

Office of the Fire Chief

City of Richland Hills, Texas

Memorandum

To: Curtis Hawk, City Manager; Eric Strong, Assistant City Manager
From: William Bell, Fire Chief
Date: February 13, 2014
Subject: Amendments to Chapter 38, Fire Prevention and Protection, Richland Hills Municipal Code (City Code of Ordinances)

City Council Action Requested:

Consider Ordinance 1263-14, Amendments to Chapter 38, Fire Prevention and Protection, Article II. Fire Code, Richland Hills Code of Ordinances.

Background Information:

Chapter 38, Fire Prevention and Protection of the City of Richland Hills' Ordinances establishes the 2006 International Fire Code as the Fire Code for the City of Richland Hills. The fire department is requesting that Chapter 38 be amended establishing the 2012 International Fire Code, with amendments, as the Fire Code for the City of Richland Hills.

With each edition of the International Fire Code (IFC) the North Central Texas Council of Governments (NCTCOG) establishes committees made up of Fire Marshals and fire prevention specialist from jurisdictions within the NCTCOG to review and comment on the IFC. The NCTCOG has published the Recommended Amendments to the 2012 International Fire Code. It is recommended by the fire department that the NCTCOG Recommended Amendments to the 2012 Edition of the International Fire Code be adopted in Chapter 38 of the city ordinance.

Staff is available to go over the changes with Council during the meeting.

Financial Impact:

N/A

Staff Contacts:

William Bell, Fire Chief
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ORDINANCE NO. 1263-14

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 38, "FIRE PREVENTION AND PROTECTION", TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE; PROVIDING FOR THE MODIFICATION OF THE CODE TO INCORPORATE LOCAL AMENDMENTS; PROVIDING FOR RECORDING OF THE CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has previously adopted the 2006 Edition of the International Fire Code and now desires to update to the 2012 Edition of the International Fire Code; and

WHEREAS, the City Council of the City of Richland Hills, Texas, desires to provide for local modifications reflecting the particular needs of the City of Richland Hills as deemed appropriate; and

WHEREAS, the North Central Texas Council of Governments and City Staff have recommended adoption of certain amendments to the 2012 Edition of the International Fire Code to reflect locally accepted practice; and

WHEREAS, the City Council of the City of Richland Hills, Texas, has determined that the adoption of this Code as amended herein is in the public interest and therefore deems it advisable to enact this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Section 38-31 of Article II "Fire Code" of Chapter 38 to read as follows:

"Sec. 38-31. Adoption.

- (a) The 2012 Edition of the International Fire Code is hereby adopted as the official fire code of the City of Richland Hills, Texas. This fire code is fully incorporated

by reference as though copied into this ordinance in its entirety. The material contained in the International Fire Code, and any local amendments thereto, shall not be included in any formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

- (b) The 2012 Edition of the International Fire Code, as adopted herein, is hereby amended by adoption of the Recommended North Central Texas Council of Governments (NCTCOG) Amendments to the 2012 International Fire Code as shown on Exhibit A, attached to [Ordinance No. _____] and incorporated herein by reference, and where options are indicated in such amendments, Option B is hereby selected in each instance.”
- (c) The 2012 Edition of the International Building Code and the 2012 Edition of the International Fire Code, as adopted previously, are also hereby amended by adoption of the following additional local amendments:
 - (1) Notwithstanding any provision of the Fire Code or Building Code to the contrary, any building which was constructed and for which a certificate of occupancy was issued prior to October 25, 2005 and which contains 12,000 square feet or less under roof need not contain an automatic sprinkler system, unless such building is used, in whole or in part, for the storage of hazardous materials as defined in the Fire Code, or is, in whole or in part, any of the following occupancies, as defined in the Fire Code: Group F-1 (Moderate-Hazard Factory Industrial), Group H (High Hazard) Group I, (Institutional), or Group S-1 (Moderate-Hazard Storage);
 - (2) Notwithstanding any provision of the Fire Code or Building Code to the contrary, any building which was constructed and for which a certificate of occupancy was issued prior to October 25, 2005 and which contains more than 12,000 square feet under roof need not contain an automatic sprinkler system, except in the following instances:
 - a. Such building is used, in whole or in part, for the storage of hazardous materials as defined in the Fire Code, or is, in whole or in part, any of the following occupancies, as defined in the Fire Code: Group F-1 (Moderate-Hazard Factory Industrial), Group H (High Hazard) Group I, (Institutional), or Group S-1 (Moderate-Hazard Storage);
 - b. Such building is determined to be or have been vacant, abandoned, or which is not being currently occupied by the owner or a tenant, on a continuous basis for a period of more than 180 consecutive days, as determined by the Chief Building Official or the Fire Chief, or their designees.”

SECTION 2.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Section 38-33 of Article II “Fire Code” of Chapter 38 to read as follows:

“Sec. 38-33. Districts or limits.

The establishment of limits or districts having to do with the storage of hazardous or explosive materials referred to within the International Fire Code shall be as follows:

- (1) The geographic limits referred to in section 5806.2 in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as the entire city limits of the City of Richland Hills, Texas, except those industrial zoned districts where the use of such stationary containers is necessary for business operations and the use is limited to such conditions established by the fire chief and subject to approval of the city council.
- (2) The geographic limits referred to in section 5003.1 in which storage of class I and class II liquids in above-ground tanks is prohibited are hereby established as the entire city limits of Richland Hills, Texas it being the intention of this body to entirely prohibit outside above-ground fuel storage tanks containing class I and class II flammable and combustible liquids with the following exceptions.
 Exception 1: Industrial zoned areas and areas zoned for retail fuel sales in which the single capacity of any one tank does not exceed 6,700 U. S. gallons or the aggregate capacity of the above-ground fuel tanks does not exceed 18,000 U.S. gallons. The aboveground tank(s) location on any property must meet the approval of the fire marshal and the tank design must meet United Underwriters listing for above ground use.
 Exception 2. Combustible liquid fuel tanks (NFPA class II, Class III-A, class III-B) used for temporary storage of fuel used solely for the purpose of supplying earth moving vehicles or equipment during periods of construction.
 Exception 3. The storage of Naphtha or White gas meeting the requirements outlined in Chapter 50 of the International Fire Code.
- (3) The geographic limits referred to in Chapter 50 and Chapter 57 in which storage and dispensing of flammable or combustible liquids in bulk plants or terminals is hereby established as the entire city limits of Richland Hills, Texas, it being the intention of this body to prohibit bulk storage plant operations and fuel transfer terminals within its corporate city limits.
- (4) The limits referred to in section 6104.2 in which bulk storage of liquefied petroleum gas (LPG) is restricted to a water gallon capacity not to exceed 2,000 gallons is hereby established as the entire city limits, it being the intention of this body to limit the use and bulk storage capacity of LPG installations. The limits for LPG use within the city shall be as follows; residential zoned districts shall be limited to an aggregate water gallon capacity not to exceed 250 gallons (WGC),

subject to safeguarding and property distance restrictions; commercial and industrial districts shall be limited to an aggregate water gallon capacity not to exceed 2,000 gallons and subject to safeguarding and distance restrictions. Distance restrictions are those provisions established by the Texas Railroad Commission and the International Fire Code.”

SECTION 3.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Section 38-34 of Article II “Fire Code” of Chapter 38 to read as follows:

“The following sections of the International Fire Code, as herein adopted, are amended to be and read as indicated hereunder:

1. Section 101.1; change to be and read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Richland Hills, Texas, hereinafter referred to as “this code.”

2. Section 103.1; change to be and read as follows:

103.1 General. The provisions of the fire code shall be administered and enforced by the fire department under the supervision of the Fire Chief.

