

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, ADOPTING AND AMENDING THE INTERNATIONAL FIRE CODE AND CERTAIN APPENDICES; AMENDING THAT CODE; REPEALING AND REPLACING PART SEVEN, FIRE CODE, OF ORDINANCE NO. 2019-40; PROVIDING A SAVINGS CLAUSE, A SEVERANCE CLAUSE, AND AN EFFECTIVE DATE; AND BY REFERENCE TO ORDINANCE NO. 2019-40, PROVIDING A PENALTY OF UP TO \$2,000 PER DAY FOR A VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

SECTION A. Adoption and Amendment of Fire Code.

Part Seven, Fire Code, of Ordinance No. 2019-40 of the City of Iowa Colony is hereby amended to read as stated on Exhibit "A" which is attached hereto and incorporated herein in full.

SECTION B. Savings Clause. Fines and Other Provisions.

1. Except as specifically provided herein, the remainder of Ordinance 2019-40, all other ordinances, and all other portions of ordinances of the City shall remain in full force and effect.
2. The provisions repealed by this ordinance shall nevertheless remain in full force and effect as to violations and acts occurring before the effective date of this ordinance.
3. As a part of Ordinance No. 2019-40, this ordinance is subject to all provisions of PART XII, GENERAL, of Ordinance No. 2019-40, including but not limited to a penalty of up to \$2,000 per day for a violation of this ordinance.

SECTION C. Severability.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Iowa Colony Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION D. Effective Date. This ordinance shall take effect as of the date of its passage and approval.

PASSED AND APPROVED ON THE FIRST READING ON THIS 21st day of December, 2020.

PASSED AND APPROVED ON THE SECOND READING ON THIS 25th day of January, 2021.



MICHAEL BYRUM-BRATSEN,
MAYOR

ATTEST:



KAYLEEN ROSSER, CITY SECRETARY



EXHIBIT "A"

ADOPTION AND AMENDMENT OF
INTERNATIONAL FIRE CODE AND APPENDICES
B THROUGH G

PART SEVEN. FIRE CODE.

Sec. VII-1. Adoption of International Fire Code.

The International Fire Code, 2018 Edition, also including appendices B, C, D, E, F, and G thereto (herein collectively called "the code: or "the Fire Code"), as published by the International Code Council, Inc., is hereby adopted. A copy of said Code has been filed with the City Secretary.

Sec. VII-2. Amendments to International Fire Code.

The Fire Code hereby adopted is hereby amended as follows:

- (1) *Subsection 101.1* is hereby amended to provide as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Iowa Colony, Texas, hereinafter referred to as "this code."

- (2) *Subsection 103.2* is hereby deleted.

- (3) *Subsection 105.3.1* is hereby amended to provide as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is suspended or abandoned for a period of two years. Before such work recommences, a new permit shall be first obtained. Permits are not transferable and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

- (4) *Subsection 105.6* is hereby amended to provide as follows:

105.6 Required operational permits. The *fire code official* is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.50.

105.6.1 Adult or child day care facility. An operational permit is required to operate an adult or child day care facility.

105.6.2 Carbon dioxide systems used in beverage dispensing applications. An operational permit is required for carbon dioxide systems used in beverage dispensing applications having more than 100 pounds of carbon dioxide.

105.6.3 Carnivals or fairs. An operational permit is required to conduct a carnival or a fair.

105.6.4 Compressed gases. An operational permit is required for the storage, use or handling at *normal temperature and pressure* (NTP) of compressed gases in excess of the amounts listed in Table 105.6.4.

Exception: Vehicles equipped for and using *compressed gas* as a fuel for propelling the vehicle.

Table 105.6.4
Permit Amounts for Compressed Gases

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount

Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

For SI: 1 cubic foot= 0.02832m³.

105.6.5 Dry cleaning. A biannual operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry-cleaning equipment.

105.6.6 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of *explosives, explosive materials*, fireworks, pyrotechnic special effects materials, or pyrotechnic special effects within the scope of Chapter 56.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.

105.6.7 Foster home. An operational permit is required to operate a foster home.

105.6.8 Flammable and combustible liquids. An operational permit is required:

1. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

1.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant, unless such storage, in the opinion of the *fire code official*, would cause an unsafe condition.

1.2 The storage or use of paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes for a period of not more than 30 days.

2. To store, handle, or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

105.6.9 Hazardous materials. An operational permit is required to store, transport on site, dispense, use, or handle hazardous materials in excess of the amounts listed in Table 105.6.9.

Table 105.6.9
Permit Amounts for Hazardous Materials

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.8
Corrosive materials	
Gases	See Section 105.6.4
Liquids	55 gallons
Solids	1000 pounds
Explosive materials	See Section 105.6.6
Flammable materials	

Gases	See Section 105.6.4
Liquids	See Section 105.6.8
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.4
Liquids	Any Amount
Solids	Any Amount
Oxidizing materials	
Gases	See Section 105.6.4
Liquids	
Class 4	Any Amount
Class 3	1-gallon ^a
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds ^b
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Pyrophoric materials	

Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section 105.6.4
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive Materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

a. 20 gallons when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.

b. 200 pounds when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.

105.6.10 Health care facility. An operational permit is required to operate a health care facility, provided that state licensing or registration is required for the operation of such facility.

105.6.11 High-piled storage. A bi-annual operational permit is required to use a building or portion thereof as a *high-piled storage area* exceeding 500 square feet (46 m²).

105.6.12 Hot work operations. An operational permit is required for the application of roof coverings with the use of an open-flame device.

105.6.13 Pool supply retail establishment. A bi-annual operational permit is required to operate a pool supply retail establishment.

105.6.14 Residential care facility. An operational permit is required to operate a residential care facility, provided that state licensing or registration is required for the operation of such facility.

105.6.15 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

105.6.16 Temporary storage tanks. An operational permit is required for the use of temporary storage tanks containing flammable/combustible liquids or compressed gasses.

105.6.17 Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

(5) *Subsection 105.7* is hereby amended to provide as follows:

105.7 Required construction permits. The *fire code official* is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.15.

105.7.1 Automatic fire-extinguishing systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.2 Battery systems. A permit is required to install stationary storage battery systems having a liquid capacity of more than 50 gallons (189 L).

105.7.3 Compressed gases. Where the compressed gases in use or storage exceed the amounts listed in Table 105.6.4, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a *compressed gas system*.

Exceptions:

1. Routine maintenance.

2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.4 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a construction permit.

105.7.5 Fire pumps and related equipment. A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.6 Flammable and combustible liquids. A construction permit is required:

1. To install, repair, or modify a pipeline for the transportation of flammable or *combustible liquids*.

2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries, and similar facilities where flammable and *combustible liquids* are produced, processed, transported, stored, dispensed, or used.

3. To install, alter, remove, abandon, or otherwise dispose of a flammable or *combustible liquid* tank.

105.7.7 Gates or barriers across roadways or private drives. A construction permit is required for the installation of or modification to a gate or barricade across a fire apparatus access road.

105.7.8 Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by Chapter 50 when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.9.

Exceptions:

1. Routine maintenance.

2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.9 Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 30.

Exceptions:

1. Routine maintenance.

2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.10 LP-gas. A construction permit is required for installation of or modification to an LP-gas system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.11 Private fire hydrants. A construction permit is required for the installation or modification of private fire hydrants. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.12 Smoke control or smoke exhaust systems. A construction permit is required for the installation of a smoke control system or a smoke exhaust system within the scope of Section 909 and Section 910, respectively. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.13 Spraying or dipping. A construction permit is required for the installation or modification of a spray room, dip tank, or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.14 Standpipe systems. A construction permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.7.15 Underground private fire mains. A construction permit is required for the installation of underground private fire mains. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

(6) *Section 108* is hereby deleted.

