



**CITY OF DOVER ORDINANCE #2021-22
WITH STAFF AMENDMENT #1 (SA #1)**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN
COUNCIL MET:**

That Chapter 46 – Fire Prevention and Protection, Article IV – Public Occupancies, be amended to read as follows:

Section 46-161 – Compliance required.

No person shall use or permit to be used any public occupancy structure which does not comply with the most currently published edition of NFPA Life Safety Code 101. Public Occupancies shall include but not be limited to:

- (a) Assembly occupancy (facilities used for gathering of 50 or more people to include, but not be limited to auditoriums, assembly halls, auditoriums, bowling lanes, club rooms, college and university classrooms with 50 or more persons, conference rooms, courtrooms, dance halls, drinking establishments, exhibition halls, gymnasiums, libraries, mortuary chapels, motion picture theaters, museums, passenger stations and terminals of air, surface, underground, and marine public transportation facilities, places of religious worship, pool rooms, recreational piers, restaurants, skating rinks, special amusement buildings, theaters)
- (b) Educational occupancy (academies, kindergartens, schools)
- (c) Day Care occupancy (adult, child, homes, nursery, center)
- (d) Health Care occupancy (hospitals, limited care facilities, nursing homes)
- (e) Ambulatory Health Care occupancy (facilities used to provide services or treatment simultaneously to four or more patients that provides, on an outpatient basis, one or more of the following:
 - 1. Treatment for patients that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others
 - 2. Anesthesia that renders the patients incapable of taking action for self preservation under emergency conditions without the assistance of others
 - 3. Treatment for patients who, due to the nature of their injury or illness, are incapable of taking action for self-preservation under emergency conditions without the assistance of others.)
- (f) Residential occupancy (lodging or rooming houses, hotel, dormitory, apartment buildings, bed and breakfast inns, short term rentals)

- (g) Residential Board and Care occupancy (group housing, facilities for social rehabilitation, alcoholism, drug abuse or mental health; assisted living)
- (h) Mercantile occupancy over 10,000 square feet (auction rooms, department stores, drugstores, restaurants with fewer than 50, shopping centers, supermarkets)
- (i) Business occupancy over 10,000 square feet (city halls, college and universities instructional buildings, classrooms under 50 persons and laboratories, courthouses, dentist's office, doctor's office, general office, outpatient clinics (ambulatory), town halls)
- (j) Industrial occupancy (dry-cleaning plant, factories of all kinds, food processing plants, gas plants, hangars, laundries, power plants, pumping stations, refineries, sawmills, telephone exchanges)
- (k) Storage occupancy over 10,000 square feet (barns, bulk oil storage, cold storage, freight terminals, grain elevators, hangars, parking structures, truck and marine terminals, warehouses)
- (l) Assembly occupancy - special provisions 1 (to include, but not be limited to outdoor facilities which are not part of the normal every day operation of the building/land use and are subject to a City of Dover current special event permit)
- (m) Assembly occupancy - special provisions 2 (to include, but not be limited to Special Amusement Buildings, carnivals, circus, fireworks, pyrotechnic displays, outdoor music concerts/festivals, special events)

(Code 1981, § 7-63; Ord. of 11-22-1993; Ord. of 1-27-1997)

BE IT FURTHER ORDAINED:

That Chapter 46 – Fire Prevention and Protection, Article IV – Public Occupancies, be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Section 46-164 Fees.

A person desiring the permit required by the provisions of this article shall pay the appropriate permit fee as provided for in Appendix F—Fees and Fines.

(Code 1968, §§ 17-38, 17-46, 17-50, 17-54, 17-58; Code 1981, § 7-65; Ord. of 3-23-1992; Ord. of 11-22-1993; Ord. No. 2009-09, 6-22-2009)

That Appendix F – Fees and Fines, Chapter 46 – Fire Prevention and Protection, be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

| Chapter 46. Fire Prevention and Protection | Fees and Fines |
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| Article I. In General | |

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| Sec. 46-1. Means of egress | |
| Subsec. (f) Penalties | |
| Any exit access, exit, or exit discharge, with the exception of a locked exit door, found to be in violation of this section | \$100.00 first offense \$200.00 second or subsequent offense |
| Any required exit door found to be locked against egress | \$100.00 each locked exit first offense, \$200.00 subsequent offense |
| Sec. 46-3. Impairment of fire protection equipment | |
| Subsec. (f) Fines | \$100.00 per device first offense; \$200.00 per device second and subsequent offenses |
| Sec. 46-7. Preventable and malfunctioning alarms to the fire company | |
| Subsec. (a)(1) Responsibility for malfunctioning and preventable alarms, owner response, and corrective action; generally | Should the person notified fail to appear at said premises within 30 minutes after being notified to do so, the city may charge the owner of the premises a fine of \$100.00 |
| Subsec. (a)(2) Responsibility for malfunctioning and preventable alarms, owner response, and corrective action; malfunction | Failure to return documentation of service/repair within the period of time stated on the notice of violation, which is satisfactory to the fire marshal, will result in assessment against the owner of a fine of \$100.00 for the fire alarm malfunction |
| Subsec. (b)(1) Fine charges; multiple fire alarm malfunctions or preventable alarms; amount of fine | |
| Number of preventable or malfunctioning fire alarms | Fine per preventable or malfunctioning fire alarm |
| Third alarm | \$100.00 |
| Fourth alarm | \$200.00 |
| Fifth alarm | \$250.00 |
| All over fifth alarm, each alarm | \$250.00 |
| Subsec. (b)(2) Fine charges; multiple fire alarm malfunctions or preventable alarms; panel reset | A \$50.00 fine may be assessed to the owner of a premises where the fire |

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| | alarm has been reset before the fire department or assisting fire department arrives. \$100.00 for second or subsequent offenses |
| Sec. 46-8. Maintaining a known violation or hazard | |
| Subsec. (c)(1) Penalties; Any fines issued for violation of this section | Not less than \$25.00, nor more than \$1,000.00 |
| <i>Article II. Fire Department</i> | |
| Sec. 46-44 Failure to answer alarms, orders and perform duties orderly; Penalties | Fine of not less than \$25.00, nor more than \$1,000.00 or by suspension from the fire department or both |
| <i>Article III. Fire Codes</i> | |
| Fees established in subsection (b) of this section shall be doubled in the event that a permit is applied for after construction has commenced without the permission of the fire marshal. The fire marshal shall waive the doubling of fees in cases where the permit applicant is not a professional contractor and the work is not being done by a professional contractor. | |
| Sec. 46-126. Fire prevention permit | |
| Subsec. (b) Fee; each applicant | \$25.00 for each \$1,000.00 of costs or multiple thereof of the fire protection system; provided that a minimum fee for each permit shall be \$150.00 |
| Subsec. (c) Reinspection | |
| First reinspection | No charge |
| Second reinspection | \$100.00 |
| Third reinspection | \$200.00 |
| Any subsequent reinspection | \$250.00 |
| Subsec. (d) Fire signaling system inspection fee | |
| Certificate of inspection | \$25.00 each fire alarm system |
| Exception: Apartment or other multifamily dwelling—Five or less buildings per complex | \$25.00 each fire alarm system |
| Exception: Apartment or other multifamily dwelling—More than five buildings per complex | \$15.00 each fire alarm system up to a maximum of 20 buildings. Maximum fee per complex not to exceed \$300.00 for fire alarm systems |
| Subsec. (e) Fire suppression system inspection fee | |

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| Certificate of inspection | \$25.00 each fire suppression system |
| Exception: Apartment or other multifamily dwelling—Five or less buildings per complex | \$25.00 each fire suppression system |
| Exception: Apartment or other multifamily dwelling—More than five buildings per complex | \$15.00 each fire suppression system up to a maximum of 20 buildings. Maximum fee per complex not to exceed \$300.00 for fire suppression systems |
| Sec. 46-127 Smoke detection devices | |
| Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount. | |
| Subsec. (g) Violations; penalties | Revocation of any existing license to do business in the city, or a fine of not more than \$150.00 per violation, or both such penalties |
| <i>Article IV. Public Occupancies</i> | |
| Sec. 46-164. Fees | |
| Assembly | No Charge for an occupant load less than 75; \$100.00 for an occupant load of 75 or greater |
| Assembly-Fixed Seating | \$100.00 for first 200 seats and \$10.00 each additional 50 seats |
| Educational | \$100.00 |
| Day Care | \$50.00 for Day Cares as defined by Appendix B – Zoning, Article 5, Sections 14.22, 14.23 and 22.1; \$100.00 for other day cares |
| Heath Care | \$100.00 first 25 rooms and \$5.00 for each additional room |
| Ambulatory Heath Care | \$100.00 |
| Residential | \$100.00 per building |
| Residential Board and Care | \$100.00 |
| Mercantile over 10,000 Sq. Ft. | \$100.00 |
| Business over 10,000 Sq. Ft. | \$100.00 |
| Industrial | \$100.00 |

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| Storage over 10,000 Sq. Ft. | \$100.00 |
| Assembly special provisions 1 | \$25.00 |
| Assembly special provisions 2 | \$100.00 |
| Sec. 46-168. Reinspection fee | |
| Subsec. (a) Amount | \$25.00 for any repeated violation cited by the fire marshal, determined to be a violation and which requires a follow up inspection to confirm the correction of the violation |
| Subsec. (b) Fee attached | A fee may be attached to any summons written for any violation found to be uncorrected upon reinspection |
| <i>Article V. Fire Lanes</i> | |
| Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount. | |
| Sec. 46-202. Violations; penalties | |
| Subsec. (c) Other obstructions | Any property owner or tenant found to be in violation; \$50.00 |
| Subsec. (d) Failure to mark | Any property owner found to be in violation; \$50.00 |
| Sec. 46-205. Responsibility of owner or tenant | Any property owner found to be in violation; \$50.00 |

ADOPTED: NOVEMBER 8, 2021

S:\ORDINANCES\2021\ORDINANCE #2021-22 - CHAPTER 46 - FIRE PREVENTION AND PROTECTION - PUBLIC OCCUPANCIES\PROPOSED ORDINANCE #2021-22 - CHAPTER 46 - FIRST READING - STAFF AMENDMENTS.DOCX

SYNOPSIS

This ordinance amends portions of Chapter 46, Fire Prevention and Protection, Article IV to revise and update definitions in Section 46-161 relating to Public Occupancies to conform with current NFPA Life Safety Code 101. The Ordinance also revises the provisions in Appendix F – Fees and Fines applying to Chapter 46, Fire Prevention and Protection, which have not been updated in at least 9 years.

(SPONSORS: NEIL AND HUGG)

Actions History:

- 11/08/2021 - Final Reading – City Council
- 10/25/2021 - First Reading – City Council
- 10/12/2021 - Introduction – Council Committee of the Whole