

PART II - CODE OF ORDINANCES

Chapter 38 FIRE PREVENTION AND PROTECTION

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FOOTNOTE(S):

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Editor's note— Ord. No. 999-04, §§ 6, 7, adopted Oct. 14, 2004, amended Ch. 38 in its entirety to read as herein set out. Former Ch. 38, §§ 38-1—38-121, pertained to similar subject matter, and derived from Code 1984, ch. 5, §§ 1(A)—(D), 2(A), (B), 3(A)—(C), 4, 5(A), 6(A), and 7—9; Ord. No. 825-97, §§ I—IV, adopted Oct. 28, 1997. [\(Back\)](#)

Cross reference— Buildings and building regulations, ch. 14; civil emergencies, ch. 22; emergency services, ch. 30. [\(Back\)](#)

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Sec. 38-1. Enforcement of state rules and regulations.

- (a) The fire marshal and/or his authorized representative(s) shall have local enforcement authority regarding the rules and regulations as established by the Texas Department of Insurance in Article 5.43 of the Texas Insurance Code.
- (b) The rules and regulations specifically designated for enforcement are: Article 5.43-1, Fire Extinguisher Rules; Article 5.43-2, Fire Alarm Rules; Article 5.43-3, Fire Sprinkler Rules; Article 5.43, Fire Works Rules.
- (c) The fire marshal as the local authority conducting the review on behalf of the state shall inspect the installation, maintenance, repair, or jobbing of provisions as outlined in the rules and regulations established by the insurance code and cause the same to be complied with.
- (d) The fire marshal and or his authorized representative may issue to the person, firm or corporation found guilty of violating any of the provisions, that is subject to the local authority review and acceptance, a misdemeanor citation for each violation.
- (e) Violations of provisions that are clearly the responsibility of the state shall be forwarded to the enforcement authority of the state at the earliest opportunity.

(Ord. No. 999-04, § 7, 10-12-2004)

Sec. 38-2. Authority to establish policy statements.

The fire chief and or the fire marshal shall have the authority to establish certain policy statements, guidelines or standards regulating various provisions of the fire code that are subject to the standardization of construction and installation methods and/or are subject to local interpretation. The fire chief or fire marshal shall have the authority to outline conditions for the installation and testing of fire protection systems, equipment, appliances, or such other related installations to provide for code consistency to rules, regulations or laws with county, state or federal agencies. Copies of these policy statements, guidelines, standards or interpretations are to be kept on file with the city secretary.

(Ord. No. 999-04, § 7, 10-12-2004)

Sec. 38-3. Arson reward offered.

- (a) *Reward; generally.* The Fire Chief or Fire Marshal and the City of Richland Hills, Texas hereby offers a reward of \$500.00 for information leading to the arrest and indictment of any person or persons who are allegedly a suspect or suspects for committing the crime of arson, or any felony fire related

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offense listed in the Texas Penal Code, within the corporate limits of Richland Hills, Texas. A reward offer in the amount of \$100.00 to \$250.00 is available for information that leads to the arrest and indictment of any person or persons who allegedly commits a fire related offense listed as a state jail felony or misdemeanor offense within the corporate limits of Richland Hills, Texas.

- (b) *Public notice of reward offer.* The city secretary shall create, purchase or cause to be purchased sufficient notices or placards showing for public display the arson or criminal mischief reward offers within city buildings in its corporate city limits.

(Ord. No. 999-04, § 7, 10-12-2004)

Sec. 38-4. Violations and penalties.

Any person who shall violate any of the provisions of this chapter or who shall fail to comply therewith or who shall violate or fail to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and non-compliance, respectively, be guilty of a misdemeanor punishable by a fine of not less than \$50.00 nor more than \$2,000.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that any prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 999-04, § 7, 10-12-2004)

Secs. 38-5—38-30. Reserved.

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Sec. 38-31. Adoption.

- (a) The 2006 Edition of the International Fire Code is hereby adopted as the official fire code of the City of Richland Hills, Texas, and is fully incorporated by reference as though copied into this article in its entirety. The material contained in such code shall not be included in the 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 2006 Edition of the International Fire Code, as adopted herein is hereby amended by adoption of those local amendments shown on Exhibit B, attached [to Ordinance No. 1110-08] and incorporated herein by reference, and where options are indicated in such local amendments, Option B is hereby selected in each instance.
- (c) The 2006 Edition of the International Building Code and the 2006 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.

