

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 011-031

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING VARIOUS PROVISIONS OF ARTICLE II (FIRE CODE) THEREOF, INCLUDING SECTIONS 38-31 (ADOPTION) (AND ADOPTING THE INTERNATIONAL FIRE CODE, 2009 EDITION, INCLUDING APPENDICES B, C, D, E, F, AND G THERETO), 38-32 (DEFINITIONS), 38-33 (ENFORCEMENT), 38-34 (HAZARDOUS MATERIALS AND FALSE ALARM RESPONSE AND REMUNERATION), 38-51 (GENERALLY), 38-52.1 (BUILDING/FIRE CODE BOARD OF APPEALS), AND 38-53 (PROVISIONS FOR FIRE SAFETY), AND 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 2009 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.

WHEREAS, the amendments set forth in this Ordinance to Chapter 38 of the Code of Ordinances of the Town of Addison, Texas (“City”) are pursuant to investigation and analysis by the City, and are with a view of and to further the purposes and objectives of, and to promote, the health, safety, welfare, convenience and enjoyment of the public, including to protect the public welfare, and are to comply with applicable State law; and

WHEREAS, among other things, this Ordinance continues in effect the provisions of Section 903.2 of the International Fire Code, 2006 Edition, as amended to read as set forth in Section 38-53(i) of the Code of Ordinances of the City, for the purpose of the application, interpretation, and/or enforcement of the said Section 903.2 (together with any other provisions of the International Fire Code (including, without limitation, any appendices) that are deemed by the Fire Prevention Chief of the Town of Addison to be necessary for or useful to the application, interpretation, and/or enforcement of the said Section 903.2), and the City Council hereby finds that the requirements included in and provisions of the said Section 903.2 and such other provisions of the International Fire Code, 2006 Edition have been in effect prior to January 1, 2009, and that the continuation of those requirements and provisions by this Ordinance is not and does not constitute the enactment of an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire

sprinkler protection system in a new or existing one- or two-family dwelling after January 1, 2009; and

WHEREAS, the adoption of this Ordinance and the amendments set forth herein are for and in the best interests of the health, safety and welfare of the City and its citizens.

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 A attached hereto and incorporated herein.

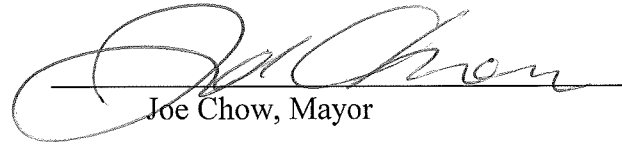
Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting fire prevention, protection, and safety and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the 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
22nd day of March, 2011.



Joe Chow, Mayor

ATTEST:

By: 

Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney

PUBLISHED 4-28-11

**EXHIBIT A
TO ORDINANCE NO. 011-031**

Chapter 38, Fire Prevention and Protection, of the Code of Ordinances (the "Code") of the Town of Addison, Texas is hereby amended in various sections of Article II (Fire Code) thereof as set forth below and as follows (additions are underlined; deletions are ~~struck through~~):

1. Section 38-31 of the Code is amended to read as follows:

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 appendices B, C, D, E, F, and G thereto, in particular the 2009~~2006~~ 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 the adoption of the said International Fire Code, 2009 edition~~this Ordinance~~ shall take effect, the provisions thereof and herein shall be controlling within the corporate limits of the Town of Addison, Texas.

Notwithstanding the adoption of the 2009 International Fire Code, Section 903.2 of the International Fire Code, 2006 Edition ("2006 International Fire Code"), as amended by Section 38-53(i) of this Code, below, is , together with any other provisions of the 2006 International Fire Code (including, without limitation, any appendices) that are deemed by the Fire Prevention Chief of the Town of Addison to be necessary for or useful to the application, interpretation, and/or enforcement of the said Section 38-53(i), continued in full force and effect for the purpose of the application, interpretation, and/or enforcement of the said Section 903.2. For purposes of the said Section 38-53(i), references to "the code" and the "Fire Code" means the 2006 International Fire Code. In the event of any conflict between the provisions of the 2006 International Fire Code and the provisions of the International Fire Code, 2009 Edition, the provisions of the 2006 International Fire Code shall control for purposes of (and only for purposes of) the application, interpretation, and/or enforcement of the said Section 903.2 and any other provisions of the 2006 International Fire Code (including, without limitation, any appendices) that are deemed by the Building Official of the Town of Addison to be necessary for or useful to the application, interpretation, and/or enforcement of the said Section 903.2.

2. Section 38-32 of the Code is amended to read as follows:

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.

The definition of “high-rise building” shall be added to Section 202 of the code and shall mean: A building having any floor used for human occupancy located more than 55 feet (16764 mm) above the lowest level of fire department vehicle access.

(a) Any and all references in the code to high-rise buildings or portions thereof shall be assumed to have this meaning regardless of any other height specified.

3. Section 38-33 of the Code is amended to read as follows:

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~~ by the addition of:

1) Such investigation shall be limited to the origin and cause of the incident. If, in the opinion of the assigned Fire Department investigator, the cause involves any violation of the penal code; the Fire Department investigator shall immediately contact the Addison Police Department for assistance. Police Investigators shall assume any criminal portion of the investigation and pursue it to its conclusion in accordance with the penal code, with such assistance at the scene of the incident as may be necessary by the assigned Fire Department investigator. ~~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 or file complaints in Municipal Court 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.

4. Section 38-34 of the Code is amended to read as follows:

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 or medical alarms at the same address, the owner or manager of the property shall be assessed a fee of \$300.00 for each and every subsequent false alarm response during the remainder of the calendar year. False fire or medical alarms caused by failure to properly operate or maintain a ~~fire protection~~an alarm system, or by negligence on the part of the property owner, manager, agents or contractors may be assessed per occurrence.

5. Section 38-51 of the Code is amended to read as follows:

Sec. 38-51. – Generally.

The ~~2006~~2009 edition of the International Fire Code is modified by the deletions, amendments and modifications provided for in this division.

6. Section 38-52.1 of the Code is amended to read as follows:

Sec. 38-52.1. - Building/fire code board of appeals.

The Fire Code is amended by amending Section 108 in its entirety to read as follows:

Section 108. Building/Fire Code Board of Appeals. For purposes of this code, appeals shall be to the board of appeals, being denominated as the Building/Fire Code Board of Appeals, which shall consist of the members of the board of adjustment appointed by the city council pursuant to Appendix A, Article XXIV of the Code of Ordinances of the Town of Addison. The provisions applicable to the board of appeals as set forth and described in Section ~~113412~~ of the International Building Code adopted by the town, including, without limitation, general provisions, limitations of power, powers of the board, and appeal process, shall be applicable to and govern appeals and the said board of appeals for purposes of this code.

7. Section 38-53 of the Code is amended to read as follows:

Section 38-53. - Provisions 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~~308.1.4

- (c) Section 401.3.1 Shall be amended to read:

False Alarms and Reports. It shall be unlawful for a person, device or system to give, signal or transmit a false fire or medical alarm.

- (d) Section 503.1 Shall be amended to read.

Where required. Fire lanes and other emergency access routes shall be provided in accordance with Sections 503.1.1 through 503.1.3 or as approved by the Fire Prevention Chief.

(e) Section 503.2.1 of the code shall be amended to read:

Dimensions. Fire lanes and other emergency access routes shall have an unobstructed width of not less than 24-feet and an unobstructed vertical clearance of not less than 14-feet. Turning radii, weight capacity, marking and all other dimensions or factors affecting fire lanes or emergency access routes shall be as specified in the Code or as approved by the Fire Prevention Chief.

(f) Section 901.6.1 of the code shall be amended to read:

Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the reference standards listed in Table 901.6.1 or at intervals determined by the Fire Prevention Chief.

(g) Section 901.7 of the code shall be amended to read:

Systems out of service. Where a fire protection system is out of service for any reason, or in the event of an excessive number of activations, the fire department shall be notified immediately and, where required by the Fire Prevention Chief, the building shall be evacuated or an approved fire watch shall be provided until the fire protection system has been repaired and returned to service.

(h) Section 903.1.1 ~~is deleted in its entirety~~ shall be amended to read:

Alternative protection. Alternative automatic fire extinguishing systems complying with Section 904 may be permitted as approved by the Fire Prevention Chief only in addition to automatic fire sprinkler protection. In no case shall fire sprinkler protection be removed or omitted based on the presence of alternative fire extinguishing systems.

(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 of any size, area or occupancy (except single family detached residences) remodeled or reconstructed after the effective date of this ordinance where greater than 50% of either the square footage or the (DCAD assessed) dollar value is involved.

3) In the attic of any building required by this section to have a fire sprinkler system.

Exception: the attics of single family residences on fee simple lots.

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

~~(j) Section 903.2.1.2 #1 Shall be amended to read:~~

~~1. The fire area exceeds 1500 Square feet.~~

~~(k) 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 the appropriate version of NFPA-13 with any such additions or modifications as may be required by the Fire Prevention Chief. Additionally, sprinkler coverage will include all bathrooms and closets, regardless of size or use; except as provided in Sections 903.3.1.1.1 exceptions (1) & (2). Sprinklers will also be installed on covered balconies and porches.~~

~~(l) 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. Fire sprinkler valve and alarm monitoring for single family residences on fee simple lots shall be at the discretion of the property owner.

~~(m)~~ Section 904.2 shall be amended to read:

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

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

Generally. Standpipe systems shall be provided as set forth in this section or as required by the Prevention Chief (balance unchanged).

~~(o)~~ Section 3301.1 of the Code shall be amended to read:

Scope. The manufacture, possession, storage, sale, transportation, use, handling and/or presence 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.

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

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

Exceptions.

1) _____ 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.

2) Any composition or device that produces a visible or audible effect for entertainment purposes and that produces negligible heat or flame and is not activated by contact with a flame or heat producing device.

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

3404.1 Location. Facilities storing or handling hazardous, flammable or combustible liquids or materials in excess of the quantities listed in Table 2703.1.1, may only be located as approved by the Fire Prevention Chief.

(fp) 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.