

## Chapter 5 FIRE PREVENTION AND PROTECTION\*

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\*Cross references: Electrical code, § 4-46 et seq.; building numbering system, § 4-361 et seq.; alarm systems, § 4-386 et seq.; fire prevention requirements for engineering site plans for land served by substandard public improvements, § 6-440; requirements for fire protection in the land development regulations, § 6-751 et seq.

State law references: Fire safety, V.T.C.A., Health and Safety Code § 791.001 et seq.; liquified petroleum gas, V.T.C.A., Natural Resources Code § 113.001 et seq.; liquified petroleum gas containers, Vernon's Ann. Civ. St. art. 8610a; gasoline stations, V.T.C.A., Health and Safety Code, § 753.001 et seq.; duties of state fire marshal, V.T.C.A., Government Code § 417.001 et seq.; fire protection, V.T.C.A., Local Government Code § 342.001 et seq.

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Art. I. In General, §§ 5-1--5-25

Art. II. Administration, §§ 5-26--5-90

Div. 1. Generally, §§ 5-26--5-50

Div. 2. Chief of Fire Department, §§ 5-51--5-70

Div. 3. Fire Marshal, §§ 5-71--5-90

Art. III. Fire Prevention Standards, §§ 5-91--5-145

Art. IV. Fireworks, §§ 5-146--5-170

Art. V. Emergency Medical Service, §§ 5-171--5-178

## ARTICLE II. ADMINISTRATION\*

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\*Cross references: Administration, ch. 2.

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### DIVISION 1. GENERALLY

Secs. 5-26--5-50. Reserved.

### DIVISION 2. CHIEF OF FIRE DEPARTMENT\*

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\*Cross references: Officers and employees, § 2-66 et seq.

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Sec. 5-51. Investigation of fires.

The fire chief shall investigate the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within 24 hours, not including Sunday, of the occurrence of such fire. The fire chief shall keep in his office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by such investigation.

(Code 1990, § 1-23-2(A))

Sec. 5-52. Taking of testimony.

The fire chief, when in his opinion further investigation is necessary, shall take or cause to be taken in the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing.

(Code 1990, § 1-23-2(B))

Sec. 5-53. Initiation of prosecution.

If the fire chief shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

(Code 1990, § 1-23-2(B))

Sec. 5-54. Right of entry.

The fire chief shall have the authority at all times of day or night, when necessary in the performance of the duties imposed upon him by the provisions of this division, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

(Code 1990, § 1-23-2(C))

Sec. 5-55. Witnesses.

(a) The fire chief shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this division a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The fire chief is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him.

(b) All investigations held by or under the direction of the fire chief may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(c) Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the fire chief, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the fire chief in the matter of such investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid. It shall be the duty of the fire chief to cause all such offenders to be prosecuted. Any person being convicted of any such demeanor shall be fined in a sum not exceeding \$25.00. Provided, however, that any person so convicted shall have the right to appeal.

(Code 1990, § 1-23-3)

Secs. 5-56--5-70. Reserved.

### DIVISION 3. FIRE MARSHAL\*

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\*Cross references: Officers and employees, § 2-66 et seq.

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#### Sec. 5-71. Examine buildings, property.

(a) The fire marshal, upon complaint of any person having an interest in any building or property adjacent to such building and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city. It shall be his duty, monthly or more often, to enter upon and make or cause to be entered and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto.

(b) Whenever the fire marshal shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives,

compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of such building or premises. If such owner or occupant deems himself aggrieved by such order, he may, within five days, appeal to the city manager, who shall investigate the cause of the complaint and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by such owner or occupant.

(c) At the end of each month the fire marshal shall report to the state fire marshal all existing hazardous conditions, together with a separate report on each fire in the city during the month.

(Code 1990, § 1-23-4)

Secs. 5-72--5-90. Reserved.

### ARTICLE III. FIRE PREVENTION STANDARDS\*

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\*Cross references: Fire hazards constituting substandard building, § 4-317; inadequate exits constituting substandard building, § 4-320; inadequate fire protection or firefighting equipment constituting substandard building, § 4-321.

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Sec. 5-91. Fire code--Adopted.

(a) The 2006 Edition of the International Fire Code of the International Code Council: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code International (SBCCI) including all appendices and supplements, as amended hereby, is hereby adopted as the fire code of the city.

(b) One copy of the code set forth in subsection (a) of this section are filed in the office of the fire prevention division, community development department, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the city limits.

(Code 1990, §§ 6-2-1--6-2-3; Ord. No. 1674-2-92, § I(1)--(3), 2-3-92; Ord. No. 2012-3-95, § I, 3-6-95; Ord. No. 2757-12-2001, § I, 12-10-01; Ord. No. 3266-10-2005, § I, 10-17-05; Ord. No. 3522-12-2007, § I, 12-17-07)

Editor's note: Ord. No. 3522-12-2007, § I, adopted Dec. 17, 2007, amended § 5-94 pertaining to the International Fire Code 2006 edition. At the discretion of the editor, § 5-91 was updated to reflect the 2006 edition of the fire code.

Cross references: Buildings and building regulations, ch. 4.

Sec. 5-92. Definitions.

(a) Wherever the word "jurisdiction" is used in the fire code adopted by this article, it shall mean "City of Lewisville."

(b) Wherever the words "code official" are used, they shall mean, "fire marshal."

(c) Whenever the words "certificate of inspection" are used in the code, or elsewhere, they shall mean "certificate of inspection permit."

(d) Wherever the words "fire apparatus access roads" are used in the International Fire Code they shall mean "fire lane."

(Code 1990, § 6-2-5; Ord. No. 1674-2-92, § I(5), 2-3-92; Ord. No. 2012-3-95, § II, 3-6-95; Ord. No. 2757-12-2001, § I, 12-10-01; Ord. No. 3266-10-2005, § I, 10-17-05)

Cross references: Definitions and rules of construction generally, § 1-2.

