

ORDINANCE NO. 2887

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MESQUITE BY ADOPTION OF THE UNIFORM FIRE CODE, 1991 EDITION; BY PROVIDING CERTAIN AMENDMENTS AND DELETIONS THERETO; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 6 of the Code of the City of Mesquite is hereby amended to read as follows, in all other respects said code and chapter to remain in full force and effect.

**Sec. 6-1. Adoption of uniform fire code.**

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire on explosion, the Uniform Fire Code, 1991 Edition, including Appendix Chapter 1-C, II-F, 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 portion as are herein-after deleted, modified or amended by this chapter. A copy of the Uniform Fire Code is now filed in the office of the City Secretary and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the effective date of the ordinance from which this section derives, the provision thereof shall be controlling within the limits of the city. All ordinances and code provisions in conflict with the provisions herein are hereby repealed.

**Sec. 6-2. 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.

**Sec. 6-3. Definitions.**

- (a) Whenever the word "jurisdiction" is used in the Uniform Fire Code, it is the State of Texas, County of Dallas, City of Mesquite.
- (b) Whenever the words "Chief of the Bureau of Fire Prevention" are used they shall be held to mean "Fire Marshal."

**Sec. 6-4. 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.

- Exceptions:
- (1) Districts zoned industrial.
  - (2) Conditional Use, Airport.
  - (3) Use in conformance with appendix II-F and Section 79.501(b).

**Sec. 6-6. Amendments made in the Uniform Fire Code.**

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

- (1) *Section 2.205(c).* Amend by inserting after the word "fire" the words "or life."

This section will read:

"(c) The Chief is authorized to order an 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."

- (2) *Section 4.108.* Amend by deleting the section in its entirety and inserting a new section.

This section will read:

"(a) A permit shall be obtained from the Fire Prevention Division prior to engaging in the following activities, operations, practices, or functions:

1. Fire Alarm Systems. The installation, addition to, or alteration of a fire alarm system.
2. Fire Sprinkler Systems. The installation, addition to, or alteration of a fire sprinkler system.
3. Fire Suppression Systems. The installation, addition to, or alteration of a fire suppression system.
4. Underground Storage Tanks. The installation, removal, addition to, testing, or alteration of underground storage tanks for the storage of hazardous materials, especially flammable liquids.

5. Aboveground Storage Tanks. The installation, removal, addition to, testing, or alteration of aboveground storage tanks for the storage of hazardous materials, especially flammable liquids.

Exception: Storage of quantities exempt in the fire or building codes.

6. Open burning. To conduct open burning in accordance with Section 11.203.

Exception: Recreational fires in accordance with Section 11.204.

7. Fireworks Displays. To conduct fireworks and pyrotechnic displays.

8. Access Control Gates. To install access control gates across fire lanes.

9. Paint Spray Booth. To construct a paint spray booth.

(b) Permit fees.

1. The following permit fee schedule shall be charged for a permit for installation, addition to, or alteration of the following:

- a. Fire sprinkler systems.
- b. Fire suppression systems.
- c. Underground storage tanks. (Including tank removal.)
- d. Aboveground storage tanks. (Except temporary tanks.)
- e. Access control gates.
- f. Paint spray booth.

<u>Cost of work</u>	<u>Fee</u>
\$0 to \$1,000	\$20.00
\$1,001 to \$3,000	25.00
\$3,001 to \$10,000	30.00
\$10,001 to \$50,000	.003 (cost of work times multiplier)
\$50,001 to \$100,000	.025 plus \$25.00
\$100,000 or more	.002 plus \$75.00

2. A fee of \$25.00 shall be charged for the following permits:

- a. Open burning.

- b. Firework displays.
- c. Temporary aboveground storage tanks.
- d. Reinspections.

- (1) A reinspection fee shall be charged on certificate of occupancy inspections for each inspection after two inspections have been conducted.
- (2) A reinspection fee shall be charged on reinspections of fire sprinkler systems, fire suppression systems, underground storage tanks, and aboveground storage tanks.

Exception: When the reinspection is in conjunction with inspections of progressive stages of construction of systems; in order to facilitate construction, no reinspection fee shall be charged. Approval for such inspections must be made by the Fire Marshal at the time the permit is obtained.

3. Investigation Fee. Work without a permit.

- a. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
- b. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Exception: Work of an emergency nature commenced not during normal working hours. The contractor shall inform the Fire Marshal and obtain a permit the next working day.

4. Exemptions. No permit fee shall be required for permits for work on any building or structure the title to which is directly vested in the federal government, state, county, city, the Mesquite Independent School District, or any

church. When a request for a permit is made, this exemption shall be claimed in writing.

**Exception:** Permit fees shall be paid by all public schools and churches for the construction of living quarters, parsonages, or commercial day care operations used in conjunction herewith.

