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ORDINANCE NO. 1093

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE, BY PROVIDING FOR THE ESTABLISHMENT OF FIRE LANES IN FRONT OF ALL MULTI-FAMILY RESIDENTIAL STRUCTURES EXCEPT DUPLEXES, ALL SHOPPING CENTERS AND ALL PUBLIC ASSEMBLY AND HIGH RISE BUILDINGS; BY PROVIDING SPECIFICATIONS AND LOCATION OF SAID FIRE LANE; BY PROVIDING SPECIFICATIONS FOR THE DESIGNATION AND MARKING OF SAID FIRE LANE; BY PROVIDING THE INSTANCES IN WHICH THE OWNER OR PERSON IN CHARGE SHALL BE RESPONSIBLE FOR KEEPING SAID FIRE LANE MARKED AND SIGNED; BY PROVIDING DEFINITIONS FOR THE TERMS "FRONT," "CURB LINE," AND "FIRE LANE;" BY STATING THE PURPOSE OF SUCH ORDINANCE; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00); AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. Chapter 8 of the Code of the City of Mesquite, Texas, known as the Fire Code is hereby amended as follows; in all other respects to remain in full force and effect:

SECTION 8-20A

Establishment of Fire Lanes

All multi-family residential structures other than duplexes, all shopping centers and all public assembly buildings as defined by City Ordinance, including the Zoning Ordinance, and all structures of more than two and one-half (2½) stories sometimes called "high rise" structures, whether existing or hereinafter constructed, shall contain an area to be designated as a "Fire Lane,"

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such area to be along the curb line in front of such structure or if there is no curb line, then along the front of said structure as the term "front" is herein defined not more than thirty-five (35) feet from said structure and lying along the entire width or length, as the case may be, of the front of said structure; said fire lane being not less than twelve (12) feet wide on a straight-of-way and a forty (40) foot radius at any corner of such lane.

Said fire lane shall be paved surface and be clearly marked on the pavement with an exterior red paint forming a perimeter line at least four (4) inches wide with printed legends, "NO PARKING FIRE LANE" in not less than one (1) foot letters of one (1) inch lines of the same color and type paint; provided, however, that where the fire lane is adjacent to a curb of four (4) inch height in lieu of the foregoing legend said curb may be painted red with said exterior paint and the legends painted on the curb in black and clearly legible. Such legends shall be no more than fifty (50) feet apart. In addition, metal signs on posts shall be posted bearing the aforementioned legend and near such fire lane.

The owner or person in charge of such structure shall keep the fire lane clearly marked and signed at all times, provided, however, that where said fire lane is to be upon a public street the owner or person in charge shall not mark or designate such area but shall make application to the City for such designation and marking.

Such fire lane shall not be co-extensive with a loading zone, but loading zones, where needed, shall be established in addition to the area designated as a fire lane.

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The fire lanes required for existing structures by this ordinance shall be provided not later than thirty (30) days after publication hereof; provided that where some cannot be established within such time through no fault of the owner or to do so would create a hardship, an additional period, not to exceed thirty (30) days may be allowed upon application to the Fire Department.

SECTION 2. Definitions

- A. Front defined - The term "front" as used herein is defined as that portion of the building containing the primary entrance way or ways. In the event a structure contains multi-units such as a shopping center or apartment complex wherein the separate units thereof front on more than one side of the structure, so much of any side or area of the structure containing a front of a separate unit shall be deemed the "front" of such structure. In the event a structure has units fronting on all sides, then all sides of such structure shall be deemed a front side.

Entrance ways into a mall or area closed to vehicle traffic shall not be considered in determining a front if more than one hundred (100) feet from an area designed for vehicle travel.

- B. Curb line defined - The term "curb line" as used herein is defined as a raised portion of a street, drive or parking area separating such street, drive or parking area from another area such as a parkway, yard or open space not designed for vehicle use. Such curb line may be the curb of a dedicated street and the lane adjacent thereto provided herein may be within such dedicated street provided that the City so designates and marks such area.

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- C. Fire lane defined - The term "fire lane" as used herein is defined as a passage way for fire and emergency vehicles and equipment and in addition to the location and width provided herein, is further defined as an area of pavement suitable for vehicular traffic and shall be of a quality not less than the drive area for the structure or remaining portion of dedicated street and shall extend to a dedicated street.

SECTION 3. Purpose

The purpose of this enactment is to provide unobstructed access to the entry ways of multi-family structures, shopping centers and public assembly buildings for fire and emergency vehicles and equipment to better protect the lives and property of the inhabitants of the City.

SECTION 4. Should any word, phrase, sentence, paragraph or section of this Ordinance be held to be void or unconstitutional, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed to be guilty of a misdemeanor and upon conviction in the Corporation Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense, and each and every day such violation continues shall constitute a separate offense.

SECTION 6. In addition to any criminal penalty provided herein and cumulative thereof, the City of Mesquite may revoke a certificate of occupancy for a structure required to have a fire lane and deny utility service to such structure until the required fire lane is established.

SECTION 7. The fact that the present ordinance providing for the establishment of fire lanes is inadequate creates an urgency and an emergency for the preservation of the public businesses, property, health and safety and requires that this

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ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 22 day of January A.D., 1973.



George Boyce
Mayor

ATTEST:



Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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