to an alarm, the department will cause a report to be filed, classifying the alarm as one (1) of the following:
  - (1) False alarm or system test with no notification.
  - (2) Valid alarm for cause designated.

- (b) Upon the reception of a second false alarm within three (3) months the city police/department of fire rescue shall issue a written warning notice to the owner or lessee of the premises involved. The owner or lessee shall file a written report with the city police/department of fire rescue within five (5) working days indicating any and all measures taken to reduce false alarms.
- (c) To defray the cost of responding to false alarms, the property owner or lessee of an alarm system shall pay to the city the following sums, as shown in the below schedule, ~~for each occasion that the alarm system is activated and responded to by the police and/or fire divisions in any of the following cases:~~

<del>False Alarm</del>	<del>Fee</del>	
<b>False Alarm Fee</b>	<b>Police</b>	<b>Fire</b>
Alarm resulting from weather conditions:	No Charge	No Charge
First call in calendar year:	No Charge	No Charge
Second call in calendar year:	No Charge	No Charge
Third call in calendar year:	\$50.00	\$100.00
Fourth call in calendar year:	\$60.00	\$125.00
Fifth call in calendar year:	\$70.00	\$150.00
Sixth call in calendar year:	\$80.00	\$200.00
All additional alarms:	\$100.00	\$250.00

~~Alarm resulting from weather conditions ..... No charge~~

~~First call in calendar year ..... No charge (verbal warning)~~

~~Second call in calendar year ..... No charge (written warning)~~

~~Third call in calendar year ..... \$50.00~~

~~Fourth call in calendar year ..... 60.00~~

~~Fifth call in calendar year ..... 70.00~~

~~Sixth call in calendar year ..... 80.00~~

~~All additional calls ..... 100.00~~

- (d) Upon failure of an owner or lessee of a premises to pay a fee specified within ten (10) days, the chief of police/fire chief shall be authorized to disconnect or order the disconnection of the alarm system, and it shall be unlawful to reconnect or fail to disconnect such alarm system unless and until appropriate corrective action has been taken and such connection of an alarm system is authorized by the chief of police/fire chief. No disconnection or deactivation shall be ordered or made as to any premises required by law to have an alarm system in operation. The owner or lessee shall be responsible for all costs incurred in collecting the service fee including attorney's fees.

**Sec. 3.5-9. - Penalties.**

- (a) It shall be unlawful for any person to violate or fail to comply with any of the provisions of this chapter and any violator shall be subject to the penalties provided in this chapter including fees for false alarms, disconnection of alarms, administrative costs and attorney's fees to enforce this chapter.
- (b) Failure to correct malfunctions or pay such fines as applicable by this chapter will result in the police ~~or fire~~ department not being required to respond to the alarm location.
- (c) Failure to make repairs to a nuisance or inoperable required fire alarm system shall require the property owner to establish an approved fire watch person(s) to remain at the faulty alarm location-building for 24 hours a day until such time the alarm system is repaired or as deemed necessary by the fire official. Failure to establish a fire watch person in a timely manner may result in the business being closed by the authority having jurisdiction until such time the alarm system is repaired.

**Section 3. Amendments Chapter 6 Buildings, Construction and Property Regulations of the City Code.** The City of Cocoa Code of Ordinances, Chapter 6 Buildings, Construction and Property Regulations is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions), while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Chapter 6. It is intended that the text in Chapter 6 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance):

**CHAPTER 6 – BUILDING, CONSTRUCTION AND PROPERTY REGULATIONS**

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**DIVISION 5. – NUMBERING OF BUILDINGS**

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**Sec. 6-502. - Owners to post numbers; number height.**

~~It shall be the duty of the owner of any building facing, abutting, opening upon, or having its main entrance from any street, avenue, court, alley or drive in the city to have affixed to such building or paneled upon glass or some metallic surface suitable numbers composed of figures not less than three (3) inches in height, and the numbers thereof shall conform to and be in accordance with the system referred to in section 6-501.~~

(a) Address numerals shall be posted for all new and existing buildings and position to be plainly legible and visible from the street, road fronting the property.

(b) Building numbers shall be contrast in color with background, no higher than 15 feet from the ground level and no lower than 6 feet from ground level, be Arabic numbers and not less than four (4) inches in height for single-family and duplex residential structures and (6) inches or higher in height for apartment buildings, commercial, and other buildings, structures, or portions thereof.

(c) In multi-unit buildings that can be accessed from the rear. Address and/or unit numbers shall be posted at the rear of the building to identify the tenant space and building with (6) inch in height numbers.

