

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 6-1 THROUGH 6-6 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 6-1 THROUGH 6-6 THEREBY ADOPTING THE INTERNATIONAL FIRE CODE, 2006 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 FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

NOW, THEREFORE, BE 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 by deleting Sections 6-1 through 6-6 in their entirety and adding new Sections 6-1 through 6-6 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 International Fire Code.

The *International Fire Code*, 2006 Edition, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the official fire code of the City of Mesquite to the same extent as if such Code were copied verbatim in this Article subject to the amendments prescribed in this Article. A copy of the *International Fire Code*, 2006 Edition, and amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

Sec. 6-2. Duties of Fire Prevention Division.

- (1) The *International Fire Code* shall be enforced by the Fire Prevention Division of the Fire Department of the City of Mesquite made up of the Fire Marshal and Inspectors under the supervision of the Chief of the Fire Department.
- (2) 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.
- (3) The Chief of the Fire Department may detail such members of the Fire Department as Inspectors as shall from time to time be necessary.

Secs. 6-3 – 6-5. Reserved.

Sec. 6-6. Amendments to the International Fire Code, 2006 Edition.

The following amendments are made to the *International Fire Code*, 2006 Edition:

(1) *General Terms.*

- (a) *Jurisdiction.* All references to “jurisdiction” shall mean the City of Mesquite, the County of Dallas and the State of Texas.
- (b) *Chief.* All references to “Chief of the Bureau of Fire Prevention” shall be replaced with “Fire Marshal.”
- (c) *Code Official.* All references to “code official” shall be replaced with “Fire Code Official.”

(2) *Chapter 1, Administration.*

- (a) *Section 102.1.* Amend by adding a number #5 to read as follows:

The provisions of this code apply to buildings built under the IRC and IBC.

- (b) *Section 102.4.* Amend by deleting the section in its entirety and adding a new Section 102.4 to read as follows:

Application of other codes. The design and construction of new structures shall comply with this code, and other codes adopted by the City and any alterations, additions, changes in use or changes in structures required by this code which are within the scope of this and other codes shall be made in accordance therewith.

- (c) *Section 102.6.* Amend by deleting the section in its entirety and adding a new Section 102.6 to read as follows:

Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 which have been specifically adopted by the City, and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

- (d) *Section 105.1.4.* Amend by adding a new Section 105.1.4 to read as follows:

Permit fees. A permit fee shall be paid prior to conducting activities as follows:

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 of, addition to or alteration of a fire suppression system.
4. *Underground storage tanks.* The installation, removal, addition to or alteration of underground storage tanks and piping for the storage of hazardous materials especially flammable liquids.
5. *Aboveground storage tanks.* The installation, removal, addition to or alteration of aboveground storage tanks and piping for the storage of hazardous materials especially flammable liquids.
6. *Open burning.*
7. *Fireworks displays.* To conduct fireworks and pyrotechnics displays.
8. *Access control gates.* To install new or alter existing access control gates across access roads and fire lanes.
9. *Explosive materials.* The storage, use or detonation of explosive materials.

Exception: Permit fees shall not be required on work on any building or structure, the title to which is directly vested in the federal government, state, county, city or a public school district.

- (e) *Section 105.1.5.* Amend by adding a new Section 105.1.5 to read as follows:

Permit fee schedule.

1. *Permit fee schedule.* The following permit fee schedule shall be charged for the installation, addition to or alteration of the following:
 - a. *Fire sprinkler systems:*

1 – 19 heads	\$100.00
20 – 100 heads	\$150.00
100 – 200 heads	\$200.00

Systems exceeding 200 heads will be \$200.00 plus \$0.50 for each additional head. An additional fee of \$50.00 shall be charged for each test exceeding one per permit. The testing fee shall be paid prior to conducting the test.

b. *Fire alarm systems:*

1 – 10 devices	\$100.00
11 – 25 devices	\$150.00
26 – 100 devices	\$200.00

Systems exceeding 100 devices shall be \$200.00 plus \$1.00 for each additional device. An additional fee of \$50.00 shall be charged for each test exceeding one per permit. The testing fee shall be paid prior to conducting the test.

c. *Fire suppression systems:* \$75.00 per system.

d. *Underground or aboveground storage tanks* (does not include temporary tanks or residential propane).

- i. \$100.00 per tank for installation of or removal of underground tanks.
- ii. \$100.00 for the permit and inspection of underground piping.

e. *Access control gates (across a fire lane).* The installation of or alteration of an access control gate across a fire lane or access road shall be \$100.00 per gate.

f. *Open burning/trench burning.*

- i. \$50.00 per day.
- ii. A permit fee is not required for a campfire, flag retirement ceremony or similar event.

2. *Permit fees.* A fee of \$50.00 shall be charged for the following permits:

- a. Fireworks and pyrotechnics displays.

- b. Temporary aboveground tanks to include:
 - i. Propane exchange stations.
 - ii. Residential propane.
 - iii. Temporary tank at a construction site.
 - c. *Reinspections.* A \$50.00 reinspection fee shall be charged for each reinspection of a fire alarm system, fire sprinkler system, fire suppression system, underground storage tank and aboveground storage tanks.
3. *Investigation fee.* An investigation shall be made whenever any work for which a permit is required by this code has commenced without first obtaining a permit. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. 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. The investigation fee shall be equal to the amount of the permit fee required by this code not to exceed \$2,000.00.
 4. *Third party review fee.* A third party review fee shall be paid in addition to the permit fee where an impartial third party reviews a permit submittal and makes code-related comments. The third party shall be selected by the Fire Code Official and have extensive experience and knowledge in the field to be reviewed. This review process shall be utilized for permit submittals with fire system technology not normally permitted. The third party review fee shall be the cost of the review plus associated shipping or courier cost.
 5. *Inspection after normal business hours fee.* Inspections may be conducted after hours or on Saturdays at the request of a contractor if inspection personnel are available. The fee for such inspections shall be \$100.00 per hour per inspector with a two-hour minimum per inspector.
- (f) *Section 106.2.1.* Amend by adding a new Section 106.2.1 to read as follows:

Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the Fire Code Official when work is ready for inspection. It shall be the duty of the permit

holder to provide access to and means for inspections of such work that are required by this code.

- (g) *Section 106.2.2.* Amend by adding a new Section 106.2.2 to read as follows:

Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Fire Code Official. The Fire Code Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Fire Code Official.

- (h) *Section 108.1.* Amend by deleting the section in its entirety and adding a new Section 108.1 to read as follows:

Shall reference the current Building Standards Board.

1. *Created; composition.* Section 108.1 shall reference the current Building Standards Board. The Board shall be composed of seven members who are qualified by experience and training to pass judgment upon pertinent matters and who are not employees of the City of Mesquite.
2. *Scope and authority of the Board.* Shall reference the current Building Standards Board. The Board shall hear and decide appeals of orders, decisions or the determinations made by the Fire Code Official of the City of Mesquite.
3. *Appeal procedure.* An appeal to the Board shall be filed within 30 calendar days after the date the determination or decision of the Fire Code Official is made. If the 30th day falls on a Saturday, Sunday or city holiday, the time for filing the appeal shall be extended to the next day following the 30th day which is not a Saturday, Sunday or city holiday. The appeal shall be filed with the Fire Department at the office of the Chief, and such notice of appeal shall specify the grounds of such appeal stating the reasons why the appellant feels the Fire Code Official's determination should be overturned. The decisions and findings of the Board shall be rendered in writing to the appellant with a duplicate copy to the Fire Code Official.
4. *Terms.* The Board members are appointed by the City Council to serve without compensation for two-year terms.

Four members shall be appointed to two-year terms on or about January 1st of even-numbered years, and three members shall be appointed to two-year terms on or about January 1st of odd-numbered years. The Board shall set its rules and regulations and appoint a chairman from among its members.

5. *Vacancies.* The City Council shall fill all vacancies by the appointment of a suitable person to serve the unexpired term.
6. *Meetings.* Shall reference the Building Standards Board. Meetings of the Board are held upon call by the Chairman, the Fire Code Official or the Building Official, or at such other times as the Board may determine. All meetings are open to the public. The Board shall keep minutes of its meetings and all records are open to the public.
7. *Quorum.* Shall reference the Building Standards Board. Four members shall constitute a quorum. A concurring vote of four members of the Board shall be necessary to render a decision in favor of the Appellant.
8. *Differences.* Where differences occur between this ordinance and the Building Standards Board ordinance, the Building Standards Board ordinance shall apply.

(3) *Chapter 2, Definitions.*

- (a) *Section 202.* Amend by deleting the definition of “fire watch” in the section in its entirety and adding new definitions to the existing list of definitions in Section 202 to read as follows:
 1. *Addressable fire detection system.* Any system capable of providing identification of each individual alarm-initiating device. The identification shall be in plain English and as descriptive as possible to specifically identify the location of the device in alarm. The system shall have the capability of alarm verification.
 2. *Analog intelligent addressable fire detection system.* Any system capable of calculating a change in value by directly measurable quantities (voltage, resistance, etc.) at the sensing point. The physical analog may be conducted at the sensing point or at the main control panel. The system shall be capable of compensating for long-term changes in sensor response while maintaining a constant sensitivity. The compensation shall have a preset point at which a detector maintenance signal shall be transmitted to the

control panel. The sensor shall remain capable of detecting and transmitting an alarm while in maintenance alert.