5. **Fee Refunds.** The Chief may authorize refunding of any fee paid hereunder which was erroneously paid or collected."

(3) *Section 10.203.* Amend by inserting after the last sentence in the section: "Fire apparatus access roads shall be required within 50 feet of any fire department sprinkler or standpipe connection."

(4) *Section 10.204(a).* Amend by deleting the number "20" and inserting the number "22" and add an exception at the end of the section.

This section will read:

"(a) Fire apparatus access roads shall have an unobstructed width of not less than 22 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

**Exception:** Access control gates across fire lanes may be allowed when authorized by permit in accordance with Mesquite Fire Department rules."

(5) *Section 10.206.* Amend by inserting the following language after the last sentence in the section: "The property owner or agent of the property owner shall keep the fire lane clearly marked and signed at all times. Fire lane designation shall be as required by the Chief. No person shall close, abandon, obstruct, or deface the markings or indications of a fire lane required by this ordinance without the written permission of the Chief."

(6) *Section 10.301.* Amend by deleting the section in its entirety and inserting a new section.

This section will read:

"(a) **General.** 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 required by the Chief. Said numbers shall contrast with their background.

(b) **Single-family residential.** Numbers on single-family residential shall be a minimum of 3 inches high with a one-half inch stroke.

- (c) Other properties. Numbers on all other properties shall be a minimum of 6 inches in height with one inch stroke.
- (d) Individual occupancies or suites within a larger building. Individual occupancies or suites within a larger building shall be visibly numbered. Numbers shall be a minimum of 3 inches high with a one-half inch stroke.
- (e) Alleys. Numbers shall be placed on the rear of all occupancies that have access from an alley or common rear entrance. Numbers shall be a minimum of 3 inches high with a one-half inch stroke."
- (7) *Section 10.403.* Amend by **adding** the following language after the last sentence in the section: "A fire hydrant shall be installed within 100 feet of a fire department connection to a fire sprinkler system or standpipe. Fire hydrants shall be located on streets and when required by the Chief on required fire lanes according to the following requirements: A minimum of 500 feet on center for Group R-3 occupancies and 300 feet on center for all others."
- (8) *Section 10.503.* Amend by **adding** the following language after the last sentence in the section: "A permit shall be obtained prior to installing or modifying fire protection or life safety systems."
- (9) *Section 10.505.* Amend by **adding** subsection "(d)" after subsection "(c)":
- This section will read:
- "(d) Fire extinguishers and fire extinguishing systems shall be inspected and serviced at least annually by a state licensed fire extinguisher company."
- (10) *Section 10.513(c).* Amend by **deleting** the first type of system: "1. Automatic sprinkler system."
- The types of systems are:
1. Dry chemical extinguishing system.
  2. Carbon dioxide extinguishing system.
  3. Wet chemical extinguishing system."
- (11) *Section 10.513(e).* Amend by **deleting** in the third paragraph after the word "and" the words, "automatic sprinkler heads".
- This subsection will read:
- "(e) Fusible links shall be replaced at least annually, and other protection devices shall be serviced or replaced in accordance with the manufacturer's instructions."

- (12) *Section 11.204(b)*. Amend the subsection by **adding** a sentence after the last sentence in the section.

This subsection will read:

"(b) **Location.** Recreational fires shall not be conducted within 25 feet of a structure or combustible material unless contained in a barbecue pit. Conditions which could cause a fire to spread to within 25 feet of a structure shall be eliminated prior to ignition. Recreational fires in a barbecue pit shall not be conducted in, or within 10 feet of, a structure or combustible material."

- (13) *Section 12.106(c)*. Amend by **adding** a third exception to the first paragraph.

This exception will read:

"3. In group R, Division 3 Occupancies, only exits which are not required by Table 33-A of the Uniform Building Code may be provided with deadbolts and similar devices which are openable from the inside by the use of a key. Such devices shall be mounted at a height not to exceed forty-eight (48) inches above the finished floor."

- (14) *Section 14.103*. Amend by **adding** subsection "(h)" after subsection "(g)."

This subsection will read:

"(h) **Permit required.** A permit is required to install, remove, or modify a fire alarm system. No permit is required for testing, maintenance, or repairs that do not constitute modification. The fire department dispatcher shall be notified prior to and after work and testing on systems."

- (15) *Section 14.105*. Amend by **adding** a second sentence after the word "location." as follows: "Fire alarm systems in multi-family occupancies shall be supervised."

- (16) *Section 30.103(a)*. Amend by **deleting** the words "under boilers, in furnaces or" in the first sentence.

The first sentence in the subsection will read:

"(a) **Burning of Waste.** When approved, the burning of shavings, sawdust and refuse materials shall be permitted only in incinerators or refuse burners safely constructed and located."

- (17) *Section 34.104*. Amend by **deleting** the section in its entirety and **inserting** a new section.

This section will read: "The burning of wrecked or discarded motor vehicles, junk or waste materials, is prohibited."

- (18) *Section 77.107.* Amend by deleting the section in its entirety and inserting a new section.

This section will read:

"(a) Manufacture of explosives is prohibited.

Exception: Manufacture in compliance with Section 77.401.

(b) Explosive materials shall not be stored within the City of Mesquite.

Exceptions: 1. Districts zoned industrial.  
2. Storage in compliance with Section 77.202.

(c) The chief is authorized to limit the quantity of explosive materials permitted at any location."

- (19) *Section 77.401.* Amend the first paragraph after the word "fireworks" by deleting the words "shall be in accordance with this division." and inserting the words "is prohibited."

This section will read: "Manufacture, assembly, testing and loading of explosives is prohibited.

Exceptions: 1. This division does not apply to the hand loading of ammunition prepared for personal use and not for resale.  
2. This division does not apply to the mixing and loading of blasting agents at blasting sites provided all necessary safety precautions are taken."

- (20) *Section 78.103(a).* Amend subsection (a) by deleting the remainder of the sentence after the word "prohibited."

This subsection will read:

"(a) **Fireworks.** 1. **Manufacturing.** The manufacture of fireworks within the City of Mesquite is prohibited."

- (21) *Section 78.202.* Amend by deleting the first exception.

This section will read: "The storage, use, and handling of fireworks is prohibited. It shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell at retail, give away, use, or explode any fireworks.



Exception: The use of fireworks for display is allowed as set forth in Section 78.203."

- (22) *Section 79.501.* Amend by deleting the section in its entirety and inserting a new section.

This section will read:

- "(a) The storage of Class I, Class II, and Class IIIA liquids in above ground tanks outside of buildings is prohibited outside the limits established by law.
- (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) 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 property line of any Group A, E, I, or R occupancies.
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 who have been trained in the use of the equipment.
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 above-ground fuel dispensing tanks in areas zoned industrial use and/or conditional use airport shall comply with Appendix II-F and 79.902 (c).
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. "Motor vehicles" includes automobiles, trucks, tractors, boats and aircraft.
10. In areas other than industrial and conditional use airport, the following quantities shall apply:
  - a. The quantity and capacity of tanks shall not exceed 600 gallons for Class I and Class II liquids with a flash point below 130° F.
  - b. The quantity and capacity of tanks shall not exceed 1600 gallons of Class II liquids with a flash point above 130° F and Class IIIA liquids.
  - c. The aggregate quantity and capacity of Class I, Class II, and Class IIIA liquids shall not exceed 1600 gallons.
11. When approved by the Chief, the provisions of this section may be modified for the provision of tanks in conjunction with Emergency Service Use. (Emergency Service Use shall be defined as emergency generators for hospitals, nursing homes, fire stations and police stations, and motor vehicle dispensing at fire and police stations, or other functions that provide power or similar services in the event of emergency.)"

(23) *Section 79.601.* Amend by inserting two additional subsections "(g) and (h)" after subsection "(f)."

The subsections will read:

- "(g) **Leak Reporting.** Any consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall be reported immediately to the fire department.
- (h) **Monitor Wells.** All tank excavations shall be equipped with at least one observation well for each tank. Observation wells

shall be six (6) inches in diameter and extend at least twelve (12) inches below the bottom of the tank. Observation wells shall be constructed as prescribed by the Chief."

- (24) *Section 79.604(b)3.* Amend by deleting the words "having a capacity of more than 1000 gallons" and inserting the following sentence in the second paragraph after the word "tank." "All fill lines shall be protected by spill proof man-holes if filled from the outside or spill proof devices if filled inside."

This section will read:

"3. 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. Underground tanks for class I liquids shall be equipped with a tight fill device for connecting the fill hose to the tank.

For class I liquids other than crude oil, gasoline and asphalt, the fill pipe shall be designed and installed in a manner which will minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank. All fill lines shall be protected by spill proof manholes if filled from the outside or spill proof devices if filled inside."

- (25) *Section 79.706.* Amend by deleting the section in its entirety and inserting a new section.

This section will read: "Approved flex joints shall be installed on all underground liquid vapor and vent piping where the piping leaves the dispensing island or location and just before the piping connects to underground tank fittings. Flex joints shall also be installed on piping that is rigidly supported or connected between fixed points and which is subject to thermal expansion or differential movements."

- (26) *Section 79.908.* Amend by deleting the section in its entirety and inserting a new section.

This section will read: "A fire extinguisher with a minimum rating of 4A60BC shall be provided and located such that it is not more than 75 feet from any pump, dispenser, or fill-pipe opening."

- (27) *Section 79.911(b)4.* Amend by deleting the first two words of the sentence "Swing joints" and inserting the words "Listed flexible connectors."

