

ORDINANCE NO. 2584

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE BY ADOPTION OF THE UNIFORM FIRE CODE, 1988 EDITION; BY PROVIDING CERTAIN AMENDMENTS AND DELETIONS THERETO; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

Section 1. ADOPTION OF UNIFORM FIRE CODE. There is hereby adopted by the City of Mesquite for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Uniform Fire Code, 1988 Edition, including Appendix Chapter 1-C, III-A, III-B and the Uniform Fire Code Standards published by the Western Fire Chief's Association and the International Conference of Building Officials, save and except such portions as are hereinafter deleted, modified or amended by Section 6 of this ordinance. A copy of the Uniform Fire Code is now filed in the office of the city secretary and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Mesquite.

Section 2. DUTIES OF FIRE PREVENTION DIVISION.

- (a) The Uniform Fire Code shall be enforced by the fire department of the City of Mesquite which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- (b) The fire marshal in charge of the fire prevention division shall be appointed by the chief with consent and approval of the city manager.
- (c) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.

Section 3. DEFINITIONS.

- (a) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it is the State of Texas, County of Dallas, City of Mesquite.

- (b) Wherever the words "chief of the bureau of fire prevention" are used they shall be held to mean "fire marshal".

Section 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE, ABOVEGROUND TANKS IS PROHIBITED.

The limits referred to in Section 79.501 of the Uniform Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as follows: All districts except those zoned industrial and/or conditional use for airport.

Section 5. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.

The limits referred to in Section 77.106(b) of the Uniform Fire Code, in which storage of explosives and blasting agents are prohibited, are hereby established as follows: All districts.

Section 6. AMENDMENTS MADE IN THE UNIFORM FIRE CODE.

The Uniform Fire Code is amended and changed in the following respects:

Section 2.204 (c) Amend by inserting after the word "fire" the words "or life".

This section will read: The chief may order the operation or use stopped, or the evacuation, of any premises, building or vehicle or portion thereof which has or is a fire or life hazard.

Section 9.104 Amend by deleting after the words "bureau of fire prevention" the words "is the fire prevention bureau of the jurisdiction." Amend by inserting after the words "bureau of fire prevention" the words "shall mean the fire prevention division of the fire department of the City of Mesquite."

This definition will read: Bureau of Fire Prevention shall mean the fire prevention division of the fire department of the City of Mesquite.

Section 9.105 Amend by deleting after the words "chief of the bureau of fire prevention" the words "is the head of the fire prevention bureau." Amend by inserting after the words "chief of the bureau of fire prevention" the words "shall mean the fire marshal of the fire department of the City of Mesquite."

This definition will read: Chief of the Bureau of Fire Prevention shall mean the fire marshal of the fire department of the City of Mesquite.

Section 10.207 (c) Amend by deleting the number "20". Amend by inserting the number "22".

This section will read: The minimum unobstructed width of a fire apparatus access road shall be not less than 22 feet.

Section 10.207 (f) Amend by inserting after the word "designed" the words "and constructed to City of Mesquite parking lot standards or constructed of concrete. The concrete shall be either 6-inch thick, 3000 psi, or 5-inch thick 3600 psi reinforced with #3 steel bars spaced on 24 inch centers both ways and with the subgrade to a density not less than 95 percent as determined by the TSDHPT Test Method Tex-113. Construction of the Fire Access Roads shall be supervised by Building Inspection Department of the City of Mesquite,"

This section will read: Fire Apparatus access roads shall be designed and constructed to City of Mesquite parking lot standards or constructed of concrete. The concrete shall be either 6-inch thick, 3000 psi, or 5-inch thick 3600 psi reinforced with #3 steel bars spaced on 24 inch centers both ways and with the subgrade to a density not less than 95 percent as determined by the TSDHPT Test Method Tex-113. Construction of the Fire Access Roads shall be supervised by the Building Inspection Department of the City of Mesquite, and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

Sec. 10.207.1 Amend by inserting new subsection:

Sec. 10.207.1 Firelanes. In addition to the foregoing requirements for fire apparatus access roads, fire lanes shall be required for all occupancies except Group R Division 3 single family and duplexes, and Group M occupancies, and shall meet the following requirements:

(1) Turning Radius. The minimum turning radius for fire lanes shall be in accordance with the following table.

Fire Lane Width	Inside Radius	Outside Radius
22 feet	30 feet	52 feet
24 feet	20 feet	44 feet
30 feet	10 feet	40 feet

(2) Marking. Fire lanes shall be clearly marked on the pavement with an exterior red paint forming a perimeter line at least six (6) inches wide with painted legends, "NO PARKING FIRE LANE" in not less than four (4) inch WHITE letters each twenty-five (25) feet on the red stripe; provided, however, that where the fire lane is adjacent to a curb of four (4) inches in height said curb may be painted red with said exterior paint and the legends painted on the curb in WHITE and clearly legible. Such legends shall be no more than twenty-five (25) feet apart. In addition, metal signs on posts may be required to be posted bearing the aforementioned legend and shall be near such fire lane.

(3) Width. (a) The width of the fire lane shall be equal to the width of the fire access road. In addition, adjacent to the required fire hydrants the fire lane shall be a minimum twenty-six (26) feet in width, extending twenty (20) feet in either direction from the fire hydrant.

(b) All buildings that exceed thirty-five (35) feet in height as measured from the lowest level of fire department vehicle access to the top plate of the uppermost story shall require fire lanes with a minimum of twenty-six (26) feet in width in the vicinity of the building. The fire lane shall be a minimum of fifteen (15) feet and a maximum of twenty-five (25) feet from the building positioned parallel to one entire side of the building.

(c) In addition to, and cumulative of, the foregoing, all portions of the exterior walls of the first story of the three-story apartments, condominiums and townhouses shall be within one hundred fifty (150) feet from the nearest fire lane as designated by the Mesquite Fire Department.

Where the fire lane access cannot be provided to within one hundred fifty (150) feet of the exterior walls of the first story, approved fire protection system or systems shall be provided, as required and approved by the chief, and adequate access roadway shall be provided for fire equipment access to the building, as required and approved by the chief.

(4) Fire lanes may be required along two long dimensions of a building exceeding 100 feet in width and 300 feet in length when, in the opinion of the chief, fire fighting or rescue operations might be impaired.

(5) Turn Arounds. All fire lanes shall connect at both ends to a dedicated street or be constructed with turn around areas at all dead ends with minimum radius as specified in 10.207.1 (1).

Exception: When, in the opinion of the chief, fire fighting or rescue operations may be hampered, oversizing of the turn arounds may be required.

(6) Maintenance. The property owner or agent of the property owner shall keep the fire lane clearly marked and signed at all times.

(7) Fire lanes shall not co-exist with loading zones, but loading zones, where needed, shall be established in addition to the area designated as a fire lane.

(8) No person shall close, abandon, obstruct, or deface the markings or indications of a fire lane required by this ordinance without written permission of the chief.

(9) Obstructions

(a) The owner or person in control of property upon which a fire lane exists shall cause any motor vehicle, other than an authorized emergency vehicle, that is parked in a fire lane to be removed in accordance with Article 6701 G-1 of the Texas Revised Civil Statutes.

(b) No person shall park, stop or leave standing any non-emergency vehicle, either attended or unattended, within any portion of a fire lane.

(c) Any vehicle found parked or standing in any designated fire lane shall be subject to impoundment by the Chief of Police or subject to removal by any other method authorized by law.

Section 10.208 Amend by inserting "(a)" before first paragraph. Amend first sentence by inserting after the word "property" the words "and other portions of the premises as may be required by the chief". Amend second sentence by inserting after the word "background" the words "and shall be a minimum six (6) inches in height". Amend after first paragraph by inserting "exception" and subparagraphs b, c, d and e.

The first paragraph will read: (a) Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property and other portions of the premises as may be required by the chief. Said numbers shall contrast with their background and shall be a minimum six (6) inches in height.

Exception: Single family dwellings and duplexes may have minimum three (3) inch high by 1/2 inch wide numbers or addresses.

(b) Street or Road Signs. When required by the chief, a street or road shall be identified with approved sign.

(c) In addition to the requirements in Section 10.208 (a). Buildings containing more than one occupancy shall have the front and rear exits of each occupancy marked with minimum three (3) inch high by one half (1/2) inch wide numbers or addresses.

(d) Multiple-structure complexes. Where a complex of multiple structures not visible from the street has internal access for vehicles, directional signs must be placed at each entrance and at each intersection within the complex.

(e) Malls. Owners of complexes which contain a mall area shall submit a diagram of the complex to the chief, showing the location of each business, to be updated as each business changes.

(f) Number Designated by Building Official. The Building Official shall designate the official building number to be placed on each structure. This shall be obtained by submitting a legal description of the property to the Building Inspection Division, City of Mesquite. On new construction, numbers shall be in place prior to issuance of a final certificate of occupancy.

Section 10.301 (c) Amend first sentence in second paragraph by deleting after the word "of" the word "reservoirs". Amend by inserting after the last paragraph new paragraphs.

The first sentence of the second paragraph will read: Water supply may consist of pressure tanks, elevated tanks, water mains or other fixed system capable of

supplying the required fire flow. The new paragraphs will read: "Fire hydrants will be located on all required access roadways according to the following requirements:

- (1) 300 feet on center for all occupancies except Group R-3 occupancies.
- (2) 500 feet on center for Group R-3 occupancies. Fire hydrants shall be located within five (5) feet of the required access. Fire hydrants vulnerable to vehicle damage shall be provided with appropriate crash protection as required by the chief".

