

ORDINANCE NO. 23-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, TEXAS, CHAPTER 96 FIRE PREVENTION AND PROTECTION: FIREWORKS; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Texas City seeks to amend Chapter 96 “Fire Prevention and Protection: Fireworks”; and

WHEREAS, there is a need to address the minimum fire and safety standards of building construction within the City, and

WHEREAS, upon recommendation of the Fire Chief and Fire Marshal and full review and consideration of all matters related and attendant thereto, the City Commission determines that amending Title IX General Regulations, Chapter 96 – Fire Prevention and Protection: Fireworks, will promote the health, safety, and general welfare of the City and the safe, orderly, and healthful development of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS, THAT:

Section 1: The Code of Ordinances of the City of Texas City, Texas, Chapter 96, Section 96.02 “Amendments to the International Fire Code” is amended as follows:

§ 96.02 AMENDMENTS TO INTERNATIONAL FIRE CODE.

The code adopted by § 96.01 of this chapter is amended as provided in this section.

(A) Sec. 101.1 Administration.

Title. These regulations shall be known as the Fire Code of the City of Texas City, hereinafter referred to as “this code.”

(B) Sec. 102.7 is amended by the addition of the following:

Sec. 102.7 Referenced codes and standards. 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. The referenced codes and standards referenced in this code are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

(C) Secs. 103.1, 103.2, and 103.3 are amended to read as follows:

Sec. 103 Department of Fire Prevention.

Sec. 103.1 General. The Fire Code shall be enforced by the Division of Fire Prevention. The Division of Fire Prevention is hereby established as a division of the Fire Department of the City of Texas City and shall be operated under the supervision of the Fire Marshal, and Chief of the Fire Department.

Sec. 103.2 Appointment. The Fire Marshal in charge of the Division of Fire Prevention shall be appointed by the Fire Chief on the basis of proper qualification.

Sec. 103.3 Deputies. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary and each member so assigned shall be authorized to enforce the provisions of the International Fire Code. [Remainder of section 103 unchanged].

(D) Sec. 105.6 is amended to read as follows:

Sec. 105.6 Required Operational Permits. The Fire Code Official is authorized to issue operational permits for the operations set forth in section 105.6.1 through 105.6.48. Operational permits are required for: Installation of New Fire Alarm Systems, additions or upgrades to Fire Alarm Systems, Re-Test of Fire suppression/alarm Systems, Above ground fuel storage tank, underground storage tanks, removal of underground storage tanks, taking underground tanks out of service, Flammable/Combustible liquid dispensing operations; Dry cleaning plant, Flammable Finish booths (spray booths), Day Care Center, Open burning, New or upgraded Fixed Fire Suppression systems, New Fire sprinkler system installation, additions, alterations upgrades to Fire sprinkler systems, Fire Works Displays, Explosive storage, Storage/Dispensing of compressed gas, Storage/Dispensing of liquefied gas, Tents & Air supported structures. Operating without the required operational permit shall result in a stop work order, as well as a permit fee at twice the rate of the originally required permit. Permit fee schedule attached at the end of this chapter at Exhibit A, is available at Texas City Fire Administration Building, as well as the Fire Department web page <http://www.texas-city-tx.org/Fire.htm>. The Commission may change the rates to the attached Exhibit A upon recommendation of fire code officials, by ordinance, and said amended schedule shall be posted at the Texas City Fire Administration Building and on the Fire Department web page.

(E) Sec. 109.3 is amended by the addition of the following:

Sec. 109.3 Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each offense, and each and every day any such violation shall continue and shall be deemed to constitute a separate offense.

(F) Section 109.4 is amended by the addition of the following:

Section 109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, and upon conviction in the Municipal Court, shall be subject to a fine of not less than TWO HUNDRED AND NO/100 (\$200.00), and not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) dollars for each offense or by imprisonment not exceeding 3 days (72 hours), or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(G) Sec. 111 is amended to read as follows:

Sec. 111 Stop Work Orders. Any person, firm, or corporation operating without the required applicable operational permit listed in Sec.105.6 amendment shall be guilty of a misdemeanor, and upon conviction in the Municipal Court, shall be subject to a fine of not less than TWO HUNDRED AND NO/100 (\$200.00), and not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each offense. [Remainder of section 111 unchanged.]

