

RESOLUTION 02-2007

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REPEALING RESOLUTION 7-93 RELATING TO FIRE INSPECTION FEES; PROVIDING FOR ADOPTION OF NEW FIRE SAFETY APPLICATION, REVIEW, INSPECTION AND PERMIT FEES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of Malabar adopted the most current edition of the Florida Fire Prevention Code as provided for in the Florida State Statute 633.0215 in order to establish building and structural regulations relating to fire prevention; and

WHEREAS, The Town Code provides for the Town Council to establish by resolution reasonable nonrefundable application, review, inspection and permit fees to cover the Town’s cost in administering provisions of the code to comply with the Florida Fire Prevention Code, the Florida Building Code and Florida State Statute in requiring the Fire Marshal to conduct plan review and new construction inspections of commercial premises located within the Town of Malabar, for the purpose of ensuring public health, safety and welfare of the citizens of the Town of Malabar; and,

WHEREAS, the Town Council of the Town of Malabar has determined that a revision to the fees schedule is appropriate in order to more accurately reflect staff obligations and costs to the Town of Malabar and provide a more equitable fee schedule:

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. FEES. The Town of Malabar does hereby adopt the following fees in accordance with the Town of Malabar’s Code, the Florida Fire Prevention Code and Florida Statute 633, for Fire Safety and Compliance Review; said fees to be in the amounts set forth in this resolution, replacing Exhibit “A” in the resolution notated above.

SECTION 2. NEW CONSTRUCTION SITE PLAN REVIEW AND INSPECTION FEES. The Town of Malabar shall perform site plan review and site improvement inspections, as required by law, on multi-family residential project sites with greater than three units proposed and all commercial projects sites. Proposed site plans are reviewed for access, fire fighting water, urban/rural interface, and property setbacks for fire safety. Subdivisions also require a similar review and site inspection to insure water requirements are met. Change of Use refers to an occupancy classification change within an existing building.

- | | |
|---|----------|
| a. Site Plan Review (includes first revision) | \$100.00 |
| b. Each subsequent Site Plan Revision | \$35.00 |
| c. Final Site Inspection | \$60.00 |
| d. Subdivision Initial Review (includes first revision) | \$100.00 |
| e. Each subsequent Subdivision Revision | \$35.00 |
| f. Final Subdivision Inspection | \$60.00 |
| g. Change of Use Plan Review | \$65.00 |

SECTION 3. NEW BUILDING CONSTRUCTION REVIEW AND INSPECTION

FEES. The Town of Malabar shall perform construction plan review and inspections, as required by law, on multi-family residential construction building projects with greater than three units proposed. This includes new construction, remodeling and repairs, and those projects requiring a commercial construction permit. Technical assistance may be necessary on certain projects and portions of the fire prevention plan review may need to be performed by an independent third party with expertise in the matter to be reviewed, at the submitter's expense. This provision is defined in the Florida Fire Prevention Code.

- a. New Construction Inspections: All inspections shall be charged per floor:
 - 1. Fire-wall \$ 35.00
 - 2. Draft stops \$ 35.00
 - 3. Rated assemblies \$ 35.00
 - 4. Elevator (emergency mode) \$ 35.00
 - 5. Final inspection or Cert of Occupancy \$ 35.00
 - 6. Miscellaneous inspection \$ 35.00
- b. Automatic Fire Suppression Systems (Sprinkler and Standpipe) Plan Review \$ 70.00
- c. Automatic Fire Suppression System (Sprinkler and Standpipe) Inspections per floor and/or riser, per visit: (Includes the observation of the required pressurized underground lines, underground flushing, above ground pressure, underground pressure and final inspection.) \$ 35.00
- d. Automatic Extinguishing Systems Plan Review \$ 35.00
- e. Automatic Extinguishing Systems Inspection (per system) \$ 35.00
- f. Fuel Storage Tanks Plan Review \$ 35.00
- g. Fuel Storage Tanks Inspections
 - 1. Underground Tanks up to 4 inspections per tank @ \$20.00 per inspection \$ 80.00
 - 2. Aboveground Tanks 1 inspection per tank @ \$35.00 per inspection \$ 35.00
 - 3. Removal 1 inspection per tank \$ 35.00
- h. Fire Alarm and Detection Systems Plan Review \$ 70.00
- i. Fire Alarm and Detection System Inspection First Zone \$ 35.00
Each Additional Zone \$ 20.00
- j. Fire Hydrant and Water-Control Valves Review \$ 70.00
- k. Fire Pumps and Related Equipment \$ 70.00
- l. Specialty Fees
 - 1. Design Review \$ 50.00
 - 2. Water Flow Tests \$ 50.00
- m. Work performed without a permit will be charged a double fee

