

ORDINANCE NO. 3024

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, 1994 EDITION; BY PROVIDING CERTAIN AMENDMENTS AND DELETIONS THERETO; PROVIDING FOR AN EFFECTIVE DATE; 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 Chapter 6 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 the 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 or explosion, the Uniform Fire Code, 1994 Edition, Volume 1, including Appendix Chapters I-C, II-F, III-A, III-B, and Volume 2, Uniform Fire Code Standards, published by the International Fire Code Institute, the Western Fire Chief's Association, and the International Conference of Building Officials, save and except such portions 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 All ordinances and code provisions in conflict with the provisions herein are hereby repealed.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 the 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 7902.2.2.1 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) Class III-B combustible liquids.
- (4) Use in conformance with Appendix II-F and Article 52.

**Sec. 6-5. Amendments made in the Uniform Fire Code.**

The Uniform Fire Code, 1994 Edition, is amended and changed in the following respects:

- (1) Section 103.4.1.3. Amend by inserting after the word "fire" the words "or life." The section shall read:

**Section 103.4.1.3.** 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 104.1.1. Amend the first sentence by inserting after the words, "or other emergency" the words, "including vehicular accidents, hazardous chemical releases, and calls for emergency medical service." The remainder of the section shall be unchanged. The sentence shall read:

**Section 104.1.1.** The Chief or officer of the Fire Department in charge at the scene of a fire or other emergency, including vehicular, aircraft, and other accidents, hazardous chemical releases, and calls for emergency medical service, or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue

operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action in the reasonable performance of duty.

- (3) Section 105. Amend by deleting the section in its entirety and inserting a new section. The new section will read:

Section 105.

- (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 and Building Codes.

6. Open burning. To conduct open burning in accordance with Section 1102.3.

Exception: Recreational fires in accordance with Section 1102.4.

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 install a fire suppression system in a paint spray booth.

(b) Permit fees.

1. The following permit fee schedule shall be charged 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 across fire lanes.
- f. Paint spray booth suppression systems.

**COST OF WORK**

**PERMIT FEE**

\$0 to \$3,000	\$40.00
\$3,001 to \$10,000	50.00
\$10,001 to \$50,000	.0075 total cost of work
\$50,001 to \$100,000	.005 total cost of work + \$200.00.
\$100,001 or more	.004 total cost of work + \$400.00.

2. A fee of thirty (\$30.00) dollars shall be charged for the following permits:

- a. Open burning.
- b. Fireworks displays.
- c. Temporary aboveground tanks.
- d. Reinspections.

(1) A reinspection fee shall be charged on certification of occupancy inspections for each inspection after two (2) inspections have been conducted.

(2) A reinspection fee shall be charged on reinspections of fire sprinkler systems, fire alarm 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 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 a 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 provision 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, or 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.
- (4) Section 901.4.2. Amend by inserting 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 written permission of the Chief."
- (5) Section 901.4.4. Amend by deleting this section in its entirety and inserting a new section. This section shall read:

**Section 901.4.4. "Premises identification. Premises identification shall be in accordance with this section.**

**Section 901.4.4.1. 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.**

**Section 901.4.4.2. Single Family Residential. Numbers on single-family residential occupancies shall be a minimum of three (3) inches high with a one-half inch stroke.**

**Section 901.4.4.3. Other Properties. Numbers on all other properties shall be a minimum of six (6) inches in height with a one inch stroke.**

**Section 901.4.4.4. 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 three (3) inches high with a one-half inch stroke."**

- (6) Section 902.2.1. 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."
- (7) Section 902.2.2.1. Amend this section as follows:

- a. Delete the number "20" and insert the number "22."
- b. After the first sentence, insert the following language:  
"The minimum inside turning radius of a 22 foot fire lane shall be no less than 30 feet. The inside turning radius of a 26 foot fire lane shall be no less than 20 feet. The inside turning radius of a 30 foot fire lane shall be no less than 10 feet."
- c. Designate the current Exception as Exception "1."
- d. Add Exception "2."

The section shall read:

**Section 902.2.2.1. "Dimensions.** 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 (4115 mm). The minimum inside turning radius of a 22 foot fire lane shall be no less than 30 feet. The turning radius of a 26 foot fire lane shall be no less than 20 feet. The turning radius of a 30 foot fire lane shall be no less than 10 feet.

Exceptions:

1. Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved by the Chief.
2. Access control gates across fire lanes may be allowed when authorized by permit in accordance with Mesquite Fire Department Rules and Regulations."

- (8) Section 903.4.2. 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 or standpipe system. 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."