(H) Sec. 111.4 is amended to read as follows:

Sec. 111.4 Any person who shall continue any work after having been served with a stop work order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to for a fine not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

(I) Sec. 202 is amended by the addition of the following:

Sec. 202 General Definitions.

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.

FIREWATCH & STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Marshal. When utilized, the number required shall be as directed by the Fire Chief or Fire Marshal. Charges for utilization shall be as normally calculated by the jurisdiction. The owner or lessee shall be responsible for remitting utilization charges in a timely manner as arranged by the Fire Marshal or his designee. The owner, lessee, or responsible party shall have a maximum of ten (10) business days to remit fire watch fees. Persons failing to remit fire watch fees within ten (10) business days of actual day worked shall be guilty of a misdemeanor, and upon conviction in the Municipal Court, shall be subject to a fine not less than Two Hundred and No/100 Dollars (\$200.00), and not to exceed Two Thousand and No/100 Dollars (\$2,000.00), for each offense.

(J) Sec. 307 is amended to read as follows:

Open Burning.

Sec. 307 Prohibited Open Burning. Open burning shall be prohibited within the City of Texas City. Exception:

Permits may be issued for open burn, trench burn, not to exceed 15 feet in diameter and 8 feet in height, and are located a minimum of 50 feet from any structure or property line. Additional requirements may be imposed, and are at the discretion of the Fire Marshal.

(K) Sec. 403 is amended by the addition of the following:

Standby Personnel.

Sec. 403 Fire watch & Standby Personnel

Sec. 403.12.1 Fire watch & Standby personnel/Crowd managers. When, in the opinion of the Fire Marshal or his designee, it is essential for public safety in a residential occupancy, a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, activity or the required fire protection system is inoperable or red tagged, the owner, agent or lessee shall employ standby personnel, to remain on duty 1 hour prior to times such places are open to the public, or when such activity is being conducted.

Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted to take prompt measures as directed by the Fire Marshal. Such duties may include, but not be limited to, extinguishment of fires that occur and assist in the evacuation of the public from the structure.

There shall be trained standby personnel/crowd managers or crowd manager supervisors at a ratio determined by the Fire Chief, or Fire Marshal.

(L) Sec. 503.2.3 Surface is amended to read as follows:

Sec. 503.2.3 Surface. Fire lanes shall be constructed of an asphalt or concrete surface capable of supporting the imposed loads of fire apparatus and meeting the requirements of the City of Texas City parking lot standards. Those portions of the fire lane within sixty feet (60') of the structure to be protected shall be constructed with 6-inch thick, 3000 psi concrete or 5-inch thick, 3600 psi concrete reinforced with No. 3 bars spaced 24 inches on centers both ways and with sub-grade to a density not less than 95 percent as determined by TSDHPT Test Method Tex-113. Portions of the fire lane constructed of asphalt shall be ninety-five (95) percent compaction with a 6-inch asphalt stabilized base and 2-inch type D hot mix asphalt concrete. State Highway specification number 292. Whenever forty percent (40%) of existing, non-conforming fire lanes are replaced within a twelve month period, the entire fire lane shall be replaced according to current standards.

All fire lanes shall be maintained and kept in a good state of repair at all times by the owner and the City of Texas City shall not be responsible for the maintenance thereof. It shall further be the responsibility of the owner to insure that all fire lane markings required by Sec. 503.3 be kept so that they are easily distinguishable by the public.

(M) Sec. 503.2.4 is amended to read as follows:

Sec. 503.2.4 Turning Radius. The required turning radius and curve radius for access roads shall be a minimum of twenty-five feet (25').

(N) Section 503.6 is amended to read as follows:

Sec. 503.6 Security gates. Where security fencing is necessary, the owner shall provide gates or openings which may be secured. Gates when provided must open fully in either direction or be of a sliding or raised arm type. The main entry gates serving Group R & I occupancies shall be equipped with an approved automated entry system. All other entry points along the fire lane must be automated or Knox compatible as approved by the Fire Marshal, to permit immediate access by fire personnel and equipment in the event of fire or emergency.

(O) Sec. 901.5 is amended to read as follows:

System Approval and Testing.

Sec. 901.5 Installation acceptance testing. All required tests shall be conducted by and at the expense of the owner or his representative. The Fire Department shall not be held responsible for any damages incurred in such test. Where it is required that the Fire Department witness any such test, such test shall be scheduled with a minimum of 48 hour notice to the Fire Marshal or his representative. [Remainder of section 901.5 unchanged.]

