

RESOLUTION NO. 2010-002

A RESOLUTION OF THE SPRING HILL FIRE RESCUE AND EMERGENCY MEDICAL SERVICES DISTRICT BOARD OF FIRE COMMISSIONERS ADOPTING STANDARDS FOR EFFECTIVELY ELIMINATING SECTION 34 of ORDINANCE 2009-1 AND REPLACING IT WITH A NEW SECTION 34, PREPARING A MEMORANDUM OF AGREEMENT WITH HERNANDO COUNTY, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Law 2009-261 provides for the Board of Fire Commissioners to adopt codes, laws or ordinances pertaining to the enforcement of the local ordinances and the fire codes of the State.

WHEREAS, the Board of Fire Commissioners has previously adopted Ordinance 2009-1 providing for the enforcement of fire codes and the collection of fees and fines, associated with the inspections of various commercial or state licensed facilities.

WHEREAS, it has been discovered that a section of the original ordinance was not enforceable,

WHEREAS, it has been discovered that enforcement of the codes requires that several additional steps in the administrative, and prevention divisions of the District require Board enactment, to allow for the District employees to bring court actions pertaining to the enforcement of Local and State laws, rules, statutes, ordinances or codes into the Hernando County Court or Special Master systems.

WHEREAS, Hernando County has requested a Memorandum of Agreement there-by setting up procedures and agreements for the use of the Special Master program as outlined in Florida State Law and Hernando County, Florida Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE SPRING HILL FIRE RESCUE AND EMERGENCY MEDICAL SERVICES DISTRICT BOARD OF FIRE COMMISSIONERS THAT:

- 1) SECTION 34 of ORDINANCE 2009-1 BE REPEALED AND REPLACED WITH A NEW SECTION 34, WHICH ADDRESSES ITEMS NEEDED FOR THE ENFORCEMENT OF ORDINANCE 2009-1 AND RE-NUMBERING OF THE SECTION.**
- 2) THAT THE CHIEF OF THE DEPARTMENT OR DESIGNATED REPRESENTATIVE PREPARE FOR APPROVAL BY THE HERNANDO COUNTY BOARD OF COMMISSIONERS A MEMORDUM OF AGREEMENT TO ALLOW THE USE OF THE SPECIAL MASTER PROGRAM AS OUTLINED IN FLORIDA STATUTES AND HERNANDO COUNTY CODE.**

Previously read as: Underlined section's removed

Section 34: Penalty

- A. Any person who shall violate any of the provisions of this Code or the National Fire Codes, as adopted by the Spring Hill Fire Rescue & Emergency Medical Services District (SHFR) for which another penalty is not provided, or shall fail to comply therewith; or shall violate or fail to comply with any order made there under; or shall build, in violation of any details, statement, specifications, or plans submitted or approved there under; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued there under, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the authority having jurisdiction or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and non-compliance, respectively be punished by a fine as set by the State of Florida Fire Code and enforced by the Spring Hill Fire Code Enforcement Board, as established by Chapter 85-461, F. S., of not more than \$500.00 a day per violation, with each day of the violation constituting a separate offense. (F.S. 633)

- B. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time and, when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

- C. A fee / fine schedule shall be maintained in addition to this ordinance. (See Ordinance 2009-2 or its replacement. Said fee or fine schedule may be updated from time to time without the need to change this ordinance.

REPLACEMENT SECTION 34

Section 34: Penalty & Powers

- A. SHFR does here-by adopt Chapter 162 of the Florida Statutes as provided under Chapter 633 (633.052) to allow those authorized by the Board of Fire Commissioners to use the procedures contained within the statute to implement and enforce all fire codes and local ordinances as required and allowed under Chapter 2009-261.

- B. By reference, SHFR does also here-by adopt Article III of the Codes of Hernando County, Florida dealing with Code Enforcement and all sections deemed applicable to the enforcement of all codes , standards and local ordinances as allowed under 2009-261.