3. Section 103.2; change to be and read as follows:

103.2 Appointment. The Fire Chief shall serve in the joint capacity of Fire Chief and Fire Marshal. The Fire Chief may appoint a member of the fire department as the fire code official to be designated as the Fire Marshal. The Fire Marshal and members of the fire department shall have the powers of police officers in performing their duties under this code. They shall have the power to issue citations for offenses tending to cause fire or to make firefighting more difficult including but not limited to the following offenses:

- a. Failure to maintain proper markings or signage of dedicated or designated fire lanes or fire zones.
- b. The parking of motor vehicles or otherwise obstructing any marked fire lane or fire zone.
- c. Parking within the prohibited distance of a fire hydrant or blocking or prohibiting access to a fire department appliance or connection.
- d. Any offense defined in this chapter or under this fire code or its related codes, such as the Building Code, Mechanical Code, Plumbing Code, Electrical Code, Housing Code, Property Maintenance Code or adopted

standards, and policies.

4. Section 105.1.1; change to be and read as follows:

105.1.1 Permits required. Permits required by this code shall be obtained from the fire department. Permit fees shall be paid prior to the issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by anyone. All permits shall have an assigned permit fee, an effective date and a date of expiration. The Fire Chief shall establish a fee schedule and make available a listing of such fees for the purpose of administering this section of the code.

5. Section 105.1.2.1; add a new paragraph to be and read as follows:

Section 105.1.2.1 Permits fee(s). Permit fee(s) shall be doubled if the owner, operator or contractor has begun work or caused such activity, operation, function or practice to begin without first obtaining a required permit.

6. Sections 109.3, 109.3.1, 109.3.2, 109.3.3, and 109.3.4 shall be removed.

7. Section 108; add a new paragraph to be and read as follows:

108.4 Board of Appeals Members. The Board of Appeals referenced in section 108 of the fire code shall consist of members of the city council, unless otherwise established by the Mayor and City Council.

8. Section 503.6.1; add a new paragraph to be and read as follows:

Section 503.6.1 definitions.

Security or limited access gate - shall mean any vehicle access way from a public street or roadway onto private property which has an access gate which limits or controls vehicle passage onto the property.

Optical detector or receiver - means a mechanical device that is designed to receive light pulses from an emitter device that has been installed on an emergency vehicle.

Opticon - trademark name for a receiver device manufactured by 3M Company.

Tomar - trademark name for electronics company.

KNOX - trademark name for a west coast company that produces security devices for a rapid entry key box system.

Main gate - shall mean the gate or entry way designed as the primary or dedicate entry for guest, residents, deliveries, employees, or patrons onto a piece of property. Where more than one (1) gate exists on the property, the owner shall designate in writing which gate location is going to be designated the main or primary entry gate.

Exit gate - shall mean any gate or access way that is designed primarily for the exiting of vehicles from the property by residents, guest, patrons, deliveries, etc.

Primary emergency access - shall mean the drive or access point designated as the main or primary point of ingress or egress for emergency vehicles.

Secondary emergency access - shall mean a drive or access point designated as a secondary or backup means of ingress or egress for emergency vehicles.

Light duty chain - The term light duty chain shall mean a chain with the maximum diameter link of chain being one-quarter ($\frac{1}{4}$) inch, and does not mean high test proof, coil chain and other tempered chain, regardless of link size.

Owner - shall mean a person, firm, corporation, partnership, association or any other similar entity.

Section 503.6.2; add a new paragraph to be and read as follows:

Section 503.6.2 gates are to be electrically operated. All main gates shall be electrically operated and designed with a manual disconnect in case of a power failure. The designs of the manual disconnect and its location shall meet the approval of the AHJ.

Section 503.6.3; add a new paragraph to be and read as follows:

Section 503.6.3 main gate operation. All designated main or primary gates shall open with both an optical receiver system and a fire department KNOX key switch. The key operated switch and optical receiver system shall be provided and installed by the property owner. The key switch shall be located on a pedestal near the entryway to the gate, the distance and height approved by the AHJ. The optical receiver shall be located in a manner that is approved for acceptable operation by the AHJ.