(P) Sec. 902 is amended to read as follows:

Fire Area: For the purpose of this provision, fire walls shall not define separate buildings or fire areas.

PROTECTED PROPERTIES. Fire hydrants required to provide a supplemental water supply for automatic fire protection system shall be within 150 feet of the fire department connection for such system. [Remainder of section 902 unchanged.]

FIRE HYDRANT LOCATIONS. Fire hydrants shall be located 2 feet to 6 feet back of curb or fire lane and shall not be located in the bulb of a cul-de-sac. Hydrant discharges must be a minimum of (18") inches in height from final grade to lowest point of discharge. [Remainder of section 902 unchanged.]

(Q) 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings, accessory buildings, and buildings within the same development with a Group R fire area. This includes but not limited to pool houses, exercise facilities, garages, office and leasing buildings, laundry rooms, any and all buildings within a Group R development property or apartment complex property.

(R) Sec. 903.3.7 is amended by the addition of the following:

Sec. 903.3.7 Fire department connections. All buildings with fire department hose connections (FDC) on the building shall have a sign with (6) inch reflective letters "FDC" directly above the unobstructed connection. The sign shall be mounted directly to the building unobstructed, have RED letters on a WHITE background or WHITE letters on a RED background and be made of a durable material.

All buildings with fire department hose connections (FDC) off the building shall have a sign with (6) inch reflective letters "FDC" directly above the unobstructed connection. The sign shall be mounted to a durable post, have RED letters on a WHITE background or WHITE letters on a RED background and be made of a durable material. [Remainder of section 903.3.7 unchanged.]

First line--FDC

Second line--Address, suite#, and or BLDG#

Third line--Additional space for Address or Building information.

Note: All FDC connections shall be a minimum of 36"(inches) above grade and no higher than 48"(inches) above grade.



Sprinkler riser rooms shall have a sign on the door visible from the exterior of building. The sign shall be mounted directly to the door unobstructed, have RED reflective letters on a WHITE background or WHITE reflective letters on a RED background and be made of a durable material. Doors may be painted or stenciled, Sign shall be a minimum of 12" X 12" and have large visible lettering (minimum 2" letters). Group R occupancies may have smaller signs if approved by Fire Marshal's Office.



Fire alarm and detection systems.

(S) Sec. 907.2.3; change to read as follows:

Sec. 907.2.3 Groups E, I, & R. A manual fire alarm system shall be installed in Group E, Group I, and Group R 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 (daycares, schools), Group I (nursing homes assisted living homes, hospitals), and Group R occupancies (senior apartment communities, hotels in which room doors do not discharge directly to the exterior of building). An approved off site fire alarm monitoring service shall be provided for groups E, I, R and occupancies required to have an automatic sprinkler system. Fire Alarm monitoring service must report directly to Texas City Central dispatch center. Occupancy shall provide Texas City Fire Marshal's Office with all monitoring information such as name of service provider, account number and pass code. Where automatic fire sprinklers are not required, a full-coverage smoke detection system shall be provided in all Group E occupancies. Unless separated by a minimum of 100 feet 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. [Remainder of section 907.2.3 unchanged.]

(T) Sec. 907.2.6.1 is amended by the addition of the following:

Sec. 907.2.6.1 Group I Occupancies. An approved smoke detection system shall be installed in Group I4 occupancies where automatic fire sprinklers are not required, a full-coverage smoke detection system shall be provided in all Group I occupancies. [Remainder of section 907.2.6.1 unchanged.]

(U) Sec. 1003 is amended to read as follows:

Sec. 1003 Means of egress illumination. Emergency lighting with battery back-up shall be provided if travel distance to an exit is greater than 100 feet. Emergency lighting shall be at intervals not greater than 100 feet apart and shall illuminate the path of egress. [Remainder of section 1003 unchanged.]

(V) Sec. 1011.7 is amended to read as follows:

Sec. 1011.7 Stairway construction. Stairways shall be built of materials consistent with the types permitted for the type of construction of the building.

Exterior stairway construction: Exterior stairways serving as an element of the means of egress, or a fire escape shall be built with non-combustible materials. Where the provisions of this chapter conflict with the building code that applied at the time of construction, the most restrictive provision shall apply.

