

ORDINANCE # 098-018

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS REPEALING ORDINANCES 203, 204, 557, 085-041, 087-018, 093-023 AND 095-038; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF ADDISON BY ADOPTING THE 1997 EDITIONS OF THE UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS INCLUDING ALL APPENDICES THERETO, THEREBY PRESCRIBING REGULATIONS GOVERNING THE SAFETY OF LIFE AND PROPERTY FROM FIRE AND RELATED CONDITIONS, ESTABLISHING A FIRE PREVENTION DIVISION, PROVIDING OFFICERS THEREFOR AND DEFINING THEIR DUTIES AND POWERS, PROVIDING FOR THE AMENDING OF SAID 1997 UNIFORM FIRE CODE AND STANDARDS, PRESCRIBING REGULATIONS GOVERNING THE OPERATIONS OF THE FIRE DEPARTMENT, PROVIDING FOR A PENALTY OF FINE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR INJUNCTIVE RELIEF AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Part 1: That Chapter 6 of the Code of Ordinances of the Town of Addison, Texas is hereby amended as follows:

ARTICLE I: FIRE CODE

Section 6-1 There is hereby adopted by the Town of Addison, for the purpose of prescribing regulations governing the safety of life and property from fire and related conditions, that certain code known as the Uniform Fire Code, including all appendices thereto, and the Uniform Fire Code Standards, in particular the 1997 editions thereof, both published by the Western Fire Chief's Association and the International Conference of Building Officials, hereinafter known as the "fire code" or the "code", and the whole thereof except for such portions as are modified herein, and the same are incorporated as fully as if set out at length herein. From the date on which this Ordinance shall take effect, the provisions herein shall be controlling within the corporate limits of the Town of Addison, Texas,

Section 6-2 Definitions

When used in the fire code the following meanings shall apply:

- a) ADMINISTRATOR: Shall mean the City Manager or designate of the Town of Addison.
- b) AIRCRAFT: Shall mean any airplane, balloon, flying machine or contrivance now known or hereafter invented, used for flight or movement through the air.
- c) BUREAU OF FIRE PREVENTION: Shall mean the Fire Prevention Division of the Addison Fire Department.
- d) CHIEF OF THE BUREAU OF FIRE PREVENTION: Shall mean that Deputy Chief of the Fire Department appointed to command the Fire Prevention Division and who may also be known as the Prevention Chief.
- e) CITY, JURISDICTION, or TOWN: Shall mean the Town of Addison, Texas.

f) EXECUTIVE BODY: Shall mean the City Council of the Town of Addison.

Section 6-3 Enforcement

a) The Fire Code shall be administered and enforced by the Fire Prevention Division of the Fire Department of the Town of Addison, said Division is hereby established and which shall be operated under the supervision of the Fire Chief.

b) The person in charge of the Fire Prevention Division, known as the Fire Prevention Chief, shall be appointed by the Fire Chief on the basis of proper qualifications.

c) The Fire Chief may appoint such members of the Fire Department as shall be necessary from time to time to serve as Inspectors. Each Inspector so assigned shall be authorized to enforce the provisions of the Fire Code as set forth in Section 103.2. The Fire Chief may recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be appointed on the basis of proper qualifications.

d) The Fire Prevention Division shall inspect, as often as may be necessary, all buildings, properties, places or portions thereof in the Town in accordance with Section 103.2 of the Fire Code.

e) Section 103.2.2.2 of the Code shall be deleted in its entirety.

f) Section 103.4.4 of the Code shall be amended by the addition of:
Appointed members of the Fire Prevention Division may issue citations as necessary for violations of the Code. Said citations shall be punishable by payment of a fine not to exceed \$2000.00 dollars as determined by the Municipal Judge of the Town.

g) Section 104.2 of the Code shall be amended to read:
Investigations. The Fire Prevention Division is authorized to investigate promptly the cause, origin and circumstances of each fire occurring in the jurisdiction involving injury or loss of life to a person or damage or destruction of property. Such investigation shall be limited to the cause and origin of the fire. If, in the opinion of the assigned investigator such fire is of suspicious origin, the investigator shall immediately contact members of the Police Department's Criminal Investigation Division. Said Police Investigators shall assume the criminal portion of the investigation and pursue it to its conclusion in accordance with the penal code with such assistance at the fire scene as may be necessary by the Fire Prevention Division.

Section 6-4 Permits

Section 105.1 of the Code shall be amended to read:
Scope. Permits shall be in accordance with Section 105 or as determined by the Chief.