(Ord. No. 999-04, §§ 6, 7, 10-12-2004; Ord. No. 1029-05, § 1, 10-11-05; Ord. No. 1043-06, § 1, 1-10-06; Ord. No. 1110-08, §§ 3—5, 5-27-2008)

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Sec. 38-32. Definitions.

Building code. Shall mean the International Building Code as adopted by this jurisdiction.

Electrical code. shall mean the National Electrical Code, NFPA Standard 70, as adopted by this jurisdiction.

Emergency access easement. An access road or fire lane located on private property dedicated by the owner(s) of the property or designated by the fire marshal to provide fire apparatus access to a structure or a fire protection device.

Fire code official. Wherever the term "fire code official" is used in the International Fire Code it shall mean the fire chief, fire marshal or member of the fire department charged with the duties of administration and enforcement of this code, or a duly authorized representative approved by the fire chief.

High-rise building. A building having floors used for human occupancy located more than 55 feet or three stories above the lowest level of fire department vehicle access.

Jurisdiction. Wherever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean the municipality.

Legal council. Wherever the word "legal council" is used in the International Fire Code it shall be held to mean the Attorney for the City of Richland Hills, Texas.

Mechanical code. Shall mean the International Mechanical Code as adopted by this jurisdiction.

Self-service storage facility. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

Standby personnel. Qualified fire service personnel, approved by the fire chief, when utilized, the number required shall be as directed by the fire chief. Charges for standby services shall be as normally calculated by the jurisdiction.

(Ord. No. 999-04, § 7, 10-12-2004)

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 3204.3.1.1 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 3404.29.5.1 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)

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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 34](#) of the International Fire Code.

- (3) The geographic limits referred to in section 3406.2.4.4 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 3804.2 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.

(Ord. No. 999-04, § 7, 10-12-2004)

Sec. 38-34. Amendments.

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 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 fires 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.

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- 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; change to be and read as follows:
- 105.1.2 Types of permits. There shall be three (3) classes or types of fire department permits as follows:
- a. Operational permits. An operational or annual permit allows the applicant to conduct an operation use or business for which a permit is required for a prescribed length of time not to exceed a period of one (1) year from the date of issuance.
 - b. Construction permits. A construction permit allows the applicant to install or modify systems or equipment for which a permit is required. Construction permits shall have an expiration date not to exceed one hundred and eighty (180) days from the day of issuance.
 - c. Temporary permits. A temporary permit allows the applicant to conduct an operation, function or use for a limited length of time not to exceed ninety (90) days from the date of issuance or if necessary or applicable to the situation limited to hours in a twenty-four hour day.
6. 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.
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 109; add new paragraphs to be and read as follows:
- 109.4 Compliance Certification. A notarized letter may be required by the Fire Marshal that establishes written documentation for compliance with the fire code, recognized standard(s) or department policy(s) regarding the technical installation or installations of any fire protection and/or fire notification equipment, device, systems or the operation thereof.
- 109.4.1 Notarized letters may be required for the following disciplines:
- a. Automatic fire alarm systems
 - b. Automatic fire sprinkler or other fire extinguishing systems

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- c. Fire standpipe and fire pump systems
- d. Maintenance provisions of fire protection and notification systems
- e. Storage or use of materials classed as hazardous
- f. Flame retardant applications
- g. Liquefied or compressed gas installations or operations
- h. Flammable and combustible liquid installations and operations
- i. Radioactive materials operations, use, storage and appliances
- j. Emergency power systems and appliances
- k. Life safety systems, devices and operations

109.4.2 The letter of certification shall be written on official company letterhead, signed by an authorized agent of the company acceptable to the Fire Marshal, and submitted before any acceptance test or final approval is made.

109.4.3 All acceptance testing and final approval shall be witnessed by the Fire Marshal or his authorized representative. A representative of the company making and certifying the installation and its functional operation shall be in attendance at all compliance testing.