#### Sec. 5-93. Violations.

It is unlawful for any person to violate any of the provisions of the fire code or standards adopted by this article or fail to comply with any provision of this chapter or to violate or fail to comply with any order made hereunder, or to build in violation of any detailed statement or specification or plan submitted and approved thereunder, or any certificate of inspection permit issued thereunder from which no appeal has been taken, or to fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violation or defect within a reasonable time.

(Code 1990, § 6-2-9; Ord. No. 1674-2-92, § I(9), 2-3-92; Ord. No. 3266-10-2005, § I, 10-17-05)

#### Sec. 5-94. Amendments to the International Fire Code 2006 edition.

The following revisions and additions to the International Fire Code 2006 Edition adopted in this article including all appendices and supplements, as amended hereby, is adopted as the fire code of the city.

Section 102.1: #5. The provisions of this code apply to buildings built under the IRC and IBC.

102.4 Application of other codes. The design and construction of new structures shall comply with this code, and other codes as applicable and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the International Building Code, shall be made in accordance therewith.

102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in chapter 45 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the electrical code as adopted.

103.2 Appointment. The fire code official in charge of the fire prevention division shall be appointed by the community development director on the basis of examination to determine qualifications.

104.1 General. The fire code and standards adopted in this article shall be enforced by the fire prevention division in the community development department of the city, which division is hereby established and which shall be operated under the supervision of the fire marshal.

106.2.1 Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

106.2.2 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the fire code official. The fire code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the fire code official.

#### Section 108 Board of Appeals

108.1.1 - Whenever the community development director disapproves an application or refuses to grant a permit applied for, or revokes a permit, or when it is claimed that the provisions of the fire code do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, or for any other reason, the applicant may appeal from the decision of the community development director to the city council within 30 days from the date of the decision appealed.

#### Section 202; definitions

**ADDRESSABLE FIRE DETECTION SYSTEM.** Any system capable of providing identification of each individual alarm-initiating device. The identification shall be in plain English and as descriptive as possible to specifically identify the location of the device in alarm. The system shall have the capability of alarm verification.

**ANALOG INTELLIGENT ADDRESSABLE FIRE DETECTION SYSTEM.** Any system capable of calculating a change in value by directly measurable quantities (voltage, resistance, etc.) at the sensing point. The physical analog may be conducted at the sensing point or at the main control panel. The system shall be capable of compensating for long-term changes in sensor response while maintaining a constant sensitivity. The compensation shall have a preset point at which a detector maintenance signal shall be transmitted to the control panel. The sensor shall remain capable of detecting and transmitting an alarm while in maintenance alert.

**FIRE WATCH.** A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the fire code official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

**HIGH RISE BUILDING.** A building having floors used for human occupancy located more than 55 feet (16764 mm) above the lowest level of fire department vehicle access.

## OCCUPANCY CLASSIFICATION - Business Group B add:

Fire Stations

Police Stations with detention facilities for 5 or less

**SELF-SERVICE STORAGE FACILITY.** Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

**STANDBY PERSONNEL.** Qualified fire service personnel approved by the fire chief. When utilized, the number required shall be as directed by the fire chief. Charges for utilization shall be as normally calculated by the jurisdiction.

Section 307.1.1 Prohibited open burning. Open burning is prohibited inside city limits.

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality guidelines and/or restrictions.
2. State, County or Local temporary or permanent bans on open burning.
1. Local written policies as established by the Code Official.

Section 307.4 Location. Open burning is prohibited inside city limits.

Section 307.4.1 Bonfires is amended to read as follows:

Section 307.4.1 Bonfires. Bonfires are prohibited inside city limits

Section 307.4.3 Trench burns. Trench burns shall be only be authorized and permitted by the fire prevention division in accordance with the following rules and requirements.

307.4.3.1 Approvals. All outdoor burning must utilize a mechanical trench/pit burning assembly approved by the Texas Commission on Environmental Quality (TCEQ) All applicants must obtain approval through the TCEQ for the site specific burning in the city.

307.4.3.2 Materials. Burning shall include only materials authorized on an approved burning permit for the purpose of clearing land for future development.

307.4.3.3 Location. Areas for burning shall be located a minimum distance of 1,800 feet from all structures downwind and 500 feet from any other structures not classified as being downwind. In addition, areas for burning shall be located a minimum distance of 500 feet from wooded areas, roadways, and overhead power lines. Surrounding grass and/or brush must be mowed or maintained as to not present a fire hazard.

307.4.3.4 Other Materials. No fuel storage tank or other hazardous material is to be stored within the burn area.

307.4.3.5 Requirements. Each day, after 8:00 a.m., prior to any permitted burning operation, the below listed agencies must be contacted:

TCEQ 817-588-5800 Ask for Air Quality Person

Fire prevention division, 972-219-3462

1. Hours of burning shall be between 8:00 a.m. and 5:00 p.m. Monday through Friday. On ozone action days, burning shall not begin before 10:00 a.m. The pit shall be covered with dirt and completely extinguished by 5:00 p.m. each day. No smoke or burning objects shall be visible.
2. No burning allowed on holidays or weekends.
3. Approved stand-by equipment must be on location and shall include at least one piece of earth moving equipment (bull dozer, backhoe, track loader, etc.).
4. All burning must be constantly attended by at least one competent person on location to operate stand-by equipment, and all fires shall be completely extinguished by 5:00 p.m. or before being left alone.
5. Wind velocity for below ground pit/trench burning operation shall not exceed 20 miles per hour.

307.4.3.6 Failure to Comply. Burning permits will be revoked for failure to comply with any of the following:

1. Violation of any site specific or general rules regulating burning.
2. Extreme dry weather.
3. Change in wind direction
4. If in the case that ash, excessive smoke, or excessive odor is documented by fire prevention in relation to any surrounding property for whatever reason.
5. Where any life, health, nuisance, or other hazard is indicated to surrounding persons or property.

Note: If permits are revoked by fire prevention for any of the reasons listed above, materials shall be disposed of in a different manner. Further information may be obtained by contacting the fire prevention division weekdays at (972) 219-3462. The permit fee is \$200.00 per day.

307.5 Attendance. Open burning, trench burns, bonfires or recreational fires shall be constantly attended until the . . . {remainder of section unchanged}.

308.3.1 Open-flame cooking and heating devices. Open flame cooking devices, charcoal grills, outdoor fireplaces and other similar devices used for cooking, heating or any other purpose shall not be located or used on any combustible balcony, deck or within ten feet (3048 mm) of any combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system.

308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices. When permitted as listed in the exceptions of section 308.3.1, LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds [nominal 1 pound (0.454 kg) LP-gas capacity] shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

1) Exception: One- and two-family dwellings may have containers with a water capacity not greater than 20 pounds. (9.08 kg) [nominal 8 pound (3.632 kg) LP-gas capacity], with an aggregate capacity not to exceed 100 lbs (5 containers).

2) Other residential occupancies where buildings, balconies and decks are protected by an approved automatic sprinkler system, may have containers with a water capacity not greater than 20 pounds (9.08 kg) [nominal 8 pound (3.632 kg) LP-gas capacity], with an aggregate capacity not to exceed 40 lbs (2 containers).

Section 310.1.1 Definitions. In this section:

Administrative area means the area of an establishment not generally accessible to the public, including, but not limited to individual offices, stockrooms, and employee lounges, or meeting rooms.

Director means the director of the department designated by the city manager to enforce and administer this ordinance or the director's designated representative.

Food products establishment means any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, confectionery, ice cream store, refreshment stand, fruit stand, country club, catering service, industrial feeding establishment, or grocery store; private or public where food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking is prepared for sale or for eating or drinking establishment or operation where food or drink is served or provided for the public with or without charge.

Health care facility means any institution that provides medical, surgical, or overnight facilities for patients.

Retail and service establishment means any establishment which sells goods or services to the general public.

Public service area means any area to which the general public routinely has access for municipal services or which is designated a public service area in a written policy prepared in compliance with this ordinance.

Sign means the official placard designating an area or facility where smoking is prohibited, and must conform to one of the following choices of wording, to-wit:

1. No smoking--City of Lewisville Ordinance No. 2757-12-2001. Violators fined up to \$200.00.
2. The universal symbol for no smoking; or
3. Any other language indicating that the area marked is designated as a nonsmoking area.

All signs must be of sufficient size to accommodate the message contained thereon in letters at least one inch in height.

310.1.2 Smoking prohibited in certain public areas.

(a) A person commits an offense if he smokes or possesses a burning tobacco, weed, or other plant product in any of the following indoor or enclosed areas:

(1) A public library, or museum;

(2) Hearing rooms, conference rooms, meeting rooms or any public service area of any facility owned, operated, or managed by the city in which public business is conducted, when the public

business requires or provides an opportunity for direct participation or observation by the general public;

(3) Every publicly or privately owned theater, auditorium, or other enclosed facility which is open to the public for primary purpose of exhibiting any motion picture, stage drama, musical recital, athletic event, or any other performance or event, in all areas except either in that area commonly known as the lobby, or in areas not open to the public;

(4) An elevator used by the public; or

(5) Any retail or service establishment serving the general public, including, but not limited to any department store, grocery store, or drug store.

(b) The owner or person in control of an establishment or area designated in subsection (a) of this section shall post a conspicuous sign at the main entrance to the establishment which shall contain the words, "No Smoking. City of Lewisville Ordinance No. 2757-12-2001."

(c) It shall be a defense to prosecution under this section that the conveyance or public place in which the offense takes place does not have prominently displayed a reasonably sized sign that smoking is prohibited and that an offense is punishable by a fine not to exceed \$200.00.

(d) It shall also be a defense to prosecution under this section that the facilities for the extinguishment of smoking materials were not located within the conveyance or public place, or within 20 feet of the entrance to the public place within which the offense takes place.

(e) It is a defense to prosecution under this section that the food product establishment is:

(1) An establishment which has indoor seating arrangements for less than 50 patrons; or

(2) A physically separated bar area of a food products establishments otherwise regulated.

#### 310.1.3 Food product establishments.

(a) A food product establishment which has indoor or enclosed dining areas shall provide separate indoor or enclosed dining areas for smoking and nonsmoking patrons.

(b) A nonsmoking area must:

(1) Be separated, where feasible, from smoking areas by a minimum of four feet of contiguous floor space;

(2) Be ventilated, where feasible and situated so that air from the smoking area is not drawn into or across the nonsmoking area;

(3) Be clearly designated by appropriate signs visible to patrons within the dining area indicating that the area is designated nonsmoking; and

(4) Have ashtrays or other suitable containers for extinguishing smoking materials at the perimeter of the nonsmoking area.

(c) Each food product establishment which has a dining area shall have signs at the establishment's entrance indicating that nonsmoking seating is available.

(d) Non-dining areas of any food product establishment affected by this section to which patrons have general access, excluding restrooms, but including food order areas, food service areas, and cashier areas, shall be designated as nonsmoking areas.

(e) It is a defense to prosecution under this section that the food product establishment is:

- (1) An establishment which has indoor seating arrangements for less than 50 patrons; or
  - (2) A physically separated bar area of a food product establishment otherwise regulated.
- (f) A person commits an offense if he smokes or possesses a burning tobacco, weed, or other plant product in an area of a food product establishment designated as nonsmoking in accordance with the provisions of this section.

310.1.4 Regulation of smoking --Workplace, schools, health care facilities. Notwithstanding the provisions of this ordinance, any employer, primary or secondary school administrator, or health care facility provider may designate any building, or portion thereof, as a nonsmoking area. Any employer, primary or secondary school administrator, or health care facility provider who chooses to designate any building, or portion thereof, as a nonsmoking area shall:

- (a) Adopt, implement, and maintain a written smoking policy which shall be communicated to all employees at least three weeks prior to its adoption;
- (b) Prominently display reasonable sized signs that smoking is prohibited; and
- (c) Provide facilities in sufficient numbers and at such locations to be readily accessible for the extinguishment of smoking materials.

