



Florida Division of State Fire Marshal

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

Informal Interpretation

Date: 4/22/21

NFPA Document Number: NFPA 1 & NFPA 58

Paragraph Reference: (NFPA 1, 2018 Ed.Ch. 69, Sections 69.3.5.1.1& 69.3.5.2.
(NFPA 58, 2017 Ed.) Ch. 6, Section 6.4.2.3 & 6.30.2.3

Explain how the Petitioner's substantial interests are being affected by the question below:

As the Fire Marshal for Seminole County Fire Department our Division is required to enforce the requirements of the Florida Fire Prevention Code as adopted by Florida Statue 633. During our permitting and/or inspection process our department has had several contractors disagree with our interpretation for the required location of LP containers in relation to adjoining properties that can be built upon. This has caused delays in several projects and would like to request further clarification to ensure we are adequately enforcing the code moving forward and providing the appropriate protection to the customers we serve.

Enter the Petitioner's question concerning an interpretation of the FFPC:

Is it the intent of Section 69.3.5.1.1, Table 69.3.5.1.1 and Section 69.3.5.2.3 within NFPA 1, 2018 edition to require containers to be measured from the adjoining property "setback" line or the adjoining property "property" line due to our inability as the AHJ to confirm setbacks that will be established from such adjacent properties when being "built upon"? Commentary provided within Section 6.4.1.1 of NFPA 58, 2017 Edition clarifies that although setbacks are often written into the zoning ordinances to clarify how close a building can be placed in relation to a property line, discrepancies in such zoning laws should be taken into account by the AHJ as variances can allow setbacks to be minimized. Illustration D also depicted within Commentary for Section 6.4.1.1 of NFPA 58, 2017 edition clearly establishes the container being measured from the "property line" and not the "setback line" where an adjoining building can be built upon. It is my interpretation that since there is no guaranteed assurance that a building will be built a minimum of 10ft from the property line, measurements will be taken from the proposed container to the established adjoining property "line". This will ensure that the minimum distances as required by NFPA are met.

6.4.2.3

No part of an underground or mounded ASME container shall be less than 10 ft (3 m) from a building or line of adjoining property that can be built upon.

6.30.2.3

No part of an underground or mounded ASME container shall be less than 10 ft (3 m) from a building or line of adjoining property that can be built upon.

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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Boards Answer: Yes

The tank must be a minimum 10' from any buildings, and to prevent any future construction on an adjacent plot's from becoming non-code compliant a 10' distance must be maintained from said tank to the property line. However as stated in the commentary of NFPA 58 6.4.2.3 there may be times where because of limited space and assurances can be guaranteed that no other structures will be built within 10' of the tank the requirement of 10' distance from property line may be allowed using the concept of equivalency. In lieu of a straight 10' setback from the property line, this setback could be accomplished via recording of a "no build" easement on an adjacent property with the jurisdictions being a party or other legal method to prevent construction within the 10' distance. Regardless, the AHJ would need to be satisfied that the spirit and intent of the code has been complied with and the adjacent property owner cannot create an environment where the installation would become non-code compliant. The true intent of the code is to maintain 10' separation from any existing or future structures.

Region 1 - Delegate: Vacant
Alternate: N/A*

Region 2 - Delegate: Vacant
Alternate: N/A*

Region 3 - Delegate: **James Groff**, Jacksonville Fire Rescue. (Committee Chair)
Alternate: **Robert Growick** Division Chief /Fire Marshall City of St. Augustine

Region 4 - Delegate: **Cheryl Edwards**, Lakeland Fire Rescue
Alternate: **Scott Finley** Auburndale Fire Department

Region 5 - Delegate: **Anthony Apfelbeck**, Altamonte Springs Building and Fire Safety Department
Alternate: **Tim Ippolito**, Casselberry F. R.

Region 6 - Delegate: **Robert Salvaggio**, Cape Corral Fire Rescue
Alternate: **Janet Washburn**, Bonita Springs Fire Control and Rescue District

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Region 7 - Delegate: **Matthew E. Welhaf**, Boca Raton Fire Rescue Services Department
Alternate: **(Kenneth) Sean Brown**, Broward Sheriff Fire Rescue & Emergency Services Department.

Committee Region Map



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