9. Section 503.2.1.1; add the following paragraph to be and read as follows:

Sections 503.2.1.1 access width on parking facilities. Where such access roadways or easements parallel parking spaces for vehicles on one or more sides, in which case, such roadway or access easement shall not be less than twenty-four (24) feet (7315mm) of unobstructed width. The AHJ may increase these minimum widths when deemed necessary to provide emergency apparatus access for fire protection.

10. Section 503; amend by adding new paragraphs as follows:

503.3.1 Fire lanes and Fire Zones. When the Fire Marshal determines that an area is necessary to gain immediate access to any fire protection device, equipment, appliance, vault, hydrant or to gain access to any building for the purpose fire fighting, rescue or medical attention the area shall be marked or posted as approved.

503.3.2 Fire lane markings. Fire lanes markings shall be as follows:

- a. The owner, occupant or person in charge of any premise where a fire lane or fire zone is required pursuant to this code shall be responsible for its markings and the maintenance thereof.
- b. The marking of fire lanes on private property devoted to public use shall be approved by the Fire Marshal prior to its installation.
- c. Fire lanes on large parking areas shall be designated by continuous lines at least four (4) inches in width on each side of the lane or drive starting at the public street entrance and to be continued to each exit. Such lines shall be red in color and the paint being used approved for that type of application. The words "NO PARKING" and "FIRE LANE" shall be painted white in color on the red fire line every twenty-(20) feet. The words "FIRE LANE" shall be painted at each entrance or exit with such lettering to be white in color and sized a minimum of twenty-four (24) inches in height.
- d. Fire lanes adjacent to curbs shall have the entire vertical face of the curb painted bright red in color a minimum of five (5) inches in width with white lettering as stated in the above

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paragraph. In areas where curbs are adjacent to fire protection devices or a space is required to allow fire personnel or equipment to have access to a fire protection device the AHJ may require the entire curb to be painted red in color a suitable length to allow for the required access.

- e. Fire lanes adjacent to buildings or fences shall have approved signs mounted or posted on the side of the building or fence and spaced as approved by the AHJ.
- f. Where required by the Fire Marshal approved "NO PARKING FIRE LANE" signs shall be erected and spaced along the fire lane.
- g. Fire zone markings shall be approved by the Fire Marshal and may be designated by stripping as approved by the AHJ or by signage or both.

503.3.3 Obstructing a marked fire lane or fire zone. No person shall place or allow to remain in place in a marked fire lane or fire zone any trash, trash container, vehicle or merchandise or other obstruction that could hinder, delay, or stop fire department access during an emergency or at any time access is required by emergency personnel. The owner, occupant and/or the person in charge of any premises shall be responsible for any fire lane or fire zone that is blocked on such premises by any means other than motor vehicle. The owner or operator of a motor vehicle blocking any marked fire lane or fire zone shall be guilty of a misdemeanor offense and the vehicle shall be subject to removal, impoundment or both at the violator's expense.

503.4.1 Speed bumps in a marked fire lane. No person, firm or organization shall place, construct, erect or maintain any speed bumps in a marked fire lane or emergency access roadway with out first obtaining a permit for such. Speed bumps or humps shall be constructed as not to exceed the height of five (5) inches and a width at the ratio of two to one. Speed bumps located in fire lanes or access roadways constructed of an asphalt surface shall be painted white in color and on a concrete surface they shall be painted yellow in color for driver recognition.

11. 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.

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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:

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- 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.

12. 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.

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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 discernable 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.

13. Section 907.20.1.1; add a new paragraph to be and read as follows:

Section 907.20.1.1 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 907.20.1.2; add a new paragraph to be and read as follows:

Section 907.20.1.2 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 907.20.1.3; add a new paragraph to be and read as follows:

Section 907.20.1.3 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 907.20.1.4; add a new paragraph to be and read as follows:

Section 907.20.1.4 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.

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(Ord. No. 999-04, § 7, 10-12-2004)

Secs. 38-35—38-50. Reserved.

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[Sec. 38-51. Manufacture, possession or discharge of fireworks prohibited.](#)

[Sec. 38-52. Sale of fireworks prohibited.](#)

[Sec. 38-53. Exceptions to provisions.](#)

[Sec. 38-54. Transportation of flammable or combustible liquids and explosives.](#)

[Sec. 38-55. Mobil fuel dispensing units.](#)

[Secs. 38-56—38-70. Reserved.](#)

Sec. 38-51. Manufacture, possession or discharge of fireworks prohibited.

