

ORDINANCE NO. 2011-37 pending from July 2011 – will be renumbered

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 FIRE PREVENTION AND PROTECTION; AMENDING ARTICLE II STANDARDS; AMENDING SECTION 8-32 RELATING TO FIRE INSPECTIONS; PROVIDING FOR REPEAL, SEVERABILITY AND INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Malabar, Brevard County, Florida, as follows:

SECTION 1. Section 8-32 of Article II of Chapter 8 of the Code of Ordinances of the Town is hereby amended in full to read as follows:

Sec. 8-32 Right of entry; implied consent.

(a) To the full extent permitted by law, the town fire chief or other qualified fire department personnel designated by the town fire chief marshal or his state-certified designee engaged in fire prevention and inspection work is authorized shall conduct an annual fire inspections of any commercial business occupancies; common areas, business areas, and commercial areas of multi-family residential occupancies; the commercial areas operated out of residential units; short-term lodging occupancies; assembly, educational and medical occupancies; and industrial and business and commercial areas of storage facilities, including any storage unit out of which a business is operated in the Town. Before such inspection shall occur, the town fire chief or other qualified fire department personnel designated by the town fire chief shall give written notice of the date and time of the inspection to the occupant of such premises. Such notice shall be delivered, either personally, by mail, or by posting such notice in a conspicuous place on the principal structure on the premises, or in the case of a commercial marine vessel or a commercial vehicle at the business address on file with the Town, at least seventy- two (72) hours in advance of the inspection. The town fire chief or other qualified fire department personnel designated by the town fire chief may inspect, at all reasonable times to enter and examine any commercial or business building, or structure, commercial marine vessel which provides any passenger services, including tour boats or charter services, commercial vehicles providing food vending services and vehicles hired for passenger service, premises, or condition for the purpose of making fire safety inspections.

(1) It shall be unlawful for any persons to interfere with a fire official carrying out any duties or functions prescribed by this chapter.

(2) It shall be unlawful for any unauthorized person to use an official badge, uniform or other credentials so as to impersonate a fire official for the purpose of gaining access to any building, structure, marine vessel, vehicle, premises or condition, or for any other unauthorized purpose in this jurisdiction.

(b) Any application for or acceptance of any permit requested or issued pursuant to this chapter, constitutes agreement and consent by the person making the application or accepting the permit to allow the authority having jurisdiction to enter the premises at any reasonable time to conduct any inspection required by this chapter. The Town shall not charge any fee for an inspection authorized under this section.