

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 012-015**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING VARIOUS SECTIONS OF THE TOWN'S CODE OF ORDINANCES BY REMOVING REFERENCES TO THE FIRE PREVENTION CHIEF OR FIRE MARSHAL AND REFERRING INSTEAD TO THE FIRE CHIEF OR THE FIRE CHIEF'S DESIGNEE OR TO THE PERSON APPOINTED BY THE FIRE CHIEF TO BE IN CHARGE OF THE FIRE PREVENTION DIVISION OF THE FIRE DEPARTMENT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Fire Department of the Town of Addison, Texas ("Town") has been restructured, and the modifications to the Town's Code of Ordinances as set forth in this Ordinance are in accordance with that restructuring; 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 Town and its citizens.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances of the Town of Addison, Texas (the "Town") is hereby amended by amending certain sections and provisions of Chapter 18 (Buildings and Building Regulations) and Chapter 38 (Fire Prevention and Protection) thereof as set forth in Exhibit A attached hereto and incorporated herein for all purposes, and all other chapters, articles, sections, subsections, sentences, phrases and words of the said Code of Ordinances are not amended hereby. For purposes of the said amendments as set forth in the attached Exhibit A, additions are shown by underlining, and deletions are shown by ~~strike-through~~.


Section 3. 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, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, 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 affect 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, amended or changed; 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.

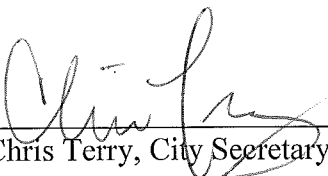
Section 4. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the 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 adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective from and after its passage and approval.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 22<sup>nd</sup> day of May, 2012.

  
\_\_\_\_\_  
Todd Meier, Mayor

**ATTEST:**

By:   
\_\_\_\_\_  
Chris Terry, City Secretary

**APPROVED AS TO FORM:**

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

**Exhibit A  
to Ordinance No. 012-015**

The following provisions of the Code of Ordinances (“Code”) of the Town of Addison, Texas are amended as follows (additions are shown by underlining; deletions are shown by ~~strike-through~~):

A. Chapter 2 (Administration), Article IV (Disposal of Unclaimed or Surplus Property) of the Code is amended by amending Section 2-301 thereof to read as follows:

**Section 2-301. - Authority to sell; deposit of cash.**

(a) The following property may be sold by the town in the manner provided in this article:

(1) Abandoned, stolen or recovered property, except motor vehicles, or perishable property which may be sold immediately, that remains unclaimed with the town for 60 days, whether or not the owner is known;

(2) Abandoned, stolen or recovered motor vehicles that remain unclaimed with the town for 30 days, whether or not the owner is known; and

(3) Personal property owned by the town that has been declared surplus, obsolete, worn out or useless by the head of a department and that is no longer needed for public use.

(b) Items of personal property, the sale of which is restricted by criminal law, are not subject to the provisions of this section. Personal property which is conveyed, after council approval, for a public purpose for less than the fair market value in accordance with law, is not subject to the provisions of this article.

(c) Cash money that is abandoned, stolen, or recovered, that remains unclaimed with the police department for 60 days, and that is not being held for evidence, whether or not the owner is known, shall be deposited in the general fund of the town unless the money is of collector quality. Money of collector quality may be sold as other personal property.

(d) For the purpose of this article, abandoned property includes personal property that the fire marshal, health inspector or building inspector has ordered removed from a structure to be demolished. For purpose of this article, “fire marshal” means the town’s fire chief or the fire chief’s designee.

B. Chapter 14 (Aviation), Article III (Municipal Airport), Division 2 (Fuel Dispensing Permit) of the Code is amended by amending Section 14-86 thereof to read as follows:

**Section 14-86. - Definitions.**

The following words, terms and phrases when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Board* means the city council.

*Fire marshal* means the fire chief or ~~other designated person reporting to the~~ fire chief's designee of the fire department.

*Permit* means the aircraft fuels dispensing permit issued by the town.

*Permittee* means an individual partnership, corporation or other business entity or party conducting aircraft fuels dispensing services on the Addison Airport pursuant to a permit therefor.

C. Chapter 18 (Buildings and Building Regulation), Article II (Building Code), Division 2 (Deletions, Amendments and Additions, Generally) of the Code is amended by amending Sections 18-62 and 18-63.1 thereof to read as follows:

**Sec. 18-62. - Alternative protection.**

The International Building Code is amended by changing section 903.1.1 to read as follows:

*903.1.1 Alternative protection:* Alternative automatic fire-extinguishing systems complying with Section 904 may be permitted as approved by the person appointed by the Fire Chief to be in charge of the Fire Prevention Division Chief of the Fire Department 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-extinguishing systems.

**Sec. 18-63.1. - NFPA 13 Sprinkler systems.**

The International Building Code is amended by changing section 903.3.1.1 to read as follows:

*903.3.1.1 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 with any such additions or modifications as may be required by the person appointed by the Fire Chief to be in charge of the Fire Prevention Division Chief of the Fire Department.

**Sec. 18-63.4. - General.**

The International Building Code is amended by changing subsection 905.1 to read as follows:

*905.1 General.* Standpipe systems shall be provided as set forth in this section or as required by the person appointed by the Fire Prevention Chief to be in charge of the Fire Prevention Division of the Fire Department.

D. Chapter 38 (Fire Prevention and Protection), Article II (Fire Code), Division 1 (Generally) of the Code is amended by amending Sections 38-31 and 38-33 thereof to read as follows:

**Sec. 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 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 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 provision of the 2006 International Fire Code (including, without limitation, any appendices) that are deemed by the ~~Fire Prevention Chief~~ of the Town of Addison, or the Fire Chief's designee, to be necessary for or useful to the application, interpretation, and/or enforcement of 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.

**Sec. 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 City Manager~~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 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.

(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 article. Each day a violation continues shall be deemed a separate offense. Said violations shall be punishable by payment of a fine not to exceed \$2,000.00 dollars as determined by the Municipal Judge of the Town of Addison.

E. Chapter 38 (Fire Prevention and Protection), Article II (Fire Code), Division 2 (Deletions, Amendments and Modifications) of the Code is amended by amending Sections 38-52 and 38-53 thereof to read as follows:

**Sec. 38-52. - Permits.**

Section 105.1 of the Code shall be amended to read:

*Scope.* Permits, and the requirement thereof, shall be in accordance with section 105 or as determined by the Fire ~~Prevention~~ Chief or the Fire Chief's designee.

**Sec. 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 or the Fire Chief's designee, 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 308.1.4.

(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~~ or the Fire Chief's designee.

(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~~ or the Fire Chief's designee.

(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~~ or the Fire Chief's designee.

(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~~ or the Fire Chief's designee, 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 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~~ or the Fire Chief's designee 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 dwellings on fee simple lots.

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

(j) 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 or the Fire Chief's designee.

(k) 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 dwellings on fee simple lots shall be at the discretion of the property owner.

(l) 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.

(m) 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.

(n)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.

(o)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 or the~~ Fire Chief's designee.

(p)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.

F. Chapter 78 (Traffic and Vehicles), Article IV (Stopping, Standing and Parking) of the Code is amended by amending Section 78-174 thereof to read as follows:

**Section 78-174. - Fire lanes.**

(a) Pursuant to and in accordance with V.T.C.A., Local Government Code § 431.001, it is hereby declared unlawful to park or stand a vehicle in any designated fire lane appropriately marked on privately owned property.

(b) After due study and investigation, the fire chief ~~upon the advice of the fire marshal~~ may designate fire lanes on any public streets or public property, on private property of shopping centers, apartment projects, churches, schools, theaters and commercial and industrial areas.

(c) The location of each designated fire lane shall be recorded in the traffic register by the director of public works.

(d) The director of public works is hereby directed and authorized to place appropriate signs and markers for the purpose of informing drivers of vehicles that parking is prohibited at the locations designated as fire lanes.

G. Appendix B – Subdivisions, Section VII-A (private street regulations) of the Code is amended by amending subsection 7. thereof to read as follows:

7. A private street and alley shall include and be subject to all public utility (including, without limitation, water and sanitary sewer) and storm sewer easements in favor of and reserved unto the Town of Addison, the width of which shall be the same as the entire width of the street or alley right-of-way. In addition, a private street or alley shall include and be subject to all additional public utility easements required by any utility company (including, without limitation, any electric, telephone, gas, or cable television companies or providers) or public agency, as well as any easements existing at the time of the creation of the private street or alley. Additionally, there shall be reserved other easements, including but not limited to easements for fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary or convenient. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs emergency access. Private streets and alleys may be required to have fire lane markings as determined by the city's fire marshal. For purposes hereof, "fire marshal" means the fire chief or the fire chief's designee.