

ORDINANCE NO. 2021-014

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE III, "DEPARTMENTS," DIVISION 1, "GENERALLY," SECTION 2-41, "REORGANIZATION OF CITY DEPARTMENTS," TO CORRECTLY IDENTIFY THE FIRE RESCUE DEPARTMENT; BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE III, "DEPARTMENTS," TO CREATE A NEW DIVISION 3, "FIRE RESCUE DEPARTMENT;" BY AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE IV, "BACKFLOW PREVENTION REGULATIONS," TO CHANGE A FIRE RESCUE DIVISION REFERENCE TO FIRE RESCUE DEPARTMENT; BY RENAMING CHAPTER 9, "FIRE PREVENTION AND PROTECTION," TO "FIRE RESCUE AND COMMUNITY RISK REDUCTION SERVICES," AND AMENDING THE CHAPTER TO PROVIDE DEFINITIONS FOR USE WITH THE FLORIDA FIRE PREVENTION CODE, PROVIDE FOR RESPONSIBILITIES AND AUTHORITIES FOR THE FIRE CHIEF AND FIRE MARSHAL, AND REQUIRE A RECEIVER ON ALL COMMUNITY ACCESS GATES TO PROVIDE POLICE AND FIRE ACCESS; AND BY AMENDING CHAPTER 21, "PERSONNEL ADMINISTRATION," ARTICLE II, "AT-WILL EMPLOYEES POLICIES AND PROCEDURES MANUAL," SECTION 21-22.5, "PROHIBITION ON CAMPAIGN ACTIVITIES," TO INCLUDE FIRE CHIEF, DEPUTY/ASSISTANT FIRE CHIEF AND RENAME DEPUTY OR ASSISTANT REFERENCES AS DEPUTY/ASSISTANT TO ENSURE UNIFORM APPLICATION OF THE PROHIBITION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is in the process of establishing the Coconut Creek Fire Rescue Department; and

WHEREAS, the City desires to update the City's Code of Ordinances to provide appropriate authorities and references to ensure quality fire control and prevention,

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Words in underline type are additions to existing text.
Asterisks (***) indicate existing text not shown.

emergency medical services, and community risk reduction services; and

WHEREAS, the City desires to amend the City’s prohibition on campaign activities to include the appropriate fire rescue department personnel and clarify that the prohibition, which is also applied to the assistant city manager, deputy city clerk and the assistant city attorney, is also applied to the deputy city manager, the assistant city clerk, and the deputy city attorney; and

WHEREAS, the City Commission finds this ordinance is in the best interest of the health, safety, and welfare of the City of Coconut Creek residents, visitors, property owners, and businesses.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 2, “Administration,” Article III, “Departments,” Division 1, “Generally,” Section 2-41, “Reorganization of City Departments,” to read as follows:

Sec. 2-41. - Reorganization of city departments.

- (a) Departments created. There is hereby created the Finance and Administrative Services Department, the Public Works Department, the City Attorney Department; the City Clerk Department; the City Commission Department, the City Manager Department; the Fire ~~Rescue Administration~~ Department; the Human Resources and Risk Management Department; the Information Technology Department; the Parks and Recreation Department; the Police Department; the Sustainable Development Department; and the Utilities and Engineering Department. In this code, any references to the former Development Services Department or function shall be replaced with the Sustainable Development Department; any references to the former Engineering Department or function shall be replaced with the Utilities and Engineering Department; any references to the former Public Services Department or function shall be replaced with the Public Works Department; any references to the former Community Services Department or function shall be replaced with the

Public Works Department; any references to the former Utilities Department or function shall be replaced with the Utilities and Engineering Department; any reference to the former Information Systems Department or function shall be replaced with the Information Technology Department; references to the former Office of the City Clerk or function shall be replaced with City Clerk Department; and references to the former Fire Administration or Fire Department or function shall be replaced with the Fire Rescue Department.

Section 3: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 2, "Administration," Article III, "Departments," to create a new Division 3, "Fire Rescue Department," to read as follows:

Chapter 2. Administration.

Article III. – Departments.

Division 3. Fire Rescue Department

Sec. 2-80. Creation of Fire Rescue Department.

The City shall have the power to create, install, improve, repair, maintain and fund any and all costs associated with the city establishing and operating a city system of providing quality fire control and prevention ("fire"), emergency medical services ("EMS"), or both, to the property owners and residents of the city.

The fire rescue department shall supervise all fires, and its officers shall have the power to prevent any interference with the department or any of its companies, or any members thereof in the performance of their duties in connection with such supervision.

Sec. 2-81. - Authority and duties of chief.

- (a) The fire chief and all fire rescue department officers who may be placed in charge of a fire or emergency medical event shall be in charge of the territory immediately adjacent to the fire or emergency medical event. The fire chief shall direct the members of the department and it shall be his/her duty to see that the fire rescue department attends fires promptly and renders efficient service.
- (b) The fire chief shall have charge of all apparatus and equipment belonging to the department, including the fire stations and sleeping quarters.
- (c) The fire chief shall have authority to have repairs made upon equipment belonging to the fire rescue department when the same may be necessary pursuant to applicable purchasing procedures and approval requirements.

(d) The fire chief shall have the authority to establish divisions within the fire rescue department and rules governing these divisions with the approval of the city manager and pursuant to other sections of laws and ordinances pertaining to fire protection.

Section 4: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 6, "Buildings and Building Regulations," Article IV, "Backflow Prevention Regulations," Section 6-51, "Policy," to read as follows:

Chapter 6 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE IV. - BACKFLOW PREVENTION REGULATIONS

Sec. 6-51. Policy

(a) No water service connection to any premises shall be installed or maintained by the water purveyor including the service connections to premises constructed prior to the effective date of this article unless the water system is protected as required by state laws, regulations, and this article. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by this article is not installed, tested, certified and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. The director of utilities and engineering department shall notify the city's fire rescue ~~department~~~~division~~ of such cases in a timely manner. Service shall not be restored until such conditions or defects are corrected.

Section 5: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by renaming Chapter 9, "Fire Prevention and Protection," to "Fire Rescue and Community Risk Reduction Services," and amending the Chapter to read as follows:

Chapter 9 - FIRE RESCUE AND COMMUNITY RISK REDUCTION SERVICES PREVENTION AND PROTECTION

Article I. In General

Sec. 9-2. - Adoption of state law.

(a) The following laws, regulations, codes and standards are hereby adopted by the city and incorporated herein by reference for the purpose of prescribing regulations for fire prevention and control:

- (1) The Florida Fire Prevention Code, as revised from time to time;
- (2) The Broward County Amendments to the Florida Fire Prevention Code, as revised from time to time;
- (3) The Florida Building Code, in effect in Broward County, Florida, including all amendments, as revised from time to time;
- (4) F.S. Ch. 633, "Fire Protection and Control", and all administrative codes and rules promulgated thereunder, including the National Fire Protection Association Standards, as amended from time to time; and
- (5) Any other duly enacted or promulgated law, regulation, or rule or standard having force and effect of law in any municipality in Broward County, pertaining to fire prevention and control.

(b) Definitions.

- (1) Whenever the term "fire chief" is used in the Fire Prevention Code or the Broward County Amendments to the Florida Fire Prevention Code, it shall be held to mean the Fire Chief of the City of Coconut Creek, Florida.
- (2) Whenever the term "fire marshal" or "fire marshal/fire code official" is used in the Fire Prevention Code or the Broward County Amendments to the Florida Fire Prevention Code, it shall be held to mean the Fire Marshal of the City of Coconut Creek, Florida.

Sec. 9-3. Disconnection of improper gas installations.

The fire chief/fire marshal or any officer or member of the fire rescue department is hereby given authority to order any gas company to disconnect its service to any building or buildings containing gas installations which, in the opinion of the fire chief/fire marshal or designee is considered to be defective.

Sec. 9-4. Disconnection of electrical service.

The fire chief/fire marshal or any officer of the fire rescue department is hereby given authority to order the power company to disconnect its service to any building which, in the opinion of the fire chief/fire marshal or designee, is considered hazardous to life or property.

Sec. 9-30. Authorization.

The fire chief/fire marshal, or designee, is authorized to establish or require a "fire watch" and/or "emergency medical services" detail when in his/her opinion, a fire code violation exists, unsafe conditions exist, a fire safety system is out of service for more than four (4) hours, when temporary cooking is set up to provide food to the public, or where additional fire or emergency medical personnel may be needed for special events or for large scale or prolonged emergency incidents.

Sec. 9-31. Cost recovery.

The fire chief/fire marshal, or designee, is authorized to bill the property owners, occupants, insurance companies and all other responsible parties for all actual costs, plus administrative expenses, incurred as a result of the established detail for standby fire watch or standby rescue service. All bills shall be due within thirty (30) days from the invoice date. When the detail is scheduled in advance for special events, the organizer of the event shall make full payment for the details to the city after the event.

Sec. 9-32. Fire watch personnel.

The fire watch and/or emergency medical service detail may be staffed with State of Florida certified firefighters, State of Florida certified police officers, State of Florida certified fire inspectors, and where special circumstances may exist, the city fire chief/fire marshal, or designee, may permit these details to be staffed with private sector personnel possessing the requisite licensing and training.

Sec. 9-44. Fire department access.

- (a) All community access gates shall be provided with a "KNOX" key switch on or near a key pad entry system and a receiver connected to the gate hardware which can be activated by both police and fire vehicle transmitters.

Section 6: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 21, "Personnel Administration," Article II, "At-Will Employees Policies and Procedures Manual," Section 21-22.5, "Prohibition on Campaign Activities," to read as follows:

Sec. 21-22.5. - Prohibition on campaign activities.

In order to avoid the appearance of impropriety, the city manager, deputy/assistant city manager(s), assistant to the city manager, city clerk, deputy/assistant city clerk, police chief, deputy/assistant police chief, fire chief, deputy/assistant fire chief, city attorney and deputy/assistant city attorney(s) shall not participate in a campaign involving any candidate or incumbent commissioner, for the City of Coconut Creek City Commission, including being a member of an election or re-election committee for a candidate; public endorsement with or without financial support of a candidate; holding campaign signs, wearing a campaign t-shirt, or other public display of support for a candidate; signing an endorsement card for a candidate; attending a candidate's campaign fundraiser; chairing or co-chairing an ongoing election campaign or fundraiser for a candidate; or providing a financial campaign contribution. Nothing in this section shall be deemed to prohibit the city manager, deputy/assistant city manager(s), assistant to the city manager, city clerk, deputy/assistant city clerk, police chief, deputy/assistant police chief, fire chief, deputy/assistant fire chief, city attorney and deputy/assistant city attorney(s) from casting a vote for any such municipal candidate in a municipal election.

Section 7: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 8: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 9: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 10: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 10TH DAY OF JUNE, 2021.

PASSED SECOND READING THIS 24TH DAY OF JUNE, 2021.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>