

Introduced by: Council Member Chris Hoffman  
1st Reading: October 5, 2020  
2nd Reading: October 19, 2020

**ORDINANCE NO. 2020-8153**

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CITY COUNCIL TO REPEAL AND REPLACE CHAPTER 10 - FIRE AND LIFE SAFETY, IN ITS ENTIRETY; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Jacksonville Beach (“City”) has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; and Chapters 163 and 166, Florida Statutes; and

**WHEREAS**, the current City Code of Ordinances Chapter 10 – Fire and Life Safety, contains inapplicable articles and sections, and requires comprehensive changes; and

**WHEREAS**, the City no longer has a fire department, fire rescue personnel, and organization, so portions of Chapter 10 addressing the fire department need to be adjusted accordingly; and

**WHEREAS**, Chapter 10 also requires revision to the Fire Marshal duties and authorities, investigation of fires, Building and Fire Code Board of Appeals, adoption and inclusion of the current editions of the Florida Fire Prevention Code and National Fire Protection Association 101, Life Safety Code, and overall amendments and corrections to sections, wording, and renumbering; and

**WHEREAS**, section 633.025(2), Florida Statutes, requires each municipality with fire safety responsibilities to enforce the Florida Fire Prevention Code as the minimum fire safety code; and

**WHEREAS**, section 633.025(3), Florida Statutes, requires the most current edition of the National Fire Protection Association 101, Life Safety Code, adopted by the State Fire Marshal, shall be deemed adopted by each municipality with fire safety responsibilities as the minimum fire safety code; and

**WHEREAS**, the City Council hereby finds that this Ordinance serves legitimate government purposes and is in the best interests of the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:**

**SECTION 1. RECITALS AND LEGISLATIVE FINDINGS.** The above recitals and legislative findings are ratified, correct, and made a part of this Ordinance.

**SECTION 2. REPEAL. CITY CODE OF ORDINANCES CHAPTER 10 - FIRE AND LIFE SAFETY IS HEREBY REPEALED.**

**SECTION 3. REPLACE. CITY CODE OF ORDINANCES CHAPTER 10 - FIRE AND LIFE SAFETY IS HEREBY REPLACED ENTIRELY WITH THE FOLLOWING:**

CHAPTER 10 – FIRE AND LIFE SAFETY

ARTICLE I. – IN GENERAL

Sec. 10-1.01. - Title.

The provisions of this chapter shall constitute and shall hereafter be known as “The Fire and Life Safety Code of the City of Jacksonville Beach, Florida.”

ARTICLE II. – FIRE SUPPRESSION AND FIRE PREVENTION ACTIVITIES

Sec. 10-2.01. - Established.

There is hereby established for the City of Jacksonville Beach the Fire Marshal’s office whose purpose shall be to provide fire and life safety code enforcement, fire prevention education, emergency management functions, hazardous materials code enforcement, and related services or duties as required or directed by the City Manager.

Sec. 10-2.02. – Department organization.

(1) The City of Jacksonville Beach obtains fire suppression and fire rescue services through an agreement with the City of Jacksonville.

(2) The City of Jacksonville Beach Fire Marshal’s office will be responsible for fire and life safety activities in Jacksonville Beach.

ARTICLE III. - FIRE PREVENTION AND LIFE SAFETY

Sec. 10-3.01. - Purpose and intent.

(1) The purpose and intent of this chapter is to prescribe minimum requirements and controls to safeguard life, property, and the public welfare from the hazards of fire and explosion arising from the improper storage, handling, and use of substances, materials, or devices and from conditions hazardous to life, property, and the public welfare in the use or occupancy of buildings, structures, sheds, tents, lots, or any other premises. When no specific standards or requirements are specified in this chapter or within other applicable laws, compliance with the standards of the National Fire Prevention Association (NFPA), Southern Building Code Congress International, or

other nationally recognized fire safety standards as are approved by the fire official shall be deemed as evidence of compliance with this intent.

(2) The provisions of this chapter shall apply to existing conditions as well as to conditions arising after adoption thereof. Prior to applying the requirements of this chapter to an existing condition, the fire official shall determine that a threat to life, safety, or property exists. If such a threat exists, the fire official shall apply the appropriate provision of this chapter to the extent practical to assure a reasonable degree of life, safety, and property protection is maintained.