(W) Sec. 1101.1 is amended to read as follows:

Commercial Build-outs/Renovations Plan Review. Commercial renovation plans shall be reviewed and approved by Texas City Fire Department prior to construction. Failed inspections may incur a re-inspection fee. Re-Inspection Fee amounts are listed on the Fire Department Fee Schedule. [Remainder of section 1101.1 unchanged.]

(X) Sec. 2404.4 is amended to read as follows:

Sec. 2404.4 Fire Protection. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system . . . {remainder of section unchanged} complying with Chapter 9 which shall also protect all exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used. [Remainder of section 2404.4 unchanged.]

(Y) Sec. 5701 is amended to read as follows:

Sec. 5701 Location Where Above-Ground Tanks are Prohibited. The storage of flammable or combustible liquids in outside above ground tanks is prohibited within each and every zoning district within the City of Texas City with the exception of those districts which are zoned for light industrial zoning use.

Installation of above ground tanks in all zoning districts shall be permitted at the discretion of the Fire Marshal following his review of the proposed installation location, and the fire protection for the storage area. Tanks shall not be located within one hundred feet (100') of the property line of any Group E, I or R occupancies. [Remainder of section 5701 unchanged.]

(Z) An added False Fire alarm section to read as follows:

Determination of false alarm.

Fire Marshal's Office, or by the Fire department officer on the scene of the premises reporting an alarm signal will determine if the alarm is false. If any of the following conditions listed below are present, the alarm will be considered a false alarm:

(1) There is no evidence of a fire or other activity that would warrant a call for immediate fire department assistance at the premises;

(2) No individual who was on or near the premises called the fire department dispatch or verified a need for an immediate emergency response.

(3) Unlawful tampering with a fire alarm system.

Fees and cost recovery:

A municipal citation may be issued to the owner, occupant or person in charge where the alarm system is located.

False alarm fee schedule:

1st through 4th - No fee

5th - \$150.00 fee

6th and above - \$250.00 fee, each

Exempt Alarms: The first four (4) false alarms from any one system during a 12-month consecutive period be exempt.

Example: False alarm occurs on November 3, 2015, all false alarms that occurred between November 3, 2015 and November 3, 2014 will be counted.

(AA) Amended Appendix A:

APPEALS

A101.1 Scope. The Texas City Building and Standards Commission referenced in Chapter 150 of the City of Texas City, Texas Code of Ordinances shall hear all appeals within the jurisdiction, to decide if modifications comply with the intent of the protection required by the International Fire Code pursuant to the provisions of Section 108 of the International Fire Code. The Building and Standards Commission shall operate in accordance with this section, and shall be authorized to hear evidence from appellants and the fire code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

(BB) Sec. A101.2 is deleted.

(CC) Sec. A101.2.1 is deleted.

(DD) Sec. A101.2.2 is deleted.

(EE) Sec. A101.2.3 is deleted.

(FF) Sec. A101.2.4 is deleted.

(GG) Sec. A101.2.5 is deleted.

(HH) Sec. A101.3 is deleted.

(II) Sec. A101.3.1 is deleted.

(JJ) Sec. A101.3.2 is deleted.

(KK) Sec. A101.3.3 is deleted.

(LL) Sec. A101.4 is deleted.

(MM) Sec. A101.5 is deleted.

(NN) Sec. A101.6 is deleted.

(OO) Sec. A101.7 is amended to read as follows:

Sec. A101.7 Meetings. The board shall meet in any event within 30 days after notice of appeal has been received.

(PP) Sec. A101.8 is deleted.

(QQ) Sec. A101.9 Decisions. [Unchanged.]

(RR) Sec. A101.10 is amended to include:

Sec. A101.10 Procedures. Authorizing suits for injunctive relief.

Notwithstanding any penal provision of this Ordinance, the City Attorney is authorized to file on behalf of the City of Texas City, the Fire Chief or his authorized representative, or both for injunctive relief as may be necessary to enforce the provisions of this Ordinance. [Remainder of section A101.10 unchanged.]

(Ord. 15-43, passed 12-16-2015; Ord. 21-26, passed 10-6-2021)

Section 2: All provisions of the Code of Ordinances of the City of Texas City in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Texas City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 3: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this Ordinance.

Section 4: The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

Section 5: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

Section 6: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED this ___ day of _____, 2023.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney