

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 10, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building



Re: Changes to the Public Works Right of Way Manual to Include Certain Fire code Violations Under the "Three Strike Program" – Resolution No. 004-2023

Date: December 29, 2022

GENERAL INFORMATION

For your consideration is Resolution No. 004-2023. This Resolution amends the Town Public Works Right of Way Manual at Chapter XII, Miscellaneous Provisions, Construction Parking & Construction Site Management by including certain Fire Code violations relating directly with construction and demolition activities. Specifically, the Fire Chief and Fire Marshal propose to include under the Three-Strike program any violations at constructions sites regulated by the National Fire Prevention Association (NFPA) 1, Chapter 16, Safeguarding Construction, Alteration, and Demolition Operations; and Chapter 38, Emergency Services, of the Town Code, Section 38-35, Contractor Activated False Alarms.

The primary goal of this change is to eliminate, or at least reduce, the large number of false alarms generated at construction and demolition sites. Chief Donatto's attached email show the large number of false alarms from these sites during 2022.

This proposal was reviewed by PZB, Fire, Police and Public Works and is a collaborative attempt to better regulate construction and demolition projects while protecting the ability of emergency services to respond to actual emergencies, not to false alarms.

The draft documents were reviewed by Skip Randolph for form, content, and legal sufficiency. Resolution No. 004-2023 is ready for your consideration and adoption, as this Resolution provides the technical changes to the Public Works Right of Way Manual to incorporate the additional strikes under the program.

cc: James Murphy, Assistant Planning, Zoning and Building Director
John Randolph, Town Attorney
Chief Darrel Donatto
Chief Nicholas Caristo
Paul Brazil, Director of Public Works
Fire Marshal Martin DeLoach

Wayne Bergman

From: Darrel Donatto
Sent: Thursday, December 22, 2022 9:26 AM
To: Wayne Bergman
Cc: Nicholas Caristo; Paul Brazil; Avia Valencia; Sean Baker; Jimmy Duane; Martin Deloach; Joseph Sekula
Subject: RE: Contractor Derived Nuisance Alarms

Palm Beach Fire Rescue responded to 140 contractor derived false fire alarms in fiscal year 2022. This represented 29% of the fire alarms that we responded to in FY2022.

Of these 140 alarms, 22 locations had two or more alarms at that location in FY2022.

Address	# of Contractor Derived Alarms
333 SUNSET AVE	5
400 S OCEAN BLVD	4
8 WINDSOR CT	3
583 N LAKE WAY	3
2000 S OCEAN BLVD	3
201 LA PUERTA WAY	3
221 WORTH AVE	3
142 N COUNTY RD	2
180 SUNSET AVE	2
2780 S OCEAN BLVD	2
2842 S OCEAN BLVD	2
726 HI MOUNT RD	2
300 N LAKE WAY	2
2500 S OCEAN BLVD	2
340 BRAZILIAN AVE	2
150 S OCEAN BLVD	2
167 SEABREEZE AVE	2
1320 N LAKE WAY	2
3140 S OCEAN BLVD	2
2275 S OCEAN BLVD	2
360 S OCEAN BLVD	2
350 ROYAL PALM WAY	2

The average time spent on each call was 15 minutes per call and the total time spent on contractor derived false fire alarms in FY2022 was 34 hours and 26 minutes.

The time spent on these alarms effectively removed our units from the ability to respond the closest possible fire rescue unit to other emergency calls during the time they were tied up on the false alarm. In addition, for many of these calls, a police officer was also dispatched, taking this officer away from other duties.

We have tried various methods of reducing unwanted fire alarms caused by contractors and construction including education and fines. The fire codes requires temporary protective coverings to be used on all fire protection devices during renovations to ensure that painting or construction dust will not contaminate the smoke detectors and other

devices and control equipment. Contractors are not doing this. The general contractors always blame the subs; and the subs are in and out without any care for the alarms they cause.

Marty has identified what we think can be an effective tool for reducing unwanted fire alarms that are caused by contractors. While we understand the gravity of the three-strike rule on contractors, we have not been able to identify other solutions that will be effective in reducing these unwanted fire alarms and keeping our units available for emergency calls.



Darrel Donatto

Fire Chief & Dir. of Emergency Mgmt
Palm Beach Fire-Rescue | Town of Palm
Beach



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355 S County Road, Palm Beach, FL 33480



The Palm Beach Way... SETTING THE STANDARD

From: Martin Deloach <MDeLoach@TownofPalmBeach.com>

Sent: Thursday, December 22, 2022 8:20 AM

To: Wayne Bergman <wbergman@TownOfPalmBeach.com>

Cc: Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Darrel Donatto <DDonatto@TownofPalmBeach.com>; Avia Valencia <avalencia@TownOfPalmBeach.com>

Subject: Contractor Derived Nuisance Alarms

In 2016 the fire department recognized that a fluctuating number of our nuisance alarms were being derived by contractors performing construction activities. The false fire alarm ordinance was modified to directly charge any contractor performing work that caused a nuisance (false) alarm. Unfortunately, our records indicate that the direct fines have not curtailed the improper construction procedures, specifically in the fire code they are required to protect all life safety devices during renovations of existing buildings.

Mrs. Debby Moody recognized the problem from our discussion here at Town Hall and suggested that we include this improper construction activity in the Three Strike Program. In the Florida Fire Prevention Code, NFPA 1 chapter 16 states, "structures undergoing construction, alteration, or demolition operations, including those in underground locations, shall comply with NFPA 241 and this chapter." NFPA 241 states in chapter 7 under fire safety program section 7.1.2 (3) Fire protection systems, as follows (b) For demolition operations, preservation of existing fire protection systems during demolition."

Our adopted code requires the equipment to be protected during the construction processes. Absent the protection, the equipment, is damaged, by the extra dust or chemicals used in construction procedures. After the exposure to chemicals, or heavy dust predictably, the equipment does not respond to smoke situations as designed.

Nuisance alarms use our valuable resources having police and fire units respond to an alarm that easily could be prevented. These alarms damage the equipment used to initiate an alarm within the buildings of our town and stress, our residents, during building evacuations.

We have passed out information to the contractors for several years as well as fined contractors who are responsible for contractor derived false (nuisance) alarms with no measurable decline in these types of alarms. It can be broken down,

to simplistic terms, that proper set up, and care, when beginning construction procedures, will minimize or eliminate contractor derived nuisance alarms.

Our three strike rule is designed to ensure contractors perform as expected within the Town of Palm Beach. This violation of our adopted code, town ordinance and damage to expensive equipment needs to be included in our three strike program.

I have discussed the problems with Mr. Paul Brazil, Chief Nicholas Caristo, Mr. Wayne Bergman and Chief Darrel Donatto. After my discussions, all of these department directors support adding the contractor derived nuisance alarms into the three strike program.

Marty DeLoach
Fire Marshal

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