

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 14A, SECTION 81 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY PROVIDING FOR THE USE AND REGULATION OF FIBERGLASS BATHTUBS AND SHOWER STALLS; BY PROVIDING FOR TESTING OF MATERIALS BY AN INDEPENDENT LABORATORY; BY PROVIDING A REQUIREMENT FOR GRAB BARS; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 14A, Section 81 of the Code of the City of Mesquite, Texas, is hereby amended to read as follows, in all other respects to remain in full force and effect:

"Bathtubs shall be provided with waste and overflow fittings with not less than one and one-half inch outlets and with stoppers arranged so that the standing water in the tubs cannot rise in the overflow fitting when the tub is empty. Concrete or plastic bathtubs are prohibited.

Provided, however, that fiberglass reinforced polyester resin bathtub and shower stalls certified as meeting the American Standard for gel-coated glass-fiber reinforced polyester resin bathtubs and shower stalls shall be permitted. Such standard is described as American National Standards Institute Z 124.1 - 1967 and American National Standards Institute Z 124.2-1967.

The manufacturer shall furnish upon request, an independent laboratory report covering the testing of his product material in accordance with American Society Testing Materials E-84-70 (Tunnel Test.) The maximum allowable flame index ratings shall be as follows:

Flame Spread: 75 or under
smoke development:
499 or under
fuel contributed,
35 or under

All fiberglass units shall have grab bars.

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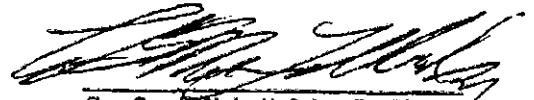
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SECTION 2. Should any word, phrase, sentence, paragraph, or section of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 3. 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 Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 4. The fact that present ordinances are inadequate to properly regulate the type of materials permitted for bathtub and shower stalls creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provides.

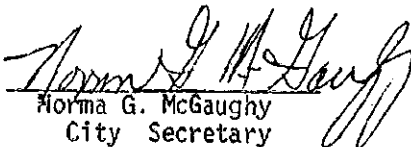
DULY PASSED by the City Council of the City of Mesquite, Texas,
on the 2 day of July, A.D., 1973.



C. G. "Chip" MacLelland
Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney