



**AGENDA
TOWN OF JUPITER
PLANNING AND ZONING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
TUESDAY, MAY 12, 2026
7:00 PM**

The Planning and Zoning Commission (PZC) also acts as the Local Planning Agency (LPA) and the Zoning Board of Adjustments (ZBA).

NOTE: Those who wish to speak before the Commission must submit a green comment card to the secretary. Each comment is limited to three minutes. Speakers are asked to approach the podium when called. Please state name and address for the record prior to addressing the Commission.

Call To Order

ROLL CALL

Chair Kevin Kirn	
Vice-Chair Beth Kelso	Town Attorney, Thomas Baird, Esq.
Comm. Michael Cassatly	Director of Planning and Zoning, John Sickler
Comm. Robert Grabowski	
Comm. Marty Rogol	Asst. Director of Planning and Zoning
Comm. David Thompson	Stephanie Thoburn
Comm. Paul Keenan	Asst. Director of Planning and Zoning,
Comm. Cynthia Blum (1st Alt)	Garret Watson
Comm. Edward Sterling (2nd Alt)	Secretary, Vernisa Ayers

CITIZEN COMMENTS

Non-agenda topic citizen comments will be noted by staff for follow-up, as appropriate. The Commission will not discuss these items at this meeting.

MINUTES

1. Motion to approve the minutes from the April 14, 2026 Regular Planning and Zoning Commission Meeting.

ORDER OF BUSINESS

The normal order of business for hearings of agenda items is as follows:

- Declaration of ex-parte communications
- Swearing-in of witnesses
- Applicant presentation

- Staff presentation
- Intervenor (if any) presentation
- Commission questions of Applicant, Intervenor and Staff
- Public to be heard – Three-minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor - Discussion only on the motion
- Call for the vote

REGULAR AGENDA

OLD BUSINESS

NEW BUSINESS

2. **Ordinance 11-26**, Approval to Amend Chapter 10 of the Town Code, Fire Prevention and Protection, to adopt the Florida Fire Prevention Code and Uniform Fire Safety Standards. **(PZ 26-6937)**

Town Council Consideration: 6/2/2026 (1st Reading)

Town Council Consideration: 6/16/2026 (2nd Reading)

STAFF UPDATE

Planning and Zoning Director report on recent Town Council actions on Commission items.

ADJOURN

Motion to adjourn Planning and Zoning Commission Meeting.

The next regularly scheduled Planning and Zoning Commission Meeting is scheduled for June 9, 2026.

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decisions made by the Planning and Zoning Commission with respect to any matter considered at these hearings, such interested person may need a verbatim record of the proceedings made, including the testimony and evidence presented at this hearing.

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION
DRAFT MINUTES
APRIL 14, 2026 7:00 P.M.**

CALL TO ORDER:

Chair Kevin Kirn called the meeting to order at 7:00 p.m.

ATTENDANCE:

Chair Kevin Kirn, Vice Chair Beth Kelso, Comm. Michael Cassatly, Comm. Marty Rogol, Comm. Paul Keenan, Cynthia Blum, 1st Alternate (voting-member) and Edward Sterling, 2nd Alternate (voting-member); John Sickler, Director of Planning & Zoning; Stephanie Thoburn, Assistant Director of Planning and Zoning; Garret Watson, Assistant Director of Planning and Zoning; Thatcher Hart, Senior Planner; Joseph Dray, Planner; Thomas Baird, Esq., Town Attorney and Vernisa Ayers, Secretary.

INTRODUCTION OF NEW COMMISSIONER:

Chair Kirn welcomed newly appointed Commissioner Edward Sterling to the Planning and Zoning Board.

CITIZEN COMMENTS: None

MINUTES:

1. Motion to approve the minutes from the March 10, 2026 Regular Planning and Zoning Meeting, as amended by Comm. Cassatly; seconded by Comm. Blum. Final: Motion passed unanimously, with a 7-0 vote.

SWEARING IN:

Secretary Vernisa Ayers conducted the swearing-in of witnesses for all quasi-judicial items on the agenda.

REGULAR AGENDA:

OLD BUSINESS:

2. **Bayside** - (*Quasi-Judicial*) – Site Plan application for a four-story office building and shared access drive with an adjacent town-owned property, on a .53± acre property, located at 1001 North Alternate A1A (**PZ# 22-5351**)

Disclosures: Commissioners Blum and Cassatly stated that they drove by the site. Chair Kirn and Vice Chair Kelso stated that they drove by the site and spoke with staff. Comm. Rogol noted he received a debrief offer from Cotleur & Hearing, requested the item's history from Town staff (provided by Mr. Sickler), declined the meeting, and visited the site. Comm. Keenan stated that he viewed the site extensively on Google Earth. Comm. Sterling did not have disclosures.

Applicant presentation: George Missimer, representative of Cotleur & Hearing, presented a PowerPoint overview of the proposed project. Attorney Dave Markarian, civil engineer John Iravani and Don Hearing of Cotleur & Hearing were also in attendance.

Staff presentation: Senior Planner, Thatcher Hart, reviewed the staff report.

Commissioners asked questions of the Applicant and Staff:

Comm. Keenan asked whether the building would be owner-occupied; Mr. Missimer confirmed it is intended as the owner's business headquarters. Comm. Keenan raised concerns about park visibility and landscaping; Mr. Missimer stated existing and proposed landscaping would fully screen the building with no adverse impacts to the park. Comm. Keenan asked about parking; Mr. Missimer confirmed it exceeds code and does not rely on Town property. Comm. Keenan inquired about the dock; Mr. Missimer stated it is a private two-slip dock for the owner's use. Comm. Keenan asked about artifacts; Mr. Missimer said they would be donated to the Town or the Loxahatchee Historical Society. Comm. Keenan also asked about a green wall on the building; Mr. Missimer stated it was not used due to design and material concerns, rather they wanted to address visual impacts through scale, articulation, and setbacks.

Comm. Rogol asked if the applicant agreed with the remaining staff conditions, noting the presentation focused on Condition No. 6 out of the 11. Mr. Missimer responded that the applicant agreed with all conditions except Condition No. 6 related to architectural changes and the requirement that rooftop louvers be fixed in position, which they did not support but could further justify. Mr. Missimer confirmed the remaining conditions were acceptable.

Comm. Sterling asked how many employees would occupy the site. Mr. Missimer responded that the estimate is approximately 18 to 25 employees, based on prior discussions with the property owner. Comm. Sterling also inquired about client entertainment on-site; Mr. Missimer stated that the use is primarily for disaster relief management operations with mobile command centers worldwide, and that the facility is not intended for client entertainment or ongoing social activity, with the rooftop serving as an employee amenity. Comm. Sterling asked if parking would be used for staff and employees. Mr. Missimer confirmed that was correct.

Comm. Cassatly asked if anyone would be living in the building and whether the rooftop kitchen and bathrooms were for residential use. Mr. Missimer confirmed there would be no residential use and that the space would be for occasional use, with special events requiring Town permits. Comm. Cassatly inquired whether the boat slips would be rented out; Mr. Missimer responded that the boat slips would not be rented. Comm. Cassatly then asked about proposed design changes and resiliency; Mr. Missimer responded that resiliency features remain unchanged, but certain staff-requested modifications were not feasible due to building code and life safety requirements related to the egress stair and roof coverage, though a revised rooftop layout was offered to reduce massing. Comm. Cassatly requested clarification of the stairwell depiction in the staff rendering; Mr. Missimer explained the difference in layouts. Ms. Thoburn explained that the staff rendering reflects the wall being set back with the stairwell located within the floor plate and confirmed the concept had been reviewed with the Building Department and found to be code compliant. Staff will follow up with the applicant and the Building Department.

Vice Chair Kelso questioned Condition 6A, stating that requiring fixed louvers would limit functionality without improving the building's aesthetics, and Mr. Missimer agreed they should remain adjustable to allow flexible use. She expressed no concern with the massing under Condition 6B, noting the building is within permitted height limits and

consistent with the area's varied character. Vice Chair Kelso sought clarification on Condition 6B, noting that green wall elements can be difficult to maintain over time, and stated that the building's design is already visually strong such that additional decorative features could detract from its appearance. Vice Chair Kelso also sought clarification on potential insufficient foundation plantings on site. Mr. Missimer clarified that the project meets and exceeds foundation planting requirements. Vice Chair Kelso stated that the project meets the requirements as originally shown in the plans. Vice Chair Kelso questioned the expectation that the project be compatible with nearby historic buildings, stating she did not see the need for it; Mr. Sickler responded that the intent is to incorporate compatible architectural details rather than replicate historic styles. Vice Chair Kelso asked how the A/C units are screened. Mr. Missimer confirmed that rooftop mechanical equipment, including A/C units, will be fully screened from view.

Comm. Blum asked about differences from earlier renderings, noting the addition of Florida Vernacular details and increased vertical elements. Mr. Missimer responded that the vertical posts were an intentional design feature that enhanced the building's overall appearance. Comm. Blum also inquired about the stairwell openings, and Mr. Missimer explained that the stair tower detailing, including vertical slats, reflected design refinement and could be further coordinated with staff, if necessary. Comm. Blum acknowledged and agreed with the change to the building's interior layout. Mr. Missimer confirmed that the kitchen and bathroom would be rotated, resulting in a slightly narrower rooftop form. Comm. Blum concluded by expressing support for the overall design and noted her preference for the added vertical elements.

Chair Kirn asked staff why the louvers were recommended to be fixed open. Ms. Thoburn explained that the concern was primarily visual, noting that a solid roof condition creates additional massing on the fourth floor, and that the recommendation was based on aesthetics rather than use, as use of the top floor is addressed under a separate condition. Chair Kirn also asked the applicant about the status of Jupiter Dive Shop's lease on the dock. Mr. Missimer responded that the business is currently operating under a month-to-month lease and that the arrangement would be terminated once construction begins, at which point dock use would cease.

Public Comment: None.

Deliberation by Commission:

Comm. Blum supported incorporating the proposed vertical column enhancement, noting it improves the building's appearance, and generally supported the upper portion of the design. She also raised concern about the louvers, noting the renderings do not show them in a closed position and that the visual impact could be significantly different. She indicated she could support fixed louvers based on that concern.

Vice Chair Kelso expressed concern with requiring fixed louvers due to heat and sun exposure in South Florida, suggesting they remain open most of the time but could be closed during active use of the space for activities such as meetings or lunch. Vice Chair Kelso also opposed the green wall requirement due to maintenance concerns and additional Florida wood vernacular detailing, while otherwise supporting the project.

Comm. Cassatly suggested alternatives including keeping street-facing louvers fixed open for views while allowing other sections to remain adjustable, or maintaining fully adjustable louvers, and also suggested coordination with staff on potential refinements

to the upper floor and stairwell to improve massing.

Chair Kirn agreed the project meets allowable height standards and noted the louvers provide openness, suggesting they remain generally open while still allowing functional use.

Comm. Sterling had no concerns with the overall design but noted concern that the louvers could remain closed most of the time, referencing similar systems nearby.

Comm. Rogol recommended approval of Conditions 1–5 and 7–11, limiting Condition 6 to 6(B)(iii) with remaining items to be resolved by staff and the applicant. Comm. Keenan agreed with Comm. Rogol, noting that the Commission was overly focused on the louvers, that their use cannot be practically enforced, and supported moving forward as proposed.

Motion:

Comm. Rogol moved to recommend approval of the requested site plan based on the findings in the staff report, including Conditions 1–5, 7–11, and 6(B)(iii), with the remaining conditions outlined by staff be worked out between staff and the applicant to ensure all architectural features are addressed. The motion was seconded by Comm. Keenan. Final: Motion passed unanimously, with a 7-0 vote.

NEW BUSINESS:

3. **Beyel PUD** – (*Quasi-Judicial*) - Small-scale planned unit development (PUD) application with waiver requests and site plan application for a duplex with accessory structures and a private dock on a 0.52± acre property located at 18019 Highway A1A. **(PZ#25-6435,6436)**

Disclosures: Commissioners Blum and Rogol stated that they drove by the site. Chair Kirn stated that he spoke with staff and drove by the site. Vice Chair Kelso stated that she spoke with staff and walked the site. Comm. Cassatly stated that he walked the site. Commissioners Keenan and Sterling did not have disclosures.

Applicant presentation: Troy Holloway, representative of 2GHO & Associates, presented a PowerPoint overview of the proposed project. Owners, Danny and Tammy Beyel were in attendance. Architect Michelle Bultman and Attorney Gary Oldehoff were also in attendance.