- (9) Section 1001.3. 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, including fire alarm systems, fire sprinkler systems, standpipe systems, vent-a-hood suppression

systems, and paint spray booth suppression systems. No permit is required for testing, maintenance, and repairs that do not constitute modification. The technician shall notify the Fire Department dispatcher immediately prior to and after working on or testing any fire alarm or fire sprinkler system."

- (10) Section 1001.5.1. Amend by adding the following language after the last sentence in the section:

"Fire protection and life safety systems and portable fire extinguishers shall be inspected and tested regularly in accordance with manufacturer's recommendations, State Fire Marshall rules, and recognized standards of practice. In no case shall inspection be less than once each year."

- (11) Section 1102.3.1. Amend by deleting the first sentence and inserting the following sentence: "Open burning shall be conducted in trenches with approved equipment and in accordance with Section 1102.3." The section shall read:

Section 1102.3.1. "General. Open burning shall be conducted in trenches with approved equipment and in accordance with Section 1102.3. Open burning shall also be conducted as required by other governmental agencies regulating emissions.

Exceptions:

1. Recreational fires shall be in accordance with Section 1102.4.
  2. The burning of crop stubble in accordance with the provisions of this section."
- (12) Section 1003.2.8. Amend by adding the following language after the last sentence in the section:

"Fire alarm systems in multi-family occupancies shall be monitored."

- (13) Section 1006.2.2. Amend by deleting after the sentence, "Other systems shall be of an approved design and shall be one of the following types:" the first type of system: "Automatic fire sprinkler system." The allowable types of systems are:

1. Dry-chemical extinguishing system.
2. Carbon dioxide extinguishing system.



3. Wet-chemical extinguishing system.

- (14) Section 1006.2.4. Amend by adding the following language after the last sentence in the section:

"Unless manufacturers' installation instructions direct otherwise, electrical power to the makeup air supply fan shall be shut off. Power to the exhaust fan shall remain on."

- (15) Section 1007.2.2.1. Amend by deleting the 1st Exception.
- (16) Section 1102.5. Amend by deleting the word "Commercial." The Title shall read, "Barbecue Pits."
- (17) Section 1207.3. Amend by adding a 3rd Exception to the first paragraph.

The Exception shall read:

3. "In Group R, Division 3 Occupancies, only exits which are not required by Table 10A of the 1994 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 48 inches above the finished floor. All required exits shall be openable from the inside without the use of a key."

- (18) Section 5201.9. Amend by adding the following sentence to the section: "Fire extinguishers shall be at least 60BC in capacity."
- (19) Section 5202.4.1. Amend by deleting the section in its entirety and inserting the following:

**Section 5202.4.1.** Aboveground tanks. Class I, II, and III-A liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks except when such tanks are constructed, installed, and used in accordance with this section.

- 1. The storage of Class I, Class II and Class III-A liquids in above-ground tanks outside of buildings is prohibited outside the limits established by law.
- 2. The rules for dispensing are established as follows:

Above-ground tanks for the dispensing of Class I, Class II, and Class III-A liquids shall be allowed in accordance with

appendix II-F, Section 5202.3.6, and with the following provisions:

- A. There shall be no dispensing to the general public.
- B. Tanks shall not be located on or within 100 feet of the property line of any Group A, E, I, or R occupancies.
- C. 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.
- D. Tanks shall be provided with impact protection such as guard posts or bollards designed and installed in accordance with the following provisions:
  1. Bollards shall be constructed of steel, at least 6 inches in diameter, and concrete filled.
  2. Bollards shall extend not less than 4 feet below grade with a concrete footing of at least 15 inches in diameter.
  3. Bollards shall extend not less than 4 feet above grade.
  4. Bollards shall be spaced not greater than 4 feet on center.
  5. Bollards shall be spaced not less 5 feet from the tank.
  6. The Chief may approve alternate methods that meet the intent of these requirements
  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 III-A 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, Article 52, and this section.

9. The provisions of this section shall not apply to above-ground 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 degrees, Fahrenheit.
  - b. The quantity and capacity of tanks shall not exceed 1600 gallons of Class II liquids with a flash point above 130 degrees, Fahrenheit and Class III-A liquids.
  - c. The aggregate quantity and capacity of Class I, Class II and Class III-A liquids shall not exceed 1,600 gallons.
  - d. The maximum quantity of LP Gas or Compressed Natural Gas in areas other than those zoned industrial or conditional use airport shall be 500 gallons. Tanks, fittings, and components shall be in accordance with this section, UFC Standard 82-1, and Texas Railroad Commission Docket 1.
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 an emergency.)"

