

ORDINANCE NO. 3198

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, 1997 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; PROVIDING A SEVERABILITY CLAUSE; 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, 1997 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 Chiefs 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 All ordinances and code provisions in conflict with the provisions herein are hereby repealed.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, 1997 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 shall 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.

10. The storage, use or detonation of explosive materials.
- (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 forty (\$40.00) 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.

(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, d 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.
- (c) Acceptance Fee. A fee of fifty (\$50.00) dollars shall be charged for the installation, addition to or alteration of a fire alarm system.
- (4) Section 207. Amend by **adding** an additional definition at the end of the section. The addition shall read:

Fire lane. The terms 'fire lane' and 'fire department access road' shall have the same meaning. A fire lane is that area between red stripes or signs designating an area of a drive or private street for the purpose of Fire Department access.

- (5) Section 901.4.1. Amend the section by **adding** the following text at the end of the section. The addition shall read:

The owner or person in charge of a property on which a fire lane is located shall keep both sides of the fire lane clearly marked at all times.

- a. Fire lanes shall be marked on the pavement with an exterior red paint forming a perimeter line of six inches in width.
- b. Painted legends on the red stripe shall state:  
"NO PARKING FIRE LANE" or  
"FIRE LANE NO PARKING"  
in four inch white letters every twenty five (25) feet.
- c. Where the fire lane fire lane is adjacent to a curb, the red paint and white legend may be placed on the curb.
- d. When stripes and lettering on the pavement have proven ineffective in maintaining a fire lane free of obstructions, or where stripes are impractical, metal signs on posts may be required. Signs shall read "NO PARKING FIRE LANE". Signs shall be 12 inches wide and 18 inches high. Signs shall be painted with a white background with letters and borders in red, using not less than 2 inch lettering. The bottom of signs shall be at a height of approximately six feet, six

inches above finished grade. Signs shall be spaced not more than 100 feet apart. Signs may be installed on permanent walls or buildings, as approved by the Chief.

- e. No person shall remove or deface the markings of a fire lane without the prior approval of the Chief.

- (6) Section 901.4.2. Amend by **adding** the following text after the last sentence in the section. The addition shall read:

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.

- (7) Section 901.4.4. Amend by **deleting** this section in its entirety and **adding** the following new sections. The new sections 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. Address numbers may be placed on signs, rather than on the building itself.

**Section 901.4.4.2.** Single Family Residential. Numbers on single-family residential occupancies shall be a minimum of three (3) inches in height 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 Building. Individual occupancies or suites within a building shall be visibly numbered. Numbers shall be a minimum of three (3) inches high with a one-half inch stroke.

- (8) Section 902.2.1. Amend by **adding** the following text after the last sentence in the section. The addition shall read:

Fire apparatus access roads shall be required within 50 feet of any fire department sprinkler or standpipe connection.

(9) 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, **add** the following text. The addition shall read:

The minimum inside turning radius of a 22 foot fire lane shall be no less than 30 feet. The inside turning radius of a 24 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."
- e. **Add** the following text after the last sentence of the section. The addition shall read:

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

Fire lanes may be required along two long dimensions of a building exceeding one-hundred (100) feet in length and three hundred (300) feet in length when, in the opinion of the Chief, firefighting or rescue operations may be impaired.

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.

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

Fire lanes may be required along two long dimensions of a building exceeding one-hundred (100) feet in length and three hundred (300) feet in length when, in the opinion of the Chief, firefighting or rescue operations may be impaired.

- (10) Section 902.2.2.2 Amend by **adding** the following text at the end of the section. The addition shall read:

The surface of a fire lane shall be paved with asphalt or concrete and shall meet the following minimum specifications:

- a. Asphalt fire lanes shall be engineer designed, plans and specifications engineer stamped, to withstand the imposed load of a fire apparatus of 80,000 pounds.
- b. Concrete fire lanes shall meet the following minimum specifications, or shall be engineer designed, plans and specifications engineer stamped, to withstand the imposed load of a fire apparatus of 80,000 pounds.
  - 1. Thickness.
    - a. 6 inch thick, 3,000 psi. or
    - b. 5 inch thick, 3,600 psi.

2. Steel.  
#3 steel bars on 24 inch centers both ways.
  3. Subgrade.  
Density not less than 95% TSHPT Test Method  
Tex-113.
  4. Construction supervision.  
City of Mesquite Building Inspection Division.
- c. The owner or person in charge of a property shall at all times keep the fire lane properly maintained and devoid of potholes and other hindrances to fire apparatus travel and fire-fighting operations. The owner or person in charge of a property shall notify the Fire Marshal's office prior to conducting repair operations that may obstruct the fire lane. Alternate access provisions may be required during repair work.
- d. Speed bumps across fire lanes shall be approved by the Chief.
- (11) Section 902.2.2.4. Amend this section by **adding** the following text after the last sentence of the section. The addition shall read:

Turn-arounds are required on dead-end fire lanes over 150 feet in length. When required, turnarounds shall comply with the following criteria:

- a. Cul-de-sac turnaround.  
A cul-de-sac turn-around shall comply with the turning radius provisions in section 902.2.2.1.
- b. "T" turnaround.  
A "T" turnaround shall comply with the turning radius provisions of section 902.2.2.1. Each leg or extension of the turnaround shall be at least sixty (60) feet deep and shall be at an angle of 90 to 120 feet from the fire lane.
- c. Alternate "T" turnaround.  
An alternate "T" turnaround extends in one direction from the fire lane at an angle 90 to 120 degrees to the fire lane, extending at least 60 feet from the fire lane. The tension of the "T" shall comply with the turning radius provisions in section 902.2.01.

- d. When, in the opinion of the Chief, firefighting operations may be hampered, dead-end fire lanes may not be allowed, or over-sized turn-arounds shall be required.
- (12) Section 902.2.4.1. Amend by **adding** the following subsections after the last sentence in the last section. The subsections shall read:
- 902.2.4.1.1. For the purposes of this section, “park” shall refer to a vehicle without a licensed driver in attendance. “Standing” shall refer to a vehicle with a licensed driver in attendance.
- 902.2.4.1.2. No person shall park, stop or leave standing any motor vehicle or other obstruction, other than authorized emergency vehicles, either attended or unattended, with the vehicle engine running or not running, within a fire lane without the permission of the Chief.
- 902.2.4.1.3. The owner or person in control of a property on which a fire lane exists shall cause any motor vehicle, other than an authorized emergency vehicle, whether attended or unattended, that is parked in a fire lane to be removed immediately in accordance with Article 6701 G-1 of the Texas Revised Civil Statutes.
- 902.2.4.2.4. Loading zones cannot co-exist with fire lanes. Loading cannot be conducted in fire lanes. When loading zones are needed, they shall be established in addition to designated fire lanes.
- 902.2.4.2.5. Any vehicle found parked or standing in a fire lane shall be subject to impoundment by the Chief of Police or Fire Chief or subject to removal by any other method authorized by law.
- 902.2.4.2.6. No person shall barricade, close or abandon a fire lane without the permission of the Chief.
- (13) Section 903.4.2. Amend by **adding** the following text after the last sentence in the section. The addition shall read:

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, measured as fire hose laying distance.

