

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**BOARD APPOINTMENT SUMMARY**

**Meeting Date:** May 6, 2008

**Department:** Fire-Rescue

**Advisory Board Name:** Fire Code Board of Appeals and Adjustments

**1. Executive Brief**

**Motion and Title:** Staff recommends motion to approve: the reappointment of three (3) members to the Fire Code Board of Appeals and Adjustments committee for a three (3) year term, beginning on May 18, 2008 through May 17, 2011.

**Reappoint:**


<u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Nominated By</u>
James Bauman	General Contractor	1	Commissioner Koons Commissioner Greene Commissioner Marcus Commissioner McCarty Commissioner Kanjian
Ed Oliver	Architect	4	Commissioner Koons Commissioner Greene Commissioner Marcus Commissioner McCarty Commissioner Kanjian
Roy Pollack	Fire Alarm Contractor	7	Commissioner Koons Commissioner Greene Commissioner Marcus Commissioner McCarty Commissioner Kanjian

**Summary:** The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2004-073). On February 15, 2008, a memo was distributed to the Commissioners requesting nominations to this nine (9)-member board (At-Large). This board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. No other nominations were received. **Countywide (SB)**

**Background and Justification:** The Fire Code Board of Appeals and Adjustments requires the appointment by the County Commission of individuals working in specific, related fields that are knowledgeable to make decisions on Fire Code appeals, and to make recommendations for changes to the Fire Code to the Board of County Commissioners and Fire-Rescue.

**Attachments:**

1. Board Appointment Form(s)
2. Member List – Fire Code Board of Appeals and Adjustments
3. Ordinance No. 2004-073, Fire Code Board of Appeals and Adjustments
4. Memo dated February 15, 2008 to Commissioners requesting nominations

Recommended By: *Herman Price* 3-24-08  
 Department Director  Date

Approved By: *Sharon Burrows* 3-27-08  
 Assistant County Attorney Date

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ADVISORY BOARD NOMINEE INFORMATION FORM**

**Part I:**

Board Name: Palm Beach County Fire Code Board of Appeals and Adjustments

At Large Appointment      or       District Appointment

Term of Appointment: 3 Years.      From: May 18, 2008      To: May 17, 2011

Seat Requirement: General Contractor      Seat #: 1

\*Reappointment      or       New Appointment

or  to complete the term of \_\_\_\_\_ Due  resignation  other to: \_\_\_\_\_

Completion of term to expire on: \_\_\_\_\_

**Part II:      *APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT***

Name: Bauman      James  
Last      First      Middle

Occupation/Affiliation: General Contractor

Business Name: M.D.S. Builders

Business Address: 5455 North Federal Highway, Ste B

City & State: Boca Raton, FL      Zip Code: 33487

Residence Address: 1170 SW 21<sup>st</sup> Street

City & State: Boca Raton, FL      Zip Code: 33487

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( 561 ) 241-8990  
Ext. \_\_\_\_\_

Cell Phone: ( ) \_\_\_\_\_ Fax: ( 561 ) 241-7939

Email Address: Jbaumann@mdsbuilders.com

Mailing Address preference:  Business Address     Residence

**Minority Identification Code:**

- |  |   |
|--|---|
| <input type="checkbox"/> IF (Native-American Female)   | <input type="checkbox"/> IM (Native-American Indian Male) |
| <input type="checkbox"/> AF (Asian-American Female)    | <input type="checkbox"/> AM (Asian-American Male)         |
| <input type="checkbox"/> BF (African-American Female)  | <input type="checkbox"/> BM (African-American Male)       |
| <input type="checkbox"/> HF (Hispanic-American Female) | <input type="checkbox"/> HM (Hispanic-American Male)      |
| <input type="checkbox"/> WF (Caucasian Female)         | <input checked="" type="checkbox"/> WM (Caucasian Male)   |

**Part III: COMMISSIONER COMMENTS**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

**\*When a person is being considered for re-appointment, the number of previous disclosed voting conflicts shall be considered by the Board of County Commissioners.**

Number of previously disclosed voting conflicts during the previous term \_\_\_\_\_  
Signature: John F Kon      Date: 8/26/08

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ADVISORY BOARD NOMINEE INFORMATION FORM**

**Part I:**

Board Name: Palm Beach County Fire Code Board of Appeals and Adjustments

At Large Appointment      or       District Appointment

Term of Appointment: 3 Years.      From: May 18, 2008 To: May 17, 2011

Seat Requirement: General Contractor      Seat #: 1

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or  to complete the term of \_\_\_\_\_ Due  resignation  other to: \_\_\_\_\_  
Completion of term to expire on: \_\_\_\_\_