It shall be unlawful for any person, firm, company, corporation, or association to manufacture, possess, cast, throw, or fire any squib, rocket, cracker, torpedo or grenade or other combustible fireworks of any kind within the corporate city limits of Richland Hills, Texas.

(Ord. No. 999-04, § 7, 10-12-2004)

Sec. 38-52. Sale of fireworks prohibited.

It shall be unlawful for any person, firm, company, corporation, or association to exhibit or have in their possession with the intent to give away, display, sell or offer for sale within the corporate limits of Richland Hills, Texas any squib, rocket, cracker, torpedo, grenade, cap, or other combustible fireworks of any kind.

(Ord. No. 999-04, § 7, 10-12-2004)

Sec. 38-53. Exceptions to provisions.

Nothing in this section shall be construed to apply to the sale, storage or use of railroad torpedoes, flares, or other signaling devices used by the railroads or to the sale, storage, or use of flashlight composition used by photographers or dealers in photographic supplies or to prevent any public or private demonstration, display or theatrical effects of fireworks of any kind if such fireworks or pyrotechnics is conducted under the proper supervision of the fire department after application has been made and a permit issued by the fire marshal for such demonstration or display. Said permit shall not be granted unless such demonstration or display has met all recognized safety requirements outlined by the fire marshal and upon inspection for property and life safety provisions.

(Ord. No. 999-04, § 7, 10-12-2004)

Sec. 38-54. Transportation of flammable or combustible liquids and explosives.

It shall be unlawful for any person to park or operate any truck or other vehicle that is designed and used for the transporting of gasoline, diesel, explosives or other flammable or combustible products on residential streets of the city, except when making actual deliveries of such products to permanent storage containers properly permitted to store and receive such product.

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ARTICLE III. FIREWORKS, FLAMMABLE OR COMBUSTIBLE LIQUIDS AND EXPLOSIVES

This section is not intended to prohibit the use of automobiles and pick-up trucks while making actual deliveries of gasoline or diesel fuel to vehicles, lawn mowers, tools or other machinery in the city, provided that such delivery be in approved containers of metal or unbreakable plastic designed not to hold more than 20 gallons of the flammable or combustible liquid.

(Ord. No. 999-04, § 7, 10-12-2004)

Sec. 38-55. Mobil fuel dispensing units.

- (a) *Mobile service unit defined.* A mobile service unit as defined in this section shall mean and include any vehicle, tank, tank truck, or other portable or moveable device from which flammable or combustible liquid being used as automobile fuel may as an act of retail sale be dispensed from and into the fuel tank of a motor vehicle.
- (b) *Intent.* It is the intent of this section to prohibit mobile gasoline filling stations which either park or roam around the community and from which the driver or attendant makes the sale of gasoline or diesel fuel to persons, firms or corporations whose vehicles are parked or standing on public or private lots or on public or private streets.
- (c) *Exception.* This section shall not apply to the delivery of liquefied petroleum gas (LPG) to lawful recipients having proper containers, other than motor vehicles, or to the emergency delivery of motor fuel to a stalled vehicle.
- (d) *Mobile services units prohibited.* It shall be unlawful for any person, firm or corporation to sell or dispense fuel from a mobile service unit in the city, or to operate the same as a service station, including self-service.

(Ord. No. 999-04, § 7, 10-12-2004)

Secs. 38-56—38-70. Reserved.

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ARTICLE IV. MISCELLANEOUS STANDARDS

ARTICLE IV. MISCELLANEOUS STANDARDS

[Sec. 38-71. Fire sprinkler system required.](#)

[Sec. 38-72. Fire walls required.](#)

[Sec. 38-73. Wood shingle roofs restricted.](#)

[Secs. 38-74—38-90. Reserved.](#)

Sec. 38-71. Fire sprinkler system required.

Apartment buildings, condominiums, hotels, motels, or townhouses over two stories in height or more than 35 in elevation from the finished floor level, shall be equipped with a fire protection sprinkler system on all floor levels that meets the requirements of NFPA Standard 13.