Staff presentation: Planner, Joseph Dray, reviewed the staff report.

Commissioners asked questions of the Applicant and Staff:

Comm. Blum asked about height; Mr. Dray confirmed nearby townhomes are 35 feet and the duplex is 36 feet. Comm. Blum noted buffer trees are Town-maintained. Comm. Blum asked about artifacts and proposed historical signage; Mr. Holloway said the owners have a few items and will turn over any additional items found, consistent with standard requirements. Ms. Thoburn confirmed the Celestial Railroad sign is within the historic right-of-way. Commissioner Blum asked about the greenhouse location and gate. Mr. Holloway confirmed the greenhouse is at the 10-foot A1A setback with a split gate opening behind it.

Comm. Kelso requested a plat update; Mr. Dray stated it is under Town review with the review period ending that day and comments issued. Comm. Kelso asked about the second unit entrance; Mr. Holloway confirmed side access with a front main entrance. Comm. Kelso asked about annexation; Mr. Holloway cited water service needs and Mr. Beyel stated a preference to be in the Town of Jupiter.

Comm. Cassatly asked if the project is multi-family; Mr. Sickler confirmed it is a duplex with two separate units. Comm. Cassatly asked if the duplex was intended to become a single-family home. Mr. Holloway stated the duplex would not be a single-family home because the units are not connected and have separate outdoor areas. Comm. Cassatly suggested dedication of property to the park; Mr. Holloway noted prior land swap discussions did not proceed but the project includes a 30-foot access easement, open space, and code compliance.

Comm. Sterling asked whether the proposed unit would be visible from the park or screened by landscaping. Mr. Holloway confirmed it would be visible and noted a 6-foot wall with a 2-foot picket fence on top between parcels. Ms. Thoburn added the park may be redesigned under the CRA Plan, which could change vegetation and views.

Comm. Rogol questioned the public benefit of the proposed bench structure on the Town park property. Mr. Holloway cited concerns about long-term maintenance, liability, and insurance responsibilities for the Owner. Mr. Oldehoff added that the proposed structure and bench would be located on Town property, built to Town standards and inspected, and that ongoing oversight would fall to the Town as the property owner.

Chair Kirn asked about public benefits on Town property. Mr. Sickler explained the proposed structure was relocated from A1A to the Town park at the applicant's request. Chair Kirn asked about maintenance; Mr. Sickler noted similar private contributions exist in public areas, but there is no clear precedent for private maintenance on Town property. Chair Kirn further asked if the two units could be combined; Mr. Sickler stated that removal of the party wall could effectively convert the structure and may occur without Town knowledge. Mr. Sickler expressed that the Town cannot easily monitor or prevent this.

Comm. Keenan did not have questions.

Public Comment: None.

Deliberation by Commission:

Comm. Keenan supported the PUD and both waivers, including relieving the Owner from maintenance responsibility for the bench and sign, but opposed relieving the Owner from planting additional palms, due to park visibility. Comm. Rogol raised concerns about public benefit credit without maintenance responsibility and liability; Mr. Sickler stated insurance and maintenance would require review by the Town Attorney or Risk Manager. Mr. Baird had no comment regarding insurance and liability. Comm. Sterling had no objections to the waivers and supported the condition to plant additional palms.

Chair Kirn, Comm. Cassatly, and Comm. Kelso opposed the waivers and stated the project is inconsistent with the goals and intent of the Inlet Village, reading more like a secluded single-family home; Comm. Cassatly specifically opposed the height waiver

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and noted the need for additional screening. Comm. Blum agreed with these concerns and expressed unease about ensuring the duplex does not convert to a single-family home, noting uncertainty about the use of the second unit.

Comm. Rogol questioned if the property is able to meet the criteria of the Inlet Village, due to its unusual configuration. Chair Kirn stated other similar properties have been developed to be compliant with Town code.

Motion:

Comm. Kelso moved to recommend denial of the requested Small-scale planned unit development (PUD) application with waiver requests and site plan application because it does not comply with the Inlet Village zoning district codes and intentions; seconded by Comm. Blum. Final: Motion passed with a 6-1 vote, with Comm. Keenan dissenting.

STAFF UPDATE:

Planning and Zoning Acting Director reported on recent Town Council actions on Commission items.

ADJOURN:

Chair Kevin Kirn adjourned the meeting at 8:52 p.m.

Kevin Kirn, Chair

Vernisa Ayers, Secretary

TOWN OF JUPITER

Fire Code Ordinance Adoption



DATE	May 12, 2026
TO	Honorable Mayor and Members of Town Council
THRU	Frank Kitzerow, Town Manager
FROM	Darrel Donatto, Fire Chief
SUBJECT	Ordinance 11-26 - Approval to Amend Chapter 10 of the Town Code, Fire Prevention and Protection, to adopt the Florida Fire Prevention Code and Uniform Fire Safety Standards

EXECUTIVE SUMMARY

The proposed ordinance adopts the Florida Fire Prevention Code (FFPC), including NFPA 1 (Fire Code) and NFPA 101 (Life Safety Code), as the governing fire code for the Town of Jupiter in support of the transition to the newly established Jupiter Fire Rescue Department (JFRD).

This ordinance is necessary due to the transition of fire protection and prevention services from Palm Beach County Fire Rescue (PBCFR) to JFRD, effective October 1, 2026. Adoption of the FFPC ensures compliance with Florida Statutes and establishes a consistent, statewide standard for fire prevention, life safety, and code enforcement.

The proposed ordinance includes administrative provisions necessary to implement the code at the local level, including permitting, inspections, plan review processes, and enforcement procedures. The approach emphasizes education before enforcement, ensuring a smooth transition for residents, contractors, and businesses.

This adoption aligns with best practices across Florida municipalities and supports JFRD's mission to enhance life safety, streamline services, and provide local control over fire prevention operations.

Pursuant to Section 27-57, entitled "Authority", the Planning and Zoning Commission has the general authority to review and make recommendations to the Town Council regarding applications for text amendments to the Town's land development regulations.

The Town Attorney has reviewed the attached Ordinance and finds it to be acceptable as to legal form and sufficiency.

ANALYSIS

The adoption of the Florida Fire Prevention Code provides a legally compliant and operationally efficient framework for fire prevention and life safety within the Town of Jupiter. As required by Florida Statutes, the FFPC is the minimum fire safety standard for all jurisdictions and ensures consistency across the state.

Transitioning from PBCFR to JFRD requires the Town to formally adopt and administer its own fire code. This ordinance establishes the necessary authority and administrative structure for JFRD to conduct inspections, plan reviews, permitting, and enforcement activities.

The proposed approach minimizes disruption by maintaining alignment with established codes (NFPA 1 and 101) already widely used throughout Florida. Additionally, the implementation strategy prioritizes clear communication and education to stakeholders, including residents, contractors, and business owners, to ensure a seamless transition.

There is no anticipated negative impact to public safety; rather, this ordinance enhances local responsiveness, accountability, and service delivery. The ordinance supports public safety, operational readiness, and compliance with state law.

STRATEGIC PRIORITY

ATTACHMENTS

- 1. Ordinance 11-26
- 2. Existing Chapter 10 Fire Prevention and Protection

FUNDING SOURCE

For more information or copies of the attachments, please contact Division Chief/Fire Marshal Andrew Armenis at andrewar@jupiter.fl.us or 561-741-2484.

ORDINANCE 11-26

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING CHAPTER 10, OF THE JUPITER CODE OF ORDINANCES, RENAMING IT “FIRE PREVENTION, PROTECTION, AND COMMUNITY RISK REDUCTION DIVISION”; PROVIDING FOR AMENDMENTS TO ARTICLE I, TO CREATE NEW REGULATIONS IN SECTIONS 10-1 THROUGH 10-3 AND DESIGNATING A FIRE MARSHAL AS THE AUTHORITY HAVING JURISDICTION; PROVIDING FOR THE AMENDMENT OF ARTICLE II BY REPEALING SECTION 10-19 FIRE PREVENTION CODE” AND REPLACING IT WITH THE FLORIDA FIRE PREVENTION CODE AND UNIFORM FIRE SAFETY STANDARDS; PROVIDING THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 633, Florida Statutes, establishes statewide minimum fire safety standards and authorizes municipalities to adopt and enforce the Florida Fire Prevention Code; and

WHEREAS, the Town Council of the Town of Jupiter desires to ensure uniform, consistent, and locally administered fire prevention and life safety regulations within its corporate limits; and

WHEREAS, the establishment of a Fire Prevention and Community Risk Reduction Division under the direction of the Fire Marshal will enhance fire safety, public education, and enforcement capabilities; and

WHEREAS, the Town Council finds it in the best interest of the health, safety, and welfare of its residents to adopt updated fire codes and standards, and ensure adequate emergency access to gated communities.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AS FOLLOWS:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Chapter 10 (Fire Prevention and Protection) of the Town of Jupiter Ordinance Code is hereby amended as follows:

CHAPTER 10. FIRE PREVENTION AND PROTECTION, PROTECTION, AND COMMUNITY RISK REDUCTION DIVISION.

ARTICLE I. – IN GENERAL

Sec. 10-1. Division Established.

The Fire Chief shall designate a Fire Marshal as the Authority having jurisdiction (AHJ) over the Fire Prevention Bureau, known as the Fire Prevention, Protection, and Community Risk Reduction Division within the Jupiter Fire Rescue Department. The Fire Marshal shall be responsible for the enforcement of Fire Codes within the Town of Jupiter.

Sec. 10-2. Schedule of Inspection Fees, Permit Fees, and Other Charges.

All fees shall be in accordance with the Jupiter Fire Rescue Fee Schedule On File in the office of the Town Clerk.

Sec. 10-3. Repeal of Inconsistent County Provisions.

All prior resolutions, ordinances, or interlocal agreements that granted enforcement authority to Palm Beach County Fire Rescue within the Town of Jupiter, including any adoption of the Palm Beach County Fire Code or amendments thereto, are hereby repealed, effective on October 1st, 2026. As of October 1, 2026, the Jupiter Fire Rescue Department shall have full authority and jurisdiction for fire prevention, inspection, and code enforcement activities within the incorporated limits of the Town of Jupiter.

ARTICLE II. – STANDARDS

Sec. 10-19. Fire Prevention Code – Adoption and Enforcement.

~~There is hereby adopted the Florida Fire Prevention Code, 2004 edition, and the county fire code, together with all amendments thereof hereafter issued. The town adopts the codes by reference and incorporates them into this Code as though fully set out herein.~~

- (a) Adoption. In accordance with Sections 633.202 and 633.208, Florida Statutes, the Florida Fire Prevention Code, adopted by the State Fire Marshal in Rule Chapter 69A-60, Florida Administrative Code, as amended from time to time including the Florida editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code, is hereby adopted by reference as the fire safety code of the Town of Jupiter. The Florida Fire Prevention Code shall operate in conjunction with the Florida Building Code.

- (b) Enforcement. The Town is authorized to and shall enforce the Florida Fire Prevention Code in the Town as the minimum fire safety code, requiring inspection of all new buildings and periodic inspection of existing buildings subject to the Code.

Sec. 10-20. Uniform Fire Safety Standards – Adoption and Enforcement.

The Uniform Fire Safety Standards, established by the Florida Department of Financial Services pursuant to F.S. § 633.022, are hereby adopted as the fire safety standards of the Town.

Sec. 10-21. Access to Gated Subdivisions or Developments.

In existing subdivisions, where fire department access is provided through gated security, the gate must remain accessible to fire rescue by means of an approved key access system where the AHJ determines that the closure of the gate would increase fire rescue response time to an emergency.

In all new gate installations, new gated subdivisions, or planned unit developments (PUD) where fire department access is provided through one or more gate(s), that are not manned 24/7/365, a Click2Enter “C2E” system shall be installed as the primary access system for fire rescue entry into the gated PUD or subdivision and an approved key switch system shall be installed as a secondary access system. These systems shall simultaneously open all gates and/or traffic arms that are in the fire department vehicle access lane. The gates and/or traffic arms shall remain open until restored to the normal position by the fire department. The location of the control units shall be determined by the AHJ. If at any time the primary or secondary access system is not functioning, the gate(s)/traffic arm(s) shall be left in the open position until such time they are repaired.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification. The sections of the ordinance may be a part of the Code of the Town of Jupiter, Florida, and may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “article”, or any other appropriate word.

