

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING VARIOUS PROVISIONS OF ARTICLE II (FIRE CODE) THEREOF, INCLUDING SECTIONS 38-31 (ADOPTION) (AND ADOPTING THE INTERNATIONAL FIRE CODE, 2012 EDITION, INCLUDING APPENDICES B, C, D, E, F, AND G THERETO), 38-32 (DEFINITIONS), 38-51 (GENERALLY), AND 38-53 (PROVISIONS FOR FIRE SAFETY), AND THEREBY PRESCRIBING REGULATIONS GOVERNING THE SAFETY OF LIFE AND PROPERTY FROM FIRE AND RELATED CONDITIONS; AMENDING THE SAID 2012 INTERNATIONAL FIRE CODE AS SET FORTH HEREIN; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF \$2,000 FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE PROVIDING AN EFFECTIVE DATE.**

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

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

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

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

**Section 1. Amendments; Repeal.**

A. The Code of Ordinances of the Town of Addison, Texas is hereby amended in the following particulars, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified, verified, approved and affirmed.

1. Chapter 38 (Fire Prevention and Protection) is amended as set forth in Exhibit A attached hereto and incorporated herein.

**Section 2. Savings.** This Ordinance shall be cumulative of all other ordinances of the City affecting fire prevention, protection, and safety and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, liability, action, cause of action, or claim which, prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to any ordinance or portion of the Code of Ordinances repealed hereby, shall continue to be governed by the provisions of those repealed ordinances or portions of the Code, and for that purposes such ordinances or portions of the Code shall be deemed to remain and shall continue in full force and effect.

**Section 3. Penalty; Injunctive Relief.** It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. In addition to and cumulative to all other penalties, the Town of Addison shall have the right to seek injunctive relief for any and all violations of this Ordinance.

**Section 4. Severability.** The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5. Effective Date.** This Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Todd Meier, Mayor

ATTEST:

By: \_\_\_\_\_  
Matt McCombs, City Secretary

APPROVED AS TO FORM:

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

**EXHIBIT A**  
**TO ORDINANCE NO. \_\_\_\_\_**

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

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

**Sec. 38-31. Adoption.**

There is hereby adopted by the Town of Addison, for the purpose of prescribing regulations governing the safety of life and property from fire and related conditions, that certain code known as the International Fire Code (for purposes of this Chapter 38, "Code"), including appendices B, C, D, E, F, and G thereto, in particular the ~~2012~~2009 edition thereof, published by the International Code Council, Inc., hereinafter known as the "Fire Code" or the "Code", and the whole thereof except for such portions as are modified herein, and the same are incorporated as fully as if set out at length herein. From the date on which the adoption of the said International Fire Code, ~~2012~~2009 Edition shall take effect, the provisions thereof and herein shall be controlling within the corporate limits of the Town of Addison, Texas.

Notwithstanding the adoption of the ~~2012~~2009 International Fire Code, Section 903.2 of the International Fire Code, 2006 Edition ("2006 International Fire Code"), as amended by Section 38-53(i) of this Code below, is, together with any other provision of the 2006 International Fire Code (including, without limitation, any appendices) that are deemed by the Fire Chief of the Town of Addison, or the Fire Chief's designee, to be necessary for or useful to the application, interpretation, and/or enforcement of said Section 38-53(i), continued in full force and effect for the purpose of the application, interpretation, and/or enforcement of the said Section 903.2. For purposes of the said Section 38-53(i), references to "the code" and the "Fire Code" means the 2006 International Fire Code. In the event of any conflict between the provisions of the 2006 International Fire Code and the provisions of the International Fire Code, ~~2012~~2009 Edition, the provisions of the 2006 International Fire Code shall control for purposes of (and only for purposes of) the application, interpretation, and/or enforcement of the said Section 903.2 and any other provisions of the 2006 International Fire Code (including, without limitation, any appendices) that are deemed by the Fire Chief, or the Fire Chief's designee, or the Building Official of the Town of Addison to be necessary for or useful to the application, interpretation, and/or enforcement of the said Section 903.2.

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

**Sec. 38-51. – Generally.**

The ~~2012~~2009 edition of the International Fire Code is modified by the deletions, amendments and modifications provided for in this division.

3. Section 38-53 is amended to read as follows:

**Sec. 38-53. Provisions for fire safety.**

(a) Section 304.1 of the Code shall be amended to read:

*Waste Material.* Accumulations of any type of waste or scrap material shall not be allowed to remain in any location where, in the opinion of the Fire Chief or the Fire Chief's designee, they may constitute a fire and life-safety hazard or impede fire department operations.

(b) Section 307.1 of the Code shall be amended to read:

*General.* Open burning, including recreational or ceremonial, fires shall not be permitted in the Town of Addison.

*Exception:* Outdoor cooking is permitted and shall be in accordance with Section 308.1.4.

(c) Section ~~401.5~~~~401.3-4~~ shall be amended to read:

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

(d) Section 503.1 shall be amended to read:

*Where required.* Fire lanes and other emergency access routes shall be provided in accordance with sections 503.1.1 through 503.1.3 or as approved by the Fire Chief or the Fire Chief's designee.

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

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

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

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

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

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

- (h) Section 903.1.1 shall be amended to read:

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

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

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

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

Unless otherwise required in the code, the following exceptions apply:

*Exception 1:* Detached Group U occupancies that do not exceed 500 square feet in area and are located six feet from any other building.

*Exception 2:* Open parking garages of noncombustible construction that have no other types of occupancies located above the garage.

*Exception 3:* Existing, unsprinklered, single-family detached dwellings which are added to for the purpose of increasing livable area.

*Exception 4:* Covered walkways or open canopies above fuel dispensing pumps, bus stops or other similar structures intended only for the temporary protection of persons from inclement weather but not including covered patios attached to buildings.

*Exception 5:* Group S-~~12~~ occupancies used only for the storage or parking of aircraft. (NOTE: All aircraft hangars are subject to the provisions of NFPA 409.)

- 2) In any existing building of any size, area or occupancy (except single-family detached residences), remodeled or reconstructed after the effective date of this ordinance, where greater than 50% of either the square footage or the (DCAD assessed) dollar value is involved.
- 3) In the attic of any building required by this section to have a fire sprinkler system.

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

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

- (j) Section 903.3.1.1 shall be amended to read:

NFPA-13 sprinkler systems. Where the provisions of this ordinance require that a building or portion thereof be equipped with an automatic fire sprinkler system, sprinklers shall be installed in accordance with the appropriate version of NFPA-13 with any such additions or modifications as may be required by the Fire Chief or the Fire Chief's designee.

- (k) Section 903.4 of the Code shall be amended to read:

*Sprinkler system monitoring and alarms.* All valves controlling the water supply and all water flow alarm switches on fire sprinkler systems shall be electronically supervised and monitored by an approved fire alarm monitoring agency, regardless of the number of sprinkler heads served.

*Exception.* Fire sprinkler valve and alarm monitoring for single-family dwellings on fee simple lots shall be at the discretion of the property owner.

- (l) Section 905.1 of the Code shall be amended to read:

*Generally.* Standpipe systems shall be provided as set forth in this section or as required by the prevention chief.

- (m) Section ~~56083301.1~~ of the Code shall be amended to read:

*Scope.* The manufacture, possession, storage, sale, transportation, use, handling and/or presence of explosive materials of any type is prohibited in the Town of Addison except as noted below:

*Exception 1.* Explosive materials used by the armed forces of the United States or other governmental agencies acting in an official capacity.

*Exception 2.* The possession, use and storage of small arms ammunition in accordance with section ~~56063306~~ of the Code.

*Exception 3.* Approved construction or demolition projects for which a permit has been obtained and where all necessary safety precautions are reviewed by the fire department and observed on site.

- (n) Section 3308.1 of the Code is hereby amended to read:

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

*Exceptions.*

- 1) Approved events organized and conducted by licensed fireworks and pyrotechnic professionals where all necessary safety precautions are reviewed by the fire department and observed on site.
- 2) Any composition or device that produces a visible or audible effect for entertainment purposes and that produces negligible heat or flame and is not activated by contact with a flame or heat producing device.

- (o) Section ~~5704.3.4.4~~ of the Code shall be amended by the addition of:

~~5704.1.3.4.1~~ *Location.* Facilities storing or handling hazardous, flammable or combustible liquids or materials in excess of the quantities listed in Table ~~5003.1.1.2.7.0.3.1.1~~, may only be located as approved by the Fire Chief or the Fire Chief's designee.

- (p) Section ~~5703.4.8.3.4.0.4.3.8~~ of the Code is hereby amended to read:

*Liquid storage warehouses.* The storage of flammable liquids in the manner defined by the Code as a "liquid storage warehouse" is prohibited in the Town of Addison.