(7) Subsections 109.2, 109.3.1, and 109.3.3 are hereby deleted.

(8) *Subsection 109.3.5* is hereby added to provide as follows:

109.3.5 Time limit. Except as provided otherwise under chapter 12 of the code of ordinances, a time limit, not to exceed fifteen working days, from the date any order or notice has been issued is permitted for compliance. Dependent upon the hazard and condition created by the violation, the *fire code official* may limit the compliance time to fewer than fifteen days. An extension of time, for a period to be determined by the *fire code official*, may be allowed for compliance with conditions or correction of violations provided the extension is requested in writing, to the *fire code official*, and justifiable cause is demonstrated. If the extension is not permitted by the *fire code official*, such refusal shall be in writing and shall contain the reasons for refusal.

(9) *Subsection 109.4* is hereby amended to provide as follows:

109.4 Violation Penalties. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense.

(10) *Subsection 110.5* is hereby added to provide as follows:

110.5 Occupancy overloading. Notwithstanding any other provisions of this code or the technical codes therein adopted and amended, whenever the *fire code official* shall deem that a dangerous or unlawful number of persons are accumulated in any building or premises, or on any property or in any area of a building, premises or property, the *fire code official* shall immediately notify the owner or the person in control of the building, premises or property to have the condition corrected immediately. If the condition is not immediately corrected, the *fire code official* shall order the building, premises or property or area closed and all occupants to be vacated until such condition is corrected.

(11) *Subsection 111.4* is hereby amended to provide as follows:

111.4 Failure to Comply. It shall be unlawful for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

(12) *Subsection 111.5* is hereby added to provide as follows:

111.5 Condemnation tags. The *fire code official* may affix a condemnation tag prohibiting the use of any equipment, operation, or procedure which he determines to be unsafe or defective or which creates a fire hazard. When affixed, such tag may be removed only by the *fire code official* and may be removed only when the hazard to which the order pertains has been corrected in an approved manner. Until removed, that item or device, operation or procedure, which has caused the hazard, shall not be used or permitted to be used. It shall be unlawful to remove such condemnation tag without the required authorization.

(13) *The definition of Foster Care Facilities in Section 202* is hereby deleted.

(14) *The definition of Institutional Group I-2 in Section 202* is hereby amended to provide as follows:

Institutional Group I-2. Institutional Group I-2 occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are not capable of self-preservation. This group shall include, but is not limited to, the following:

Detoxification facilities

Hospitals

Nursing homes

Psychiatric hospitals

Occupancy Conditions. Buildings of Group 1-2 shall be classified as one of the following occupancy conditions:

Condition 1. This occupancy condition shall include facilities that provide nursing and medical care, but do not provide emergency care, surgery, obstetrics, or in-patient stabilization units for psychiatric or detoxification treatment, including, but not limited to, nursing homes.

Condition 2. This occupancy condition shall include facilities that provide nursing and medical care and could provide emergency care, surgery, obstetrics, or in-patient stabilization units for psychiatric or detoxification treatment, including, but not limited to, hospitals.

Five or fewer persons receiving medical care. A facility with five or fewer persons receiving medical care shall be classified as Group R-3 or shall comply with the *International Residential Code*, provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

(15) Section 202 is hereby amended by adding the following definitions:

SECTION 202 GENERAL DEFINITIONS

FOSTER HOME. A residential dwelling licensed by the state, including, but not limited to, a foster home, as such term is defined by V.T.C.A., Texas Health and Safety Code §42.002, in which custodial care is provided for six or less children under the age of 18.

HEALTH CARE FACILITY. A facility, not including a Residential Group R facility, that provides inpatient medical care or medical treatment to persons who are not capable of self-preservation without physical assistance or in which the liberty of the occupants is restricted.

POOL SUPPLY RETAIL ESTABLISHMENT. A building devoted primarily to the sale or rental of swimming pool and spa supplies, including, but not limited to, pool cleaners, pool chemicals, pool heaters, pool pumps, and pool filters.

RESIDENTIAL CARE FACILITY. A Residential Group R facility in which medical care, including, but not limited to, assisted living facility services, as such services are described in the definition of "assisted living facility" by V.T.C.A., Texas Health and Safety Code §247.002, are provided to one or more persons who are unrelated to the proprietor of the establishment.

(16) Section 307 is hereby deleted and a new Section 307 is provided as follows:

SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General. No person shall kindle or maintain any type of open fire or *open burning*, including bonfires, recreational fires, and trench-burn fires within the city.

Exceptions: This prohibition does not apply to live firefighting training conducted by the Fire and Rescue Services Department in compliance with Texas Commission on Environmental Quality regulations, barbecue pits used for cooking, or portable outdoor fireplaces that comply with this Section 307 that are used for warmth and have three sides and a spark arrestor. The *fire code official* may prohibit any or all fires, or order the immediate extinguishment of any and all fires when, in his sole discretion, atmospheric conditions or local circumstances make such fires an immediate threat to public safety or the smoke or ash from such fires becomes a public nuisance.

307.1.1 Prohibited open burning. *Open burning* shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous. Where open burning creates or adds to a hazardous situation, the *fire code official* is authorized to order the extinguishment of the *open burning* operation.

307.1.2 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material. Portable outdoor fireplaces shall be constantly attended until the fire is

extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization where a portable outdoor fireplace is used.

Exception: Portable outdoor fireplaces used at one- and two-family *dwelling*s.

(17) *Subsection 315.7* is hereby added to provide as follows:

315.7 Transportation of combustible waste and refuse. Vehicles or conveyances used to transport combustible waste or refuse over public thoroughfares shall have all cargo spaces tightly covered and so maintained as to ensure against ignition from external fire sources.

(18) *Subsections 401.3* is hereby amended as follows:

401.3 Emergency responder notification. Notification of emergency responders shall be in accordance with Sections 401.3.1 through 401.3.4.

(19) *Subsection 401.3.4* is hereby added to provide as follows:

401.3.4 Other hazardous events. Any person, upon discovering or being apprised of any leak, spill, dumping, or other condition which involves an uncontrolled hazardous gas leak, hazardous material, or flammable or combustible liquid which the person believes or has reason to believe has been heretofore unreported to the fire and rescue services department, shall immediately notify the fire and rescue services department.

(20) *Subsection 503.1* is hereby amended to provide as follows:

503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and with Appendix D.

(21) *Subsection 503.2.4* is hereby amended to provide as follows:

503.2.4 Turning radius. The minimum inside turning radius shall be 25 feet with a minimum outside turning radius of 50 feet.

(22) *Subsection 503.2.7* is hereby amended to provide as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall not exceed 10 percent.

Exception: The grade of the fire access road may exceed 10 percent with the approval of the *fire code official* based on the fire and rescue service's apparatus.

(23) *Subsection 503.2.8* is hereby amended to provide as follows:

503.2.8 Angles of approach and departure. Angles of approach and departure for fire apparatus access roads shall not exceed eight degrees (8°).

(24) *Subsection 503.6* is hereby amended to provide as follows:

503.6 Security gates. The *fire code official* must approve the placement of any barriers, gates, and blocking devices, and all other controlled vehicular access devices or systems, located at the entrances to streets, fire lanes, parking lots, access roads, and driveways. Such approval will be granted whenever, in his opinion, such barriers meet the requirements of this chapter and do not cause an unreasonable threat to the health, safety, and welfare of persons or property.

503.6.1 Whenever access to any public or private street, fire lane or other way allowing for vehicular access has barriers, gates, blocking devices, or other controlled vehicular access devices or systems which make it difficult for fire apparatus, police patrol vehicles, ambulances, and similar emergency type vehicles to pass, and where immediate access is necessary for lifesaving, firefighting, or police purposes, application for and issuance of a permit by the *fire code official* must be obtained before installing, erecting, altering, or maintaining such controlled vehicular access devices or systems.

503.6.2 The installation, construction, erection, and maintenance of controlled vehicular access devices or systems requiring a permit as set forth in this section shall, at a minimum, meet the following criteria:

1. Barriers across streets shall have a minimum unobstructed width of not less than 15 feet when opened.
2. Electric barriers shall have an approved key lock box or some other type of system allowing access by the city fire and rescue services department installed in an accessible approved location. The key box or other system shall contain keys, codes, or devices to gain access through the barrier.
3. Electric barriers shall have an emergency power backup or a manual disconnect.
4. A padlock may be installed on all gates or barriers not equipped with automatic gate openers provided such padlock is approved by the *fire code official*.

503.6.3 The controlled vehicular access device or system must be properly installed, erected, and maintained. The city reserves the right to remove any controlled vehicular access device or system whenever such removal is immediately necessary to preserve the health, safety, and welfare of the general public and regardless of whether such device or system is permitted. In the event of removal, the city shall not be held liable for any resulting damage or destruction.

(25) *Section 510* is hereby deleted.

(26) *Subsection 609.2* is hereby amended to provide as follows:

609.2 Where required. Type I hoods shall be installed where cooking appliances produce grease vapors. In addition, the following specified locations shall require a Type I hood:

1. Group E and I occupancies where commercial cooking appliances are used for any purpose.
2. Group A occupancies, with an occupant load over 49 persons, where commercial cooking appliances are used for any purpose.

Exception:

1. A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains 5 mg/m³ or less of grease when tested at an exhaust flow rate of 500 cfm (0.236 m³/s) in accordance with UL 710B.
2. A Type I hood shall not be required where domestic or residential cooking *appliances* are installed and not used for commercial purposes.

(27) *Subsection 903.3.7* is hereby added to provide as follows:

903.3.7 Fire department connections. Fire department connections for *automatic sprinkler systems* shall be installed in accordance with Section 912. A fire hydrant shall be located within 300 feet of the fire department connection measured along an approved fire apparatus access road. The fire department connection shall have a 2.5" by 2.5" Siamese connection.

(28) *Subsection 905.8* is hereby added to provide as follows:

905.8 Dry standpipes. Dry standpipes are prohibited unless approved by the *fire code official*. The *fire code official* is authorized to approve dry standpipes where access to a portion of a single-story building at grade level is limited by the location on property, topography, waterways, nonnegotiable grades, or other similar conditions and the dry standpipe hose connections are to be installed on the exterior only and at grade level adjacent to an access door.

(29) *Subsection 907.5.3* is hereby added to provide as follows:

907.5.3 Evacuation. Upon activation of a fire alarm notification system, all occupants of the structure for which such activation occurred shall evacuate and shall remain outside the structure until the fire and rescue services department has determined that no fire or danger exists.

(30) *Subsection 912.2.3* is hereby added to provide as follows:

912.2.3 Remote locations. Where fire department connections are located in fire vaults or where one fire department connection serves multiple buildings, the fire department connection shall be provided with a sign indicating the address to the building or buildings to which such connection serves. The sign shall have the address numbers at least six inches in height and the street name in letters at least two inches in height. All such signs shall be subject to the approval of the fire code official.

(31) *Subsection 912.3.1* is hereby added to provide as follows:

912.3.1 Locking fire department connection caps. A fire department connection shall have a 2.5" by 2.5" Siamese connection and shall include an approved locking cap as specified by the *fire code official*.

(32) *Subsection 1103.2* is hereby deleted.

(33) *Subsection 5601.1* is hereby amended to provide as follows:

5601.1 Scope. The provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of *explosives, explosive materials*, fireworks, and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard, or National Guard while performing official duties.
2. *Explosives* in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOTn packaging requirements.
4. The possession, storage, and use of not more than 1 pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of *explosive materials* by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial *explosive* devices which, in the aggregate, contain less than 50 pounds (23 kg) of *explosive materials*.
7. The use of fireworks by a railroad employee or other transportation agency employee for signal purposes or illumination.
8. The sale or use of blank cartridges for a show, the theater, or for signal or ceremonial purposes in athletics or sports.
9. The possession, storage and use of blank industrial-power load cartridges when packaged in accordance with DOTn packaging regulations.
10. Transportation in accordance with DOTn 49 CFR Parts 100-185.
11. Items preempted by federal regulations.

(34) *Subsection 5601.1.3* is hereby amended to provide as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, transportation, handling, and use of fireworks within the city limits.

5601.1.3.1 Aiding minors. It shall be unlawful for any parent or guardian of a minor child below the age of ten to permit or allow such minor child to possess, manufacture, store, sell, transport, handle, or use fireworks in violation of this code.

5601.1.3.3 Nuisance declaration. The possession, manufacture, storage, sale, transportation, handling, or use of any fireworks within the city limits in violation of this code, is hereby declared to be a public nuisance. Except as provided in this Subsection 5601.1.3, the fire official is directed and required to seize and cause to be safely destroyed any open packages of fireworks found in violation of this code, and any authorized member of the fire department or any police officer of the city or any other duly constituted peace officer is empowered to stop the transportation of and detain any fireworks being transported illegally or to close any building where any fireworks are being stored illegally until the fire official can be notified in order that such fireworks may be seized and destroyed in accordance with the terms of this section.

Exceptions:

1. The storage and use of fireworks for fireworks displays as permitted in Section 5608.
2. The transportation of Fireworks 1.4G by motor vehicles that meet federal, state, and city requirements for transporting Fireworks 1.4G is allowed, provided that such vehicles shall be equipped with at least one ten-pound fire extinguisher capable of extinguishing Type B fires, as defined by the National Fire Protection Association. A motor vehicle used for the transportation of fireworks shall display signs on both sides of such vehicle reading, "Fireworks." The sign shall consist of a white background and red letters at least six inches in height with a minimum width of three-fourths of an inch.

Affirmative Defense: It shall be an affirmative defense to prosecution for possession of fireworks that a person was operating or was a passenger in a motor vehicle that was being operated in a public place, and the fireworks were not in the passenger area of the motor vehicle. For the purposes of this section, the "passenger area" of a motor vehicle means the area of the motor vehicle designed for the seating of the operator and the passengers of the vehicle. The term does not include: (1) a locked glove compartment or similar locked storage area; (2) the trunk of a vehicle; or (3) the area behind the last upright seat of a vehicle that does not have a trunk.

(35) *Subsection 5601.1.6* is hereby added to provide as follows:

5601.1.6 Injunctive relief. Notwithstanding any provision of this code, the city attorney is authorized to:

- (1) file suit on behalf of the city, for such injunctive relief as may be necessary to prevent unlawful possession, manufacture, storage, sale, transportation, handling, or use of fireworks within the city limits;
- (2) aid the fire official in the discharging of his duties; and
- (3) prevent any person from interfering with the seizure and destruction of such fireworks in accordance with the laws of the State of Texas.

(36) *Subsection 5601.2.4* is hereby amended to provide as follows:

5601.2.4 Financial responsibility. Before a permit is issued, as required by Section 5601.2, the applicant shall submit proof of general liability insurance in an amount of not less than one million dollars (\$1,000,000) for the purpose of the payment of all damages to persons or property that arise from, or are caused by, the conduct of any act authorized by the permit.

(37) *Subsection 5601.2.4.2* is hereby deleted.

(38) *Subsection 5601.4* is hereby amended to provide as follows:

5601.4 Qualifications. Before a permit is issued, as required by Section 5601.2, for magazines, blasting, fireworks display or pyrotechnic special effect operations, the applicant shall submit proof that such applicant has met state licensing and permit requirements. The names of the experienced operators shall be designated on the permit issued.

(39) *Section 5608.2* is hereby amended to provide as follows:

5608.2 Permit application. Prior to issuing permits for a fireworks display, plans for the display, plans for the fireworks inspections of the display site and demonstrations of the display operations shall be approved. An applicant for a firework display permit shall first make written application for a permit at least ten days in advance of the date of the proposed display. A plan establishing procedure to follow and actions to be taken in the event that a shell fails to ignite in, or discharge from, a mortar or fails to function over the fallout area or other malfunctions shall be provided to the fire code official. A permit shall be issued for a period of time not to exceed 24 hours. No permit shall authorize more than two displays in each 24-hour period. The transfer of a permit issued pursuant to this section is prohibited.

(40) Subsections 5608.3.1 and 5608.3.2 are hereby added to provide as follows:

5608.3.1 Time and duration of display. The commencement of a fireworks display before the hour of 8:00 p.m. or later than the hour of 12:00 a.m. is prohibited. A fireworks display shall be completed within one and one-half (1½) hours after the time the display is commenced.

5608.3.2 Firefighters to be present during display. Not less than two city firefighters shall be in attendance during each fireworks display. The expense of such firefighters shall be paid in advance at the time of the application for the permit. The firefighters shall be subject to the fire official's orders at all times when so employed and shall be in uniform and remain on duty during the times so deemed by the fire official.

(41) Section 5608.5 is hereby amended to provide as follows:

5608.5 Storage of fireworks at display site. Materials to be used for a permitted fireworks display shall be brought in to the city on the day of the fireworks display. Such materials shall be taken immediately to the display site for further handling and storage. The storage of fireworks at the display site shall comply with the requirements of this section and NFPA 1123 or NFPA 1126.

(42) Table C. 102.1 of Appendix C is hereby amended to provide as follows:

Table C.102.1.
Number and Distribution of Fire Hydrants

Fire-Flow Requirements (gpm)	Minimum Number of Hydrants	Average Spacing Between Hydrants ^{a, b, c} (feet)	
		COMMERCIAL	RESIDENTIAL
1,750 or less	1	300	500
2,000-2,250	2	300	500
2,500	3	300	500
3,000	3	300	500
3,500-4,000	4	300	500
4,500-5,000	5	300	500
5,500	6	300	500
6,000	6	300	500
6,500-7,000	7	300	500
7,500 or more	8 or more ^c	300	500

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

a. Reduce by 100 feet for dead-end streets or roads.

b. Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrants spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.

c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.

d. Reduce by 50 feet for dead-end streets or roads.

e. One hydrant for each 1,000 gallons per minute or fraction thereof.

(43) *Subsection D103.1 and Figure D103.1 of Appendix D* are hereby deleted.

(44) *Subsection D103.3 of Appendix D* is hereby amended to provide as follows:

D103.3 Turning Radius. The minimum inside turning radius shall be 25 feet with a minimum outside turning radius of 50 feet.

(45) *Subsection D103.5(1) of Appendix D* is hereby amended to provide as follows:

D103.5 (1) The minimum gate width shall be 15 feet (4572 mm).

(46) *Subsection D104.3 of Appendix D* is hereby amended to provide as follows:

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

Exception: The *fire code official* is authorized to approve a reduced distance between fire apparatus accesses where topography would prevent meeting the distance requirement and where the reduction will not pose a threat to public safety.

(47) *Subsection D105 of Appendix D* is hereby deleted.

(48) *Subsection D106.3 of Appendix D* is hereby deleted.

(49) *Subsection D107.1 of Appendix D* is hereby amended to provide as follows:

(50) *Subsection D107.2 of Appendix D* is hereby deleted.

(Ord. No. 2019-32, § 2, 8-19-2019)