310.1.5 Exceptions. The following areas are exempted from the provisions of this ordinance:

- (a) A retail or service establishment which derives more than 50 percent of its annual gross sales from the sale of tobacco, tobacco products, or smoking implements.
- (b) An administrative area within the workplace.
- (c) Bowling centers and bars, including any bar within a restaurant, so long as more than 50 percent of their annual gross sales is derived from the sale of alcoholic beverages.
- (d) Any public place and any food products establishment consisting of less than 500 square feet.
- (e) Hotel and motel meeting and assembly rooms rented to guests, areas, and rooms while in use for private social functions.
- (f) A food products establishment whose indoor seating accommodates less than 50 patrons.

401.3.4 Fire Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

405.1 General. Emergency evacuation drills complying with the provisions of this section shall be conducted in the occupancies listed in table 404.2 or when required by the fire code official. Drills shall be designed in cooperation with the local authorities.

408.5.4 Drill frequency. Emergency evacuation drills shall be conducted at least six times per year, two times per year on each shift.

Section 503.1.1 Add the following sentence to the first paragraph:

Except for single- or two-family residences, the path of measurement shall be along a minimum of ten feet wide unobstructed pathway around the external walls of the structure.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267) mm).

Exception: Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.

503.2.2 Authority. The code official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather paved driving surface. Paved driving surface as used in this section shall mean reinforced concrete or asphalt sufficiently designed to support any fire department vehicle and surface capable of being striped as a fire lane.

503.2.4 Turning radius. The turning radius of a fire apparatus access road shall be approved by the fire code official. The minimum inside turning radius of a fire apparatus access road shall be 20 feet. The minimum outside turning radius of a fire apparatus access road shall be 40 feet.

503.3 Marking. Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping - Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs - Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

Section 505.1 Address numbers.

(a) Owners of single-family, two-family, multi-family dwellings, commercial and industrial structures in the city are required to place or have placed, the proper street number, building number, suite and/or unit number, in a designated location so that same can be plainly seen and read from the street and alley, when alleys are provided. Street numbers will be designated by the director of building inspection, division of the community development department. Building numbers, suite and/or unit numbers for multi-family and commercial structures shall be submitted to the city for approval by the owner or developer.

(b) Where the owner is a nonresident of the city, the duty proscribed in subsection (a) of this section shall devolve on the occupant or manager of such structures.

#### Section 505.1.1 Size and location of numbers.

(a) One and two family dwellings; numbers shall be a minimum three inches high, posted front and rear when rear access is available. Numbers shall be posted on the principal structure at a minimum height of five feet above existing grade. Numbers may also be posted on curbside mailboxes when available. Numbers shall be posted on a contrasting background and maintained clearly visible from the street and alley, when rear access is available.

(b) Multi-family dwellings; building numbers shall be a minimum 12 inches high, unit range numbers shall be minimum four inches and unit numbers shall be a minimum three inches high. Building and unit range numbers shall be posted on two sides of every building. Location of building numbers and unit range numbers shall be designated by the fire marshal. Individual unit numbers shall be posted a minimum five feet above existing grade. All numbers shall be posted on a contrasting background and maintained clearly visible as defined by the fire marshal.

(c) Commercial and industrial structures; all street numbers, suite or lease space numbers shall be a minimum of six inches high, posted front and rear when rear access is available. All numbers shall be posted on a contrasting background and maintained clearly visible as defined by the fire marshal.

#### Section 505.1.2 Display of numbers.

(a) All numbers for new construction shall be fixed and properly displayed as required by this article at the time the building, lease space, suite or unit is released for occupancy.

(b) All numbers for existing buildings, lease space, suites or units shall be fixed and properly displayed after notification to the owner/occupant. A reasonable time, to be determined by the director of community development, will be granted for purposes of compliance.

#### Section 511. Emergency Radio Communications.

In all new and existing buildings in which the type of construction or distance from an operational emergency services antenna or dispatch site does not provide adequate frequency or signal strength as determined by the code official, the building owner shall be responsible for providing the equipment, installation and maintenance of said equipment in a manner to strengthen the radio signal. The radio signal shall meet the minimum input/output strengths according to the emergency radio system's provider and system manager.

Section 603.6.6 Maintenance of Chimneys. All chimneys in multi-family occupancies utilizing solid fuel fireplaces shall have the chimneys inspected and, if needed, cleaned by a state or nationally-recognized/certified chimney sweep on a yearly basis. A report of each of each inspection/cleaning shall be maintained on the premises and available for review at the request of the fire department. All records shall be maintained for a minimum of three years.

704.1 Enclosure. Interior vertical shafts, including but not limited to stairways, elevator hoist ways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than specified in table 704.1.

Section 807.4.3.2 and Section 807.4.4.2; add an exception to read as follows:

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with section 903.3.1.1 shall be limited to 50 percent of the wall area.

901.6.1.1 Standpipe Testing. Building owners/managers must utilize a licensed fire protection contractor to test and certify standpipe systems. In addition to the testing and maintenance requirements of NFPA 25 applying to standpipe systems, the following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be hydrostatically tested for all FDCs on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the contractor shall connect hose from a fire hydrant or portable pumping system (as approved by the fire code official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. There is no required pressure criterion at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's. Contact the Fire Marshal for additional information.
5. Upon successful completion of standpipe test, the contractor shall place a blue tag (as per "Texas Administrative Code, Title 28. Insurance, Part I. Texas Department of Insurance, Chapter 34. State Fire Marshal, Subchapter G. Fire Sprinkler Rules, 28 TAC § 34.720. Inspection, Test and Maintenance Service (ITM) Tag") at the bottom of each standpipe riser in the building. An example of this tag is located at the end of this SOP. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The contractor shall follow the procedures as required by "Texas Administrative Code, Title 28. Insurance, Part I. Texas Department of Insurance, Chapter 34. State Fire Marshal, Subchapter G. Fire Sprinkler Rules, 28 TAC" with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (Fire Marshal).
7. Additionally, records of the testing shall be maintained by the owner and contractor, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the Fire Marshal for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this fire fighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the fire code official.

901.7 Systems out of service. Where a required fire protection system is out of service or in the event of an excessive number of accidental activations, the fire department and the code official shall be notified immediately and, where required by the code official, the building shall either be evacuated or standby personnel shall be provided for all occupants left unprotected by the

shut down until the fire protection system has been returned to service. Where utilized, standby personnel shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

903.2 Where required. Automatic sprinkler systems shall comply with this section with the following exceptions:

1. Commercial buildings--Automatic sprinkler systems will be required in all newly constructed buildings exceeding 5,000 square feet of fire area, any remodel or addition that changes the footprint beyond 5,000 square feet or any single tenant expansion requiring a new certificate of occupancy that exceeds 12,000 square feet of fire area. Whichever requirement listed in this chapter, including exceptions, or defined in this amendment that is more restrictive will apply. Credit will not be given for fire barrier walls with a fire resistive rating in lieu of automatic fire sprinkler systems.

2. Townhomes--An automatic sprinkler system shall be installed in all townhouse occupancies with more than two dwelling units per building. The automatic sprinkler system shall be installed in accordance with NFPA 13-R to include garages, exterior balconies and attached breezeways. Each building shall be provided with not less than a Class A roof covering.

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for group A-1 occupancies where following conditions exist:

1. The floor area exceeds 5,000 square feet of fire area.

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for group A-2 occupancies where the following condition exists:

1. The floor area exceeds 5,000 square feet of fire area.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for group A-3 occupancies where the following condition exists;

1. The floor area exceeds 5,000 square feet of fire area.

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for group A-4 occupancies where the following condition exists:

1. The floor area exceeds 5,000 square feet of fire area.

903.2.1.6 Group B. An automatic sprinkler system shall be provided for B occupancies where the following condition exists:

1. The floor area exceeds 5,000 square feet of fire area.

903.2.2. Group E. An automatic sprinkler system shall be provided for E occupancies where the following condition exists:

1. The floor area exceeds 5,000 square feet of fire area.

903.2.3. Group F-1. An automatic sprinkler system shall be provided for F-1 occupancies where the following condition exists:

1. The floor area exceeds 5,000 square feet of fire area.

903.2.3.2 Group F-2. An automatic sprinkler system shall be provided for F-2 occupancies where the following condition exists:

1. The floor area exceeds 5,000 square feet of fire area.

903.2.6. Group M. An automatic sprinkler system shall be provided for M occupancies where following condition exists:

1. The floor area exceeds 5,000 square feet of fire area.

903.2.7. Group R-1, R-2, R-4. An automatic sprinkler system shall be provided for R-1, R-2, and R-4 occupancies throughout and shall include the following criteria:

1. Throughout R-1, 2, and 4 occupancies in all areas, including but not limited to attics, balconies, breezeways, garages and exterior storerooms, shall have an approved hydraulically designed fire sprinkler system installed. Residential or quick response standard sprinklers shall be used in dwelling units and guestroom portions of the building. Attics are to be in accordance with NFPA13.

903.2.8 Group S1

1. The floor area exceeds 5,000 square feet of fire area

903.2.8.1 Repair Garages

1. The floor area exceeds 5,000 square feet of fire area

903.2.8.3 Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception: One-story self-service storage facilities that have no interior corridors, with a one-hour fire barrier separation wall installed between every storage compartment and less than 5,000 square feet.

903.2.9 Group S2

1. The floor area exceeds 5,000 square feet of fire area.

903.2.10.3 Buildings more than 55 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1509 of the International Building Code that is located 55 feet (16764 mm) or more above the lowest level of fire department vehicle access.

Exception:

1. Open parking structures in compliance with section 406.3 of the building code.

903.2.10.4 High-piled combustible storage. For any building with a clear height exceeding 12 feet (4572 mm), see chapter 23 to determine if those provisions apply.

903.2.10.5 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire extinguishing system.

903.3.1.1.1 Exempt locations. When approved by the code official, automatic sprinklers shall not be required in the following rooms or areas where such . . . (bulk of section unchanged) . . . because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

2. Any rooms or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.

3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two hours.

Section 903.3.5 add a second paragraph to read as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10-psi safety factor.

Section 903.4 add a second paragraph to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

903.4.2 - Add second paragraph to read as follows:

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

903.6.2 Spray booths and rooms. New and existing spray booths and spray rooms shall be protected by an automatic fire-extinguishing system in accordance with section 1504.

905.2 Installation standards. Standpipe system shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40-psi air pressure with a high/low alarm.

905.3.8: Building Area.

In buildings exceeding 10,000 square feet in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

Exception: Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.

905.4, item #5 change to read as follows:

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope) each standpipe shall be provided with a two-way hose connection located either . . . (remainder of paragraph unchanged).

Section 905.9; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

907.1.3 Design standards. All alarm systems new or replacement serving 20 or more alarm actuating devices shall be addressable fire detection systems. Alarm systems serving more than

40 smoke detectors or more than 100 total alarm activating devices shall be analog intelligent addressable fire detection systems.

Exception: Existing systems need not comply unless the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30 percent of the building. When cumulative building remodel or expansion exceeds 50 percent of the building must comply within 18 months of permit application.

907.2.1 Group A. A manual fire alarm system shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

907.2.3 Group E. A manual fire alarm system shall be installed in group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Section 907.2.3; change exception #1 and add exception #1.1 to read as follows:

1. Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.

1.1. Residential In-Home day care with not more than 5 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see section 907.2.6. Group I)

907.2.12 High-rise buildings. Buildings having any floors used for human occupancy located more than 55 feet (16-764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communications system in accordance with section 907.2.12.2.

Section 907.2.12, exception #3 change to read as follows:

3. Buildings with occupancy in group A-5 in accordance with section 303.1 of the International Building Code, when used for open air seating; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

907.2.12.2 Emergency voice/alarm communication system. The operation of any automatic fire detector, sprinkler water-flow device or manual fire alarm box shall automatically sound an alert tone followed by voice instructions giving approved information and directions on a general or selective basis to the following terminal areas on a minimum of the alarming floor, the floor above, and the floor below in accordance with the building's fire safety and evacuation plans required by section 404:

Section 907.4 add a second paragraph to read as follows:

Manual alarm actuating devices shall be an approved double action type.