**Part II:      *APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT***

Name: Bauman      James  
Last      First      Middle

Occupation/Affiliation: General Contractor  
M.D.S. Builders

Business Name: \_\_\_\_\_

Business Address: 5455 North Federal Highway, Ste B

City & State: Boca Raton, FL      Zip Code: 33487

Residence Address: 1170 SW 21<sup>st</sup> Street

City & State: Boca Raton, FL      Zip Code: 33487

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( 561 ) 241-8990  
Ext. \_\_\_\_\_

Cell Phone: ( ) \_\_\_\_\_ Fax: ( 561 ) 241-7939

Email Address: Jbaumann@mdsbuilders.com

Mailing Address preference:  Business Address       Residence

**Minority Identification Code:**

- |  |   |
|--|---|
| <input type="checkbox"/> IF (Native-American Female)   | <input type="checkbox"/> IM (Native-American Indian Male) |
| <input type="checkbox"/> AF (Asian-American Female)    | <input type="checkbox"/> AM (Asian-American Male)         |
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**Part III: COMMISSIONER COMMENTS**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

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Number of previously disclosed voting conflicts during the previous term \_\_\_\_\_

Signature: Odette L. Greene      Date: 03/03/08



**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ADVISORY BOARD NOMINEE INFORMATION FORM**

**Part I:**

Board Name: Palm Beach County Fire Code Board of Appeals and Adjustments

At Large Appointment      or       District Appointment

Term of Appointment: 3 Years.      From: May 18, 2008      To: May 17, 2011

Seat Requirement: General Contractor      Seat #: 1

\*Reappointment      or       New Appointment

or  to complete the term of \_\_\_\_\_ Due  resignation  other to: \_\_\_\_\_

Completion of term to expire on: \_\_\_\_\_

**Part II:      *APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT***

Name: Bauman      James  
Last      First      Middle

Occupation/Affiliation: General Contractor

Business Name: M.D.S. Builders

Business Address: 5455 North Federal Highway, Ste B

City & State: Boca Raton, FL      Zip Code: 33487

Residence Address: 1170 SW 21<sup>st</sup> Street

City & State: Boca Raton, FL      Zip Code: 33487

Home Phone: (    ) \_\_\_\_\_      Business Phone: ( 561 ) 241-8990  
Ext.

Cell Phone: (    ) \_\_\_\_\_      Fax: ( 561 ) 241-7939

Email Address: Jbaumann@mdsbuilders.com

**Mailing Address preference:**  Business Address     Residence

**Minority Identification Code:**

- |  |   |
|--|---|
| <input type="checkbox"/> IF (Native-American Female)   | <input type="checkbox"/> IM (Native-American Indian Male) |
| <input type="checkbox"/> AF (Asian-American Female)    | <input type="checkbox"/> AM (Asian-American Male)         |
| <input type="checkbox"/> BF (African-American Female)  | <input type="checkbox"/> BM (African-American Male)       |
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**Part III: COMMISSIONER COMMENTS**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

**\*When a person is being considered for re-appointment, the number of previous disclosed voting conflicts shall be considered by the Board of County Commissioners.**

Number of previously disclosed voting conflicts during the previous term \_\_\_\_\_

Signature: Mary McCarty (16)

Date: 2/26/08





**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ADVISORY BOARD NOMINEE INFORMATION FORM**

**Part I:**

Board Name: Palm Beach County Fire Code Board of Appeals and Adjustments

At Large Appointment      or       District Appointment

Term of Appointment: 3 Years.      From: May 18, 2008 To: May 17, 2011

Seat Requirement: Architect      Seat #: 4

Reappointment      or       New Appointment

or  to complete the term of \_\_\_\_\_ Due  resignation  other to: \_\_\_\_\_

Completion of term to expire on: \_\_\_\_\_

**Part II:      *APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT***

Name: Oliver      Ed  
Last      First      Middle

Occupation/Affiliation: Architect

Business Name: Anthony E Oliver AIA

Business Address: 1401 Forum Way, Ste 100A

City & State: West Palm Beach, FL      Zip Code: 33401

Residence Address: 1509 Mizzen Mast Way

City & State: Jupiter, FL      Zip Code: 33477

Home Phone: ( ) \_\_\_\_\_      Business Phone: ( 561 ) 684-6841

Cell Phone: ( ) \_\_\_\_\_      Fax: \_\_\_\_\_

Email Address: Edoliver@ogsparchitects.com

Mailing Address preference:  Business Address     Residence

**Minority Identification Code:**

- |  |   |
|--|---|
| <input type="checkbox"/> IF (Native-American Female)   | <input type="checkbox"/> IM (Native-American Indian Male) |
| <input type="checkbox"/> AF (Asian-American Female)    | <input type="checkbox"/> AM (Asian-American Male)         |
| <input type="checkbox"/> BF (African-American Female)  | <input type="checkbox"/> BM (African-American Male)       |
| <input type="checkbox"/> HF (Hispanic-American Female) | <input type="checkbox"/> HM (Hispanic-American Male)      |
| <input type="checkbox"/> WF (Caucasian Female)         | <input checked="" type="checkbox"/> WM (Caucasian Male)   |

**Part III: COMMISSIONER COMMENTS**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

**\*When a person is being considered for re-appointment, the number of previous disclosed voting conflicts shall be considered by the Board of County Commissioners.**

\_\_\_\_\_ Number of previously disclosed voting conflicts during the previous term

Signature: Adelia L. Greene

Date: 3/03/08





**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ADVISORY BOARD NOMINEE INFORMATION FORM**

**Part I:**

Board Name: Palm Beach County Fire Code Board of Appeals and Adjustments

At Large Appointment                      **or**                       District Appointment

Term of Appointment: 3 Years.                      From: May 18, 2008 To: May 17, 2011

Seat Requirement: Architect                      Seat #: 4

\*Reappointment                      **or**                       New Appointment

or  to complete the term of \_\_\_\_\_ Due  resignation  other to: \_\_\_\_\_  
Completion of term to expire on: \_\_\_\_\_

**Part II:**                      ***APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT***

Name: Oliver                      Ed  
  Last                      First                      Middle

Occupation/Affiliation: Architect

Business Name: Anthony E Oliver AIA

Business Address: 1401 Forum Way, Ste 100A

City & State: West Palm Beach, FL                      Zip Code: 33401

Residence Address: 1509 Mizzen Mast Way  
City & State: Jupiter, FL                      Zip Code: 33477

Home Phone: ( ) \_\_\_\_\_                      Business Phone: ( 561 ) 684-6841

Cell Phone: ( ) \_\_\_\_\_                      Fax: \_\_\_\_\_

Email Address: Edoliver@ogsparchitects.com

Mailing Address preference:  Business Address     Residence

- Minority Identification Code:**  
 IF (Native-American Female)                       IM (Native-American Indian Male)  
 AF (Asian-American Female)                       AM (Asian-American Male)  
 BF (African-American Female)                       BM (African-American Male)  
 HF (Hispanic-American Female)                       HM (Hispanic-American Male)  
 WF (Caucasian Female)                       WM (Caucasian Male)

**Part III: COMMISSIONER COMMENTS**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

**\*When a person is being considered for re-appointment, the number of previous disclosed voting conflicts shall be considered by the Board of County Commissioners.**

Number of previously disclosed voting conflicts during the previous term: 15  
Signature: Mary McCarty                      Date: 2/25/08











**PALM BEACH COUNTY  
 BOARD OF COUNTY COMMISSIONERS  
 ADVISORY BOARD NOMINEE INFORMATION FORM**

**Part I:**

Board Name: Palm Beach County Fire Code Board of Appeals and Adjustments

At Large Appointment or  District Appointment

Term of Appointment: 3 Years. From: May 18, 2008 To: May 17, 2011

Seat Requirement: Fire Alarm Contractor Seat #: 7

\*Reappointment or  New Appointment

or  to complete the term of \_\_\_\_\_ Due  Resignation  other to: \_\_\_\_\_

Completion of term to expire on: \_\_\_\_\_

**Part II: *APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT***

Name: Pollack Last Roy First  Middle

Occupation/Affiliation: Fire Alarm Contractor  
Guardian International

Business Name: \_\_\_\_\_  
3880 N. 28<sup>th</sup> Terrace

Business Address: \_\_\_\_\_  
 City & State Hollywood, FL Zip Code: 33309

Residence Address: 1721 Farmington Circle  
 City & State Wellington, FL Zip Code: 33414

Home Phone: (561) 779-7199 Business Phone: (954) 926-5200

Cell Phone: ( ) Fax: (561) 744-1454

Email Address: Roy@staysafe.net

Mailing Address preference:  Business Address  Residence

**Minority Identification Code:**

- |  |   |
|--|---|
| <input type="checkbox"/> IF (Native-American Female)   | <input type="checkbox"/> IM (Native-American Indian Male) |
| <input type="checkbox"/> AF (Asian-American Female)    | <input type="checkbox"/> AM (Asian-American Male)         |
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**Part III: COMMISSIONER COMMENTS**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

**\*When a person is being considered for re-appointment, the number of previous disclosed voting conflicts shall be considered by the Board of County Commissioners.**

\_\_\_\_\_ Number of previously disclosed voting conflicts during the previous term

Signature: [Signature]

Date: 2/20/08



**I. AUTHORITY:**

Ordinance No. 92-18, Section 105.1, Fire Code Ordinance; amended by Ordinance No. 94-12; amended by Ordinance No. 2001-101 and Administrative Order 03-03 on January 1, 2004; amended by Ordinance No. 2004-073; adopted on December 29, 2004.

