

*Original*

AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA CREATING AND ESTABLISHING A FIRE DEPARTMENT IN AND FOR SAID CITY, PRESCRIBING REGULATIONS THEREFOR, PRESCRIBING RULES AS TO THE CONDUCT OF SAID DEPARTMENT AND OTHER PERSONS AT FIRES, PRESCRIBING REGULATIONS AS TO THE BUILDING OF HOUSES WITHIN SAID CITY, MAKING IT UNLAWFUL FOR PERSONS TO VIOLATE THE REGULATIONS OF SAID DEPARTMENT AND PRESCRIBING A PENALTY TO BE IMPOSED UPON PERSONS FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED By the City Council of the City of Miami Beach, Florida, :

1. That a Fire Department be and the same is hereby created and established in and for the City of Miami Beach.
2. **MANAGEMENTS OF FIRES:** The Fire Department shall have the management of all fires, and its officers may prevent any interference with the Department or any of its Companies, or any members in the performance of their duties.
3. **FIRE LINES:** At any and all fires, all persons may be required to stay beyond a certain line to be designated by the Fire Chief, or a duly authorized member of the Department acting in his behalf, and any person refusing to do so or who shall violate any reasonable requirements of any of the officers of any fire company of the Fire Department, in regard to the management of a fire, or the protection of property that has been threatened with fire, shall on conviction be fined in a sum of not exceeding fifty dollars, or be punished by imprisonment for a period not exceeding thirty days or by both such fine and imprisonment in the discretion of the Court.
4. **CHIEF, HOW CHOSEN:** There shall be elected by the City Council a Chief of the Fire Department, whose powers and duties shall be fixed by ordinance. The Chief shall have the right to nominate to the City Council the members of the Fire Department, who may be confirmed or rejected by the City Council, or elected by it as the City Council may seem best.

5. YEARLY REPORT OF CHIEF: The Chief of the Fire Department shall make report to the City Council, the same to be in writing, on the last regular meeting night of the City Council in each fiscal year, or when requested by the <sup>City</sup> Council, showing the property belonging to the City in the hands of the Fire Department and the conditions of the same.

6. PROTECTION OF FIRE HOSE: No driver of any street car, bicycle, motor-cycle, automobile, omnibus, carriage or other vehicles, shall drive any such car or vehicle over and across any hose in use or about to be in use or lying in the carriage way after being used in any street, avenue, alley, or public place in the City of Miami Beach by any portion of the Fire Department of the City of Miami Beach for extinguishing any fire that may occur in the corporate limits of the City of Miami Beach, or during any practice, drill or parade by the Fire Department of the City of Miami Beach, or any part of the same, provided, however, that in drill, practice or parade, the street shall not be obstructed for any unreasonable length of time by said Fire Department or any part thereof.

7. OBSTRUCTING FIRE HYDRANTS: No person shall obstruct in any manner, the use of any fire hydrant in the City of Miami Beach, nor shall have or place or caused to be placed any material in front thereof from the curb line to the center of the street to be within 15 feet from either side thereof, nor shall any persons open or cause to be opened any fire hydrant within the corporate limits of the City of Miami Beach without the knowledge and consent of the Chief of the Fire Department, and the Water Superintendent

8. The City Engineer of said City shall at all times notify the Chief of the Fire Department, in writing, when any street, avenue, alley or public place is to be closed for the purpose of

construction or repair, and shall likewise notify said Chief of the Fire Department, in writing, when such street, avenue, alley or public place is again opened. And all persons, firms, or corporations shall, before closing or attempting to close any street, avenue, alley or public place, obtain a written permit for so doing from the City Engineer of said City,

9. PROTECTION OF FIRE WHISTLE: No person shall use on any bicycle, motor-cycle, automobile, omnibus, carriage or other vehicle, a siren whistle or warning device of the sort as used by the Fire Department within the corporate limits of the City of Miami Beach.

10. VEHICLES TO STOP ON FIRE ALARM: Any driver of a street car bicycle, motor-cycle, automobile, omnibus, carriage or other vehicle, shall immediately upon hearing any fire alarm, use all effort to give the fire department a clear right-of-way, come to a full stop and await until positive that there will be no interference with the fire department.