907.6.1 Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All initiating circuit conductors shall be Class "A"

wired with a minimum of six feet separation between supply and return circuit conductors. IDC - Class "A" Style D; SLC - Class "A" Style 6; NAC - Class "B" Style Y. The IDC from an addressable device used to monitor the status of a suppression system may be wired Class B, Style B provided the distance from the addressable device is within 10-feet of the suppression system device.

907.9.2 High-rise buildings. In buildings that have any floors located more than 55 feet (16 764 mm) above the . . . (remainder of section unchanged).

Section 910.1; Amend exception 2 to read as follows:

910.1 Exception 2: Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, only manual smoke and heat vents shall be required within these areas.

910.2.4 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m<sup>2</sup>) in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3 and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

Table 910.3; Change the title of the first row of the table from "Group F-1 and S-1" to include "Group H" and to read as follows:

Group H, F-1, S-1

Section 910.3.2.2; add second paragraph to read as follows:

The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees (F) (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

Section 913.1; add paragraph to read as follows:

When located on the ground level, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. - 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Section 1017.1; add an exception #5 to read as follows:

5. In Group B office buildings less than 5000 square feet of fire area, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic fire alarm system with corridor smoke detection. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke-detection system shall be connected to the building's fire alarm system where such a system is provided.

1019.1.8 Smokeproof enclosures. In buildings required to comply with section 403 or 405 of the IBC, each of the exits of a building that serves stories where any floor surface is located more than 55 feet (16 764 mm) above the lowest level of fire . . . remainder of section unchanged).

1028.2 Reliability. Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergencies. Security devices affecting means of egress shall be subject to approval of the fire code official.

1504.4 Fire Protection. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system . . . [remainder of section unchanged] . . .

2204.1 Supervision of Dispensing. The dispensing of fuel at motor fuel-dispensing facility shall be conducted by a qualified attendant or shall be in accordance with the following:

1. Conducted by a qualified attendant; and/or,
2. Shall be under the supervision of a qualified attendant; and/or
3. Shall be an unattended self-service facility in accordance with Section 2204.3.

At any time the qualified attendant of item #1 or #2 above is not present, such operations shall be considered as an unattended self-service facility and shall also comply with Section 2204.3.

Section 2302; add a second paragraph to the definition of "high-piled combustible storage" to read as follows:

Any building exceeding 6000 square feet that has a clear height in excess of 12 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage and shall comply with the provisions of this section. When a specific product cannot be identified, a fire protection system shall be installed as for class IV commodities, to the maximum pile height.

Table 2306.2 Footnote J is amended as follows by adding:

Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, only manual smoke and heat vents shall be required within these areas.

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Only when approved for fireworks displays, storage and handling of fireworks as provided in Section 3304 and 3308.
2. The use of fireworks for approved display as permitted in Section 3308.

Section 3302; change to read as follows:

Section 3302; change the definition of "fireworks" to read as follows:

**FIREWORKS.** Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein.

Section 3403.6; add a sentence to read as follows:

An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 3404.2.11.5; add a sentence to read as follows:

An approved method of secondary containment shall be provided for underground tank and piping systems.

3404.2.11.5.2 Leak detection. Underground storage tank systems . . . [bulk of provision unchanged] . . . and installed in accordance with NFPA 30 and as specified in Section 3404.2.11.5.3.

3404.2.11.5.3 Dry sumps. Approved sampling tubes of a minimum 6 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling sump at the corners of the excavation with a minimum of 4 sumps. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

3406.5.4.5 Commercial, industrial, governmental or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with Sections 3406.5.4.5.1 through 3406.5.4.5.3.

3406.5.4.5.1 Site requirements.

1. Dispensing may occur at sites that have been permitted to conduct mobile fueling.
2. A detailed site plan shall be submitted with each application for a permit. The site plan must indicate:
  - a. all buildings, structures, and appurtenances on site and their use or function;
  - b. all uses adjacent to the property lines of the site;
  - c. the locations of all storm drain openings, adjacent waterways or wetlands;
  - d. information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and,
  - e. The scale of the site plan.
3. The Code Official is authorized to impose limits upon: the times and/or days during which mobile fueling operations are allowed to take place and specific locations on a site where fueling is permitted.
4. Mobile fueling operations shall be conducted in areas not generally accessible to the public.
5. Mobile fueling shall not take place within 15 feet (4.572 m) of buildings, property lines, or combustible storage.

3406.5.4.5.2 Refueling Operator Requirements.

1. The owner of a mobile fueling operation shall provide to the jurisdiction a written response plan which demonstrates readiness to respond to a fuel spill, carry out appropriate mitigation measures, and to indicate its process to properly dispose of contaminated materials when circumstances require.

2. The tank vehicle shall comply with the requirements of NFPA 385 and Local, State and Federal requirements. The tank vehicle's specific functions shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.
3. Signs prohibiting smoking or open flames within 25 feet (7.62 m) of the tank vehicle or the point of fueling shall be prominently posted on 3 sides of the vehicle including the back and both sides.
4. A fire extinguisher with a minimum rating of 40:BC shall be provided on the vehicle with signage clearly indicating its location.
5. The dispensing nozzles and hoses shall be of an approved and listed type.
6. The dispensing hose shall not be extended from the reel more than 100 feet (30.48m) in length.
7. Absorbent materials, non-water absorbent pads, a 10 foot (3.048 m) long containment boom, an approved container with lid, and a non-metallic shovel shall be provided to mitigate a minimum 5-gallon fuel spill.
8. Tanker vehicles shall be equipped with a fuel limit switch such as a count-back switch, limiting the amount of a single fueling operation to a maximum of 500 gallons (1893 L) between resettings of the limit switch.

Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which, when activated, immediately causes flow of fuel from the tanker to cease.

9. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of a fire, leak, or spill. Training records shall be maintained by the dispensing company and shall be made available to the Code Official upon request.
10. Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an emergency communications device to notify the proper authorities in the event of an emergency.