**II. APPOINTING AUTHORITY:**

Board of County Commissioners (BCC)

**III. COMPOSITION, QUALIFICATIONS, TERMS, & REMOVAL:**

The Board is composed of nine (9) individuals appointed at-large. The composition is as follows: one (1) registered engineer, practicing in the mechanical field; one (1) registered engineer, practicing in the fire protection field; one (1) Florida or Palm Beach County certified general contractor; one (1) representative of the insurance field; one (1) certified fire sprinkler contractor; one (1) citizen of Palm Beach County, not eligible under other membership categories; one (1) registered architect; one (1) Palm Beach County municipal building official and one (1) Palm Beach County municipal fire service representative. Where a member is required to be registered or certified, same shall be issued by the State of Florida unless otherwise specified.

The initial terms of the appointments shall be as follows: one year: Architect, General Contractor and Fire Protection Engineer; two years: Mechanical Engineer, Building Official; and Fire Sprinkler Industry Representative and three years: Municipal Fire Representative, Insurance Industry Representative and Citizen Representative. Thereafter all appointments will be for three years and there will be no limit on the number of terms an individual may serve. Any member may be removed at any time without stated cause, by the BCC of PBC, and new members appointed by said BCC shall serve the remainder of the vacant term. Members serve at the pleasure of the BCC. All members must reside within Palm Beach County at the time of the appointment and while serving on the Board and shall be qualified electors of Palm Beach County. The Board shall adopt rules and regulations for conducting its business. A quorum for said Board shall be a majority total membership of the Board. The AHJ shall designate a representative to act as Secretary to the Board.

\*NOTE: When sitting solely in its advisory capacity, the Board shall be known as the Fire Code Advisory Board and shall be composed of the same members as the Board of Appeals & Adjustments. Persons appointed to the Board of Appeals & Adjustments shall be deemed to be likewise appointed to the Fire Code Advisory Board. Each member shall have a full vote. All members are subject to the rules, adopted by the Board of County Commissioners, governing Board participation and attendance. When sitting solely in its advisory capacity, the Board shall be known as the Fire Code Advisory Board and shall be composed of the same members as the Board of Appeals and Adjustments. Persons appointed to the Board of Appeals and Adjustments shall be deemed to be likewise to the Fire Code Advisory Board.

**IV. MEETINGS:**

Meetings are scheduled on a monthly basis, or as needed for resolution of pending appeals. Upon receipt of the notice of appeal by the Board, a hearing shall be held at the next regularly scheduled meeting of the Board, with notice to the appellant, the AHJ, and the members of the Board, at least five (5) working days prior to said hearing. Special meetings may also be called by the Board provided that five (5) working days notice is given to both parties.

**V. FUNCTIONS:**

1. The Board shall review the Fire Code and make recommendations, in the form of specific amendments, to the Board of County Commissioners for corrections, additions, substitutions or deletions to said Code for the purposes of clarification, applicability, public safety, and changes in technology, so as to maintain this Code as an effective and responsive document.

ATTACHMENT # 2

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2. To entertain appeals or decisions made jointly by the local AHJ and the local building official, in accordance with Section 553.73(8), Florida Statutes.
  3. To resolve conflicts between the building code and the fire code, in accordance with Section 553.73(8), Florida Statutes.

VI. LIAISON DEPARTMENT:

Fire-Rescue

VII. CONTACT PERSON:

Steve Jerauld

50 South Military Trail, Suite 101

West Palm Beach, FL 33415

(561) 616-7006 Fax (561) 616-7080

FIRE CODE BOARD OF APPEALS & ADJUSTMENT  
ADVISORY BOARD MEMBERS

<u>SEAT ID</u>	<u>CURRENT MEMBER</u>	<u>RACE CODE</u>	<u>BUSINESS/ HOME PHONE</u>	<u>REQUIREMENT</u>	<u>APPOINT DATE</u>	<u>RE-APPT DATE</u>	<u>EXPIRE DATE</u>
1	James Baumann M.D.S. Builders 5455 No. Federal Hwy., Ste. B Boca Raton, FL 33487		(561) 241-8990	General Contractor	06/19/2001	05/18/2005	05/17/2008
2	Mike Carsillo City of WPB Fire Dept. 500 N. Dixie Hwy. West Palm Beach, FL 33415	WM	(561) 804-4700	Municipal Fire Representative	09/10/2002	05/18/2007	05/17/2010
3	Kenneth J. Loihle City of Riviera Beach 600 West Blue Heron Blvd. Riviera Beach, FL 33404	WM	(561) 845-4021 (561) 845-1522	Municipal Building Official	11/18/1997	05/18/2006	05/17/2009
4	Ed Oliver Anthony E. Oliver AIA 1401 Forum Way West Palm Beach, FL 33401		(561) 684-6841	Architect	05/18/2004	05/18/2005	05/17/2008
5	Robert Farmer Farmer and Irwin 3300 Avenue K West Palm Beach, FL 33404		(561) 844-5236	Fire Sprinkler Contractor	05/18/2004	05/18/2006	05/17/2009
	Ronald E. Bailey, P.E. Bailey Engineering Corp. 880 Jupiter Park Drive Jupiter, FL 33458	WM	(561) 744-1410 ( )	Fire Protection Engineer	09/10/1991	05/18/2005	05/17/2008
7	Roy Pollack Guardian International 3880 N. 28th Terrace Hollywood, FL 33020		(954) 926-5200 (561) 262-3255	Fire Alarm Contractor	05/18/2005	/ /	05/17/2008
8	Gary R. Ratay Kimley-Horn & Assoc. 5100 N.W. 33rd Ave., Ste. 157 Ft. Lauderdale, FL 33309	WM	(954) 739-2233	Mechanical Engineer	06/03/1997	05/18/2006	05/17/2009

05/08/2007  
(specbrd3)

**FIRE CODE BOARD OF APPEALS & ADJUSTMENT**  
**ADVISORY BOARD MEMBERS**

<u>SEAT ID</u>	<u>CURRENT MEMBER</u>	<u>RACE CODE</u>	<u>BUSINESS/ HOME PHONE</u>	<u>REQUIREMENT</u>	<u>APPOINT DATE</u>	<u>RE-APPT DATE</u>	<u>EXPIRE DATE</u>
9	Lorraine W. Kasper 4641 N.W. 5th Lane Boca Raton, FL 33431	WF	( ) - (561) 750-0609	Citizen Representative	05/14/1991	05/18/2007	05/17/2010

APPOINTED BY: At Large

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING THAT THE FLORIDA FIRE PREVENTION CODE SHALL BE DEEMED ADOPTED; PROVIDING FOR LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE; REPLACING CHAPTER 12, ARTICLE IV OF THE PALM BEACH COUNTY CODE (CODIFYING ORDINANCE 2001-101) IN ITS ENTIRETY; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 633, Florida Statutes, the State Fire Marshal has adopted by rule an updated statewide minimum firesafety code, known as the Florida Fire Prevention Code, which incorporates NFPA 1 Uniform Fire Code (Florida 2003 edition) and NFPA 101 Life Safety Code (Florida 2003 edition); and

WHEREAS, Chapter 633, Florida Statutes, requires local governments with firesafety responsibilities to enforce the Florida Fire Prevention Code as the minimum firesafety code; and

WHEREAS, Chapter 633, Florida Statutes, authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum firesafety code; and

WHEREAS, the Palm Beach County Fire Code Advisory Board has recommended that the Board of County Commissioners adopt local amendments to the Florida Fire Prevention Code as set forth in Appendix A attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

**SECTION 1.** Chapter 12, Article IV of the Palm Beach County Code (codifying Palm Beach County Ordinance 2001-101) is hereby replaced in its entirety by the provisions set forth in this Ordinance and Appendix A attached hereto and incorporated herein.

**SECTION 2.** In accordance with Sections 633.0215 and 633.025, Florida Statutes, the "Florida Fire Prevention Code" adopted by the State Fire Marshal in Rule Chapter 69A-60 of the Florida Administrative Code, as may be amended, including NFPA 1 Uniform Fire Code (Florida 2003 edition) and NFPA 101 Life Safety Code (Florida 2003 edition), is deemed adopted by reference as

the minimum firesafety code, and is hereby amended by the local amendments set forth in Appendix A attached hereto and incorporated herein. The local amendments adopted by this Ordinance shall be known as the "Palm Beach County Local Amendments to the Florida Fire Prevention Code." The Florida Fire Prevention Code as amended by the Palm Beach County Local Amendments to the Florida Fire Prevention Code may be hereinafter referred to as "this Code."

**SECTION 3.**     **Legislative Findings:** The Board of County Commissioners hereby determines that the local amendments set forth in Appendix A are more stringent than the minimum firesafety code and strengthen the minimum firesafety code in accordance with Sections 633.025 and 633.0215, Florida Statutes.

**SECTION 4.**     **Applicability:** The provisions of this Ordinance shall be in full force and effect in Palm Beach County within the boundaries of any Fire-Rescue municipal service taxing unit (MSTU) established by ordinance, and within any municipality that has entered into an interlocal agreement for fire protection services from Palm Beach County Fire-Rescue and enacted an ordinance to adopt the Palm Beach County Local Amendments within the municipality, unless otherwise provided by the interlocal agreement.

**SECTION 5.**     **Repeal of Laws in Conflict:** Any laws or ordinances in conflict with this Ordinance which Palm Beach County is authorized to repeal are hereby repealed to the extent of such conflict.

**SECTION 6.**     **Savings Clause:** Notwithstanding the provisions of Sections 1 and 5 of this Ordinance, all provisions of Palm Beach County Ordinance 2001-101 (codified at Chapter 12, Article IV of the Palm Beach County Code) as originally enacted and amended are specifically preserved, and shall remain in full force and effect, for the limited purpose of enforcing any alleged violations of said law which occurred prior to its repeal or replacement.

**SECTION 7.**     **Severability:** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**SECTION 8. Inclusion in the Code of Laws and Ordinances:** The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

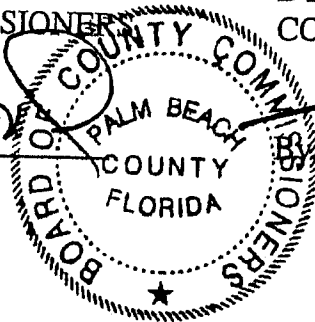
**SECTION 9. Effective Date:** The provisions of this Ordinance shall become effective on January 1, 2005.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 21 day of December, 2004.

DOROTHY H. WILKEN, CLERK  
BOARD OF COUNTY COMMISSIONERS

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

By Dana S. Atwood  
Deputy Clerk



Tony Masilotti  
Tony Masilotti, Chairman

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY: Brian Buron  
County Attorney

Filed with the Department of State on the 29 day of December, 2004.

decision containing a summary of the testimony and evidence presented and the AHJ's findings and conclusions.

The AHJ's decision may be appealed by the challenging party to the Fire Code Board of Appeals and Adjustments within thirty (30) days after the AHJ's issuance of a written order. Such appeal shall not be a hearing de novo. The appeal shall be limited to appellate review of the record created before the AHJ. The Board shall reverse the decision of the AHJ only if it determines that there is no substantial competent evidence to support the AHJ's decision.

If the written order of the AHJ or the Board of Appeals and Adjustments determines that the challenged Local Amendment or any part thereof does not comply with the applicable statutory requirements, then said Local Amendment or part thereof shall be deemed void effective as of the date of the written order. Such holding shall not affect the remainder of the Local Amendments or this Code.

The decision of the Board of Appeals and Adjustments shall be final action which may be appealed by the challenging party to the State Department of Financial Services in accordance with Section 633.025(4)(d), Florida Statutes.

#### **1.10 Board of Appeals and Adjustments.**

**1.10.1 General.** Whenever it is claimed that the provisions of this Code do not apply or have been misapplied, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or misapplied, or when it is claimed that a decision is unreasonable or arbitrary as it applies to alternatives, the owner or his duly authorized agent may appeal the decision of the AHJ to the Board of Appeals and Adjustments. Notice of appeal shall be in writing and filed with the AHJ within thirty (30) days after the decision is rendered by the AHJ. Appeals shall be on forms provided by the AHJ.

#### **1.10.2 Board of Appeals and Adjustments Created.**

There is hereby created a Fire Code Board of Appeals and Adjustments, herein after referred to as the "Board", consisting of nine (9) members who are qualified by training and experience to vary the application of the provisions of this code, and act on related matters, and to perform such other duties as established herein. The Board shall be appointed by the



Board of County Commissioners. All members must reside within Palm Beach County at the time of appointment and while serving on the Board and shall be qualified electors of Palm Beach County. The Board shall adopt rules and regulations for conducting its business. A quorum for said Board shall be 5 members of the Board. The AHJ shall designate a representative to act as Secretary to the Board. Public Notice of all Board meetings shall be provided. All Board meetings shall be open to the public and shall comply with the applicable requirements of the Florida "Government in the Sunshine" and "Public Records" laws. Minutes shall be taken at each meeting.

**1.10.3 Recommendations to Board of County Commissioners.** The Board shall review this Code and make recommendations, in the form of specific amendments, to the Board of County Commissioners for corrections, additions, substitutions or deletions to said Code for the purposes of clarification, applicability, public safety, and changes in technology, so as to maintain this Code as an effective and responsive document.

**1.10.4 Composition.** The composition of the Board of Appeals and Adjustments shall be as follows:

- a. One (1) registered engineer, practicing in the mechanical field.
- b. One (1) registered engineer, practicing in the fire protection field.
- c. One (1) Florida or Palm Beach County certified general contractor.
- d. One (1) certified fire alarm contractor.
- e. One (1) certified fire sprinkler contractor.
- g. One (1) citizen of Palm Beach County, not eligible under other membership categories.
- h. One (1) registered architect.
- i. One (1) Palm Beach County municipal building official.
- j. One (1) Palm Beach County municipal fire service representative.

Where a member is required to be registered or certified, same shall be issued by the State of Florida unless otherwise specified.

**1.10.5 Vote Calculation.** Each member shall have a full vote.

**1.10.6 Term.** The members shall serve three (3) year terms. There shall be no limit on the number of terms an individual may serve.

**1.10.7 Removal/Absences.** All members shall be subject to the rules, adopted by the Board of County Commissioners, governing Board participation and attendance.

**1.10.8 Fire Code Advisory Board.** When sitting solely in its advisory capacity, the Board shall be known as the Fire Code Advisory Board and shall be composed of the same members as the Board of Appeals and Adjustments. Persons appointed to the Board of Appeals and Adjustments shall be deemed to be likewise appointed to the Fire Code Advisory Board.

**1.10.9 Procedures on Appeal.**

**1.10.9.1 Hearing.** Upon receipt of the notice of appeal by the AHJ, a hearing shall be held at the next regularly scheduled meeting of the Board, with notice to the appellant, the AHJ, and the members of the Board, at least five (5) working days prior to said hearing. Special meetings may also be called by the Board provided that five (5) working days notice is given to both parties. If the applicant requires a special meeting to be called, the appeal fee shall be One Hundred Dollars (\$100.00). Both the appellant and the AHJ, or their representatives, shall attend the hearing and may present evidence at same. The Board shall consider each appeal on its own merits and shall base its decision only on the evidence presented at said hearing.

**1.10.9.2 Board Action.** The Board, upon an affirmative vote of a majority of the votes present, shall either 1) affirm the decision of the AHJ; 2) modify the decision of the AHJ; or 3) reverse the decision of the AHJ and affirm the appellant's position. The Board's decision, with the reasons therefore, shall be transcribed in writing and a copy shall be mailed, by certified mail, to the appellant, within ten (10) days after the hearing. All such decisions shall be final, subject to judicial review as provided by law.

**1.10.9.3 Tie Vote.** In the event the Board is deadlocked in a tie vote, the appellant may request the Board to defer final action until the next regular meeting date or a specific date certain. The appellant shall be entitled to one (1) such deferral as of right. The matter shall be deferred and heard de novo, unless the majority then present at the time deferral is requested vote

for the matter to be determined upon the record only for the upcoming hearing after deferral.

**1.10.10 Decisions.**

**1.10.10.1** The Board shall provide for reasonable interpretation of the provisions of this Code and rule on appeals from decisions of the AHJ. The Board may approve an equivalent alternative in accordance with Section 1.4 of this Code.

**1.10.10.2 Action.** The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the AHJ, the AHJ shall immediately take action in accordance with such decision.

**1.10.11 Fire Marshal Order Stayed, Exception.** Pending the disposition of an appeal scheduled for hearing, the order or decision of the AHJ sought to be appealed shall be stayed unless the AHJ certifies under oath, based upon available data, that an extreme danger to life or property exists, warranting immediate compliance under this Code. Said certification must be included in the order and be filed with the Board within ten (10) days after the notice of appeal is filed.

**1.10.12 Conflict Resolution**

**1.10.12.1** Any conflict between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code as applied to a specific project shall be resolved in accordance with Section 553.73(9), Florida Statutes.

**1.10.12.2** The Fire Code Board of Appeals and Adjustments is hereby designated and authorized to perform the local administrative board functions set forth in Section 553.73(9), Florida Statutes. In accordance with Section 553.73(9), Florida Statutes, the duties and functions of the Fire Code Board of Appeals and Adjustments shall include the following:

- a. To hear and render decisions in appeals of conflict decisions made jointly by the local AHJ and the local building official, in accordance with Section 553.73(9), Florida Statutes.
- b. To resolve conflicts between the building code and the fire code, in accordance with Section 553.73(9), Florida Statutes, in those instances where the local AHJ and the local building official are unable to agree on a resolution of said conflict.

**1.10.12.3** If the County has, or does, designate another local board to perform the functions set out in Section 553.73(9), Florida Statutes, then said board and the Fire Code Board of Appeals and Adjustments shall rotate the duty to fulfill the functions as set forth in this Section 1.10.12 and in Section 553.73(9), Florida Statutes, on an annual basis or as otherwise agreed to by the AHJ and the local building official.

**1.10.12.4** Any conflict between the Building Code and the Fire Code that involves the County's local amendments to either Code shall likewise be resolved in the manner set forth in Section 553.73(9), Florida Statutes, and this Section 1.10.12.

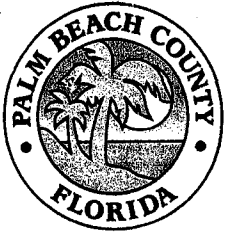
**1.10.13 Additional Powers and Functions.** The Board of Appeals and Adjustments is hereby authorized and empowered to: 1) hear and rule upon appeals from orders of the AHJ in Local Amendment challenges brought pursuant to Section 633.025(4)(d), Florida Statutes, and in accordance with Section 1.7.17 of this Code; 2) hear and rule upon appeals from decisions of the AHJ relating to false alarms as set forth in Section 10.7.6 of this code; 3) perform any other functions authorized for the Board by this Code.

**1.10.14 Fireworks Board of Appeals.** The members of the Fire Code Board of Appeals and Adjustments shall serve ex-officio as members of the Fireworks Board of Appeals and perform the functions of that Board, all as set forth in Palm Beach County Ordinance No. 2004-020, as it may be amended from time to time.

**1.10.15** Any decision of the Fire Code Board of Appeals and Adjustments shall be final and reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a petition for writ of certiorari filed with the Circuit Court in Palm Beach County.

**1.12 Permits and Approvals.**

**1.12.18.4** Any permit authorized to be issued by the AHJ pursuant to this Code shall be subject to immediate suspension, revocation or denial by the AHJ upon the AHJ's determination that conditions exist which make the permitted activity imminently dangerous to life or property. The AHJ's order immediately suspending or revoking a permit shall cite with particularity the facts supporting the suspension or revocation. The suspension or revocation shall be effective immediately upon notice to the permittee at the



**PALM BEACH COUNTY FIRE-RESCUE**  
Inter-Office Communication

**Fire Rescue**  
Chief Herman W. Brice  
50 South Military Trail, Suite 101  
West Palm Beach, FL 33415-3198  
(561) 616-7000  
www.pbcgov.com

**To:** The Honorable Addie L. Greene, Chairperson  
and Members of the Board of County Commissioners  
**From:** *Herman Brice*  
Herman Brice, Administrator  
Fire-Rescue Department  
**Date:** February 15, 2008  
**Subject:** Fire Code Board of Appeals and Adjustments

**Palm Beach County  
Board of County  
Commissioners**

- Addie L. Greene, Chairperson
- Jeff Koons, Vice Chair
- Karen T. Marcus
- Robert J. Kanjian
- Mary McCarty
- Burt Aaronson
- Jess R. Santamaria

**County Administrator**

Robert Weisman

The Fire Code Board of Appeals and Adjustments is an advisory board appointed by the County Commission to review the Fire Code, to hear appeals, and to make recommendations to the Commission reference fire and life safety issues. This Board, established in 1984, is required by the County Fire Code, Palm Beach County Ordinance 2004-073.

Each position on the Fire Code Board of Appeals is representative from a segment of the fire protection community. The following three members' terms will expire on May 17, 2008.

Name	Industry	Term
James Bauman	General Contractor	3 years
Ed Oliver	Architect	3 years
Roy Pollack	Fire Alarm Contractor	3 years

All incumbents have agreed to remain on the board if reappointed.

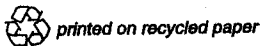
If you have any nominations for appointment or reappointment for the Fire Code Board of Appeals and Adjustments, please fill out the applicant section of the attached information form and forward it to the office of Deputy Chief Randy Sheppard, Palm Beach County Fire Marshal. Please submit your nominations by March 17, 2008.

Thank you for your interest and assistance in this appointment process. If there are any questions reference this process, please contact Chief Randy Sheppard at 616-7030 or my office at 616-7001.

Attachment: Board Appointment Information Form

cc: Randall K. Sheppard, Fire Marshal

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Affirmative Action Employer"*



**ATTACHMENT # 4**