11. BURNING REFUSE: No person shall kindle, maintain or assist in maintaining any bonfire or other exposed fire within the City excepting under written permit from the Chief of the Fire Department approved by him and under such proper safe-guards as he may direct as to time and weather conditions, and on condition that said permit carries an obligation on the part of the grantee to keep a sufficient safe control of said fire, and to be responsible for all damages therefrom and that all resultant embers shall be extinguished and the hot ashes removed or wet down at close of said fire, provided, however, no permit shall be necessary when such fire is within ten feet of the high water mark, but bon-fires shall be subject to all other provisions of this section.

12. PENALTY: Any person or persons, firm or corporation violating any of the provisions of any of the aforesaid sections or the provisions of any permit issued in conformity therewith, shall, upon conviction, forfeit and pay a fine of not more than Twenty-five Dollars (\$25.00) for each offence, and not more than Twenty-five Dollars (\$25.00) for every day thereafter so long as the said violation exists, and a fine of not more than One Hundred Dollars (\$100.00) for subsequent violations, or be imprisoned not exceeding 90 days or both such fine and imprisonment.

13. PERMIT FOR GASOLINE, ETC.: No Person, firm or corporation, without first obtaining a permit from the Chief of the Fire Department, shall, within the corporate limits of the City of Miami Beach, have, store, keep, manufacture, use or sell gasoline, benzine or naptha, except as hereinafter provided, and then only if kept in self-closing metal cans made for the purpose and free from leak; provided, however, one gallon or less may be kept within a building without obtaining a permit therefor; and provided further, no can shall be filled inside the building.

14. APPLICATION TO FIRE CHIEF: Application for a permit shall be made to the Chief of the Fire Department in writing, and shall state location of the building and the quantity of benzine, gasoline or naptha it is desired to keep on storage or sale; provided however, no provision in this ordinance is intended to prohibit the carrying of gasoline in the storage tanks of automobiles or other gasoline driven vehicles.

15. UNDERGROUND METAL TANKS: No person shall be issued a permit for the storage or keeping for sale or use of gasoline, benzine or naptha, exceeding ten gallons in quantity, save in underground (buried in the ground) metal tanks, with no opening for drawing off contents below the level of the ground, but to be drawn from by pumps.

16. CONSTRUCTION: Such tanks shall be constructed of steel, or iron galvanized or painted, and of suitable thickness and weight, and shall be provided with a fill and vent pipe, so arranged so that the fill pipe cannot be opened without opening the vent; and also these pipes shall be provided with a screen near the top and terminating in an iron cover, which shall be kept locked. Said tanks shall be buried at least two feet underground, and no tank capable of holding more than two hundred eighty (280) gallons shall be permitted within ten feet of building; but any such tank containing less than two hundred and eighty gallons, if properly buried, may be located within less than ten feet of building; but no dealer shall sell or deliver any quantity of gasoline, benzine or naphtha to any customer except in metallic cans, with proper appliances for automatically filling or emptying, or through hose connection; and provided further, that no dealer shall draw any quantity of gasoline, benzine or naphtha, for sale or otherwise, after dark, or in the daytime when artificial light, other than incandescent electric light is being used. No tanks of motor vehicles shall be filled while the motor of said vehicle is running.

PROVISO: Not exceeding ten gallons may be kept outside of a building, and less than thirty feet therefrom, provided same is kept in closed metal cans or other vessels free from leak.

PROVISO: Not exceeding one gallon may be kept in the building without a permit therefor, provided that same is contained in approved self-closing cans made for the purpose and labelled "gasoline", or not exceeding five gallons may be kept in the building if contained in approved self-closing cans made for the purpose, provided that no such can have a capacity in excess of one quart, and all cans used for this purpose shall be free from leak and be filled outside of the building, except that in case of drug, hardware or paint and oil stores, not exceeding ten gallons

may be kept in approved self-closing metal cans or other vessels made for the purpose and free of leak.

17. GASOLINE VAPOR SYSTEMS: Where the system known as gasoline vapor gas light is used in any building, the tank and reservoirs used in connection therewith shall be located outside of and three feet from any opening into such building, and shall be boxed or enclosed, and kept locked and below the level of the lowest pipe of the building used in connection with such lighting apparatus. And it shall be unlawful for any person, firm or corporation to sell or install any system or device for lighting by gasoline which has not been tested and listed as permitted by the National<sup>al</sup> Board of Fire Underwriters, and such installation shall conform in every respect to the rules of said National Board, which rules are hereby adopted, and shall have full force as if set forth by this ordinance. The use of gasoline<sup>lighting</sup> torches is prohibited. The use of oil stoves in all public eating houses, lunch stands, etc., is prohibited unless same shall be used in an enclosure, the sides and bottom of which shall be covered with non-combustible material.

18. INSPECTION BY FIRE CHIEF: All installations and stoves mentioned in the preceding section shall be subject to the inspection of the Chief of the Fire Department, and it shall be unlawful to install any such system or stove without first obtaining a permit therefor from him.

19. PENALTY: All persons, firms or corporations failing to comply with or who shall violate any of the terms of Sections 13 to 18 inclusive, shall be deemed guilty of a misdemeanor and upon conviction shall be fined Twenty Dollars (\$20.00), for each and every day said person, firm or corporation shall so fail or offend or be imprisoned not more than thirty days for each offence.

20. DRY CLEANING ESTABLISHMENTS: For the purpose of this ordinance, a dry-cleaning or dry dyeing business is defined to be the business of cleaning or dyeing cloth, clothing, feathers or any sort of fabrics by the use of carbon bisulphide, gasoline, naphtha, benzine, or other light petroleum, or coal tar products, or cleaning or dry dyeing by process known as dry cleaning or dry dyeing, where inflammable volatile substances are used.

BUILDING PLANS TO BE FILED WITH FIRE CHIEF: No building to be used for the business of dry cleaning or dry dyeing as above defined, or for the storage of volatile substances for use in such business shall be located, constructed or maintained until an application for permission to do so, accompanied by full plans and specifications of the structure and its location, shall have been filed with and approved by the Chief of the Fire Department. All buildings used for the purpose of the business of dry cleaning or dry dyeing as above defined must be of fire resisting design and construction, not in excess of two thousand five hundred square feet ground area and without basement, cellar or open space below the grade floor.

CONSTRUCTION: All walls of such structure shall be of brick, laid in cement mortar, or of reinforced concrete not less than twelve inches in thickness, or of skeleton steel frame and terra cotta construction, or of stone laid in cement mortar. The roof or ceiling of such structure or room shall also be of fire resisting construction. There shall be no sewer connection from such structure, and the floor of same shall be of concrete construction laid on a level with the surface of the earth surrounding the walls.

VENTILATION: Ventilating apertures of a size of not less than ten by six inches shall be placed in the walls of such structure at or near the level of its floor, and be properly screened by wire mesh. Additional means of ventilating shall be provided by the location of an exhaust fan, operated by other means than motor with

commutator, at a point in one of the walls, close to the floor of the structure, of such capacity as to insure a complete change of the air within the building enclosure each five minutes; the said fan to discharge into a metal pipe of sufficient area to carry off the vapors delivered by said fan, the said metal discharge pipe to be erected against the outside wall of the cleaning or dyeing structure and to be carried two feet above its roof, the top of said discharge pipe to be a covered "U" cap or goose-neck; such exhaust fan shall be in continuous service and operated during the handling or use of volatile substance within such structure.

**DRY SAND PROVIDED:** For the purpose of extinguishing fires, there shall be located at convenient points in the room, where they will be readily accessible, metal pails filled with dry sand; five pails for each one thousand square feet of floor area or fraction thereof; but no such building to have less than five of said pails of sand. A fire extinguisher of 3 gallon capacity must be provided for each 1000 square feet of floor area or fraction thereof. No heat generating device, nor any electric dynamo or generator, shall be located, maintained or used inside of or within a distance of ten (10) feet of any opening of such structure used for the business of dry cleaning or dry dyeing as above defined.

**ELECTRIC EQUIPMENT:** The lighting of such structures shall be secured only by keyless socket incandescent electric lights, with globes or bulbs enclosed in vapor proof receptacles, and all switches, cut-outs or fuses used in the installation or operation of such lights shall be located and operated from the outside of such structure. The entire electric equipment must conform to the most advanced stage of the art at the time of installation.

**HEATING:** The heating of such structure shall be secured only by the use of steam or hot water circulating systems.

**STEEL STORAGE TANKS:** All volatile substances received for use in the business of dry cleaning or dry dyeing, as above defined, shall be stored in steel tanks the shell of which shall not be less than



12 gallons. The interior of such tanks to be coated with approved rust-preventive and all joints in same shall be caulked in an approved manner.

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No such tanks shall exceed a capacity of two hundred eighty gallons, and each shall be buried under ground to such depth as to secure a covering of at least two feet of earth above the top of the tank at the surface level of the ground; or such tank may be enclosed in a cement lined underground pit, having an arched cement roof at the level of the surrounding ground surface.

#### VENT PIPE.

All tanks shall be provided with a vent pipe, not less than one inch in diameter, extending from the top of the tank to the outer air, and discharging at a point not less than two feet above the roof of the highest building within a radius of thirty (30) feet of such pipe; said vent pipe must be provided with brass wire screen of thirty mesh at a point near the junction of the pipe with the shell of the tank, and also be provided at its discharge end with an inverted "U" cap or goose neck.

#### FEED PIPES.

All such tanks shall be provided with a filling pipe of not less than two (2) inches in diameter, extending from the top of the tank shell to within one (1) inch of the bottom of the tank; each such feed pipe shall be provided with two brass screens of not larger than thirty mesh, one of such screens to be placed in the pipe at or near its junction with said tank and the other immediately above the controlling cock or valve at its intake end; said filling pipe must be laid with inclination towards the tank to secure proper drainage; the intake end of said feed pipe shall be fitted with a controlling feed-cock or valve which shall be kept closed except while in use, and the intake end of the pipe above such cock or valve shall be provided with a screw cap secured in place by an iron or other metal chain; such screw cap to be securely screwed on the feed pipe inlet when same is not in use. Both the controlling cock or valve and feed pipe inlet must be inclosed in an iron box or hood, set level with the surface of the ground, and be kept securely locked when not in use; such feed pipe inlet and controlling cock or valve shall in no case be located inside of any building.

#### SERVICE PIPES

All pipes connected with such storage tanks must enter or be attached to same at the top; service pipes carrying the volatile substance from storage tank to the cleaning or dyeing process shall extend from the top of the tank shell to within two (2) inches of its bottom and be provided with brass wire screen of not larger than thirty mesh at or near its junction with the shell of the tank and also below the controlling cock or valve at its delivery end inside of the cleaning or dyeing structure; such controlling cock or valve shall be kept closed when not in use.

#### SERVICE PUMP.

No volatile substance shall be carried or conveyed into the cleaning or dyeing structure or any of its apparatus or machines or be returned to the storage tank from such devices, except through service pipe as above described; the movement or transmission of such volatiles through said service pipe shall be secured by pump or syphon only, such devices to be so located as to insure the return of all volatile substances remaining in the service pipe, when delivery is shut off from the storage tank, by gravity.

All volatile substances to be used for cleaning or dyeing purposes shall be kept in tightly closed machines or apparatus during the process incident to said operations of cleaning or dyeing.

The use, storage or handling of any such volatile substance ~~in~~ in vessels, vats, pans or devices of any kind which are open to the air is absolutely prohibited.

PENALTY: Any person, firm or corporation that now has, or shall establish, carry on or operate a dry cleaning or dry dyeing business in violation of any of the terms of this Section of this Ordinance, shall be deemed guilty of a misdemeanor and shall upon conviction, be punished by a fine of not less than twenty and not more than fifty dollars, or by imprisonment not less than ~~twenty~~ <sup>sixty days</sup> or by both such fine and imprisonment.

21. All Ordinances or parts of Ordinances in conflict herewith except Ordinances giving a franchise, are hereby repealed.

PASSED AND ADOPTED this 26th day of January, A. D. 1921

CITY COUNCIL OF MIAMI BEACH, FLORIDA.

By W. E. Brown President.

Attest: S. W. Tomlinson City Clerk

Approved this 26th day of January, A. D. 1921

J. E. James  
Mayor

ORDINANCE #145

AN ORDINANCE OF THE CITY OF  
MIAMI BEACH FLORIDA CREATING  
AND ESTABLISHING A FIRE  
DEPARTMENT IN AND FOR  
SAID CITY, PRESCRIBING REGULATIONS  
THEREFOR PRESCRIBING RULES AS TO  
CONDUCT OF SAID DEPARTMENT AND  
OTHER PERSONS AT FIRES, PRESCRIB-  
ING REGULATIONS AS TO THE BUILD-  
ING OF HOUSES WITHIN SAID CITY,  
ETC.

PASSED AND ADOPTED 1/26/21

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1/26/21

Filed 2/2/21