

ORDINANCE NO. 2012-040

Amending Ordinance 2010-14

AN ORDINANCE OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE AND EXPLOSION; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Town of Providence Village ("Town") is a Type "A" General Law town acting under the Local Government Code; and,

WHEREAS, the Town previously passed Ordinance 2010-14 which substantially adopted the 2009 International Fire Code without amendments thereto; and

WHEREAS, the International Fire Code has been updated to provide for new standards and requirements in terms of performance and nationally accepted standards; and

WHEREAS, the Town previously passed Ordinance 2012-38 amending Ordinance 2010-14; and

WHEREAS, the Town Council of the Town of Providence Village ("Town Council") hereby deems it necessary to adopt this Ordinance clarifying any exclusions to sprinkler system requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS:

Section 1. Adoption.

The Town Council of the Town of Providence Village, Texas (herein "Town Council") hereby adopts the International Fire Code, 2009 Edition, prescribing regulations governing hazardous to life and property from fire and explosion, that certain Code known as the International Fire Code including Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix F and Appendix G and the International Fire Code Standards, both published by the International Fire Code institute, being particularly the 2009 editions thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this ordinance, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Town of Providence Village. A copy of the 2009 International Fire Code and International Fire Code Standards are filed in the office of the Town Secretary.

Section 2. Amendments.

Certain "Codes", including the International Fire Code, 2009 Edition, as herein adopted, are hereby amended as provided in Exhibit A, incorporated herein and attached hereto for all purposes of this ordinance. The Town may from time to time determine that additional local modifications to the "Codes", including the International Fire Code, 2009 Edition, are necessary and appropriate to meet the unique needs of the Town. To effectuate these local modifications, the Town Council shall enact individual ordinances amending this Ordinance, fully setting forth the change to be made to the "Codes".

Section 3. Issuance of Citations by designated Officers and Employees.

Officers and employees of the Town who have the discretionary duty to enforce a statute or ordinance may arrest a person without a warrant whenever any such officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the officer's or employee's presence which he or she has the discretionary duty to enforce, and to issue a notice to appear and to release such person on the person's written promise to appear in court. Officers and employees shall not be allowed by their superior to exercise the arrest and citation authority herein conferred, unless such officer or employee is within a classification of town officers and employees designated by resolution of the town council to exercise such arrest and citation authority as to specified misdemeanor or violations. The Fire Chief shall establish and cause to be administered a special enforcement training program designed to instruct each officer or employee who will exercise such arrest and citation authority, regarding the provisions of the statutes and ordinances to be enforced, the evidentiary prerequisites to proper prosecution for violations thereof, the appropriate procedures for making arrests or otherwise prudently exercising such arrest and citation authority, and the legal and practical ramifications and limitations attendant thereto. Any such officers or employees shall be appropriately instructed to deposit executed citations or notices within the Town of Providence Village Municipal Court for filing with the court after review for legal sufficiency.

Section 4. Cumulative Clause.

This Ordinance shall be cumulative of all provisions of all other ordinances and shall not repeal any of the provisions of said ordinances 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 5. Severability Clause.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the validity of any part.

Section 6. Penalty Clause.

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 guilty of a misdemeanor punishable by a fine not exceeding Two Thousand Dollars (\$2000.00). Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this ordinance is committed, or continued, and upon conviction of any such violations such person, firm or corporation shall be punished within the limits above,

In addition to the fees mentioned above, if a second building fire safety follow-up (reinspection) is required because the violation has not been corrected from the original or first follow-up inspections, then the following fee shall be charged:

<u>Interior Square Footage</u>	<u>Fee</u>
1 to 3,000	\$ 30.00
Over 3,000 to 6,000	\$ 50.00
Over 6,000 to 12,000	\$ 70.00
Over 12,000 to 18,000	\$ 90.00
Over 18,000 to 24,000	\$110.00
Over 24,000 to 100,000	\$130.00
Over 100,000	\$200.00

Section 7. Savings Clause.

All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of any other ordinances of the Town affecting taxation of personal property, which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil 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 8. Publication Clause.

The Town Secretary of the Town is hereby directed to publish in the official newspaper of the Town of Providence Village, the Caption, and effective date clause of this ordinance for one time.

Section 9. 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.

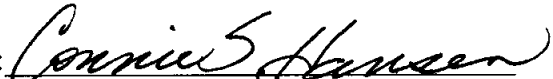
Section 10. Open to the Public.

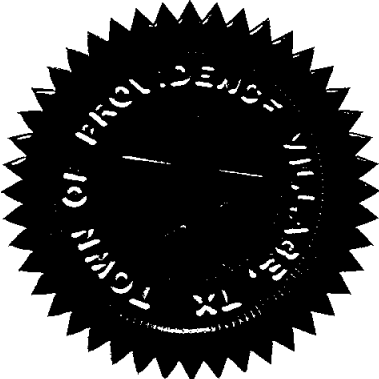
It is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by law and that the date, time and location of said meeting was posted as required by law.

PASSED AND APPROVED by the Town Council of the Town of Providence Village, Texas
this 12th day of March, 2012.

By: 
Brian D. Roberson, Mayor

ATTEST:

By: 
Connie S. Hansen, Town Secretary



APPROVED AS TO FORM:


By: 
Philip Mack Fulow, Town Attorney

EXHIBIT "A"

[page 49, section 503.1.1] changed to read as follows:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided in accordance with Sections 503.1 and 503.1.3 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility or any portion of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. The path of measurement shall be along a minimum of a ten (10) foot wide unobstructed pathway around the external walls of the structure. Fire land and access easements shall be provided to serve all buildings through parking areas, to service entrances of buildings, loading areas and trash collection areas, and other areas deemed necessary to be available to fire and emergency vehicles. (balance to remain unchanged)

[page 49, section 503.2.1] changed to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm) and an unobstructed vertical clearance of not less than 14 feet (4267) mm. {balance to remain unchanged}

[page 49, section 503.2.3] changed to add the following after the first paragraph:

503.2.3 Surface.

All-weather surface shall be asphalt or concrete. Fire lanes shall e designed to support a minimum 65,000 lb. GVW load. Subgrade shall be prepared to a density of not less than 95% as determined by TXDOT Test Method Tex-113. Concrete fire lane shall be minimum five (5) inch thick 3000 psi concrete reinforced with #3 rebar on 18 inch centers. Asphalt fire lane shall e minimum six (6) inches thick. Drive approaches shall be minimum six (6) inches 3000 PSI concrete with #3 rebar on 18 inch centers both ways on chairs.

[page 50, section 503.3] changed to read as follows:

503.3 Marking. Where required by the code official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Either approved striping or signs shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

(1) Striping – Fire apparatus access roads shall e marked by painted lines of red traffic paint six (6) inches in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" shall appear in four (4) inch white letters with a one (1) inch stroke centered on the red stripe at 25 foot intervals on the red border markings along both sides of the fire lanes.

(2) SIGNS – shall read “NO PARKING FIRE LANE” and shall be 12 inches wide and 18 inches high. Signs shall be painted on a white background with letters and borders in red, using not less than two (2) inch lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six (6) feet, six (6) inches above finished grade. Signs shall be spaced not more than 50 feet apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

[page 51, section 507.5] changed to read as follows:

507.5.1 Required Installations. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the code official. A fire hydrant shall be located within 100 feet of a fire department connection.

Fire hydrants shall be spaced in accordance with the following:

<u>Occupancy</u>	<u>Unsprinklered</u>	<u>Sprinklered</u>
<u>R-3 and U Occupancies</u>	<u>400'</u>	<u>600'</u>
<u>All Others</u>	<u>300'</u>	<u>600'</u>

Hydrants shall be provided at all intersecting streets and at intermediate locations between intersections as prescribed above, measured as the hose would be laid.

[page 79, section 903.2] added three paragraphs to read as follows:

Automatic Sprinkler Systems

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section, excluding one and two family dwellings.

Where sprinklers are installed in electrical rooms they shall be separated from the building's main sprinkler system by a pre-action valve. This valve shall be connected to fire detection device(s) in the electrical room. Sprinkler piping shall remain dry until the fire detection device activates and opens the pre-action valve. Detection devices shall have a minimum temperature rating of 165 degrees Fahrenheit. Sprinkler head(s) shall be of a type to remain closed until sufficient heat is present to open them. The sprinkler(s) shall have a minimum temperature rating of 212 degrees Fahrenheit. Sprinkler heads in electrical rooms shall be protected with a listed guard over the head. Sprinkler heads may be installed in electrical rooms without the pre-action valve, fire detection device and guard if approved tamper proof sprinkler heads are installed in place of standard heads.

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards, however, every fire protection system shall be designed with a 5 psi margin of safety.

Buildings over 6,000 sq.ft. – An automatic sprinkler system shall be installed throughout all buildings over 6,000 sq.ft. floor area. For the purpose of this

paragraph, area separation walls shall not be considered as forming separate buildings.

Exception: Open parking garages

[page 80, section 903.2.7] changed to read as follows:

903.2.8 Group R-1. An automatic sprinkler system shall be provided throughout buildings with a Group R-1 fire area.

Exceptions:

1. Where guestrooms are not more than two stories above the lowest level of exit discharge and each guestroom has at least one door leading directly to an exterior exit access that leads directly to approved exits.
2. A residential sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in buildings, or portions thereof, of Group R-1.

[page 81, section 903.2.11] changed to read as follows:

903.2.11 Specific building areas and hazards. In all occupancies an *automatic sprinkler system* shall be installed for building design or hazards in the locations set forth in Sections 903.2.11.1 through 903.2.11.6

[page 81 section 903.2.10] changed to read as follows:

903.2.11.3 Buildings over 35 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 55 feet (16764) or more above the lowest level of fire department vehicle access.

Exceptions:

1. Airport control towers.
2. Open parking structures.
3. Occupancies in Group F-2.

Fire Alarm and Detection Systems

[page 92, section 907.1.3.1 and 907.1.3.2] added to read as follows:

907.1.2.1 Wiring. All fire alarm systems shall be installed in such a manner that the failure of any single alarm-actuating or alarm-indicating device will not interfere with the normal operation of any other such devices. All systems shall be Class "A" wired with a minimum of six feet separation between supply and return loops. Initiating Device Circuits (IDC): Class "A", Style E-Signaling Line Circuits (SLC): Class "A", Style 6 – Notification Appliance Circuits (NAC): Class "B", Style X.

907.1.2.2 Flow detectors and electronic monitoring. Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 15 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to

initiate a trouble signal at the central control station upon tampering. The fire-pump system shall also be supervised for "power available", "phase reversal" and "pump running" conditions by trouble signal on distinct circuits.

[page 92, section 907.2.3] added to read as follows:

907.2.3 Group E.

2.6 System smoke detectors shall be installed in all rooms used by children.

[page 96, section 907.2.11.3] added paragraph to read as follows:

907.2.12.3 Emergency voice alarm-signaling system. An emergency voice/alarm communication system, which is also allowed to serve as a public address system, shall be installed in accordance with NFPA 72 and be audible throughout the entire special amusement building. Actuation of any automatic or manual device shall initiate an alarm signal on the alarming floor, the floor above and the floor below and identify on an annunciator the zone or address from which the signal originated.

[page 176, section 1504.1.2] changed to read as follows:

1504.3.2 Spray Booths and Rooms. The design and construction of spray booths shall be in accordance with Sections 1504.1.2.1 through 1504.1.2.6, Sections 1504.2 through 1504.6, and NFPA 33. All new spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

[page 228, section 2301.1] added paragraph to read as follows:

2303.1 Scope.

Any building exceeding 6,000 sq.ft. that has a clear height in excess of 15', making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage and shall comply with the provisions of this section. When a specific product cannot be identified, a fire protection system shall be installed as for Class IV commodities.

[page 299, section 3301.1.3] changed to read as follows:

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. The use of fireworks for display as permitted in Section 3308.

[page 377, section 3803.2.1.8 through 3803.2.1.9] added to read as follows:

3803.2.1.8 Portable Gas Grills. LP-Gas containers are allowed to be used to supply portable gas grills at residential occupancies. Such containers shall not exceed 20-pound (9.0 kg) water capacity.

3803.2.1.9 Spas and Pool Heaters. Where natural gas service is not available, LP-Gas containers are allowed to be used to supply spa and pool heaters. Such containers shall not exceed 250-gallon water capacity.

[page 423, Appendix A]

Adopt Appendix A – Board of Appeals

[page 425-426, Appendix B]

Adopt Appendix B – Fire-Flow Requirements for Buildings

[page 427, Appendix C]

Adopt Appendix C – Fire Hydrant Locations and Distribution

[page 429-431, Appendix D]

Adopt Appendix D – Fire Apparatus Access Roads

[page 433-438, Appendix E]

Adopt Appendix E – Hazard Categories

[page 439-440, Appendix F]

Adopt Appendix F – Hazard Ranking

[page 441-442, Appendix G]

Adopt Appendix G – Cryogenic Fluids – Weight and Volume Equivalents