(3) The provisions of this chapter shall not apply to any building, area, or premises within the City which is owned by the government of the United States, the State of Florida, or the School Board of Duval County.

Sec. 10-3.02. - Definitions.

Authority having jurisdiction shall mean the fire official of the City.

Building construction type I, II, III, IV, V, or VI shall refer to the characteristics of building construction as defined in that certain code known as the Standard Building Code referenced in Chapter 7 of the Code of Ordinances of the City.

Complete automatic sprinkler system shall mean a complete automatic sprinkler system as described in the nationally recognized standards, NFPA No. 13, NFPA No. 13D and NFPA No. 13R.

Fire official shall mean the City of Jacksonville Beach Fire Marshal or designee.

Gross floor area shall mean the floor area within the inside perimeter of the outside walls of the building under consideration with no deduction for hallways, stairs, closets, thickness of the interior walls, columns, or other features.

New additions or expansions shall mean the alteration of a building to increase occupancy usable floor space or number of living units or the remodeling or renovation of a building which equals or exceeds the cumulative total of 50 percent of the assessed value of the structure either:

- a. Before the repair or improvements started; or
- b. If the structure has been damaged and is being restored, before the damage occurred.

Sec. 10-3.03. - Codes adopted.

The Florida Fire Prevention Code (FFPC) is adopted in its entirety as an addition to the text of this chapter. The text of this adopted model code shall be fully enforceable as other regulations adopted under the provisions of this chapter as if the same were incorporated and set forth at length herein. Model codes adopted pursuant to this chapter shall not waive any provisions of this chapter or be less restrictive than its provisions. The 6<sup>th</sup> Edition of the FFPC is adopted

through December 31, 2020. The 7<sup>th</sup> Edition of the FFPC will be adopted effective January 1, 2021.

Sec. 10-3.04. - Inspections.

(1) The fire official shall cause to be inspected all buildings and premises including such other hazards or material items for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this chapter and of any other law or standard affecting fire safety.

(2) All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, or health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment as specified in this chapter or any other effective ordinance are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.

(3) When an apparent structural hazard is caused by the faulty installation or malfunction of any of the items or devices listed in section 10-3.06, the fire official shall immediately order the correction of the hazards as required by this chapter and shall notify the building official of such hazards for correction under Chapter 7 of the Code of Ordinances of the City.

Sec. 10-3.05. - Right of entry.

(1) To the full extent permitted by law, the fire official, engaged in life and safety services and fire prevention and inspection work, is authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle, or premises for the purpose of making fire safety inspections. Before entering a private building or dwelling, the fire official shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection, except in those instances where an emergency exists. As used in this section, "emergency" means circumstances that the fire official knows, or has reason to believe, exist, and that reasonably may constitute immediate danger to life and property.

(2) Persons authorized to enter and inspect buildings, structures, marine vessels, vehicles, and premises as herein set forth shall be identified by proper credentials issued by the City.

(3) It shall be unlawful for any person to interfere with the fire official carrying out any duties or functions prescribed by this chapter.

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

(5) No person, owner, or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the fire official for the purpose of inspections pursuant to the chapter.

Sec. 10-3.06. - Notice to eliminate dangerous conditions.

(1) Whenever the fire official shall find in any building, or upon any premises, dangerous or hazardous conditions or materials as follows, there shall be issued such notice or orders to remove or remedy the following conditions, as may be necessary for the protection of life and property from fire and smoke:

- a. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.
- b. Hazardous conditions arising from defective or improperly installed equipment for handling or using explosive or otherwise hazardous materials.
- c. Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly combustible materials.
- d. Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors, and ducts.
- e. Obstructions to or on fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors, or windows liable to interfere with the operations of the fire department or egress of occupants in case of fire.
- f. Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus, or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

(2) Whenever the fire official deems any chimney, smokestack, stove, oven, incinerator, furnace, or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally approved standard in or upon any building, structure, or premises not specifically mentioned in this chapter, to be defective or unsafe so as to create an immediate hazard, he/she shall serve upon the owner or the person having control of the property, a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. He/she may affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag may be removed only by order of such fire official or his/her duly authorized representative and may be removed only when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

Sec. 10-3.07. - Service of orders; notice of violation.

