

ORDINANCE NO. 2814

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MESQUITE BY ALLOWING ABOVE-GROUND FLAMMABLE LIQUID TANKS; AND PROVIDING FOR CERTAIN AMENDMENTS AND DELETIONS; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) 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. That the Code of the City of Mesquite, Texas, is hereby amended by deleting the following section in its entirety, in all other respects the remaining sections of said code to remain in full force and effect.

Sec. 6-5. entitled Establishment of limits of districts in which storage of flammable or combustible liquids in outside, aboveground tanks is prohibited.

SECTION 2. That Sec. 6-6 of the Code of the City of Mesquite, Texas, is hereby amended, in all other respects the remaining sections to remain in full force and effect.

Sec. 6-6. Amendments made in the uniform fire code.

Section 79.501 is amended to read:

Section 79.501(a) The storage of Class I, Class II and Class IIIA liquids in aboveground tanks outside of buildings is prohibited outside the limits established by law.

Section 79.501(b). The limits on storage, quantities, and rules for dispensing are established as follows:

Aboveground tanks for storage and dispensing of Class I, Class II, and Class IIIA liquids shall be allowed in accordance with appendix II-F and 79.902(c) of the 1991 Uniform Fire Code (See Exhibit "A") with the following provisions:

1. There shall be no dispensing to the general public.
2. Tanks shall not be located on or within 100 feet of the property line of any Group A, E, I, or R occupancies.

EXCEPTION: Tanks may be allowed when used in conjunction with Emergency Service Use. (Emergency Service Use is defined as

emergency generators for hospitals and nursing homes and motor vehicle dispensing at fire stations and police stations).

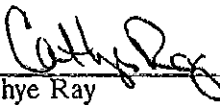
3. Tanks shall be located at least 50 feet from any property line or public way, and at least 25 feet from the nearest side of an important building.
4. Tanks shall be provided with impact protection such as guard posts or bollards designed and installed in accordance with Section 80.301(w) with the following modifications: Six (6) inch diameter bollards are required, installed a minimum of four (4) feet below grade to a height of four (4) feet above grade and approved by the Chief.
5. When required by the Chief, additional measures such as fencing, screening, and/or monitoring capability, shall be provided.
6. Tank usage and dispensing operations shall be conducted and supervised by employees or agents of the owner/occupant.
7. For the purposes of this provision motor oil that has not been subject to contamination by other flammable or combustible substances shall be considered a Class III-B combustible liquid.
8. The quantities of Class I, Class II, and Class IIIA flammable and combustible liquids in aboveground fuel dispensing tanks in areas zoned industrial use and/or conditional use airport shall comply with Appendix II-F and 79.902 (c) of the 1991 Uniform Fire Code.
9. The provisions of this section shall not apply to aboveground storage tanks within areas zoned industrial and/or conditional use airport that are not being used in conjunction with dispensing into motor vehicles.
10. In areas other than industrial and conditional use for airport, the following quantities shall apply:
 - A. The quantity and capacity of tanks shall not exceed 600 gallons for Class I liquids and Class II liquids with a flash point below 130F.
 - B. The quantity and capacity of tanks shall not exceed 1600 gallons of Class II liquids with a flash point above 130F and Class IIIA liquids.
 - C. The aggregate quantity and capacity of Class I, Class II, and Class IIIA liquids shall not exceed 1600 gallons.

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SECTION 3. That should any paragraph, sentence, subdivision, 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 so decided to be unconstitutional, illegal, invalid and shall not affect the validity of the reminder of Chapter 6 or any other provision of the Code of the City of Mesquite.

SECTION 4. 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 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 1st day of June, 1992.



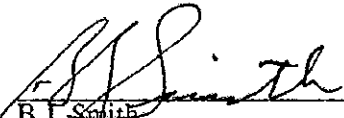
Cathye Ray

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

**APPENDIX II-F
ABOVEGROUND STORAGE TANKS FOR
MOTOR VEHICLE FUEL-DISPENSING STATIONS**

1. SCOPE

Storage and dispensing of motor fuels into the fuel tanks of motor vehicles from aboveground tanks which are located outside of buildings, or as approved by the chief, shall be in accordance with this appendix.