Section 503.6.4; add a new paragraph to be and read as follows:

Section 503.6.4 property access codes. If applicable to the property site, the owner shall furnish emergency services, fire and police, with access codes or tenant access cards, to allow normal enforcement actions to be continued within the property site.

Section 503.6.5; add a new paragraph to be and read as follows:

Section 503.6.5 secondary gate operation. Gates designated as secondary, to be used as an emergency entrance or exit only, may be secured with a light duty chain and approved weatherproof KNOX pad lock. Access to the lock must be available to emergency personnel on both sides of the gate.

Section 503.6.6; add a new paragraph to be and read as follows:

Section 503.6.6 minimum gate widths and clearances. The minimum fire lane width of twenty (20) feet and the minimum overhead clearance height of thirteen (13) feet six (6) inches shall be maintained in the entry or exit gate design.

Section 503.6.7; and a new paragraph to be and read as follows:

Section 503.6.7 security-gate compliance design. It shall be unlawful for a security gate to be placed within a public access or fire lane easement, unless the gate complies with the following:

- a. Security gates shall be designed and installed in a workman like manner. Gate materials shall be acceptable to the AHJ.
- b. Horizontal swing or sliding security gates shall be constructed, mounted and maintained whereby such gates will open fully when activated. When opened, the gate must be equipped with a device to maintain the gate in an open position a length of time acceptable to the AHJ.
- c. Electrical or hydraulic gate devices shall be designed in a manner that allows for an alternate method of operation in a power off or mechanical malfunction condition.
- d. Security gates, other than those designated as a primary gate shall be locked or activated to open in a manner approved by the AHJ. Secondary gates shall meet the minimum width and height obstruction requirements.

Section 503.6.8; add a new paragraph to be and read as follows:

Section 503.6.8 gated entryways with a roadway median. Where a security gate is installed with a center median, regardless of the median width, the entry side and the exit side shall have a minimum driving surface of twenty (20) feet face to face with the curb.

Section 503.6.9; add a new paragraph to be and read as follows:

Section 503.6.9 application for security gates. A written request to install security gates in an emergency access easement or roadway shall be submitted to the office of the fire marshal. Such request shall provide sufficient information, including plans and specifications, to ensure code compliance. Security gates may be installed only after a permit for installation has been issued. Security gates are subject to an annual inspection fee.

Section 503.6.10; add a new paragraph to be and read as follows:

Section 503.6.10 disclaimer of liability. The city hereby disclaims any and all liabilities resulting from damages sustained by any person or owner, either directly or indirectly, as a result of any emergency function of the city or lack thereof, where such damage is occasioned by the noncompliance of any owner with the provisions of this section.

9. Section 505; amend section to be and read as follows:

Section 505.1 address numbers. Address numbers shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or roadway fronting the property. Said number shall be Arabic numbers or alphabet letters or a combination of both and must contrast with their background.

- a. Residential occupancies shall have numbers or letters a minimum of four (4) inches (102mm) in height and have a stroke width of 0.5 inch (12.7mm).
- b. Multi-family dwellings, townhouses, condominiums and commercial occupancies shall have street and or building numbers a minimum of eight (8) inches (20.0 mm) in height. When deemed necessary by the AHJ the building numbers or letters may be required to be larger in size to allow for immediate recognition and or visible identification.
- c. Commercial occupancies with rear door access shall have the building address or suite number placed on the door, a minimum height of three (3) inches in contrasting color.

Section 505.2; add a new paragraph to be and read as follows:

Section 505.2 distances from roadway or access easement. If a structure is located more than two hundred (200) feet from a public street, the address shall also appear at the front or main entry to the property.

Section 505.3; add a new paragraph to be and read as follows:

Section 505.3 additional address locations. When deemed necessary by the AHJ the street or building numbers may be required on one or more sides of the structure or property.