SECTION 4. FIRE PREVENTION SAFETY INSPECTION FEES. The Town of Malabar shall perform fire prevention safety inspections, as required by law, on commercial business occupational occupancies, multi-family residential or short-term lodging occupancies, assembly, educational and medical occupancies, and industrial and storage occupancies. The Town of Malabar shall conduct these inspections annually for the following rates based on the square footage of the building or occupancy. The inspection fee includes one re-inspection within 45 days to ensure that any violations noted during the initial inspection have been corrected. If no efforts have been made

to comply with the Fire Prevention Code requirements, a compliance inspection fee that is twice the original fee shall be assessed. If additional inspections after the first compliance (third actual) inspection are required, the fee will continue to be increased by twice the initial fee. If the occupancy shall fail to comply after the sixth actual inspection, the Fire Marshal shall have the authority to revoke said occupancy and forward to the Special Magistrate for their review and/or administrative action.

Fire Prevention Safety Inspection Fee Matrix

Square feet from		Square Feet	Square Foot Increase	Initial Insp Fee +1 Reinsp	Compliance Inspection Fee	+1 Compliance Insp Fee	+2 Compliance Insp Fee	+3 Compliance Insp Fee
0	to	1,999	1,999	\$35.00	\$ 70.00	\$ 105.00	\$ 175.00	\$ 245.00
2,000	to	4,999	2,999	\$40.00	\$ 80.00	\$ 120.00	\$ 200.00	\$ 280.00
5,000	to	9,999	4,999	\$45.00	\$ 90.00	\$ 135.00	\$ 225.00	\$ 315.00
10,000	to	14,999	4,999	\$50.00	\$100.00	\$ 150.00	\$ 250.00	\$ 350.00
15,000	to	19,999	4,999	\$55.00	\$110.00	\$ 165.00	\$ 275.00	\$ 385.00
20,000	to	24,999	4,999	\$60.00	\$120.00	\$ 180.00	\$ 300.00	\$ 420.00
25,000	to	29,000	4,999	\$65.00	\$130.00	\$ 195.00	\$ 325.00	\$ 455.00
30,000	to	34,999	4,999	\$70.00	\$140.00	\$ 210.00	\$ 350.00	\$ 490.00
35,000	to	39,999	4,999	\$75.00	\$150.00	\$ 225.00	\$ 375.00	\$ 525.00
40,000	to	44,999	4,999	\$80.00	\$160.00	\$ 240.00	\$ 400.00	\$ 560.00
45,000	to	49,999	4,999	\$85.00	\$170.00	\$ 255.00	\$ 425.00	\$ 595.00
50,000	to	54,999	4,999	\$90.00	\$180.00	\$ 270.00	\$ 450.00	\$ 630.00
55,000	to	59,999	4,999	\$95.00	\$190.00	\$ 285.00	\$ 475.00	\$ 665.00
60,000	to	64,999	4,999	\$100.00	\$200.00	\$ 300.00	\$ 500.00	\$ 700.00
65,000	to	69,999	4,999	\$105.00	\$210.00	\$ 315.00	\$ 525.00	\$ 735.00
70,000	to	74,999	4,999	\$110.00	\$220.00	\$ 330.00	\$ 550.00	\$ 770.00
75,000	to	79,999	4,999	\$115.00	\$230.00	\$ 345.00	\$ 575.00	\$ 805.00
80,000	to	84,999	4,999	\$120.00	\$240.00	\$ 360.00	\$ 600.00	\$ 840.00
85,000	to	89,000	4,999	\$125.00	\$250.00	\$ 375.00	\$ 625.00	\$ 875.00
90,000	to	94,999	4,999	\$130.00	\$260.00	\$ 390.00	\$ 650.00	\$ 910.00
95,000	to	99,999	4,999	\$135.00	\$270.00	\$ 405.00	\$ 675.00	\$ 945.00
100,000	to	119,000	19,999	\$145.00	\$290.00	\$ 435.00	\$ 725.00	\$1,015.00
120,000	to	139,000	19,999	\$155.00	\$310.00	\$ 465.00	\$ 775.00	\$1,085.00
140,000	to	159,999	19,999	\$165.00	\$330.00	\$ 495.00	\$ 825.00	\$1,155.00
160,000	to	179,999	19,999	\$175.00	\$350.00	\$ 525.00	\$ 875.00	\$1,225.00
180,000	to	199,999	19,999	\$185.00	\$370.00	\$ 555.00	\$ 925.00	\$1,295.00

SECTION 5. REQUIRED PERMITS AND FEES. The Florida Fire Prevention Code requires that Malabar provide for permitting for the following uses and establishes fees for same.