The service of orders or notices for the correction of violations of this chapter shall be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of same to such person, or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof

in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order or notice upon the owner of the premises such order or notice may be served either by delivering to and leaving with the said person a copy of the said order or notice, or, if such owner is absent from the jurisdiction of the officer making the order or notice, by sending such copy by certified or registered mail to the owner's last known post office address.

Sec. 10-3.08. - Compliance.

Any order or notice issued or served as provided in this chapter shall be complied with by the owner, operator, occupant, or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of emergency or extreme danger to persons or property, immediate compliance shall be required.

Sec. 10-3.09. - Authority to require exposures or stop work.

(1) Whenever any installation that is subject to inspection prior to use is covered or concealed without having first been inspected, the fire official may require by written notice that such work be exposed for inspection. The fire official shall be notified when the installation is ready for inspection and the fire official shall conduct the inspection within a reasonable period of time.

(2) When any construction or installation work is being performed in violation of the plans and specifications as approved by the fire official, a written notice shall be issued to the responsible party to stop work on that portion of the work that is in violation. The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.

Sec. 10-3.10. - Appeals.

(1) Any person aggrieved by an order issued under this chapter may appeal such order or notice in accordance with the procedures established in the FFPC, as adopted in section 10-3.03 of this chapter.

(2) In the event of a conflict between the Building Code as established in Chapter 7 of the Code of Ordinances of the City, and this chapter, it shall be resolved in accordance with section 553.73, Florida Statutes.

Sec. 10-3.11. - Summary abatement.

(1) The fire official shall have the authority to summarily abate any condition that is in violation of any provision of this chapter and that presents an immediate hazard to life or property.

(2) When, in the opinion of the fire official, there is actual danger to the occupants or those in proximity of any building, structure, or premises because of unsafe structural conditions or inadequacy of any exitway, the presence of explosives, explosive fumes or vapors, flammable

liquids, vapors, gases, or materials, the fire official may order the immediate evacuation of such building, structure, or premises, and no one shall enter or reenter until authorized to do so by the fire official. In addition, the fire official may order the disconnection of electric and gas utility services from such building, structure, or premises and no one shall reconnect such utility services until authorized to do so by the fire official.

Sec. 10-3.12. - Penalties and other remedies for violations.

(1) Failure to comply with any provision of this chapter or any lawful order or notice of the fire official shall constitute a misdemeanor of the second degree, punishable by a fine of not more than \$500.00, or by imprisonment for not more than 10 days, or by both a fine and imprisonment. Each day that a violation continues shall be a separate offense.

(2) The City may institute injunction, mandamus, or any other appropriate actions or proceeding at law or in equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(3) The City may enforce this chapter using the proceedings set forth in Chapter 2 Administration, Article VI, of the Code of Ordinances, City of Jacksonville Beach, Florida.

Sec. 10-3.13. - Authority to investigate fires.

(1) The fire official shall receive and review all completed reports documenting a fire occurrence in the City.

(2) If it appears that the fire is of suspicious origin, the fire official shall immediately notify the police department as necessary, and shall assist the police department and state Fire Marshal as necessary in their investigation.

(3) The fire official may investigate the cause, origin, and circumstances of each and every fire occurring in the City involving the loss of life or injury to persons, or destruction or damage to property. The fire official shall prepare a written report which shall be made of all facts and findings relative to each fire investigation.

Sec. 10-3.14. - Key vault requirement.

The fire official may require the installation and maintenance of a key vault security system in such buildings or structures where security precautions and protective devices may unreasonably delay the entry of the fire department in time of emergency.

Sec. 10-3.15. - Fees.

The city council may, by resolution, establish a schedule of fees to pay the cost of inspections, plans review, fire/rescue standby services, emergency control services, and related administrative costs incurred pursuant to this chapter.

Sec. 10-3.16. - Automatic fire sprinkler requirements.

The following supplemental automatic fire sprinkler requirements are adopted for the purpose of furthering the growth management goals, objectives, and policies of the Jacksonville Beach Comprehensive Plan Elements, adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act.

(1) The following new buildings or existing buildings incorporating new additions or expansions, except one or two-family dwellings, shall be equipped with a complete automatic sprinkler system:

- a. Where the combined total occupant load is 300 persons or more.
- b. Where an assembly occupancy is located above or below the level of exit discharge, regardless of occupant load.
- c. Where the building is used as an educational, health care, ambulatory health care, or residential board and care occupancy.
- d. In any and all areas below the level of exit discharge.
- e. In all buildings over 7,000 square feet of gross floor area of all floors combined.
- f. In all buildings over four stories in height regardless of gross floor area.

(2) The fire official may omit sprinkler heads in areas of buildings or structures as follows:

- a. In areas containing electrical equipment or telephone equipment not over 100 square feet in gross floor area.
- b. In small compartmented areas such as closets not over 24 square feet and bathrooms not over 55 square feet, with limited or non-combustible material walls and ceilings that extend behind fixtures.

(3) All automatic fire sprinkler systems shall be electronically supervised to detect water flow. Such supervision shall be at a location, approved by the fire official, and constantly attended by a competent person trained and equipped to alert the fire department in the event of a water flow signal.

Sec. 10-3.17. - Building permits.

A permit for construction, erection, alteration, repair, or demolition shall not be issued until the fire official has reviewed the plans and specifications for such proposal and the fire official has found the plans to be in compliance with this chapter and adopted edition of the FFPC.

Sec. 10-3.18. - Smoke detector power source.

All smoke detectors installed to protect sleeping areas, except those in one and two-family dwellings, shall be powered by a permanent connection to an AC power source.

Sec. 10-3.19. - Hazardous materials identification and information.



(1) There is hereby adopted by the City for the purpose of prescribing regulations to identify hazardous materials manufacturing, storage, and use facilities the NFPA 704 "Identification of Fire Hazards of Materials" of the National Fire Protection Association. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the effective date of this section the provisions of said standard shall control within the limits of the City.

Sec. 10-3.20. - Fire hydrants required.

(1) All new buildings or structures, except one and two-family dwellings, shall be protected by a fire hydrant connected to a public water main capable of supplying the necessary water for fire protection. Such fire hydrant shall be located within 300 feet of the protected building and shall be so arranged so that hose may be distributed to any portion of the building at distances not exceeding 500 feet.

(2) The fire official may modify this requirement when automatic fire sprinkler protection is provided.

(3) The cost of fire hydrant protection and necessary water system extension shall be the responsibility of the developer.

ARTICLE IV. - OPEN BURNING

Sec. 10-4.01. - Open burning regulations.

(1) Open burning within the City limits is regulated by local ordinance in accordance with rules and regulations by FFPC, the Air Quality Branch of the Jacksonville/Duval County Environmental Quality Division, and the Florida Department of Environmental Protection Agency.

(2) Any open burning in the City must be approved and have been issued a permit by the fire official in accordance with the above-mentioned laws, ordinances, and City policies. Open burning may be allowed under special circumstances due to land clearing, ceremonial situations, or other special events. If open burning is allowed, the following conditions must be met:

- a. Burning must not be left unattended, but must have a responsible party at the site at all times. Burning shall be limited to daylight hours unless specified hours are listed on the permit.
- b. An extinguishing agent or water supply with hose must be readily available at the site.
- c. The burning must not cause a safety hazard or nuisance to residents or obstruct vision for motorists on roadways.
- d. Burning must be approved and meet air quality standards for Duval County.
- e. Burning must not be conducted within 50 feet of a structure.
- f. Wind conditions shall not exceed 15 mph.
- g. The fire official will be notified by the responsible party of the date and time of the requested burning to determine compliance with the guidelines

and regulations. If the open burning request is approved, the fire official will notify emergency communications and Air Quality Branch of the location, date, and time.