- (14) Section 1001.3. Amend by **designating** the current section as subsection "a" and **adding** three additional subsections after the last sentence in subsection "a". The added subsections shall read:

- b. A permit shall be obtained prior to installing or modifying fire protection or life safety systems, including fire alarm, fire sprinkler, standpipe, vent-a-hood suppression, 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. Notify the Fire Department dispatcher at 972-285-5422 prior to conducting any modification of a fire safety system or testing that may cause a fire alarm to be sounded or an alarm to be transmitted to a fire alarm monitoring company.
- c. Only State of Texas licensed fire alarm technicians or employees of the owner or occupant of the building who have been previously accepted by the Fire Department as trained and competent to work on fire alarm systems, in accordance with State Fire Marshal rules and Section 8-497 of the Code of the City of Mesquite, shall install, test or maintain fire alarm systems.
- d. A State-licensed alarm technician, or the approved employee of the owner/occupant as described in the preceding paragraph, shall provide on-site supervision of alarm work whenever the scope of work being performed exceeds non-technical activities, such as pulling wires or installing back boxes. All connection of devices shall be directly supervised on site by a State licensed fire alarm technician or Fire Department approved employee.

- (15) Section 1001.5.1. Amend by **adding** the following text after the last sentence in the section. The addition shall read:

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

- (16) Section 1003.2.2. Amend by **deleting** item number 5 under this section and **inserting** the following new item number 5. The new number 5 shall read:

5. Through all buildings with a floor level, other than penthouses in compliance with Section 1511 of the Building Code, that is located 35 feet or more above the lowest level of fire department vehicle access.

Exception: Open parking structures.

- (17) Section 1003.2.9. Amend by **deleting** this section in its entirety and **inserting** a new subsection to read as follows:

**Section 1003.2.9.** An automatic sprinkler system in accordance with NFPA 13 shall be installed throughout every apartment house of two or more stories in height or containing 16 or more dwelling units, every congregate residence two or more stories in height or having an occupant load of more than 10, and every hotel two or more stories in height or containing 20 or more guest rooms. Residential or quick-response standard sprinklers shall be used in dwelling units and guest room portions of the building. Fire sprinkler systems in conformance with NFPA 13R are not acceptable.

- (18) Table 1004-A. Amend by **deleting** the words, "No requirement" and **inserting** the notation "P", in the section regarding Standpipe Class for a Class 5 occupancy, Sprinkled Occupancies greater than 20,000 square feet.
- (19) Section 1006.2.4.1. Amend by **adding** the following text after the last sentence in the section. The addition shall read:

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.

- (20) Section 1007.2.1. Amend by **adding** an additional subsection after the last sentence in Section 1007.2.1. The new subsection shall read:

**Section 1007.2.1.3.** All activating (detection) devices on fire alarm systems shall have a unique point identity at the fire alarm panel. Alarm systems of more than 75 smoke detectors or more than 200 activating devices shall be analog intelligent addressable. Inaccessible smoke detectors, such as duct smoke detectors, shall have remote test switches and indicators. Alarm system wiring shall be class A.

- (21) Section 1007.2.2.1. Amend by **deleting** the 1st Exception.
- (22) Section 1007.2.9.2.1 Amend by **adding** the following sentence after the last sentence in the section. The addition shall read:

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

- (23) Section 1102.3.1. Amend by **adding** the words "in a trench with approved equipment by a State of Texas Licensed and Permitted trench burn contractor." after the words "Open burning shall be conducted". The section shall read:

General. Open burning shall be conducted in a trench with approved equipment by a State of Texas Licensed and Permitted trench burn contractor 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.

- (24) Section 1102.5. Amend by **deleting** the title word "Commercial." The new title shall read, "Barbecue Pits."

- (25) Section 1207.3. Amend by **adding** a 3rd Exception to the first paragraph. The 3rd Exception shall read:

Exception:

3. In Group R, Division 3 Occupancies, only exits which are not required by Table 10A of the 1997 Uniform Building Code may be provided with dead-bolts and similar devices which are operable 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 operable from the inside without the use of a key.
- (26) Section 5201.9. Amend by **adding** the following sentence after the last sentence to the subsection. The addition shall read:
- Fire extinguishers shall be at least 60BC in capacity.
- (27) Section 5202.4.1. Amend by **deleting** the subsection in its entirety and **inserting** a new subsection to read as follows:

**Section 5202.4.1.** Aboveground tanks. Class I, II, and III-A liquids, LP Gas and Compressed Natural Gas 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. 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. Above-ground tanks for the dispensing of LP Gas and CNG shall be in accordance with this section, Appendix II-F, Articles 74 and 82, NFPA 54 and 58, 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 billiards 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 3 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 2,000 gallons for Class I, II, and III-A liquids for each tank.
  - b. The aggregate quantity and capacity of Class I, II and III-A liquids shall not exceed 6,000 gallons.
  - c. For the purpose of fueling in accordance with Article 52, the maximum quantity of LP Gas or Compressed Natural Gas in areas other than those zoned industrial or conditional use, airport shall be 1,000 gallons. Tanks, fittings, and components shall be in accordance with this section, UFC Standard 82-1, and Texas Railroad Commission Rules.
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.)

- (28) 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.

- (29) Section 7701.7.2. Amend by **deleting** the section in its entirety and **inserting** a new section. The new section shall read:

**Section 7701.7.2.** Explosive materials shall not be stored within the City of Mesquite.

Exceptions:

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

- (30) 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-F) 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-F) at blasting sites provided all necessary safety precautions are taken.

- (31) 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.

- (32) 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.

- (33) 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.

- (34) Section 7901.5.3. Amend by **adding**, after the last sentence in the section, the following sentence. The addition shall read:

The minimum size fire extinguisher shall be 60BC.

- (35) Section 7902.1.7.2.3. Amend by **adding**, after the last sentence in the section, the following sentence. The addition shall read:

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.

- (36) Section 7902.6.11. Amend by **deleting** the text 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.

- (37) Section 7902.6.12. Amend by **adding** the following text after the last sentence in the section. The addition shall read:

In addition to any other leak detection devices installed, leak detection shall include at least one six-inch monitor well in each corner of the tank pit and one at a maximum of 50 foot spacing along product lines. Monitoring wells shall extend at least twelve inches below the tanks. On upgrades of sites with multiple tanks, the number of monitor wells required may be modified due to practical constraints of drilling near tanks.

- (38) Section 8203.2.1.5. Amend by **deleting** the number "50" and **inserting** the number "12." The section shall read:

**Section 8203.2.1.5.** Educational and institutional uses. In occupancies used for educational and institutional purpose, 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 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.

- (39) Section 8203.2.1.9. Amend by **adding** an additional subsection after Section 8203.2.1.8. The new subsection shall read:

**Section 8203.1.9.** For users of open flames, such as small torch users in jewelry and dental shops, portable LP Gas containers are allowed to be used. Such containers shall not exceed a 12 pound water capacity. 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.

- (40) Section 8204.2. Amend by **adding** after the last sentence in the section an additional sentence. The new sentence shall read:

Except as allowed in Section 8203 and 8212, LP Gas is not allowed in residential areas.

- (41) 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 and section

8212. 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 1,000 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.

- (42) Section 8212.5. Amend by **adding** a new sentence after the last sentence of the subsection. The new sentence shall read:

In bottle exchange racks, for 20 pound bottles awaiting resale, the total quantity of full and empty bottles shall be limited to 36 bottles. Bottle racks shall have impact protection as required by Texas Railroad Commission rules and shall be at least 10 feet from a building, except that racks may be located against a masonry wall of a building. Bottle racks shall be at least 20 feet from any opening in a building, including glass walls.

- (43) Section 8212.14. 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 150 gallons, except as allowed in section 8212.5.
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. Training shall be documented.

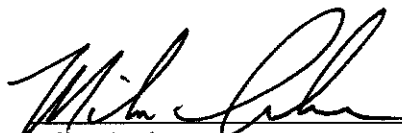
SECTION 2. This ordinance shall become effective January 1, 1998.

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 15th day of December, 1997.

  
\_\_\_\_\_  
Mike Anderson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Ellen Williams  
City Secretary

APPROVED:

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