#### 3406.5.4.5.3 Operational Requirements.

1. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.
2. Prior to beginning dispensing operations, precautions shall be taken to assure ignition sources are not present.
3. The engines of vehicles being fueled shall be shut off during dispensing operations.
4. Night time fueling operations shall only take place in adequately lighted areas.
5. The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled.
6. During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.
7. Motor vehicle fuel tanks shall not be topped off.

8. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.

9. The Code Official and other appropriate authorities shall be notified when a reportable spill or unauthorized discharge occurs.

Add Section 3803.2.1.8 to read as follows:

3803.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

Section 3804.2; add an exception #2 to read as follows:

Exceptions:

2. Except as permitted in 308.3 and 3804.3.2, LP-gas containers are not permitted in residential areas.

3804.3.2 Spas, Pool Heaters and other listed devices. Where natural gas service is not available, LP-Gas containers are allowed to be used to supply spa and pool heaters or other listed devices. Such containers shall not exceed 250-gallon water capacity. See Table 3804.3 for location of containers.

Appendix H: Commercial and Multi-Family Certificate of Inspection Permits

Section H101 General.

Section H101.1 Scope. The fire code official is authorized to administer Certificate of Inspection Permits and Fees. The fire code official is authorized to enter and examine multi-family dwelling complexes, buildings and/or dwelling units, commercial and industrial occupancies in accordance with Section 104.3 for the purpose of enforcing this code.

Section H102 Definitions.

H102.1 Definitions. For the purpose of this appendix, the following words and phrases have the meanings respectively ascribed to them by this subsection:

Bedroom. Room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entry way, garage, patio or breezeway.

Building inspector. Properly identified chief building official of the city or his designated representative.

Certificate of inspection permit Certificate of inspection permit issued by the fire marshal pursuant to this appendix demonstrating compliance with this code issued on an annual basis.

City. City of Lewisville.

Dwelling unit. Means a structure, or that part of a structure, which is used as a home residence, or sleeping place by one or more persons maintaining a common household to the exclusion of all others.

Efficiency unit. Efficiency unit is defined as the equivalent of a one-bedroom unit.

Family. Any number of individuals living together as a single housekeeping unit in which not more than two individuals are unrelated by blood, marriage, or adoption when residing in a

dwelling containing one or two bedrooms, or not more than three individuals unrelated by blood, marriage or adoption when residing in a dwelling unit containing three or more bedrooms. Foster children shall be considered as a related member of the family.

Fire inspector. Properly identified, certified fire marshal of the city or his designated representative.

Multi-family dwelling complex. Referred to as an apartment complex in the body of this amendment. Any building or portion thereof which is rented, leased or let to be occupied for compensation as three or more dwelling units or which is occupied as a home or place of residence by three or more families living in independent dwelling units located in the city.

Owner. A person claiming, or in whom is vested, the ownership, dominion or title of real property, including, but not limited to:

1. Holder of fee simple title;
2. Holder of life estate;
3. Holder of a leasehold estate for an initial term of five years or more;
4. The buyer in a contract for deed;
5. A mortgagee, receiver, executor or trustee in control of real property; but including the holder of a leasehold estate or tenancy for an initial term of less than five years.

Premises. A lot, plot or parcel of land, including any structure thereon, and furthermore, including a dwelling unit, appurtenances thereto, grounds and facilities held out for the use of tenants generally and any other area or facility whose use is promised to the tenant.

Property manager. Means a person who for compensation has managing control of an apartment complex for owner.

Resident manager. Means a property manager or agent of a property manager who resides in the apartment complex.

Single location. Single location is defined as property held in common ownership that is compact and contiguous property separated only by public streets.

Tenant. Means any person who occupies a dwelling unit for living or dwelling purposes with the landlord's consent.

Section H103 Required Certificate of Inspection Permit-Commercial and Industrial Occupancies.

H103.1 Inspection. Prior to the city's issuance of a certificate of inspection permit, duly authorized members of the city fire prevention bureau shall perform an inspection in accordance with Section 106 of this code. If no hazardous conditions or violations of the fire code are detected at the time of the inspection, or reinspection, the occupant of the inspected business or the owner or building manager of a building as provided above shall be issued a certificate of inspection permit and permit fee. The inspection permit shall include the name and address of each owner, the location and type of occupancy, and the owner, manager, or occupant's signature.

H103.2 Reinspection. If at the time of inspection, the occupancy is found not to be in compliance with this code, a certificate of inspection permit will not be issued. After notification of the violations which were detected, the owner, manager, or occupant shall be required to remedy the conditions of violation, and a citation may be issued for each violation, at each inspection. The

occupant, owner, or manager shall be notified of a time at which reinspection shall occur. The date for the first reinspection shall not be more than 30 days from the time of the original inspection. The date for any subsequent reinspection shall be not more than 10 days from the time of the last inspection. Once the commercial or industrial occupancy passes inspection, a certificate of inspection permit and fee will be issued, and the provision of H103.1 apply.

#### Section H104 Certificate of Inspection Permit Fee.

H104.1 Certificate of Inspection Permit Fees. Fees for permits associated with annual certificates of fire inspection permits shall be in accordance with the current adopted fee ordinance for the city.

H104.2 Reinspection fee. A re-inspection fee for each re-inspection of each noted violation item shall be assessed for inspections that are required to verify that a violation has been repaired or corrected. Failure of a reinspection fee to be paid shall be considered a violation of this amendment and subject to penalties herein.

H104.3 Permit Compliance. Each owner, manager, or occupant shall, within forty-five (45) days after such inspection, deliver to the city the permit fee. Failure by the owner, manager, or occupant to pay the certificate of inspection permit fee by reason of refusal or delay in tendering the fee within the prescribed time, shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and each day that such owner, manager or occupancy shall fail to obtain said permit shall constitute a separate offense. No commercial, industrial or multi-family occupancy may operate its business without a valid certificate of inspection permit. No certificate of inspection permit shall be valid until the permit fee has been paid.

#### H104.5 Valid Certificate of Inspection Permit.

A certificate of inspection permit fee will be charged not more than once per year for an inspection of any occupancy or building and issuance of a permit, except as provided for in Section 109 of this code.

#### H104.6 Revocation of Certificate of Inspection Permit.

Any certificate of inspection permit issued under this code may be suspended or revoked when it is determined after a hearing by the community development director that:

1. It is used by a person other than the person to whom the certificate was issued;
2. It is used for a location other than that for which it was issued;
3. Any of the conditions or limitations set forth in the certificate has been violated;
4. The possessor of the certificate fails, refuses, or neglects to comply with any order or notice served upon him under the provisions of this code within the time period provided therein; or
5. There has been any false statement or misrepresentations as to a material fact in the plans, specifications, or documentation upon which the permit or application was based; or
6. Whenever a change in use or occupancy of a building occurs, existing certificate of inspection permit shall be automatically revoked and a new certificate of inspection permit shall be required.

#### H105 Additional Requirements for Multi-Family Certificate of Inspection Permit.

##### H105.1 Inspection.

The owner, resident manager, and property manager, as a condition to the issuance of the permit required by this amendment, shall consent and agree to permit and allow the city's fire or building inspector to make inspections of the apartment complex when and as needed to ensure compliance with this amendment. All city, International Building, Fire, Plumbing, Mechanical, Residential, Energy Codes, Texas Department of Health Code, zoning and other applicable codes and ordinances shall be complied with at all times and are part of the inspection set forth in Section H105.

The multi-family inspector and the owner, resident manager, or property manager shall agree on a reasonable date and time between January 1 and December 31 of each year. One or more units may be inspected at random. If violations exist, the fire inspector has the option of inspecting more than one unit per building in order to determine if violations exist in more units. If no violations are apparent or violations are minor, only one unit per building will be inspected.

H105.2 Reinspection. Shall meet the requirements of H104.2

H105.3 Occupancy Load (Density). Continued maintenance and observance of the following standards contained in this section are conditions that shall be complied with in order to retain a permit and to obtain any renewal of a permit.

1. It shall be unlawful for any person to permit or allow more than one family to reside in any apartment complex dwelling unit.
2. Notwithstanding the provisions of all other city ordinances, the maximum number of persons per dwelling unit density for dwelling units in an apartment complex is as follows:

THE LEWISVILLE CITY CODE IMPOSES THE FOLLOWING MAXIMUM DENSITY REQUIREMENTS:

- \* 1-Bedroom or Efficiency Unit--No more than three (3) persons per unit.
- \* 2-Bedroom--No more than five (5) persons per unit.
- \* 3-Bedroom--No more than seven (7) persons per unit.

Exception: The owner, resident manager, or property manager may have density requirements that are stricter than the standards set forth herein.

4. The owner, resident manager, or property manager shall keep records that reflect the following information available for review by the multi-family inspector or the building inspector:
  - a. Names of all tenants in each unit.
  - b. Head of household.
5. It shall be unlawful and a violation of this amendment for an owner, property manager, or resident manager, to knowingly permit or allow a violation of any of the terms of this subsection. It shall be unlawful for a tenant to violate any of the terms of this subsection or to permit or allow any persons to reside in the unit in violation of this subsection.

H105.1.1 Permit Compliance - Multi-family.

In addition to the terms of H104.3, Any person owning, operating, managing or maintaining an apartment complex at more than one location shall obtain a permit for each separate location.

H105.1.2 Revocation of Certificate of Inspection Permit. Multi-family Shall meet the requirements of H104.6

### H105.2 - Right of Entry.

In conjunction with the requirements of Section 104.3 of this code the owner, resident manager, or property manager shall grant access to all dwelling units in the apartment complex and all portions of the premises and structures located on the premises that are not dwelling units. This includes all storage areas, community buildings, swimming pools, athletic facilities, club rooms, equipment rooms and all other portions of the facilities not constructed as dwelling units, upon reasonable advance notice being given to the owner, property or resident manager and all occupied dwelling units when, upon reliable information, the multi-family inspector or building inspector has reason to believe that violations of the ordinances of the city or state law exist that involve serious threats to life, safety, health and property.

### H105.3 Notice to Tenants/Residents.

An owner or property manager shall require an apartment lease contract to be executed between the apartment complex and the tenant or tenants who will occupy a dwelling unit. The lease shall contain a provision which allows the owner or property manager to show the apartment or dwelling unit to city inspectors. If the apartment complex's standard lease form does not contain the above stated provision, the owner or property manager shall require the tenant to sign, as a condition for occupancy of a dwelling unit, a document provided by the city which will allow the owner or property manager to show the apartment or dwelling unit to the multi-family inspector or building inspector.

(Code 1990, § 6-2-6; Ord. No. 1674-2-92, § I(6), (7), 2-3-92; Ord. No. 1833-9-93, § I, 9-13-93; Ord. No. 2012-3-95, § III, 3-6-95; Ord. No. 2757-12-2001, § I, 12-10-01; Ord. No. 3117-09-2004, §§ 21--8, 10, 9-13-04; Ord. No. 3266-10-2005, § I, 10-17-05; Ord. No. 3390-11-2006, § 1, 11-6-06; Ord. No. 3477-08-2007, § 1, 8-6-07; Ord. No. 3522-12-2007, § I, 12-17-07)

### Sec. 5-95. Fire prevention division.

(a) The fire code and standards adopted in this article shall be enforced by the fire prevention division in the community development department of the city, which division is hereby established and which shall be operated under the supervision of the fire marshal.

(b) The fire marshal in charge of the fire prevention division shall be appointed by the community development director on the basis of examination to determine his qualifications.

(Code 1990, § 6-2-4; Ord. No. 1674-2-92, § I(4), 2-3-92)

### Sec. 5-96. Appeals.

Whenever the community development director disapproves an application or refuses to grant a permit applied for, or revokes a permit, or when it is claimed that the provisions of the fire code do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, or for any other reason, the applicant may appeal from the decision of the community development director to the city council within 30 days from the date of the decision appealed.

(Code 1990, § 6-2-8; Ord. No. 1674-2-92, § I(8), 2-3-92)

Secs. 5-97--5-145. Reserved.