(3) For other than one and two-family dwellings, no hibachi grills of any type or similar device used for cooking, heating, or other purpose shall be used or kindled on any balcony, under any overhang portion of a structure or within 10 feet of any structure. Listed electric, LP gas, or natural gas operated equipment permanently installed in accordance with its listing, applicable codes, and manufacturer instructions, shall be permitted if the LP or natural gas is piped in to the appliance and approved by the fire official.

(4) Cooking fires in approved containers, ornamental fireplaces, chimeneas, charcoal, gas, or electric barbecue grills and patio heaters are allowed at one and two-family dwellings provided they are used in accordance with their listing, applicable codes, recommended fuel, and the manufacturer's instructions. They are not to be used around combustible material, nor are they to create a nuisance or other type of hazard.

(5) Recreational/warming fires may be allowed if a UL approved container or a container otherwise approved by the fire official is used, a garden hose connected to a water source is within 25 feet, combustible material has been cleared away from the container, yard debris or trash is not being burned, nuisance smoke is not being created, and the fire is attended at all times.

(6) Trash/rubbish fires are prohibited at any time. This material includes wiring, household waste, yard collections, construction debris, or other similar material. Burning leaves or grass is prohibited.

(7) No open fires, campfires, grills, or other cooking or heating devices on the beach.

(8) Commercial incinerators shall be equipped and maintained with an adequate spark arrestor.

## ARTICLE V. - BUILDING AND FIRE CODE BOARD OF APPEALS

### Sec. 10-5.01. - Creation.

There is hereby created and established a board to be known and designated as the "Building and Fire Code Board of Appeals."

### Sec. 10-5.02. - Powers and duties.

(1) The board of appeals shall provide reasonable interpretation of the provisions of Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach and the FFPC as adopted thereby and issue rulings on appeals of the decision of the fire official and building official of the City.

(2) The rulings by the board of appeals shall be consistent with the letter and intent of

the code as adopted in Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach and the FFPC.

(3) The board shall hear appeals regarding the interpretations of the FFPC and/or the Florida Building Code by the fire official and/or building official.

(4) If the decision of the fire official and the building official is to apply the provisions of either the Building Code or the Fire Prevention Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable.

(5) The board of appeals shall not have the authority to waive the requirements of the Florida Building Code, Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach, or the FFPC.

(6) The board of appeals decisions shall not be precedent setting.

Sec. 10-5.03. - Means of appeal.

(1) A substantially affected party with standing may appeal a decision of the fire official or building official when it is claimed that one or more of the following conditions exist:

- a. The true intent of the Florida Building Code, Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach, or the FFPC has been incorrectly interpreted.
- b. The provisions of the Florida Building Code, Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach, or the FFPC do not fully apply.
- c. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

(2) An appeal shall be submitted to the City in writing within 30 calendar days of notification of violation. The appeal shall outline all of the following:

- a. The provision(s) of the Florida Building Code, Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach, or the FFPC from which relief is sought.
- b. A statement indicating which provisions of section 10-5.03(a) apply.
- c. Justification as to the applicability of the provision(s) cited in section 10-5.03(a).
- d. A requested remedy.
- e. Justification for the requested remedy stating specifically how the Florida Building Code, Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach, or the FFPC is complied with, public safety is secured, and fire fighter safety is secured.

(3) A meeting of the Board of Appeals shall be held within 30 calendar days of the filing of a notice of appeal.

Sec. 10-5.04. - Creation; composition; term of office.

(1) *Composition.* Such board of appeals shall be composed of five members to be appointed by the city council. The city council shall also appoint two alternate members, a first alternate and a second alternate. The alternate members shall vote only in the absence of regular members. The first alternate member shall have priority to vote in the absence of the first regular member's absence.

(2) *Qualifications.* Members of the board of appeals shall be a resident of the City for two years prior to appointment, and a qualified elector. No member of the city council, city employee, or agent of the City shall serve on the board of appeals. To the greatest extent possible, members of the board of appeals shall be composed of members with expertise in engineering or architectural design, general contracting, fire protection contracting, fire department operations or fire code enforcement, building code enforcement, legal, and general public. No more than one member shall represent the same field.

(3) *Ex-officio member.* The City's fire official shall be an ex-officio member of the board of appeals and entitled to participate in all discussion. The ex-officio member shall not be entitled to a vote.