Section 10.306 (a) Amend by amending the first paragraph.

The new paragraph will read: "Where Required. An automatic sprinkler system shall be installed throughout all buildings of more than three (3) stories or those whose height exceeds thirty-five (35) feet as measured from the lowest level of fire department vehicle access to the top plate of the uppermost story and an automatic fire extinguishing system shall be installed in the occupancies as set forth in this section".

Section 10.313 (c) Amend by deleting after "1." in the second paragraph the words "automatic sprinkler system". Amend by deleting the sixth paragraph beginning with the words "Commercial-type cooking..."

Section 10.313 (e) Amend the first sentence in the third paragraph by deleting after the word "links" the words "and automatic sprinkler heads".

The third paragraph will read: Fusible links shall be replaced at least annually and other protection devices shall be serviced or replaced in accordance with the manufacturer's instructions.

Section 11.101 (a) Amend by deleting the last sentence "Rubbish includes waste material from the construction or demolition of buildings".

This subsection will read: Permit Required. For permits to kindle or maintain any bonfire or rubbish fire, see Section 4.101.

Section 11.106 Amend by deleting in its entirety.

Section 11.107 Amend by deleting in its entirety.

Section 11.204 Amend first sentence by inserting after the word "trees" the words "christmas trees, seasonal decorations".

The first sentence will read: Cotton batting, either natural, artificial or manufactured, straw, dry vines, leaves, trees, christmas trees, seasonal decorations or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of commercial, industrial or institutional occupancies unless made flame retardant, provided, however, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale.

Section 12.104 (b) Amend by inserting a third exception in paragraph (b).

The exception will read: In Group R, Division 3 Occupancies exits which are not required by Table 33-A in the Uniform Building Code may be provided with dead bolts and similar devices which are openable from the inside with the use of a key. Such devices must be mounted at a height not to exceed forty-eight (48) inches above the finished floor.

Sec. 45.202 (b) Amend by deleting the last sentence beginning with "limited spraying areas..."

Sec. 45.207 Amend by deleting in its entirety.

Section 77.104 Amend by inserting paragraph (f).

This paragraph will read: No person shall have in his possession, keep, store, sell, give away, use or manufacture any of the prohibited explosives listed in Section 77.104 (b) within the jurisdiction of the City of Mesquite.

Section 78.102 (a) Amend by deleting after the word "prohibited" the words "except under special permits as are required by local and state regulations".

This sentence will read: The manufacture of fireworks within the jurisdictional area is prohibited.

Section 78.102 (b) Amend the first sentence by inserting after the word "retail" the words "give away".

The first sentence will read: Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell at retail, give away or use or explode any fireworks, provided that the chief shall have power to

adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade.

Section 79.302 (a) 4. Amend by deleting second paragraph beginning with the words "Vent piping for tanks...".

Section 79.402 Amend the first sentence by deleting after the word "store" the words "more than 5000 gallons of liquids in drums or tanks". Amend by inserting after the word "store" the words "flammable and/or combustible liquids".

This sentence will read: Plans shall be submitted with each application for a permit to store flammable and/or combustible liquids.

Section 79.509 (a) 4. Amend third sentence by deleting after the word "liquids" the words "unless positive means are provided to prevent the vapors from Class I liquids from entering tanks storing Class II or Class III liquids, to prevent contamination and possible change in classification of the less volatile liquid".

This sentence will read: Vent piping for tanks storing Class I liquids shall not be manifolded with vent piping for tanks storing Class II or Class III liquids.

Sec. 79.601 (b) Amend the second sentence by deleting after the word "on" the words "firm foundation". Amend second sentence by inserting after the word "on" the words "a minimum six (6) inch concrete slab reinforced with number four (4) steel set on twelve (12) inch centers. Amend by inserting an additional paragraph at end.

The second sentence will read: Underground tanks shall be set on a minimum six (6) inch concrete slab reinforced with number four (4) steel set on twelve (12) inch centers and surrounded with at least six (6) inches of noncorrosive inert material such as clean sand or gravel well tamped in place or in accordance with the manufacturer's installation instructions.

The additional paragraph will read: All tank excavations shall be equipped with at least one observation well for each tank of 1000 gallons or larger in capacity. Observation wells shall be minimum six (6) inches in diameter and extend at least twelve

(12) inches below the bottom of the tanks. Observation wells shall be constructed and installed as prescribed by the chief.

Sec. 79.601 (c) Amend by deleting in its entirety. Amend by inserting a new paragraph.