- | | |
|---|-----------|
| a. Processing fee for each application | \$ 15.00 |
| b. Amusement Parks – for construction, alteration, or operation of amusement park fire protection safety features per NFPA Section 10.16.1 | \$ 50.00 |
| c. Asbestos Removal per NFPA Section 16.8.2 | \$ 50.00 |
| d. Automobile wrecking yard – permit to operate per NFPA Section 22.2 | \$ 50.00 |
| e. Automobile Fueling Servicing per NFPA Section 42.2.2.1, 42.5.2.2.4, 45.5.3.1 | \$ 50.00 |
| f. Bonfires, recreational and special occasion, NOT rubbish fires | \$ 50.00 |
| g. Carnivals and Fairs – permit to conduct event per NFPA Section 10.16.1 | \$ 50.00 |
| h. Combustible Material Storage – for store more than 2500 ft ³ (70.8m ³) gross volume per NFPA Section 19.1.1 and 20.15.4.2 | \$ 50.00 |
| i. Compressed Gases per NFPA Section 63.1.2 | \$ 50.00 |
| j. Cutting and Welding Operation per NFPA Section 17.3.4.6.1 | \$ 50.00 |
| k. Curtain air incinerator burn, per day | \$ 200.00 |
| l. Dry Cleaning Plant or facility per NFPA Section 24.2 | \$ 50.00 |
| m. Fire Alarm and Detection System – Installation or modification | \$ 50.00 |
| n. Flame Effects – use of flame effects before an audience | \$ 200.00 |
| o. Flammable and Combustible Liquids per NFPA Section 66.1.5
To store, handle, or use Class II or Class III-A liquids in excess of 25 gal in a building or in excess of 60 gal outside a building. (Exception: fuel oil used in connection with oil-burning equipment. | \$ 50.00 |
| p. Liquefied Petroleum Gases – to store, handle, or dispense LP-gas | \$ 50.00 |
| q. Liquefied Petroleum Gases – to install or modify LP-gas systems | \$ 50.00 |
| r. Places of Assembly per NFPA Section 10.16.1;20.1.1 | \$ 50.00 |
| s. Repair Garages or Service Stations per NFPA Section 30.1.1.3;30.2.1.1 | \$ 50.00 |
| t. Special Outdoor Events, Carnivals, Fairs per NFPA Section 10.16.1 | \$ 50.00 |
| u. Tar Kettles per NFPA Section 16.7.1.2;17.3.4.6.1 | \$ 50.00 |
| v. Torch-Applied Roofing Operation per NFPA Section 16.6.1 | \$ 50.00 |
| w. Wildland Fire-Prone Area per NFPA Section 17.3.2 | \$ 250.00 |
| x. Wood Products – to store chips, lumber or plywood in excess of 200ft ³ | \$ 50.00 |
| y. All other operations as listed in the NFPA and not specifically listed here | \$ 50.00 |

SECTION 6. CONFLICTS. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this resolution.

SECTION 7. SEVERABILITY. In the event a court of competent jurisdiction shall hold or determine that any part of this resolution is invalid or unconstitutional, the remainder of the resolution shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this resolution without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 8. EFFECTIVE DATE. This Resolution shall become effective

immediately upon its adoption.

The foregoing resolution was moved for adoption by Council Member _____.
The motion was seconded by Council Member _____ and, upon being put to a
vote, the vote was as follows:

Council member Nancy Borton	_____
Council member Brian Vail	_____
Council member Chuck McClelland	_____
Council member Bobbi Moccia	_____
Council member Pat Dezman	_____

This Resolution was then declared to be duly passed and adopted this 11th day of
January, 2007.

TOWN OF MALABAR

BY: _____
Mayor Tom Eschenberg, Chair

ATTEST:

Susan Kabana, CMC
Town Clerk/Treasurer

(seal)