2. INSTALLATION OF TANKS

Tanks shall be installed in accordance with Article 79, Division V, and shall be installed in special enclosures constructed in accordance with Section 79.902 (c) or in listed and approved tank enclosures or materials providing fire protection of not less than 2 hours. The following additional criteria shall apply:

- (a) Guard posts or other means shall be provided to protect the area where tanks are installed. The design shall be in accordance with Section 80.301 (w),
- (b) Each tank and each special enclosure shall be surrounded by a clear space of not less than 3 feet to allow for maintenance and inspection.
- (c) Warning signs and identification signs shall be installed to clearly identify hazards. The design shall be in accordance with Sections 79.109, 79.110, 79.903 (d) and 79.807 (e). Conspicuous signs prohibiting simultaneous tank filling and fuel dispensing shall be posted,
- (d) Tanks containing motor fuels shall not exceed a 6,000-gallon individual or 18,000-gallon aggregate capacity. Installations having the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet, and
- (e) Tanks shall be provided with automatic fuel shut-off devices capable of stopping the delivery of fuel when the level in the tank reaches 90 percent of tank capacity.

3. INSTALLATION OF DISPENSING SYSTEMS

Dispensing systems shall be installed in accordance with Article 79, Divisions VII and IX except as follows:

- (a) Motor fuels shall be transferred from tanks by means of fixed pumps which are designed and equipped to allow control of the flow and to prevent leakage or accidental discharge,
- (b) Tank and tank enclosure openings shall be through the top only. Approved antisiphon devices shall be installed at each connection of piping to a tank when such piping extends below the level of the top of such tank, and
- (c) Dispensing devices are allowed to be installed on top of special enclosures.

4. PLANS

Plans shall be submitted with permit applications. The plans shall include the method of storage and dispensing, quantities and types of liquids to be stored, dis-

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APPENDIX II-F

tances from tanks and dispensers to property lines and buildings, vehicle access, fire appliances, collision barriers, design and construction of tanks and tank supports, seismic design of tank supports, secondary containment tank venting and vapor-recovery provisions, emergency controls, and other information required by the chief.

5. MAINTENANCE

Tanks, special enclosures and dispensing systems shall be maintained in proper condition. Damage shall be repaired immediately using materials having equal or greater strength and fire resistance.

(b) **Bulk Plants.** Motor vehicle fuel-dispensing stations are prohibited at bulk plants unless such use is in compliance with the provisions of this division and is completely separated by a fence or similar barrier from the area in which bulk operations are conducted.

(c) **Sources of Ignition in Vehicle Repair and Fuel Receiving Areas.** Smoking and open flames shall be prohibited in areas used for servicing internal combustion engines and areas where fuel is received.

Storage

Sec. 79.902. (a) **General.** Class I liquids shall be stored in closed containers, or in tanks located underground or in special enclosures in accordance with Section 79.902 (c). Class II and Class III-A liquids shall be stored in containers or in tanks located underground or in special enclosures in accordance with Section 79.902 (c).

A connection shall not be made between an aboveground tank and an underground tank.

Portable and semiportable tanks may temporarily be used in conjunction with the dispensing of Class I, II or III-A liquids into the fuel tanks of motor vehicles or other motorized equipment on premises not normally accessible to the public when approved by the chief.

(b) **Class I Liquids in Basements or Pits.** Class I liquids shall not be stored or used within a building having a basement or pit into which flammable vapors could travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(c) **Special Enclosures.** When installation of tanks in accordance with Division VI is impractical or because of property or building limitations, tanks for Class I, II or III-A liquids are allowed to be installed in buildings as follows:

1. Tanks shall be installed in an enclosure which is liquid tight, vapor tight and without backfill inside.
2. Sides, top and bottom of the enclosure shall be of reinforced concrete at least 6 inches thick, with openings for inspection through the top only.
3. Tank connections shall be piped or closed such that neither vapors nor liquid can escape into the enclosed space.
4. Means shall be provided whereby portable equipment can be employed to discharge to the outside any vapors which might accumulate should leakage occur.
5. Tanks containing Class I, II or III-A liquids shall not exceed 6,000 gallons individual or 18,000 gallons aggregate.

(d) **Storage inside Buildings.** Class I, II or III-A liquids stored inside motor vehicle fuel-dispensing station buildings shall be in approved containers and in accordance with Section 79.202.

(e) **Maintenance Testing.** Leak-detecting devices shall be tested annually by the owner or occupant of the property on which they are located. Test results shall be maintained on the premises and available to the chief upon request.

(f) **Inventory Control.** Accurate daily inventory records shall be maintained and reconciled on Class I, Class II and Class III-A liquid storage tanks for indica-