Section 505.4; add a new paragraph to be and read as follows:

Section 505.4 lighting requirements. Building and or street numbers shall be located in an area that is lighted in a manner that will make them immediately recognizable or discernible during normal twilight or night time hours.

Section 505.5; add a new paragraph to be and read as follows:

Section 505.5 street and road signs. Street and roads, both public and private, shall be identified with approved street signs. When required by the chief, temporary signs shall be installed at each street intersection when the construction of new roadways allows for the passage of vehicles. Temporary signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

10. Section 907.8.1.1; add a new paragraph to be and read as follows:

Section 907.8.1.1 fire protection systems maintained. All fire protection systems shall be maintained in accordance with recognized practices, rules or regulations. The fire marshal shall be notified of any required fire alarm system, sprinkler or standpipe system or any other type of fire protection system that is to be out of service for a period greater than four (4) clock hours. When systems are to be out of service for a period greater than four (4) hours and when in the opinion of the fire chief or fire marshal that a fire watch is essential for the safety of the building or its occupants, standby personnel shall be required for fire watch duty as provided by the provisions of this code.

Section 907.8.1.2; add a new paragraph to be and read as follows:

Section 907.8.1.2 providing a maintenance contract. Occupancies having a required fire protection system shall have and maintain a maintenance contract with a certified Texas State licensed agency authorized to provide for maintenance repairs and adjustments to the system as needed to keep it operable at all times.

Section 907.8.1.3; add a new paragraph to be and read as follows:

Section 907.8.1.3 response for service. Such maintenance contract shall provide for twenty-four (24) seven (7) emergency responses for service with not more than two-(2) hours response time upon notification. The name of the service company and emergency phone numbers shall be made available at the property location in a manner that is acceptable to the AHJ and the property owner or representative.

Section 907.8.1.4; add a new paragraph to be and read as follows:

Section 907.8.1.4 maintenance contract on file with fire marshal. A copy of such maintenance contract shall be made available to the fire marshal or his authorized representative at the time of the systems acceptance test or contract renewal.

SECTION 4.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Section 38-92 of Article V “Permits and Inspections” of Chapter 38 to read as follows:

“Sec. 38-92. Fire Permits and fees.

The fire permits and fees may be found in the fee schedule in Appendix A of this Code. Permits listed are defined as annual operational permits, temporary use permits, or are one time issued permits as they are construction installation related permits.

Fire marshal permits heretofore issued under the existing ordinance shall be valid for the time for which they were issued under the existing fire code; however, upon expiration of said date, the same shall become void.”

SECTION 5.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Section 38-121 of Article VI “Life Safety Code” of Chapter 38 to read as follows:

“Sec. 38-121. Adopted.

The 2012 Life Safety Code (NFPA 101) is hereby adopted as the official life safety code of the City of Richland Hills, Texas, and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in any

formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.”

SECTION 6.

The City of Richland Hills may from time to time determine that additional local modifications to the code adopted herein are necessary and appropriate to meet the unique needs of the City of Richland Hills. To effectuate modifications, the city council may enact individual ordinances amending this ordinance fully setting forth the changes to be made. Such subsequent amendments shall be consolidated as an exhibit to this ordinance, and shall be maintained as a public record in the office of the city secretary, available for public inspection and copying during regular business hours.

SECTION 7.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Richland Hills, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 8.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 9.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10.

All rights and remedies of the City of Richland Hills, Texas, are expressly saved as to any and all violations of the provisions of any ordinances of the City of Richland Hills which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such

ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 11.

The City Secretary of the City of Richland Hills is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 12.

The City Secretary of the City of Richland Hills is directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City of Richland Hills, Texas, as required by Section 52.011 of the Texas Local Government Code.

SECTION 13.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED _____ DAY OF _____, 2014.

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BESTY ELAM, CITY ATTORNEY