- (20) Section 7701.7.1. Amend by deleting the section in its entirety and inserting a new section. The new section shall read:

**Section 7701.7.1.** "The manufacture of explosives is prohibited.

**Exception:** Manufacture in compliance with Section 7704.1."

- (21) Section 7701.2. Amend by deleting the section in its entirety and inserting a new section. The new section shall read:

**Section 7701.2.** "Explosive materials shall not be stored within the City of Mesquite.

**Exceptions:**

1. Districts zoned industrial.
2. Storage in compliance with Section 7702.2."

- (22) Section 7704.1. Amend by deleting, after the word "fireworks," the words "shall be in accordance with this section," and inserting the words, "is prohibited. Use in accordance with the following exceptions shall be in accordance with Section 7704." The section shall read:

**Section 7704.1.** "General. Manufacture, assembly, testing, and loading of explosives, ammunition, blasting agents (Explosives, Division 1.5- see Appendix VI-E) and fireworks is prohibited. Use in accordance with the following exceptions shall be in accordance with section 7704.

**Exceptions:**

1. Section 7704 does not apply to the hand loading of small arms ammunition prepared for personal use and not for resale.
2. Section 7704 does not apply to the mixing and loading of blasting agents (Explosives, Division 1.5 - see Appendix VI-E) at blasting sites provided all necessary safety precautions are taken."

- (23) Section 7801.3.1.1. Amend by deleting the section in its entirety and inserting a new section. The new section shall read:

**Section 7801.3.1.1.** "The manufacture of fireworks is prohibited within the City of Mesquite."

- (24) Section 7802.3. Amend by deleting the section in its entirety and inserting a new section. The new section shall read:

**Section 7802.3.** "The storage, use, manufacturing and handling of fireworks is prohibited. It shall be unlawful for any person to possess, store, to offer 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 7802.4.

- (25) Section 7802.4.4.2. Amend by adding, after the word "cardboard," the word "plastic." The section shall read:

**Section 7802.4.4.2.** "Mortars shall be approved for use with the aerial shells to be fired. Mortars shall be constructed of heavy cardboard, plastic, paper, or metal other than cast iron."

- (26) Section 7901.53. Amend by adding, at the end of the section, the following sentence. "The minimum size fire extinguisher shall be 60BC."

- (27) Section 7902.1.7.2.3. Amend by adding, at the end of the section, the words, "Abandonment in place shall not be allowed unless removal is not feasible due to practical constraints, such as proximity to a building foundation or another tank."

- (28) Section 7902.6.11. Amend by deleting the language after the word, "components." The section shall read:

**Section 7902.6.11.** "An approved method of secondary containment shall be provided for underground tank systems, including tanks, piping and related components."

- (29) Section 7902.6.12. Amend by adding after the section the language, "In addition to any other leak detection devices installed, leak detection shall include at least one six-inch monitor well for each tank within the tank pit. On upgrades of sites with multiple tanks, the number of monitor wells required may be modified due to practical constraints of drilling near tanks."

- (30) Section 8203.2.1.4. Amend by deleting the number "50" and inserting the number "12." The section shall read:

**Section 8203.2.1.4.** "Educational and institutional uses. In occupancies used for educational and institutional purpose, portable

LP Gas containers are allowed to be used for research and experimentations. 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 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."

- (31) Section 8204. Amend by adding a new subsection. The new subsection shall read:

**Section 8204.5.** The maximum quantity of LP Gas in areas other than areas zoned industrial shall be in accordance with this subsection. The maximum quantity of LP Gas in areas zoned industrial shall be in accordance with this article, article 52, and UFC Standard 82-1.

1. The maximum quantity of LP Gas in areas zoned Agricultural shall be limited to 500 gallons.

Tanks shall be at least 50 feet from any street or property line and 25 feet from any important building.

2. The maximum quantity of LP Gas in all other areas shall be in accordance with Section 8212.14.

- (32) Section 8212. Amend by adding a new subsection. The new subsection will read:

**Section 8212.14.** "Portable containers. The use of portable containers shall be in accordance with this subsection, other applicable sections, and UFC Standard 82-1. This subsection applies to use in conjunction with portable appliance 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. In areas zoned industrial, the maximum quantity shall be in accordance with other applicable sections and UFC Standard 82-1.

1. The maximum quantity of LP Gas in portable containers shall be limited to 400 pounds.
2. 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.

3. 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.
4. Containers shall be exchanged out of doors.
5. Persons who operate or fill LPG powered equipment shall be trained in its use."

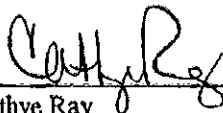
SECTION 2. This ordinance shall become effective April 1, 1995.

SECTION 3. 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 6, or any other provision of the Code of the City of Mesquite.


SECTION 4. 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 5. 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 in such cases provides.

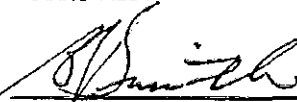
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of March, 1995.

  
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Cathye Ray  
Mayor

ATTEST:

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

APPROVED:

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

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