

**Sec. 6-159. Appeals.**

Whenever the chief of a respective fire department authorized by the Sumter County Board of County Commissioners to operate within Sumter County, Florida, disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief of said fire department to the fire prevention code board of appeals within thirty (30) days from the date of the decision.

(Ord. No. 2007-19, § 9, 9-11-07)

**Sec. 6-160. Fire prevention code board of appeals.**

(a) *[Established.]* In accordance with the Florida Fire Prevention Code and NFPA 1, a board of appeals shall be established consisting of members and alternate members who shall be appointed by the Sumter County Board of County Commissioners by reason of education, experience, and knowledge and are deemed to be competent to sit in judgment on matters concerning this code and its enforcement.

(1) No more than one (1) of said members or their alternates shall be engaged in the same business, profession, or line of endeavor.

(2) The members shall serve for a term of three (3) years, except for the initial appointees who shall serve as follows: two (2) for a term of one (1) year, two (2) for a term of two (2) years, and three (3) for a term of three (3) years.

(3) All members and any alternate members shall be appointed and shall serve in accordance with the terms and conditions of the Sumter BOCC.

(b) *Rules of board of appeals.* The board shall establish rules and regulations for conducting its business and shall render all decisions and findings in writing to the fire chief, Sumter County Fire Rescue; the fire chief, the Villages Department of Public Safety; the county administrator; and the Sumter County Building Official with a copy to the appellant.

(c) *Conflicts of interest.* Board members shall not be officers, agents, or employees of Sumter County, the Villages Center Community Development District, any community development district operating in Sumter County, or of any respective fire department authorized by the Sumter County Board of County Commissioners to operate within Sumter County, Florida. No member of the board of appeals shall sit in judgment on any case in which the member, personally, is directly interested.

(d) *Duties of board of appeals.* The board of appeals shall provide for reasonable interpretation of the provisions of this article and rule on appeals from decisions of the fire chief, Sumter County Fire Rescue or fire chief, the Villages Department of Public Safety. The ruling of the appeals board shall ensure that the intent of the article is complied with and public safety is secured.

(e) *Meetings of board of appeals.* The board of appeals shall meet whenever directed by the Sumter BOCC to interpret the provisions of this article and to consider and rule on any properly filed appeal from a decision of the fire chief, of a respective fire department authorized by the Sumter County Board of County Commissioners to operate within Sumter County, Florida, giving at least five (5) days' notice of hearing, but in no case shall it fail to meet on an appeal within thirty (30) calendar days of the filing of notice of appeal. All of the meetings of the board shall be open to the public.

(f) *Quorum.* Two-thirds ( 2/3), but not less than four (4) members, of the board of appeals shall constitute a quorum. In varying the application of any provision of this

article, or in modifying an order of a fire chief of a respective fire department authorized by the Sumter County Board of County Commissioners to operate within Sumter County, Florida, a majority vote shall be required.

(g) *Meetings and records.* Meetings of the board of appeals shall be held at the call of the chair and at such other times as the board determines.

(1) All hearings before the Board of Appeals shall be open to the public.

(2) The board of appeals shall keep minutes of its proceedings showing the vote of each member on every question, or if the member is absent or fails to vote, indicating such actions.

(3) The board of appeals shall also keep records of its examinations and other official actions.

(4) Minutes and records of the board of appeals shall be public record.

(h) *Procedures.* The board of appeals shall establish rules and regulations for its own procedures consistent with the provisions of this article.

(i) *Means of appeals.*

(1) Any person shall be permitted to appeal a decision of the fire chief to the board of appeals when it is claimed that any one (1) or more of the following conditions exist:

a. The true intent of the codes or ordinances described in this article has been incorrectly interpreted.

b. The provisions of the codes or ordinances do not fully apply.

c. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

(2) An appeal shall be submitted to the fire chief of a respective fire department authorized by the Sumter County Board of County Commissioners to operate within Sumter County, Florida, in writing within thirty (30) calendar days of notification of violation outlining the code provision from which relief is sought and the remedy proposed.

(3) All documentation supporting an appeal shall be submitted to the fire chief of a respective fire department authorized by the Sumter County Board of County Commissioners to operate within Sumter County, Florida, who will forward the appeal to the fire prevention code board of appeals.

(Ord. No. 2007-19, § 10, 9-11-07)

### **Sec. 6-161. Penalties.**

Any person who violates any of the provisions of the Sumter County Fire Prevention Code hereby adopted or fails to comply therewith or who violates or fails to comply with any order made thereunder or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken or who fails to comply with such an order as affirmed or modified by the fire chief of a respective fire department authorized by the Sumter County Board of County Commissioners to operate within Sumter County, Florida, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be subject to a civil penalty as set forth in the schedule of fines for Code violations, in section 6-168 of this Code of Ordinances. Each day that a Code infraction occurs and/or is permitted to exist constitutes a separate offense. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 2007-19, § 11, 9-11-07)