



Florida Division of State Fire Marshal

The Florida Fire Marshals and Inspectors Association,
"Organization" (§633.026)

Informal Interpretation

Date: 2/20/2019

NFPA Document Number: NFPA 1

Edition: 2015 Florida specific

Paragraph Reference: NFPA 18.1.2 /18.1.3.1/ 18.3.1.1.

Question (*should be worded so that it can be answered with either "Yes" or "No"*):

Would the Fire Department's tanker shuttle be sufficient in the event of a fire with this structure?

Answer: No

The answer to this question is vested by rule in the discretionary authority of the local AHJ. The local AHJ is the individual that must answer this question. The key term that defines how this question is answered is in Section 18.3.1 and section 18.3.1.1 by the use of "Approved." The water supply must be approved under 18.3.1 and the method of providing the required fire flow must be approved under 18.3.1.1. "Approved" is defined in 3.2.1 as "Acceptable to the AHJ." The reason this discretionary authority is vested in the local AHJ is the local AHJ is the one with the knowledge of resources of the local fire department (which includes not only vehicles, but staffing, response times, training and future availability of resources, etc.). The owner/developer does not have control over the fire department resources. Therefore, the answer to this question is vested in the discretionary authority of the local AHJ via the "approved" term.

It is important to note that if the owner/developer wishes to reduce reliance on fire department resources, the owner/developer can take proactive actions to reduce the required fire flow by providing fire sprinkler protection for the structure or the owner/developer can provide their own water supply via fire hydrants, wells, ground storage tanks or other approved methods not involving fire department resources. The owner/developer can also make arguments to the AHJ that section 18.4.3.1 should be applied to reduce the required fire flow via other restrictions on the development or the rural nature of the development. If the owner/developer continues to disagree with the Bureau Chief of Fire Prevention, the issue can be escalated to the Fire Chief, whom is the final interpreting authority within the jurisdiction for the enforcement of the Florida Fire Prevention Code.

Rulings herein expressed are not the formal position of the Florida State Fire Marshal's Office

Florida Fire Marshals and Inspectors Association | P. O. Box 325 Hobe Sound, FL 33475 | Tel 772-349-1507 | Fax 772-546-6675

Website: www.FFMIA.org | Email: info@ffmia.org | http://www.myfloridacfo.com/sfm/bfpr/bfpr_index.htm



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Committee Answer Submitted by,
James Groff, Chairman
Informal Fire Code Interpretation Committee

Region 1: Vacant / Alternate vacant

Region 2: Babette Ferris-NR / Alternate vacant

Region 3: James Groff-**No** / Robert Growick NR

Region 4: Philip Gugliettie-**No** / Alternate vacant

Region 5: Anthony Apfelbeck -**No** / Timothy Ippolito **No**

Region 6: Robert Salvaggio- **No** /Alternate Katherine Szostak-NR

Region 7: Bryan Parks-NR / Alternate Janet Wasburn-**No**

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Petition for an Informal, Non-Binding Interpretation of the Florida Fire Prevention Code

Pursuant to Section 633.026(6), Florida Statutes (F.S.), the Division of State Fire Marshal “shall cause to be issued a nonbinding interpretation of the Florida Fire Prevention Code ... when requested to do so upon submission of a petition by a fire official or by the owner or owner's representative or the contractor or contractor's representative of a project in dispute.” The interpretation must be provided to the Petitioner within 10 business days after receipt of the petition unless that time period is waived in writing by the Petitioner and Division of State Fire Marshal. Interpretations are advisory only and nonbinding on the parties and Division of State Fire Marshal. Section 633.026(3), F.S.

INSTRUCTIONS FOR PETITION

To be considered, each petition must be fully completed according to the following instructions and accompanied by a fee of \$110:

- If the Petitioner is seeking review of an interpretation of the Florida Fire Prevention Code (FFPC) made by a local fire official (LFO), Sections I. and II. of this form must be completed. Each petition may only request review of a single interpretation made by a LFO. A request for review of any additional interpretation by a LFO must be made in a separate petition.
- If the Petitioner is seeking an interpretation of the FFPC, which does not involve an interpretation made by a LFO, Sections I. and III. of this form must be completed. Each petition may only pose a single, specific question regarding the FFPC. Any additional question must be made in a separate petition.

SECTION I.

Name of Petitioner: Don F. Clark
Name of Petitioner Representative if applicable:
Company: River City Canine
Address: 2579 Russell Road, Green Cove Springs, FL 32043
Phone: (904) 813-4521
Email: Blackcreekbassclub@yahoo.com

SECTION II.

Name of Local Fire Official (LFO): Chief Anthony Roseberry
Fire Department: Bureau Chief of Fire Prevention – Clay County
Address: P.O. Box 1366
City: Green Cove Springs FL 32043

DFS-K3-2050

Eff. 4/13; Rule 69A-60.011,F.A.C.

National Fire Protection Association (NFPA) Document No. applied by the LFO:

Edition of the NFPA Document: NFPA 18.1.2 /18.1.3.1/ 18.3.1.1.

Chapter and Paragraph of the NFPA Document: Blank

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Explain how the Petitioner's substantial interests are being affected by the LFO's interpretation of the NFPA citation above: **This creates a large financial burden.**

Enter a statement of the LFO's interpretation of the NFPA citation above and identify the manner in which the statement was rendered:

Over the phone, Chief Roseberry stated he would not accept anything but a 7000 gallon tank with the proper NFPA sticker. He also stated, he would not substitute for any other possible tanks and if he had been in charge, all of the surrounding water storage supply-tanks, he probably would have not accepted.

Enter a statement of the interpretation that the Petitioner contends should be given to the NFPA citation above and statement supporting the Petitioners interpretation:

Fire code handbook (b); Section 18.1.2 Purpose: to prescribe minimum requirement as necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous condition. (d) Section 18.3.1.1: Where no adequate or reliable water distribution system exists, approved reservoirs, pressure tanks, elevated tanks, Fire Department tanker shuttles, or other approved systems capable of providing the required fire flow shall be permitted. Assistant Chief Motes on August 2, 2018, advised me Clay County always dispenses Four (4) engines which carry 1,000 gallons of water each for a total of 4,000 gallons and Two (2) Pumper trucks which carry 3,500 gallons each for a total of 11,000 gallons of water which should be capable of putting out any possible fire that could possibly occur in this dog kennel.

SECTION III.

NFPA Document No. that is the subject of the question: **Reference B 18.3.1.1**

Edition of the NFPA Document: Chapter and Paragraph of the NFPA Document:

Explain how the Petitioner's substantial interests are being affected by the questions below:
This creates a large financial burden.

Enter the Petitioner's question concerning an interpretation of the FFPC: **Would the Fire Department's tanker shuttle be sufficient in the event of a fire with this structure?**

DFS-K3-2050
Eff. 4/13; Rule 69A-60.011,F.A.C.

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