Section 5. Effective Date. This ordinance shall take effect immediately upon its execution.

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Chapter 10 FIRE PREVENTION AND PROTECTION¹

ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. STANDARDS²

Sec. 10-19. Fire prevention code.

There is hereby adopted the Florida Fire Prevention Code, 2004 edition, and the county fire code, together with all amendments thereof hereafter issued. The town adopts the codes by reference and incorporates them into this Code as though fully set out herein.

(Code 1975, § 6-8.500; Code 1992, § 10-26; Ord. No. 23-87, § 16, 4-21-1987; Ord. No. 70-90, § 1, 7-17-1990; Ord. No. 16-92, § 1, 7-21-1993; Ord. No. 9-96, § 1, 5-21-1996)

Secs. 10-20—10-41. Reserved.

ARTICLE III. OPEN BURNING³

Sec. 10-42. Permit required.

It shall be unlawful for any person to cause, assist or participate in the open burning of trash, refuse, debris, grass, weeds, wood, natural growth or other material within the town limits unless they have first obtained a permit therefor from the town in the manner as hereinafter provided.

(Code 1975, § 10-1.100; Code 1992, § 10-51)

Sec. 10-43. Application for permit.

A person desiring a town permit for open burning shall first apply therefor by making a written application to the fire marshal, who is hereby designated and authorized as the lawfully constituted agent for the town in such

¹State law reference(s)—Fire prevention and protection, F.S. ch. 633; explosives, F.S. ch. 552.

²State law reference(s)—Uniform fire safety standards, F.S. § 633.206; minimum fire safety standards, F.S. § 633.208.

³State law reference(s)—Forest protection, F.S. ch. 590; recreational fires, F.S. § 590.11; open burning, F.S. § 590.125.

matters. At the same time, the applicant shall file a duplicate copy of his application with the town manager. The application shall contain the following information:

- (1) An explanation of the need for disposal by burning.
- (2) A brief description of the number and type of residential, commercial, business and/or industrial units located within one-half mile of the proposed burning site.
- (3) The approximate quantity and type of materials to be burned.
- (4) The source or origin of such materials.
- (5) The date, time and duration during which the applicant desires to burn such materials.
- (6) A list of precautions the applicant will take to minimize any smoke, fumes and hazards involved.
- (7) The names, street addresses, e-mail address and telephone numbers of the applicant and the owner of the lands where the proposed burning shall take place.

(Code 1975, § 10-1.101; Code 1992, § 10-52)

Sec. 10-44. Materials to be considered.

The fire marshal, on the town's behalf, shall consider the information contained in the application and all of the attendant circumstances relating thereto, including the nature of the prevailing winds, the weather conditions, humidity, inversion conditions, atmospheric conditions, and the reasonable probabilities of fire hazards, smoke, fumes, dust or any obnoxious or annoying consequences to the owners and occupiers of lands and buildings in the surrounding area. If the fire marshal, on behalf of the town, shall reasonably conclude that there exists a need to issue the permit applied for and that no hazard or nuisance will be thereby created, and that no detriment to the public health, safety, morals, welfare or well-being to the citizens and residents of the town and the county shall exist, he shall endorse the application with his written approval and shall so notify the town manager. Otherwise, the fire marshal shall recommend denial of such application. The fire marshal is hereby authorized to impose any limitations, precautions or conditions on the actual burning process which may be necessary to meet the requirements of the public's safety and the purpose of this article.

(Code 1975, § 10-1.102; Code 1992, § 10-53)

Sec. 10-45. Issuance or denial of permit.

Upon receiving the recommendation of the fire marshal for approval or disapproval of the application for a permit under this article, the town manager shall likewise review the same, following the same criteria as hereinabove set forth. If the town manager shall deny the same, the application shall be denied. If the town manager shall approve the same, such approval shall constitute a permit for open burning in accordance with its terms and conditions as therein contained.

(Code 1975, § 10-1.103; Code 1992, § 10-54)

Sec. 10-46. Notification before burning.

The applicant who has received approval and a burning permit shall notify the police department, the fire marshal and the town manager immediately prior to actual commencement of the burning process. In addition, the applicant shall make further notification to any other concerned governmental agency having jurisdiction in or near the location of the burning site as may reasonably be required by the fire marshal, the town manager or the police chief at the time of notification.