The paragraph will read: Anchorage. All tanks shall be anchored in the following manner. Tanks 1000 gal. or less shall have at least two (2) straps, 1001-5000 gal. at least three (3) straps, 5001-10,000 gal. at least four (4) straps, and 10,000 gal. or larger shall have at least five (5) straps. Strapping shall be minimum two (2) inches by 1/4 inch, or 3/4 inch steel cable. (Exception: Nonmetallic tanks shall be strapped according to manufacturer's recommendations but in no case shall they be strapped with fewer than two (2) straps.) Anchor points shall be constructed and installed according to specifications set forth by the chief.

Sec. 79.601 (d) Amend by inserting a paragraph at end.

This paragraph will read: All underground storage tanks shall be protected by automatic leak detection devices. All leak detection devices shall comply with nationally recognized standards and EPA regulations.

Section 79.604 (a) 5. Amend the second sentence by deleting after the word "contamination" the word "may", and deleting after the word "used" the words "provided that the static head imposed at the bottom of the tank will not exceed 10 psig if the fill or vent pipe is filled with liquid when the valves are closed". Amend the second sentence by inserting after the word "contamination" the word "shall". Amend the last paragraph by deleting after the word "liquids" the words "unless positive means are provided to prevent the vapors from Class I liquids from entering tanks storing Class II or Class III liquids to prevent contamination and possible change in classification of the less volatile liquid".

The second sentence will read: Float-type check valves installed in tank openings connected to manifold vent piping to prevent product contamination shall be used.

The last paragraph will read: Vent piping for tanks storing Class I liquids shall not be manifolded with vent piping for tanks storing Class II or Class III liquids.

Section 79.604 (b) 3. Amend by inserting after the second sentence "All fill lines shall be protected by spill proof manholes if filled from the outside and spill proof devices if filled inside".

The first paragraph will read: Fill pipe and discharge lines. Fill pipe and discharge lines shall enter tanks only through the top. Fill lines shall be sloped toward the tank. All fill lines shall be protected by spill proof manholes if filled from the outside and spill proof devices if filled inside. Underground tanks for Class I liquids having a capacity of more than 1,000 gallons shall be equipped with a tight fill device for connecting the fill hose to the tank.

Section 79.1007 (e) Amend by deleting after the word "tanks" the word "may", and delete after the word "be" the word "either" and delete after the word "only" the words "or tanks elevated for gravity discharge". Amend by inserting after the word "tanks" the word "shall". Amend by inserting an additional sentence.

This paragraph will read: Tanks shall be tanks with top openings only. Elevated tanks for gravity discharge are not allowed.

Section 79.1007 (g) Amend by deleting in its entirety.

Section 79.1007 (h) Amend by deleting after the word "Dikes." the words "when required by the chief".

This sentence will read: The area surrounding a tank or group of tanks shall be provided with drainage to an approved basin or shall be diked to prevent accidental discharge of liquid from endangering adjacent tanks, adjoining property or reaching waterways.

Sec. 82.104 (b) Amend the paragraph by deleting it.

Amend to read " The storage of liquefied petroleum gas for the protection of heavily populated, or congested commercial areas, shall be limited to industrial zoned districts. The aggregate capacity of any one installation shall not exceed 2,000 gallons water capacity.

Section 87.103 (d) 3. Amend the first sentence by deleting after the word "building" the word "six". Amend the second sentence by deleting after the word "than" the number "50". Amend the first sentence by inserting after the word "building" the word "four". Amend the second sentence by inserting after the word "than" the number "35".

The first sentence will read: Every building four stories or more in height shall be provided with not less than one standpipe for use during construction.

The second sentence will read: Such standpipes shall be installed when the progress of construction is more than 35 feet in height above grade.

Section 7. APPEALS.

Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief to the board of appeals within thirty (30) days from the date of the decision appealed.

Section 8. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The city manager, the chief, fire marshal, and building official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The fire marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Section 9. PENALTIES.

(a) Any person who shall violate any of the provisions of this code or standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than two thousand (\$2000.00) dollars. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day the prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.


Section 10. REPEAL OF CONFLICTING ORDINANCES.

Delete all wording in Chapter 8 Code of the City of Mesquite.

Section 11. That should any paragraph, sentence, sub-division, division, clause, phrase, section or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part or provision so decided to be unconstitutional, illegal, invalid and shall not affect the validity of the remainder of Chapter 8 or any other provision of the Code of the City of Mesquite.

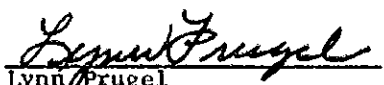
Section 12. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare of the inhabitants of the City of Mesquite creates an urgency and an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and publication of its caption as the law in such cases provides.

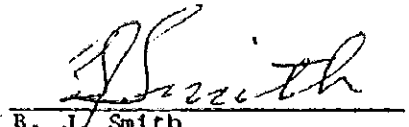
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 6th day of February, 1989.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


B. J. Smith
City Attorney

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