

**CHAPTER 5-1/2: FIRE PREVENTION AND PROTECTION**



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### Section

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#### *Editor's note:*

*Ord. 110, §§ 1 through 6, did not specifically amend the code; hence, inclusion as Ch. 5-1/2, §§ 5-1/2-1 through 5-1/2-7, has been at the discretion of the original editors.*

### § 5-1/2-1 PURPOSE.

This chapter is adopted to provide the Town of Hillsboro Beach with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

(Ord. 110, § 1, passed 3-3-1980)

### § 5-1/2-2 CODE ADOPTED.

(A) The code shall be known as the Fire Prevention Code of the Town of Hillsboro Beach. The code adopts the Fire Prevention Code of the National Fire Protection Association, NFPA No. 1, and subsequent revisions, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association and listed in Annex A of the NFPA Fire Prevention Code and being particularly the 1975 edition thereof and subsequent revisions.

(B) The same are hereby adopted and incorporated as fully as if set out at length herein. Copies of the adopted issue of the Fire Prevention Code of the National Fire Protection Association, NFPA No. 1,

shall be filed in the office of the Town Clerk and the provisions thereof shall be controlling within the limits of the Town of Hillsboro Beach.

(Ord. 110, § 1, passed 3-3-1980)

***Cross-reference:***

*Building Code adopted, see § 4-1*

**§ 5-1/2-3 FIRE CODE SUPPLEMENTAL TO BUILDING CODE; RESOLUTION OF CONFLICT.**

It is intended that the fire prevention requirements of this chapter shall be supplemental to the South Florida Building Code. Where the requirements of the Fire Prevention Code of the National Fire Protection Association, NFPA No. 1, are more stringent than the requirements of the South Florida Building Code then the requirements of the former shall prevail and be enforced.

(Ord. 110, § 2, passed 3-3-1980)

***Cross-reference:***

*Building Code adopted, see § 4-1*

**§ 5-1/2-4 VIOLATION UNLAWFUL; OWNER RESPONSIBILITY.**

It shall be unlawful for any person to violate this chapter, to permit or maintain such a violation, to refuse to obey any provision or regulation of the code. Proof of the unlawful act or failure shall be deemed prima facie evidence that the act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant or the person in charge shall not be deemed to relieve any of the others connected therewith.

(Ord. 110, § 3, passed 3-3-1980)

**§ 5-1/2-5 PROVISIONS LIBERALLY CONSTRUED FOR PROTECTION OF THE PUBLIC.**

This act shall be deemed an exercise of the police powers of the Town of Hillsboro Beach for the preservation and protection of the public health, peace, safety and welfare, and all the provisions of the fire prevention code of the Town of Hillsboro Beach shall be liberally construed for that purpose.

(Ord. 110, § 4, passed 3-3-1980)

***Charter reference:***

*Fire Department, see Art. VII, § 2*

***Cross-references:***

*Bonfires prohibited, see § 7-2*

*Buildings and building regulations, see Ch. 4*

**§ 5-1/2-6 VIOLATION; PENALTY; CORRECTION REQUIRED.**

Any person who shall violate any of the provisions of the code hereby adopted; or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statements, specifications or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit or approval issued thereunder or who shall fail to comply with such an order of a designated fire official of the Town of Hillsboro Beach shall severally, for each and every violation and noncompliance respectively, be guilty of a misdemeanor punishable by a fine of not less than \$50 nor more than \$500 or by imprisonment for not less than 5 days nor more than 30 days or by both such fines and imprisonment. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 110, § 5, passed 3-3-1980)

**§ 5-1/2-7 FIRE CHIEF DESIGNATED.**

In accordance with an intergovernmental contract with the City of Deerfield Beach, Florida, the designated Fire Official of the Town of Hillsboro Beach shall be the Fire Chief of the City of Deerfield Beach, Florida.

(Ord. 110, § 6, passed 3-3-1980)

**§ 5-1/2-8 FIRE INSURANCE PREMIUM TAX.**

(A) There is hereby assessed, imposed and levied on every insurance company, corporation or other insurer now engaging in or carrying on, or which shall hereafter engage in or carry on the business of insuring with respect to property insurance, as shown by the records of the Department of Financial Services, an excise or license tax in addition to any license tax or excise now levied by the Town of Hillsboro Beach, which the tax shall be in the amount of 1.85% of the gross amount of receipts of premiums from policy holders on all premiums collected on property insurance policies, covering property within the corporate limits of the Town of Hillsboro Beach.

(B) The excise tax provided for in this section shall be payable and collected in the manner provided for by state law providing for the creation and administration of a firefighter's pension fund. In the event that any provision or application of this chapter shall be held to be invalid by a court of competent jurisdiction, the remaining sections shall remain valid.

(Ord. 221, passed 4-4-2006)