This section will read:

"(4) Listed flexible connectors and emergency shutoff valve. Listed flexible connectors shall be provided in vapor-return piping at the tank and at the base of the riser, below the dispenser."

- (28) *Section 79.911(c)5.* Amend by deleting the first two words "Swing joints" and inserting the words "Listed flexible connectors."

This section will read:

"(5) Listed flexible connectors and emergency shutoff impact valve. Listed flexible connectors shall be provided in vapor return lines at the tank and at the base of the riser, below the dispenser."

- (29) *Section 79.1006(g).* Amend by deleting the number "20" and inserting the number 60."

This section will read:

"(g) Fire Protection. Portable fire extinguishers with a minimum rating of 60-B:C shall be provided when required by the Chief."

- (30) *Section 79.1207.* Amend by deleting the numbers "2-A, 20-B:C" and inserting the numbers "4-A, 60-B:C."

This section will read: "Tank vehicles shall be equipped with a fire extinguisher having a minimum rating of 4-A, 60-B:C. During unloading of the tank vehicle, the fire extinguisher shall be out of the carrying device on the vehicle and shall be 15 feet or more from the unloading valves."

- (31) *Section 82.103(b)1.D.* Amend by deleting the number "50" after the word "a" and inserting the number "12."

This subsection will read:

"(D) Educational and institutional uses. In occupancies used for educational and institutional purposes, portable LP-gas containers are allowed to be used for research and experimentation. Such containers shall not be used in classrooms. Such containers shall not exceed a 12-pound water capacity in occupancies used for educational purposes and shall not exceed a 12-pound water capacity in occupancies used for institutional purposes. When more than one such container is present in the same room, each container shall be separated from other containers by a distance of not less than 20 feet.

- (32) *Section 82.104(b).* Amend by deleting the section in its entirety and inserting a new section.

This section will read:

"1. The maximum quantity of LP Gas in occupancies zoned Industrial shall be in accordance with this Article and UFC Standard 82-1.

- 2. The maximum quantity of LP Gas in areas zoned Agricultural shall be limited to 500 gallons.
- 3. The maximum quantity of LP Gas in A,E,I,R occupancies shall be limited to 12 pounds in accordance with Section 82.103, or 200 pounds in accordance with Section 82.115 (new section).
- 4. The storage of LP Gas in other occupancies shall be in accordance with the provisions in Section 82.106 or 82.115.
- 5. When approved by the Chief, the provisions of this section may be modified for the provision of tanks in conjunction with Emergency Service Use."

(33) *Section 82.106.* Amend by adding subsection "(e)" after subsection "(d)".

This subsection will read:

"(e) Facilities and rules for the dispensing of motor fuels shall be in accordance with this section and section 79.501 (b); except that the maximum quantity of LP Gas shall be 500 gallons in areas other than those zoned industrial. In areas zoned industrial, the maximum quantity shall be in accordance with this article and Uniform Fire Code Standard 82-1."

(34) *Article 82.* Amend by adding a new Section 82.115.

This section will read:

"82.115. **Portable containers.** This section applies to use in conjunction with portable appliances and equipment, swimming pool and spa heaters, motor homes, travel trailers, fork lifts, floor finishing equipment, and similar uses in areas other than those zoned industrial.

- (a) The maximum quantity of LPG in portable containers shall be limited to 200 pounds.
- (b) Permanent installations using portable containers shall be permitted through the Fire Marshal's office and shall be installed by persons qualified to make such installations.
- (c) Containers other than those in use shall be stored out of doors, a minimum of 5 feet from any street, fire lane, or major building.
- (d) Containers shall be exchanged out of doors.
- (e) Persons who operate or fill LPG powered equipment shall be trained in its use."

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

This section will read:

- "(3) **Standpipes. A. General.** Buildings four stories or more in height shall be provided with not less than one standpipe for use during construction. Such standpipes shall be installed when the progress of construction is not more than 35 feet in height above grade. ..."

**SECTION 2.** That should any paragraph, sentence, subdivision 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, or invalid and shall not affect the validity of the remainder of Chapter 6 or any other provision of the Code of the City of Mesquite.

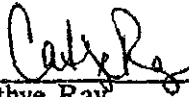
**SECTION 3.** That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2000.00) Dollars for each offense.

**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 an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.


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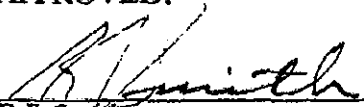
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DULY PASSED AND APPROVED by the City Council of the City of Mesquite,  
Texas on the 19th day of July, 1993.

  
\_\_\_\_\_  
Cathye Ray  
Mayor

ATTEST:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

APPROVED:  
  
\_\_\_\_\_  
B.J. Smith  
City Attorney

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