(Ord. No. 999-04, § 7, 10-12-2004)

Sec. 38-72. Fire walls required.

All structures designed and constructed for use by multiple tenants in separate units or have an occupied area through rental, lease, or other agreement, shall provide a minimum of one hour fire resistive separation between each unit or occupancy. The required fire resistive construction shall extend from the floor to the bottom of the roof deck or the sub-floor of the next floor level. Where greater fire resistive separation is required by the building code, it shall be provided. Occupancies, which are required by this or the building code to have automatic sprinkler systems may be exempt from this separation requirement except in those occupancies that use, store or manufacture certain commodities listed as hazardous materials or when the use causes a higher degree of danger to the life safety of the occupants within the adjoining units.

(Ord. No. 999-04, § 7, 10-12-2004)

Sec. 38-73. Wood shingle roofs restricted.

- (a) It shall be a violation of this article to use any wood shingles as a part of the construction material on structures classified as multi-family dwellings (including duplexes) or commercial buildings.
- (b) All wood shingles or wood shakes used upon single family dwellings shall be factory pressure treated with a fire retardant chemical to meet a class "C" rating as listed by the National Fire Protection Association for fire resistive requirements.
- (c) Existing wood shingle or wood shake roofs maybe repaired in part with class "C" shingles or shakes provided the area being repaired or replaced does not exceed 25 percent of the entire roof area, otherwise the entire roof shall be replaced with material as specified in the code or be treated to meet the fire resistive requirements.

(Ord. No. 999-04, § 7, 10-12-2004)

Secs. 38-74—38-90. Reserved.

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ARTICLE V. PERMITS AND INSPECTIONS

ARTICLE V. PERMITS AND INSPECTIONS

[Sec. 38-91. Multi-family dwelling unit inspections and inspection fees](#)

[Sec. 38-92. Fire permits and fees.](#)

[Secs. 38-93—38-120. Reserved.](#)

Sec. 38-91. Multi-family dwelling unit inspections and inspection fees

- (a) *Multi-family dwelling unit defined.* For the purpose of this section, "multi-family dwelling unit" shall be defined as a building, or portion thereof, arranged, designed, or occupied as three or more dwelling units, and shall include hotels, motels, apartment complexes, townhouses, and lodging houses used for sleeping purposes.
- (b) *Annual fire inspection certificate.* It shall be unlawful for any person, firm or corporation to lease, rent, or operate any multi-family dwelling unit within the city limits, unless such multi-family dwelling unit has first received an annual fire and life safety inspection certificate from the fire marshal.
- (c) *Responsible party for securing certificates.* It shall be the responsibility of any owner, manager or leasing agent representing any business, firm, or corporation which owns, leases, rents, or operates any multi-family dwelling units, as defined by this section, to request and secure an annual fire safety inspection from the fire marshal or his authorized representative.
- (d) *Annual inspection fee.* A fee shall be charged for each annual multi-family fire and life safety inspection as established in appendix A of this Code. The fee shall be paid to the Richland Hills Fire Department in the amount in affect at the time payment is made. Fees may be payable on a semi-annual basis for all existing multi-family dwelling units having a valid certificate of occupancy in effect at the time of this chapter. Billing dates for the semi-annual fee is September 1 for the months of October through March. The billing date for the remaining six months is March 1 for April through September. The annual fee may be paid in full September 1 of each year. A late penalty fee will be assessed if payment is not received within 30 days of the billing date. Failure to comply with the inspection fee requirement will constitute a revocation of the certificate of occupancy and a penalty being assessed as outlined by this chapter. Annual inspections will be coordinated through the fire marshal or his authorized representative.

(Ord. No. 999-04, § 7, 10-12-2004)

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.] The fire permits are as listed in the 2003 Edition of the International Fire Code or as amended to the code and this permit section. 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.

(Ord. No. 999-04, § 7, 10-12-2004)

Secs. 38-93—38-120. Reserved.

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ARTICLE VI. LIFE SAFETY CODE

ARTICLE VI. LIFE SAFETY CODE

[Sec. 38-121. Adopted.](#)

Sec. 38-121. Adopted.

The 2006 International Life and Safety Code 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 the 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.

(Ord. No. 1110-08, § 6, 5-27-2008)