Section 6-5 Provision for Fire Safety

a) Section 902.2.2.2.1 of the code shall be amended to read:
Dimensions. Fire lanes and other fire apparatus access routes shall have an unobstructed width of not less than 24-feet and an unobstructed vertical clearance of not less than 14-feet.

b) Section 902.2.4.1 of the code shall be amended to read:
General. The required width and height of fire lanes and fire apparatus access routes shall not be obstructed in any manner, including the parking of vehicles.

Exception: Where an approved gate, fence, device or arrangement is placed to restrict access, such impediment shall be equipped with an approved, automated

entry system capable of fully opening or removing the impediment at any time. Gates, fences or other access restriction devices shall be designed to fail safe in an unlocked and open position upon loss of primary electrical power. Gates, fences or other access restriction devices shall be designed to be openable manually at all times. In all cases gates, fences or access restriction devices must open or move in such a way as to completely clear the required width and height of the fire lane or fire apparatus access route.

c) Section 1003.2.1 of the code shall be amended to read:

General. An approved automatic fire sprinkler system shall be installed as follows:

1) In all buildings and additions to buildings of any area, size or occupancy built or added on to after December 8, 1992. In the case of an addition the approved automatic fire sprinkler system shall be installed in the addition and the existing building unless separated by an approved area separation wall.

Unless otherwise required elsewhere in the code, the following exceptions apply:

Exception 1: Detached Group U-1 occupancies other than parking garages, that do not exceed 500 square feet in area and are located six feet from any other building.

Exception 2: One story open parking garages of types IFR, IIFR, IIIFR or type IIN construction with 80% of the perimeter of the structure open, a minimum of 10 feet from all property lines and a minimum of 10 feet from any other building.

Exception 3: Parking garages that meet the requirements of subsection 302.4 and do not exceed 3000 square feet in area.

Exception 4: First and only additions, remodels or reconstructions to existing unsprinklered buildings, which project does not exceed 500 square feet in area.

Exception 5: Pedestrian walkways constructed per section 409 that do not exceed 2000 square feet in area.

Exception 6: Group S-5 occupancies used for the storage or parking of aircraft.

Exception 7: Fuel dispensing pumps covered with a canopy that is open on three or more sides.

Exception 8: In all occupancies except those listed in exceptions 1-7 above that do not exceed 500 square feet in area and are located a minimum of 20 feet from any other building.

2) In any existing building of any size, area or occupancy reconstructed after the effective date of this ordinance where 50% or greater of either the square footage or the dollar value is involved.

3) In the occupancies and locations set forth in 1003.2.

d) Section 1004.2 of the Code shall be amended to read:

Required Installations. Standpipe systems shall be provided as set forth in Table 1004-A or as required by the Chief.

e) Table 1004-A of the Code is hereby amended by changing item #2 in the column titled "occupancy" to read:

2. Occupancies two stories or more but less than 150 feet in height, except R-3 occupancies individual units in R-1 occupancies and in individual tenant spaces where the stair serves an adjacent floor only.

f) Section 1007.3.1 of the Code shall be amended by the addition of a second paragraph, which reads:

All alarm systems installed or replaced hereafter that serve 50 or more alarm actuating devices shall be addressable fire detection systems. Alarm systems serving more than 75 smoke detectors or more than 200 total alarm actuating devices shall be analog intelligent addressable fire detection systems.

g) Section 1102.3.1 of the code shall be amended to read:

General. Open burning shall not be permitted in the Town of Addison.

Exception: Recreational fires shall be in accordance with Section 1102.4

h) Sections 1102.3.2 through 1102.3.8 are deleted in their entirety.

i) Section 7701.1 of the Code shall be amended to read:

Scope. The manufacture, possession, storage, sale, transportation, use and/or handling of explosive materials of any type is prohibited in the Town of Addison except as noted below:

Exception 1. Explosive materials used by the armed forces of the United States or other federal agencies acting in an official capacity.

Exception 2. The possession, use and storage of small arms ammunition packaged in accordance with DOT packaging requirements, or the possession or use of powder and primer used for the hand loading of small arms ammunition.

Exception 3. Approved construction or demolition projects for which a permit has been obtained and where all necessary safety precautions are reviewed by the Fire Department and observed on site.

j) Section 7801.1 of the Code is hereby amended to read:

Scope. The manufacture, possession, storage, sale, transportation, use and/or handling of fireworks or pyrotechnic material of any type is prohibited in the Town of Addison except as noted below:

Exception. Approved events organized and conducted by licensed fireworks and pyrotechnic professionals where all necessary safety precautions are reviewed by the Fire Department and observed on site.

k) Section 7902.5.12.1 of the Code is hereby amended to read:

General. The storage of flammable liquids in the manner defined in Article 2 of this code as a "liquid storage warehouse" is prohibited in the Town of Addison.

l) Section 1 of Appendix III-B shall be amended to read:

SECTION 1 - SCOPE

Fire hydrants shall be provided in accordance with Appendix III-B or as required by the Chief for the protection of buildings, or portions of buildings hereafter constructed.

ARTICLE 2 FIRE DEPARTMENT GENERALLY

Section 6-6 Hazardous materials response and remuneration

a) SCOPE: Any party(ies) who accidentally, negligently or intentionally causes or is responsible for a spill of hazardous material as defined in the Uniform Fire Code which affects public or private property within Addison, shall be liable for the payment of all costs incurred by the Town in the effort to mitigate and abate the hazard. The remedy provided by this Section shall be in addition to any other remedies provided by law.

b) RECOVERABLE COSTS: For the purposes of this ordinance, costs incurred by the City shall include, but not be limited to all actual out-of-pocket expenses attributable to the abatement or clean up of the hazardous material(s), including costs of equipment operations, costs of materials utilized, costs of third party specialists, experts or contract labor not in the full time employment of the Town, overhead costs, overtime costs and any other incidental costs incurred by the Town of Addison. Basic costs associated with Fire Department services shall be Four Hundred Dollars (\$400.00) per hour for each Engine or Truck company and Two Hundred Dollars (\$200.00) per hour for each medical unit.

c) ENVIRONMENTAL ASSESSMENTS: The Fire Department will provide reports of environmental assessment for specific locations in Addison upon completion and submission of a "Request for Public Records Information" form. The City and its employees will not be held liable for environmental hazards they are not aware of, that have not been reported or are not obvious during a site inspection. Fees for environmental assessment reports will be Fifty Dollars (\$50.00) per hour for staff time to prepare the report.

Section 6-7 Emergency Ambulance Service

a) SCOPE: Emergency ambulance service within the corporate limits of the Town of Addison shall be provided by, supervised by and under the control and authority of the Fire Department.

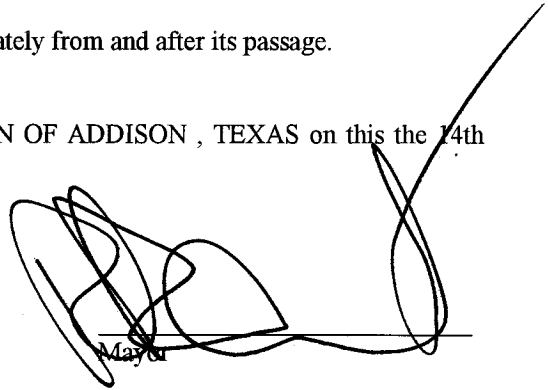
b) FALSE STATEMENTS OF EMERGENCY: It shall be unlawful for any person to willfully request emergency ambulance service when such person knows that the need for emergency ambulance service does not exist at the reported place and time.

c) FEES FOR SERVICE: A fee of Two Hundred Fifty Dollars (\$250.00) shall be charged per trip, per person for transportation by ambulance to a hospital, doctor's office or other location for the provision of emergency medical aid. Such fee shall be paid by the person(s) receiving or contracting for the emergency ambulance service. In the case of service received by a minor, the parent or guardian shall be responsible for payment of the fee.

d) RIGHT TO REFUSE SERVICE: The Fire Chief or his designated representative retains the right to refuse emergency ambulance transportation to non-emergency medical facilities.


- Part 2 Penalty**
That any person, firm, corporation or entity violating the provisions of this ordinance shall be subject to the penalties detailed herein and upon conviction in Municipal Court shall be deemed guilty of a misdemeanor and punished by a fine not to exceed \$2000.00 per offense, and each and every day such violation continues shall constitute a separate offense.
- Part 3 Injunctive Relief**
In addition to and cumulative to all other penalties, the Town of Addison shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Part 4 Severability**
That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid by a court of competent jurisdiction the remaining provisions of this ordinance, the amendments herein and all the Uniform Fire Code and Standards shall remain in full force and effect.
- Part 5 Repeal**
That all other ordinances, sections or provisions which are inconsistent with the terms and provisions of this ordinance are hereby repealed.
- Part 6 Effective Date**
That this ordinance shall take effect immediately from and after its passage.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON , TEXAS on this the 14th day of April, 1998.



Mayor

ATTEST:


City Secretary

Published
6/8/98

