

ORDINANCE NO. 2948

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8, "LICENSES, PERMITS AND BUSINESS REGULATIONS," OF THE CODE OF THE CITY OF MESQUITE BY ADDING SECTION 8-497(c) PROVIDING FOR AN EXCEPTION TO CERTAIN PROVISIONS REQUIRING STATE-LICENSED FIRE ALARM COMPANIES TO MAINTAIN FIRE ALARM SYSTEMS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; 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 is hereby amended by adding Section 8-497(c) to Chapter 8 as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 8-497. Inspection and testing.

(c) Business, private or governmental entities, employing a full-time technician or technicians for the purpose of maintaining a fire alarm system on the premises of such entity, shall not be subject to the provisions of subsections 8-496(b)(4), 8-496(b)(8), and 8-497(b), requiring installation, maintenance, and repair of a fire alarm system by a state-licensed fire alarm company, if the owner, occupant, and technician(s) comply fully with the following provisions:

- (1) The alarm system on their premises shall be installed and maintained in accordance with local rules, State of Texas Fire Marshal's Fire Alarm Rules 5.43-2, NFPA 72 (series), and other applicable requirements. The technician or a state-licensed alarm company shall respond forthwith to a failure or malfunction of the alarm system and shall initiate corrective action. In every event response and initiation of corrective action shall be within 24 hours.
- (2) The owner or occupant shall designate in writing to the Fire Department the specific full-time technician or technicians responsible for the installation, modification, and maintenance of the fire alarm system on their premises. No one other than the designated technician(s) or a state-licensed fire alarm company may work on the fire alarm system.
- (3) Prior to qualifying for this exception, evidence of the competence of all designated technicians shall be provided to the Fire Department. Proof that one or more of the following criteria are met shall satisfy the evidence requirement of this section:

- a. The technician currently holds or has within the immediate preceding three (3) years held a State of Texas fire alarm technician license.
 - b. The technician has passed the State Fire Marshal Fire Alarm technician license test within the last three (3) years.
 - c. The technician holds a NICET II certification or better.
- (4) An individual who once meets the criteria of (c) (3) a, b, or c, shall be deemed to fulfill the requirements of this section as long as the individual maintains continuous employment with the qualifying entity. Should there be a break in employment, the individual will once again be required to meet the criteria of (c) (3) a, b, or c.
- (5) The technician shall test the alarm system within the fourth quarter of each calendar year. A copy of the test is to be delivered to the Fire Marshal's office within 30 days of the test date.

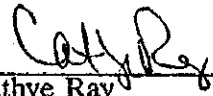
SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase, section or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or 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 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 of the City of Mesquite, Texas, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, and each and every day or portion of a day such violation continues shall constitute a separate offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite do not adequately protect the safety of the inhabitants of the City, creates an urgency and an emergency and in the preservation of the public health, safety and welfare requires that this ordinance shall become effective immediately from and after its passage and the publication of its caption, as the law and in such cases provides.

Page 3


DULY PASSED AND APPROVED by the City Council of the City of Mesquite,
Texas, on the 17th day of January, 1994.



Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Krugel
City Secretary



B.J. Smith
City Attorney

00162