(d) When property layout, landscaping, or driveway design limits visibility of the building and or address numbers, additional signs shall be posted to identify buildings or direction of travel to reach buildings. Numbers shall be a minimum of 6 inches in height.

(e) In multi-unit buildings, two stories and up, directional unit identification signs shall be posted outside of each elevator/stairwell. This will apply only when there is an option for direction of travel.

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**Section 4.** **Amendments Chapter 13.5 - Nuisances of the City Code.** The City of Cocoa Code of Ordinances, Chapter 13.5 – Nuisances is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions), while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Chapter 13.5. It is intended that the text in Chapter 13.5 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance):

## CHAPTER 13.5 – NUISANCES

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### **ARTICLE III. – OUTDOOR FIRES**

#### **Sec. 13.5-32 - Outdoor Fires.**

The City Council finds that outdoor fires may pose a public nuisance if not adequately controlled. It shall be unlawful for a person to ignite or maintain on property an outdoor fire unless in

compliance with the provisions of this section.

- (a) Outdoor burning of trash, debris or similar articles shall not be permitted in any zoning district.
- (b) Outdoor fires used for the purpose for pleasure, religious, ceremonial, cooking, warmth or similar purposes shall be allowed in backyard of residential zoning districts.
- (c) Portable, outdoor, or solid-fuel burning fireplace constructed of steel, concrete, clay or other non-combustible material, with a total fuel area of 3 feet or less and 2 feet or less in height shall be used.
- (d) Such outdoor fire shall not be located within 15 feet of any structure or combustible material. The outdoor fire must be attended at all times by an adult with a garden hose connected to a reliable water supply readily available to extinguish the fire if necessary.
- (e) Bonfire is a fire that does not fall within the classification of recreational fire or a fire in a portable outdoor fireplace and requires an open burn permit issued by the fire department.
- (f) A Fire Official or authority having jurisdiction may at any time require the immediate extinguishment of any outdoor fire which is a public nuisance or hazardous condition or not in compliance with this section. Upon notice from the fire official or authority having jurisdiction, the person responsible for the open fire shall immediately extinguish the fire or the fire department may extinguish the fire in furtherance of protecting public safety.
- (g) Open Burn Permit may be required for any outdoor fire should the fire official or authority having jurisdiction deem it is necessary to protect public safety. Failure to conduct an open burn without a required permit shall be a violation of this section.

**Secs. 13.5-32-3-13.5-50. – Reserved.**

**Section 5. Amendments Chapter 20 – Traffic of the City Code.** The City of Cocoa Code of Ordinances, Chapter 20 – Traffic is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions), while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Chapter 20. It is intended that the text in Chapter 20 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance):

## **CHAPTER 20 – TRAFFIC**

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### **ARTICLE III. – STOPPING, STANDING AND PARKING**

\* \* \*

**Sec. 20-52. - Same—Prohibited in certain area or spaces.**

- (a) Within the incorporated areas of the city, except when necessary to avoid conflict with other traffic, or in compliance with law, or the directions of a city police officer, parking enforcement specialist, fire official, other law enforcement officer, or official traffic-control device, no person shall:

\* \* \*

- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- a. In front of a public or private driveway;
  - b. Within fifteen (15) feet of a fire hydrant;
  - c. Within twenty (20) feet of a crosswalk at an intersection;
  - d. Within thirty (30) feet upon the approach to any flashing signal, stop signal or official traffic-control device located at the side of a roadway;
  - e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance;
  - f. And any place where an official traffic-control device prohibits standing;
  - g. Within thirty (30) feet of the nearest rail of a railroad crossing unless the city or the Florida Department of Transportation establishes a different distance due to unusual circumstances;
  - h. At any place where an official traffic-control device prohibits or restricts parking, or in excess of time periods authorized by such device;
  - i. Along or adjacent to any curb painted red or yellow, or across the delineated boundaries of a public place.
  - j. Within or to obstruct any designated fire lane on public property or private property.

\* \* \*

**Section 6. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 7. Incorporation Into Code.** This Ordinance shall be incorporated into the City Code of Cocoa and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and

like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

**Section 8.**     **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 9.**     **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

**ADOPTED** by the City Commission of the City of Cocoa, Florida, in a regular meeting assembled on the \_\_\_ day of \_\_\_\_\_, 2019.

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**JAKE WILLIAMS, JR., Mayor**

**ATTEST:**

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**CARIE SHEALY, MMC**  
**City Clerk**