

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Eric Strong, City Manager
Date: January 6, 2015
Subject: Fire Code Update

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 under certain provisions and 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 allow or disallow the installation of these fuel tanks. However, it would also impose defined minimum requirements that must be met in the Commercially Zoned Districts of the city.

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. The provisions for fuel tanks in Industrial Zoned areas have not

changed. However, the attached Ordinance does impose the stricter minimum requirements in the Commercial Districts.

This issue was discussed and tabled at the December 2nd Council Meeting. Council directed staff to look at more detailed restrictions as well as look at what neighboring cities allow in regard to above ground fuel tanks. There is not any real consistency with what is allowed by neighboring cities. We found that the cities of Mansfield and Euless allow them with similar restrictions to what we have proposed. We found that NRH, Fort Worth, Haltom City, Keller and Hurst do not have any provisions for them in their code of ordinances.

Board/Citizen Input: N/A

Financial Impact: N/A

Staff Contacts: Jason Moore, Assistant to the City Manager,
jmooore@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 adding Sec. 38-33(2), Exception 4 to read as follows:

Exception 1: Light Commercial and Heavy Commercial areas which meets the approval of the fire marshal as well as the following requirements:

- A. Meet all requirements of the currently adopted, by City Ordinance, International Fire Code, specifically Chapters 23 and 57 and amendments
- B. A limit of two (2) 1,000 gallon above ground fuel tanks.
- C. No gravity dispensing tanks
- D. Above ground storage tanks shall be UL or approved equivalent and be double walled.
- E. Shall be 40 feet from buildings
- F. Minimum of 100 feet from residences
- G. Minimum of 15 feet from a property line
- H. Minimum of an 8' masonry screening fence/wall extending 15' from center of the above ground fuel tank(s) in each direction
- I. Height of the above ground fuel tank shall not exceed six (6) feet
- J. Tank shall be mounted on a six(6) inch high concrete slab
- K. Dispensing, electrical, venting, filling and spill containment shall all meet adopted ICC Codes

D) A plat of the property showing the proposed location of the tank(s) and a product cut sheet on the tank must be submitted to the Fire Marshall. Further safety requirements may be imposed as necessary by the Fire Marshall.

**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:

BETSY ELAM, CITY ATTORNEY