(4) *Terms.* The term of office of each member, both full and alternate members, shall be three years. When a person is appointed to fill the term of a departing member, the appointed member term will end on the date the departing members term would naturally end.

Sec. 10-5.05. - Removal from office.

(1) In the event that any member is no longer a qualified elector or is convicted of a felony or an offense involving moral turpitude while in office, the city council shall terminate the appointment of such person as a member of the board of appeals and appoint a new member.

(2) If any member of the board of appeals fails to attend the annual meeting without cause, the chairman of the board of appeals shall notify the city council who shall declare the member's office vacant and appoint a new member.

Sec. 10-5.06. - Vacancy.

Whenever a vacancy occurs on the board of appeals, the full-time member's position shall be served by an alternate member until a permanent member can be appointed by the city council. The city council shall appoint the new member within 30 days of the vacancy.

Sec. 10-5.07. - Officers; quorum; rules of procedure.

(1) *Chairman and vice-chairman.* At an annual organizational meeting, the members of the board of appeals shall elect one of their members as chairman and one as vice-chairman. The chairman shall be in charge of all proceedings before the board of appeals, shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order

and integrity of all proceedings. In the absence of the chairman, the vice-chairman shall act as chairman and shall have all powers of the chairman. The chairman and vice-chairman shall serve a term of one year. No member shall serve as chairman for more than two consecutive terms.

(2) Secretary. The City clerk or his/her designated representative shall serve as secretary for the board of appeals. The secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the board of appeals and shall include the vote of all members upon every question, and be attested to by the secretary. The minutes shall also indicate whether a member is absent or disqualified from voting. The minutes shall be approved by a majority of the board of appeals members voting. In addition, the secretary shall maintain all records of board of appeals meetings, hearings, proceedings, and the correspondence of the board of appeals as public records.

(3) Staff. The City clerk or his/her designated representative shall be the professional staff for the board of appeals. Agendas and reports items will be produced by the City clerk or his/her designated representative with input from the fire official and/or building official as may be required.

(4) Quorum and voting. No meeting of the board of appeals shall be called to order nor may any business be transacted by the board of appeals without a quorum consisting of at least three members of the board of appeals being present. All actions shall require a simple majority of the members then present and voting. Members of the board of appeals are required to vote on all matters before the board of appeals unless they are absent or disqualified.

(5) Disqualification. If a member of the board of appeals determines that they have private or personal interests in an issue that comes before the board of appeals, they may disqualify themselves from participation in that issue. A member of the board of appeals may be disqualified from participation on an issue by a majority vote of the board of appeals on the same grounds.

(6) Rules of procedure. The board of appeals shall, by a majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings, and determinations. The board of appeals may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be necessary.

Sec. 10-5.08. - Meetings.

(1) General. The board of appeals shall meet at least annually and shall meet as needed for the purpose of interpreting the provisions of the fire code and to consider and rule on any properly filed appeal from a decision of the fire official and/or building official.

(2) Continuance. If a matter is postponed due to lack of a quorum, the chairman shall continue the meeting as a special meeting to be held within seven days thereafter. In case of delays caused by other reasons, the public hearing shall be rescheduled to the next board of appeals meeting. The secretary shall notify all members of the date of the continued public hearing and also shall notify all parties.

(3) Open to public. All meetings and public hearings of the board of appeals shall be open to the public.

(4) Notice. Public hearings shall be set for a time certain after due public notice.

(5) Compensation. Members of the board of appeals may receive reimbursement for travel and other expenses while on official business for the board of appeals as approved and established by the city council.

**SECTION 4. CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 5. SEVERABILITY.** It is the intention of the City Council that if any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.


**SECTION 6. CODIFICATION.** The City Council intends that this Ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances, and it shall entirely replace the current Chapter 10 in the City Code.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

AUTHENTICATED THIS 19<sup>th</sup> DAY OF October, A.D., 2020.

  
\_\_\_\_\_  
William C. Latham, Mayor

10/19/20   
\_\_\_\_\_  
Laurie Scott, City Clerk

Approved as to form and legal sufficiency:  
  
\_\_\_\_\_  
Chris Ambrosio, City Attorney