


THE CITY OF WINTER GARDEN  
CITY COMMISSION AGENDA ITEM

From: José P. Gainza, Jr.   
Fire Chief – Fire Rescue Department

Via: Jon C. Williams  
City Manager

Date: April 18, 2024 Meeting Date: May 9, 2024

Subject: Ordinance 24-16 Fire Prevention and Protection Chapter 46

Issue: Approval of Ordinance 24-16 to amend Chapter 46 to remove burn permits from City authorization to the Florida Forestry Service and to amend the Fire Protection System Requirement.

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 46, FIRE PREVENTION AND PROTECTION, CITY OF WINTER GARDEN CODE OF ORDINANCES, TO DELETE SECTION 46-61, BURN PERMITS, AND AMEND SECTION 46-77, AUTOMATIC FIRE PROTECTION SYSTEM REQUIRED; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**Recommended Action:** Motion to approve Ordinance No. 24-16, remove burn permits from the City of Winter Garden and to amend the Automatic Fire Protection System Requirement to 6,000 square feet with second reading and adoption anticipated to be on May 9, 2024.

Attachments/References:

Ordinance No. 24-16

**ORDINANCE 24 - 16**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 46, FIRE PREVENTION AND PROTECTION, CITY OF WINTER GARDEN CODE OF ORDINANCES, TO DELETE SECTION 46-61, BURN PERMITS, AND AMEND SECTION 46-77, AUTOMATIC FIRE PROTECTION SYSTEM REQUIRED; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission desires to remove the Burn Permits section set forth in Chapter 46, City of Winter Garden Code of Ordinances as the City no longer issues burn permits and all burn permits are issued through the State of Florida Forest Service; and

**WHEREAS**, the City Commission finds it necessary to revise the building square footage requirement for sprinklers in commercial buildings of Chapter 46, City of Winter Garden Code of Ordinances to reflect current department practices; and

**WHEREAS**, the City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes; and

**WHEREAS**, the City Commission finds that this Ordinance is in the best interest of the health, safety and welfare of the public.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:**

**SECTION 1: Recitals.** The foregoing recitals are true and correct and incorporated herein.

**SECTION 2: Adoption.** Section 46-61 and 46-77 of Chapter 46 of the City of Winter Garden Code are amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being amended):

**Sec. 46-61. Reserved.~~Burn permits.~~**

~~Section 10.11.1.1. of NFPA 1 is amended to read as follows: Permits shall be obtained from the city for all open fires. During construction or demolition of any building or structure, no~~

~~waste materials or rubbish may be disposed of by burning. Burn permits, if issued, are subject to the following:~~

- ~~(1) *Period of issuance.* Burn permits shall be issued for a five-day period and for the hours as specified on the permit.~~
- ~~(2) *Grounds for revocation/denial.* Burn permits shall be revoked or denied if the fire department determines that the burning is detrimental to surrounding property or persons, or that conditions may cause the burning to be unsafe or the burn permit is issued in error or in contravention to the Code.~~
- ~~(3) *Permit fee.* The fee for a burn permit issued pursuant to this section is a nonrefundable fee to be adopted and amended from time to time by resolution of the city commission and shall be collected by the building department.~~

~~(Ord. No. 05-20, § 3, 3-24-05; Ord. No. 10-23, § IV, 4-8-10)~~

#### **Sec. 46-77. Automatic Fire Protection System Required.**

- (a) Subject to subparagraphs (b) through (e) below, Section 13.3.1.1. of NFPA 1 is amended to require the installation and maintenance in full operating condition automatic sprinklers in the occupancies specified therein and in the following occupancies:
  - (1) New commercial buildings, as of the effective date of this chapter, when the gross square footage exceeds 6,000 ~~4,000~~ square feet.
  - (2) Existing commercial buildings when the gross square footage exceeds 6,000 ~~4,000~~ square feet and a change of occupational classification occurs under the provisions of Chapter 3 of the Florida Building Code.
  - (3) Existing commercial buildings when any or all additions to the building will result in the building having a gross square footage in excess of 6,000 ~~4,000~~ square feet.
  - (4) Residential structures when converted to commercial structures and such conversion results in a building having a gross square footage in excess of 6,000 ~~4,000~~ square feet.
  - (5) Buildings categorized in the ordinary hazard occupancies (group 3) or extra hazard occupancies (group 1 and 2), as defined in NFPA, 13, as deemed necessary by the city fire chief.
  - (6) Hotels and motels, regardless of gross square footage or number of stories.
  - (7) Multifamily residential units consisting of three or more dwelling units, regardless of square footage or number of stories.
  - (8) Throughout the entire building of every building, regardless of occupancy or type of construction, over 40 feet in height.
- (b) New construction and additions to existing structures are considered part of the original structure for the purpose of determining total square footage for the fire sprinkler protection.
- (c) In the event a building falls into more than one category, the more stringent category shall apply.
- (d) Any building or occupancy not otherwise categorized herein shall be categorized as a commercial building for purposes of this section.

(e) For purposes of this section, the term "gross square footage" means the total floor area, measured in square feet, of any building including all areas under roof or mezzanines.

(Ord. No. 05-20, § 3, 3-24-05)

**SECTION 3: Codification:** Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

**SECTION 4: Control:** In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance controls.

**SECTION 5: Severability:** It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**SECTION 6: Effective Date:** This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING:** \_\_\_\_\_, 2024.

**SECOND READING:** \_\_\_\_\_, 2024.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
ANGELA GRIMMAGE, City Clerk