

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 008-040**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE 2006 EDITIONS OF THE INTERNATIONAL FIRE CODE AND THE INTERNATIONAL BUILDING CODE BY AMENDING THE DATE FOR THE APPLICATION OF SECTION 903.2.1.2, PARAGRAPH #1 and #2 OF EACH OF THEM, RELATING TO INSTALLATION OF FIRE SPRINKLERS FOR A-2 (RESTAURANT) OCCUPANCIES; AMENDING THE CODE OF ORDINANCES OF THE TOWN BY AMENDING SECTION 38-53 (PROVISIONS FOR FIRE SAFETY) AND SECTION 18-63 (AUTOMATIC FIRE EXTINGUISHING SYSTEMS) CONCERNING FIRE SPRINKLERS; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY, UPON CONVICTION, FOR ANY VIOLATION, NOT TO EXCEED THE SUM OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on April 22, 2008 the City Council of the Town of Addison, Texas (the "City") adopted the 2006 edition of the International Fire Code, with amendments, by the adoption of Ordinance No. 008-013, and adopted the 2006 edition of the International Building Code, with amendments, by the adoption of Ordinance No. 008-007; and

WHEREAS, the 2006 editions of the International Fire Code and the International Building Code each contain a provision – Section 903.2.1.2, paragraph 2 - which requires A-2 (restaurant) occupancies to install fire sprinklers if the occupant load is greater than 100 persons; and

WHEREAS, the enactment of Section 903.2.1.2, paragraph 2 has resulted in the unanticipated effect of increasing development costs for the restaurant and development community when such costs had not been expected or anticipated by restaurant developers; and

WHEREAS, the City seeks to make the community as safe as possible while supporting the needs of business operators, and in order to provide an opportunity for the restaurant development community to become further informed about and to incorporate the requirements of Section 903.2.1.2, paragraph 2 into development plans, the City Council desires to amend the International Fire Code and the International Building Code to modify the effective date of the provision, and further desires to make certain other modifications to the said Codes relating to fire sprinkler systems as set forth herein.

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

**Section 1. Amendments to International Fire Code, to International Building Code.**

A. International Fire Code Amendments.

1. The International Fire Code, 2006 Edition (the "2006 IFC"), as adopted by Ordinance No. 008-013 of the City (as codified in Article II of Chapter 38 of the Code of Ordinances (the "Code of Ordinances") of the Town of Addison, Texas (the "City")), is amended so that:

(a) from and after the effective date of this Ordinance through December 31, 2008, Section 903.2.1.2, paragraphs #1 and #2 of the 2006 IFC shall read as set forth in Section 903.2.1.2, paragraphs #1 and #2 of the International Fire Code, 2003 Edition; and

(b) beginning January 1, 2009 and continuing thereafter, (i) Section 903.2.1.2, paragraph #1 of the 2006 IFC shall read as the said paragraph #1 was adopted and amended by City Ordinance No. 008-013, and (b) Section 903.2.1.2, paragraph #2 of the 2006 IFC shall read as set forth in the 2006 IFC.

2. Section 38-53 (Provisions for Fire Safety) of the Code of Ordinances of the City, which section provides for certain amendments to the International Fire Code, 2006 Edition, is hereby amended by amending subsection (i) to read as follows (additions are underlined; deletions are ~~struck through~~):

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

*Where required.* An approved automatic fire sprinkler system shall be installed as follows:

1) In all buildings of any area, size or occupancy built, added to or moved into the Town of Addison after December 8, 1992. In the case of an addition to an existing structure or space an approved automatic fire sprinkler system shall be installed in the addition and the existing structure or space.

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: All aircraft hangars are subject to the provisions of NFPA 409.)

2) In any existing building ~~or space~~ (except single family detached residences), remodeled or reconstructed after the effective date of this ordinance, where the work performed exceeds ~~50~~<sup>33</sup> percent of ~~either both~~ the square footage ~~and~~ the (DCAD assessed) dollar value of the building ~~or space~~.

3) In the attic of any building required by this section to have a fire sprinkler system, except the attics of single family dwellings on fee simple lots.

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

B. International Building Code Amendments.

1. The International Building Code, 2006 Edition (the "2006 IBC"), as adopted by Ordinance No. 008-007 of the City (as codified in Article II of Chapter 18 of the Code of Ordinances), is amended so that:

(a) from and after the effective date of this Ordinance through December 31, 2008, Section 903.2.1.2, paragraphs # 1 and #2 of the 2006 IBC shall read as set forth in Section 903.2.1.2, paragraphs #1 and #2 of the International Building Code, 2003 Edition; and

(b) beginning January 1, 2009 and continuing thereafter, (i) Section 903.2.1.2, paragraph #1 of the 2006 IBC shall read as the said paragraph #1 was adopted and amended by City Ordinance No. 008-007, and (ii) Section 903.2.1.2, paragraph #2 of the 2006 IBC shall read as set forth in the 2006 IBC.

2. Section 18-63 (Automatic Fire-Extinguishing Systems) of the Code of Ordinances of the City, which section provides for certain amendments to the International Fire Code, 2006 Edition, is hereby amended by to read as follows (additions are underlined; deletions are ~~struck through~~):

**Sec. 18-63. Automatic fire-extinguishing systems.**

The International Building Code is amended by changing section 903.2 to read as follows:

*903.2 Sprinklers required.* An approved automatic fire sprinkler system shall be installed as follows:

1) In all buildings of any area, size or occupancy built, added to after December 8, 1992. In the case of an addition to an existing structure or space an approved automatic fire sprinkler system shall be installed in the addition and the existing structure or space.

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 ~~or space~~, (except single family detached residences), remodeled or reconstructed after the effective date of this ordinance where work performed exceeds ~~50~~33 percent of ~~either~~both the square footage ~~and~~ or the (DCAD assessed) dollar value of the building ~~or space~~.

(3) In the attic of any building required by this section to have a fire sprinkler system, except the attics of single family dwellings.

(4) In the occupancies and locations set forth in this section.

For provisions on special hazards and hazardous materials, see the fire code.

**Section 2. Savings; Repealer.** This Ordinance shall be cumulative of all other ordinances of the City 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 the repeal of such ordinances or parts of such ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.


**Section 3. Severability.** The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the International Fire Code, 2006 Edition, or revisions thereof, adopted herein, or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any

other section or provision of this Ordinance or the International Fire Code, 2006 Edition, or revisions thereof, or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance and the International Fire Code, 2006 Edition, or revisions thereof, adopted herein without the invalid parts and to this end the provisions of this Ordinance and the International Fire Code, 2006 Edition, and revisions thereof, adopted herein shall remain in full force and effect.


**Section 4. Penalty.** It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues. In addition to and cumulative of all other penalties, the Town of Addison shall have the right to seek injunctive relief (and any other available actions or relief) for any and all violations of this Ordinance.

**Section 5. Effective Date.** This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law (including, without limitation, the City Charter, and the ordinances of the City).

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this 23rd day of September, 2008.

  
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Joe Chow, Mayor

ATTEST:

By:   
\_\_\_\_\_  
Mario Canizares, City Secretary

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
John Hill, City Attorney

Published 9/28/08