- C. Any person who shall violate any of the provisions of this Code or the National Fire Codes, as adopted by the Spring Hill Fire Rescue & Emergency Medical Services District and the State of Florida Division of the State Fire Marshal, for which another penalty is not provided, 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, statement, specifications, or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued there under, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the authority having jurisdiction or by a court of competent jurisdiction within the time fixed herein shall for each and every violation and non-compliance, respectively be punished by a fine as set by the State of Florida Fire Code of not more than \$500.00 a day per violation, or as allowed by Chapter 162 here-in adopted as allowed by statute, (also see section 162.09 Administrative Fines) with each day of the violation constituting a separate offense. (F.S. 633)
- D. Spring Hill Fire Rescue and Emergency Medical Services by virtue of Chapter 633.052 “Ordinances relating to Fire Safety: definitions; penalties.” —of the State of Florida Administrative code in section (2) states: a county or municipality that has created a code enforcement board or special magistrate pursuant to chapter 162 may enforce fire safety code violations as provided in Chapter 162; does here-by adopt by reference the use of the Hernando County Court System, and / or Special Magistrate as needed for the judicial arm of the enforcement of fire code violations of both State Fire Codes and Local Ordinances within the special district.
- E. Spring Hill Fire Rescue and Emergency Medical Services by virtue of Chapter 633.121 of which FS 633 is the referenced fire code of the Spring Hill Fire Rescue District, does here-by authorize agents or employees of the District, who are certified by the State of Florida Division of Insurance (State Fire Marshal) as Fire Safety Inspectors (633.081) within the district, and who by virtue of the requirements of the State of Florida have the powers to enforce the fire codes and issue summons’s pursuant to and in accordance with Chapter’s 633 and 162 of the Florida Administrative Code as authorized by the District to enforce both State Fire Codes and Local Ordinances as enacted and/or adopted within the Special District located within Hernando County, Florida.
- F. Spring Hill Fire Rescue and Emergency Medical Services by virtue of Chapter 2009-261, as enacted, has the right to lien a property for the failure to pay taxes, fines or other levies as imposed by the Board of Fire Commissioners (BOFC). By virtue of this law, the BOFC does here-by authorize the Special Master of Hernando County, Florida to effectively authorize a lien (for all costs associated) to any property owner found in violation of a fire code, statute, ordinance, rule or law based upon the violation (s) being found on said property, by which all costs associated with the “Order of the Special Master” shall be forwarded to the Clerk of the Court and or Hernando County Tax Collector, for inclusion on the subsequent tax bill associated with said property owner. Costs associated with the case include but are not limited to: Administrative fee’s and costs; Fines levied by the Court or Special Master; any other fee associated with the enforcement.

- G. By virtue of this ordinance, the Board of Fire Commissioners does here-by authorize its agents or employees to collect all fee's / fines / administrative costs, levied by the Office of Fire Prevention up to 3 days prior to the actual court date. Any fines or fees must be paid at Fire Headquarters located at 3445 Bob Hartung Court, Spring Hill, Florida 34606 or as may be designated by the Board.
- H. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time and, when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- I. A fee / fine schedule shall be maintained in addition to this ordinance. (See Ordinance 2009-2 or its replacement. Said fee or fine schedule may be updated from time to time without the need to change this ordinance.

History: Section 34 Amended by resolution 2010-2; dated 04-14-10

Section 37: Effective Date

These rules and regulations (changes) shall take effect and be in force from and after its approval as required by law. Adopted during a Public Hearing of the Spring Hill Fire Rescue & Emergency Medical Services District on April 14, 2010 .

Approved by a vote of 5 to 0

ATTEST:

Spring Hill Fire Rescue & Emergency Medical Services District
Board of Fire Commissioners

Amy Brosnan, Chairman

Dated

Recorded in the Official Minutes of the Spring Hill Fire Rescue and Emergency Medical Services District

Cynthia Taylor, Recording Secretary

Dated

seal

Filed With Clerk of the County of Hernando on _____

Dated

By: Clerk of the Circuit Court _____

Karen Nicolai

seal