

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 006-012

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS REPEALING ORDINANCE 000-044 RELATING TO A FIRE CODE, AMENDING CHAPTER 38 (FIRE PREVENTION AND PROTECTION) OF THE CODE OF ORDINANCES OF THE TOWN BY ADOPTING THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE 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; AMENDING THE SAID 2003 INTERNATIONAL FIRE CODE AS SET FORTH HEREIN; PRESCRIBING REGULATIONS GOVERNING THE OPERATION OF THE FIRE DEPARTMENT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF \$2,000 FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE PROVIDING AN EFFECTIVE DATE.

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

Section 1. Amendments; Repeal.

A. The Code of Ordinances of the Town of Addison, Texas is hereby amended in the following particulars, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified, verified, approved and affirmed.

1. Chapter 38 (Fire Prevention and Protection) is amended as set forth in Exhibit 1 attached hereto and incorporated herein.

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting fire prevention, protection, and safety and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, liability, action, cause of action, or claim which, prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to any ordinance or portion of the Code of Ordinances repealed hereby, shall continue to be governed by the provisions of those

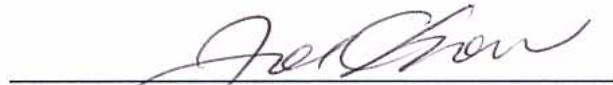
repealed ordinances or portions of the Code, and for that purposes such ordinances or portions of the Code shall be deemed to remain and shall continue in full force and effect.

Section 3. Penalty; Injunctive Relief. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. 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.

Section 4. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 28th day of February, 2006.



Joe Chow, Mayor

ATTEST:

By: 

Carmen Moran, City Secretary

APPROVED AS TO FORM:

By: _____
Ken Dippel, City Attorney

**Published:
03-04-06**

EXHIBIT 1

ARTICLE I: IN GENERAL

Sections 38-1 to 38-30 RESERVED

ARTICLE II: FIRE CODE

DIVISION 1. GENERALLY

Section 38-31 ADOPTION

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 International Fire Code (for purposes of this Chapter 38, "Code"), including all appendices thereto, in particular the 2003 edition thereof, published by the International Code Council, Inc., 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 38-32 DEFINITIONS

Words, terms and phrases when used herein and in the Code shall have the meanings ascribed to them by the Code unless otherwise expressly stated or unless the context clearly indicates a different meaning. Terms not defined by the Code shall have ordinarily accepted meanings such as the context implies.

Section 38-33 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 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) With the approval of the Fire Chief, the Fire Prevention Chief may appoint such qualified persons to the Fire Department as shall be necessary to serve as Inspectors. Each Inspector so assigned shall be authorized to enforce the provisions of the Fire Code as set forth in Section 103.3 of the Code. The Fire Chief may recommend to the City Manager the employment of technical specialists, who, if such authorization is made, shall be appointed on the basis of proper qualifications.

(d) Members of the Fire Prevention Division shall inspect, as often as may be necessary, any building, property, place or thing in the Town in accordance with Section 104 and other relevant sections of the Fire Code.

(e) Section 104.10 of the Code shall be amended to read:

Fire 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 fire investigator such fire is of suspicious origin, the fire investigator shall immediately contact members of the Addison 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.

(f) Section 109.3 of the Code shall be amended by the addition of:

a) Members of the Fire Prevention Division may issue citations as necessary for violations of the Fire Code or this Ordinance. Each day a violation continues shall be deemed a separate offense. Said violations shall be punishable by payment of a fine not to exceed \$2000.00 dollars as determined by the Municipal Judge of the Town of Addison.

Section 38-34 HAZARDOUS MATERIALS AND FALSE ALARM RESPONSE AND REMUNERATION

(a) HAZARDOUS MATERIAL RELEASE: Any party(ies) who accidentally, negligently or intentionally causes or is responsible for a spill of hazardous material as defined in the Code which affects public or private property within the Town, 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 chapter, costs incurred by the Town 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. 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) FALSE FIRE ALARMS: If, within a calendar year, the Addison Fire Department responds to three false fire alarms at the same address, the owner or manager of the property shall be assessed a fee of \$300.00 for each subsequent false alarm response during the remainder of the calendar year.

Section 38-35 to 38-50 Reserved

DIVISION 2. DELETIONS, AMENDMENTS AND MODIFICATIONS

Sec. 38-51 Generally

The 2003 edition of the International Fire Code is modified by the deletions, amendments and modifications provided for in this division.

Section 38-52 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 Fire Prevention Chief

Section 38-53 Provision for Fire Safety

(a) Section 304.1 of the Code shall be amended to read:

WASTE MATERIAL. Accumulations of any type of waste or scrap material shall not be allowed to remain in any location where, in the opinion of the Fire Prevention Chief, they may constitute a fire and life-safety hazard or impede Fire Department operations.

(b) Section 307.1 of the Code shall be amended to read:

GENERAL. Open burning, including recreational or ceremonial, fires shall not be permitted in the Town of Addison.

Exception: Outdoor cooking is permitted and shall be in accordance with Section 308.3.1

(c) Section 503.2.1 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.

(d) Section 903.1.1 is deleted in its entirety

(e) Section 903.2 of the code shall be amended to read:

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

1) In all buildings of any area, size or occupancy built or added to after December 8, 1992. In the case of an addition to an existing structure an 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 in the code, the following exceptions apply:

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

Exception 2: Open parking garages of noncombustible construction that have no other types of occupancies located above the garage.

Exception 3: Existing, unsprinklered, single-family detached dwellings which are added to for the purpose of increasing livable area.

Exception 4: Covered walkways or open canopies above fuel dispensing pumps, bus stops or other similar structures intended only for the temporary protection of persons from inclement weather but not including covered patios attached to buildings.

Exception 5: Group S-2 occupancies used only for the storage or parking of aircraft. (NOTE: Aircraft hangars are subject to the provisions of NFPA 409.)

2) In any existing building of any size, area or occupancy remodeled or 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 attic of any building required by this section to have a fire sprinkler system, except the attics of single family detached dwellings.

4) In the occupancies and locations set forth in Section 903 of the Fire Code

(f) Section 903.3.1.1 shall be amended to read:

NFPA-13 SPRINKLER SYSTEMS. Where the provisions of this ordinance require that a building or portion thereof be equipped with an automatic fire sprinkler system, sprinklers shall be installed in accordance with NFPA-13, or other standards as appropriate for the occupancy type and, in addition, sprinkler coverage shall include any area, regardless of size or use, that contains an energy source except as provided in Sections 903.3.1.1.1 exceptions (1) & (2).

(g) Section 903.4 of the Code shall be amended to read:

SPRINKLER SYSTEM MONITORING AND ALARMS. All valves controlling the water supply and all water flow alarm switches on fire sprinkler systems shall be electronically supervised and monitored by an approved fire alarm monitoring agency, regardless of the number of sprinkler heads served.

Exception. Valve and alarm monitoring on single family residence sprinkler systems shall be at the discretion of the property owner.

(h) Section 904.2 shall be amended to read:

Other types of fire extinguishing systems shall not be installed as an alternative or replacement for automatic fire sprinkler systems. Alternative systems may only be installed as a supplement to required fire sprinkler systems.

(i) Section 905.1 of the Code shall be amended to read:

GENERAL. Standpipe systems shall be provided as set forth in this section or as required by the Prevention Chief.

(j) Section 3301.1 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 governmental agencies acting in an official capacity.

Exception 2. The possession, use and storage of small arms ammunition in accordance with Section 3306 of the Code.

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.

(k) Section 3308.1 of the Code is hereby amended to read:

GENERAL. 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.

(l) Section 3404 of the Code shall be amended by the addition of:

3404.1 LOCATION. Facilities storing hazardous, flammable or combustible liquids or materials in excess of the quantities listed in Table 2703.1.1, that are installed or relocated after the adoption of this provision, may only be located as approved by the Fire Prevention Chief.

(m) Section 3404.3.8 of the Code is hereby amended to read:

LIQUID STORAGE WAREHOUSES. The storage of flammable liquids in the manner defined by the Code as a "liquid storage warehouse" is prohibited in the Town of Addison.