

# Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council  
From: Eric Strong, City Manager  
Date: December 2, 2014  
Subject: Fire Code Update

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**Council Action:** Consideration of Ordinance amending Chapter 38 “Fire Prevention and Protection” by updating the Fire Code to allow Above Ground Fuel Tanks in Commercial Districts with discretion of the Fire Marshal.

**Background Information:** Above ground fuel tanks are used by various businesses to fuel their work fleet, i.e., tractors, vehicles, lift trucks, etc., onsite prior to leaving their place of business. This saves time and resources for those businesses that rely on several vehicles in their daily operations. Currently, the Fire Prevention and Protection Ordinance, Article II.- Fire Code, Sec. 38-33 only allows above ground fuel tanks in industrial zoned areas and areas zoned for retail fuel sales.

Recently, a request has been made from a business in a commercial district for an above ground fuel tank. Staff explained to the business that the only way for this to occur is by requesting that council change the ordinance. The business requested that we proceed with this request and gauge council’s interest in changing the ordinance to allow for this provision.

The amendment to the ordinance would still provide the Fire Marshal the discretion to monitor residential setbacks and to ensure proper screening from the Public Right-of-Way (ROW).

The attached Ordinance allows an applicant, having their place of business in light or heavy commercial zoning districts, the ability to submit a building permit for above ground fuel tanks.

**Board/Citizen Input:** N/A

**Financial Impact:** N/A

**Staff Contacts:** Jason Moore, Assistant to the City Manager,  
jmoore@richlandhills.com

**Attachments:** Ordinance

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 38 “FIRE PREVENTION AND PROTECTION” BY AMENDING ARTICLE II. “FIRE CODE”; PROVIDING THAT ABOVE GROUND FUEL TANKS MAY BE PERMITTED IN LIGHT COMMERCIAL OR HEAVY COMMERCIAL ZONING DISTRICTS WITH AN APPROVED SPECIAL USE PERMIT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Richland Hills 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 Richland Hills City Council has determined that in certain circumstances businesses located in light or heavy commercial zoning districts require above ground fuel tanks for efficient operations and that the existing ordinance only allows those businesses zoned Industrial to have above ground fuel tanks; and

**WHEREAS**, the City Council finds that this ordinance is in the best interests of the citizens of the City of Richland Hills.

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

**SECTION 1**

That Section 38-33, “Districts or limits,” of the Code of Ordinances, City of Richland Hills, Texas is hereby amended by replacing Sec. 38-33(2), Exception 1 to read as follows:

Exception 1: Light Commercial, Heavy Commercial and 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 above ground 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.

**SECTION 2**

**PROVISIONS CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code are hereby repealed.

**SECTION 3**

**PROVISIONS SEVERABLE**

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 phrases,

clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4  
PUBLICATION**

The City Secretary of the City of Richland Hills is hereby directed to publish this ordinance to the extent required by law.

**SECTION 5  
EFFECTIVE DATE**

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

PASSED AND APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
THE HONORABLE MAYOR BILL AGAN

ATTEST:

\_\_\_\_\_  
CATHY BOURG, CITY SECRETARY

EFFECTIVE DATE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

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BETSY ELAM, CITY ATTORNEY