(Code 1975, § 10-1.104; Code 1992, § 10-55)

Sec. 10-47. Supervision of the burning process.

The fire marshal is hereby authorized to supervise the actual burning process on behalf of the town and to make such additional on-site recommendations, changes or modifications to the burning permit as the attendant circumstances may require in the interest of public safety, welfare and necessity, including stopping, halting or rescheduling of the burning process, if required.

(Code 1975, § 10-1.105; Code 1992, § 10-56)

Sec. 10-48. Bond or security required.

If it appears from the nature of the application that any cost or expense may accrue to the town or to the office of the fire marshal, Fire Control District Number 1, by way of supervision, cleanup or damage to public or private property, the town manager is authorized to require as a condition of issuing the permit a bond, cash deposit, surety or other security deposit in an amount not to exceed \$500.00. If the town manager shall decide that a higher amount is reasonably required, such sum shall be finally determined by decision of the town council.

(Code 1975, § 10-1.106; Code 1992, § 10-57)

Sec. 10-49. Appeal from town manager's decision.

Any person adversely affected by a decision of the town manager in the enforcement or interpretation of this article may appeal to the town council within ten days after such decision by serving a notice of such appeal upon the town clerk. All such appeals shall be promptly scheduled on the agenda of the town council to be heard and determined by them in public session, at which the complaining party may present such facts and arguments as are appropriate. The decision of the town council on such matter shall be final.

(Code 1975, § 10-1.107; Code 1992, § 10-58)

Secs. 10-50—10-71. Reserved.

ARTICLE IV. EXPLOSIVES⁴

Sec. 10-72. Adopted.

There is hereby adopted as and for the Jupiter Explosives Code the provisions of this article, together with F.S. ch. 552 entitled "Manufacture, Distribution and Use of Explosives," and F.A.C. ch. 69A-2, being the rules of the state treasurer and insurance commissioner as state fire marshal concerning explosives, and all amendments hereinafter made thereto. The town adopts such statute and administrative code provisions and incorporates the same into this Code as though fully set out herein.

(Code 1975, § 10-16; Code 1992, § 10-76)

⁴State law reference(s)—Explosives, F.S. ch. 552.

Sec. 10-73. Exemptions.

The provisions of this article shall not apply to the following:

- (1) Cartridges for firearms;
- (2) Fireworks as defined by F.S. ch. 791;
- (3) Dealers holding valid federal firearms dealers' licenses, to the extent exempted by Florida Statutes;
- (4) Users who are natural persons and who purchase, possess and transport smokeless propellant or sporting grades of black powder and small arms ammunition primers and percussion caps, provided such materials are for the sole purpose of hand-loading pistol or rifle cartridges or shotgun shells or for use in muzzle-loading firearms.

(Code 1975, § 10-21; Code 1992, § 10-77)

Sec. 10-74. Application.

It shall be unlawful for any person to engage in a business of a manufacturer-distributor, or to acquire, sell, possess, store or engage in the use of explosives in the town except in conformity with the provisions of this article.

(Code 1975, § 10-17; Code 1992, § 10-78)

Sec. 10-75. Procedure for town permit.

Upon compliance with the prerequisite specified in state law, the applicant may then apply for a town permit for the sale, possession, storage or use of explosives, by making a written application to the fire marshal, who is hereby designated and authorized as the lawfully constituted agent for the town in such matters. Concurrently, the applicant shall file a duplicate copy of his application with the town manager. The contents of the application and the procedure thereafter to be followed for the issuance or denial of such permit shall be substantially the same as provided under section 10-43 relating to permits for open burning.

(Code 1975, § 10-19; Code 1992, § 10-79)

Sec. 10-76. Test shots.

The town manager is hereby authorized to require the applicant under this article to perform one or more test shots or explosions wherein the amount and type of explosive, the manner of placement or preparation prior to blasting, and the measurement of the effect of the explosion on the surrounding area through the use of appropriate scientific instruments or measuring devices can be determined. The town manager is authorized to use the results of such tests to impose suitable conditions or restrictions on the permit issued to the applicant for blasting purposes.

(Code 1975, § 10-20; Code 1992, § 10-80)