3. *Fire watch.* A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the Fire Code Official, or the purpose of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.
4. *High-rise building.* A building having any floors used for human occupancy located more than 55 feet above the lowest level of fire department vehicle access.
5. *Self-service storage facility.* Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.
6. *Standby personnel.* Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

(4) *Chapter 3, General Precautions Against Fire.*

- (a) *Section 307.2.* Amend by deleting the section in its entirety and adding a new Section 307.2 to read as follows:

Permit required. A permit shall be obtained from the Fire Code Official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. Permits shall also meet the regulations of:

1. Texas Commission on Environmental Quality guidelines and/or restrictions.
2. State, county or local temporary or permanent bans on open burning.
3. Local written policies as established by the Fire Code Official.

- (b) *Section 307.4.* Amend by deleting the first paragraph in its entirety and adding a new first paragraph in Section 307.4 to read as follows:

Location. The location for open burning shall not be less than 300 feet from any structure and provisions shall be made to prevent the fire from spreading to within 300 feet of any structure.

- (c) *Section 307.4.3.* Amend by adding a new Section 307.4.3 to read as follows:

Trench burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

- (d) *Section 307.5.* Amend by deleting the section in its entirety and adding a new Section 307.5 to read as follows:

Attendance. Open burning, trench burns, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved onsite fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.

- (e) *Section 308.3.1.* Amend by deleting the section in its entirety and adding a new Section 308.3.1 to read as follows:

Open-flame cooking and heating devices. Open-flame cooking devices, charcoal grills, outdoor fireplaces and other similar devices used for cooking, heating or any other purpose shall not be located or used on combustible balconies, decks or within 10 feet of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system.

- (f) *Section 308.3.1.1.* Amend by adding exceptions to Section 308.3.1.1 to read as follows:

Exceptions:

1. One- and two-family dwellings may have containers with a water capacity not greater than 20 pounds (nominal eight-pound LP-gas capacity) with an aggregate capacity not to exceed 100 lbs (five containers).

2. Other residential occupancies where buildings, balconies and decks are protected by an approved automatic sprinkler system may have containers with a water capacity not greater than 20 pounds (nominal eight-pound LP-gas capacity) with an aggregate capacity not to exceed 40 lbs (two containers).

(5) *Chapter 4, Emergency Planning and Preparedness.*

- (a) *Section 401.3.4.* Amend by adding a new Section 401.3.4 to read as follows:

Fire alarms and nuisance alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted, or caused or permitted to be given, signaled or transmitted in any manner.

(6) *Chapter 5, Fire Service Features.*

- (a) *Section 503.1.1.* Amend by adding two sentences at the end of the first paragraph in Section 503.1.1 to read as follows:

Except for single- or two-family residences, the path of measurement shall be along a minimum of a 10-foot wide unobstructed pathway around the external walls of the structure.

An existing fire lane shall not be altered, abandoned or obstructed without the approval of the Fire Code Official and only upon a showing that adequate fire protection will not be compromised.

- (b) *Section 503.2.1.* Amend by deleting the section in its entirety and adding a new Section 503.2.1 to read as follows:

Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 14 feet.

Exception: 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.

- (c) *Section 503.2.2.* Amend by deleting the section in its entirety and adding a new Section 503.2.2 to read as follows:

Authority. The Fire Code Official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

- (d) *Section 503.3.* Amend by deleting the section in its entirety and adding a new Section 503.3 to read as follows:

Marking. Approved striping shall be provided for fire apparatus access roads as required. In addition to striping, signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof where deemed necessary by the Fire Code Official for clear identification of a fire apparatus access road. Signs or notices and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. *Striping.* Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four-inch white letters at 25-foot intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.
2. *Signs.* Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12 inches wide and 18 inches high. Signs shall be painted on a white background with letters and borders in red using not less than two-inch lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches above finished grade. Signs shall be spaced not more than 50 feet apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

- (e) *Section 503.4.* Amend by deleting the section in its entirety and adding a new Section 503.4 to read as follows:

Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner including the parking, stopping, standing, loading or unloading of vehicles. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times. The installation of speed bumps across fire lanes shall require the approval of the Fire Chief.

- (f) *Section 503.4.1.* Amend by adding a new Section 503.4.1 to read as follows:

Loading zone. A loading zone cannot coexist with a fire lane. A loading zone shall not be established within a fire lane.

- (g) *Section 503.6.* Amend by adding the following text at the end of the paragraph in Section 503.6 to read as follows:

Security gates across access roads shall meet the requirements of Mesquite Fire Department Rules and Regulations, Gates Across Fire Lanes. A Mesquite Fire Department permit is required prior to the installation of a gate across an access road.

- (h) *Section 505.1.* Amend by deleting the section in its entirety and adding a new Section 505.1 to read as follows:

Address numbers. Approved numerals of a minimum six-inch height and of a color contrasting with the background designating the address shall be placed on all new and existing buildings or structures in a position as to be plainly visible and legible from the street or road fronting the property and from all rear alleyways/ access.

Where buildings do not immediately front a street, approved six-inch in height building numerals or addresses and three-inch height suite/apartment numerals of a color contrasting with the background of the building shall be placed on all new and existing buildings or structures. Numerals or addresses shall be posted on a minimum 20-inch by 30-inch background on border.

Address numbers shall be Arabic numerals or alphabet letters. The minimum stroke width shall be 0.5 inches.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

- (i) *Section 506.1.2.* Amend by adding a new Section 506.1.2 to read as follows:

Key box. A key box shall be provided on each occupancy with a fire alarm system or fire sprinkler system that initiates an automatic fire department response. The key box shall contain keys for each locked doorway within the building and each elevator. The keys shall be identified as to the corresponding locks.

- (j) *Section 511.* Amend by adding a new Section 511 Emergency Radio Communications. Under this section amend by adding a new Section 511.1 to read as follows:

Signal strength in buildings. In all new and existing buildings in which the type of construction or distance from an operational emergency services antenna or dispatch site does not provide adequate frequency or signal strength as determined by the Fire Code Official, the building owner shall be responsible for providing the equipment, installation and maintenance of said equipment in a manner to strengthen the radio signal. The radio signal shall meet the minimum input/output strengths according to the emergency radio system's provider and system manager.

(7) *Chapter 7, Fire-Resistance-Rate Construction.*

- (a) *Section 704.1.* Amend by deleting the section in its entirety and adding a new Section 704.1 to read as follows:

Enclosure. Interior vertical shafts, including but not limited to stairways, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as specified in Table 704.1.

(8) *Chapter 8, Interior Finish, Decorative Materials and Furnishings.*

- (a) *Section 807.4.3.2.* Amend by adding an exception to Section 807.4.3.2 to read as follows:

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

- (b) *Section 807.4.4.2.* Amend by adding an exception to Section 807.4.4.2 to read as follows:

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

(9) *Chapter 9, Fire Protection Systems.*

- (a) *Section 901.6.1.1.* Amend by adding a new Section 901.6.1.1 to read as follows:

Standpipe Testing. Building owners/managers must utilize a licensed fire protection contractor to test and certify standpipe systems. In addition to the testing and maintenance requirements of NFPA 25 applying to standpipe systems, the following additional requirements shall be applied to the testing that is required every five years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the contractor shall connect hose from a fire hydrant or portable pumping system (as approved by the Fire Code Official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing or control valves shall be tested in accordance with the requirements of NFPA 25.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's. Contact the Fire Marshal for additional information.
5. Upon successful completion of standpipe test, the contractor shall place a blue tag (as per Texas Administrative Code, Title 28. Insurance, Part I. Texas Department of Insurance, Chapter 34. State Fire Marshal, Subchapter G. Fire Sprinkler Rules, 28 TAC §34.720. Inspection, Test and Maintenance Service [ITM] Tag) at the bottom of each standpipe riser in the building. An example of this tag is located at the end of this SOP. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "Five-Year Standpipe Test" at a minimum.
6. The contractor shall follow the procedures as required by Texas Administrative Code, Title 28. Insurance, Part I. Texas Department of Insurance, Chapter 34. State Fire Marshal, Subchapter G.

Fire Sprinkler Rules, 28 TAC with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (Fire Marshal).

7. Additionally, records of the testing shall be maintained by the owner and contractor as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the Fire Marshal for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this fire fighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the Fire Code Official.

- (b) *Section 901.7.* Amend by deleting the section in its entirety and adding a new Section 901.7 to read as follows:

Systems out of service. Where a required fire protection system is out of service or in the event of numerous accidental activations, the Fire Department and the Fire Code Official shall be notified immediately and where required by the Fire Code Official, the building shall either be evacuated or a fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service.

- (c) *Section 903.1.2.* Amend by adding a new Section 903.1.2 to read as follows:

Residential systems. The installation of NFPA 13R sprinkler systems is prohibited. Where such reference is found in this code, NFPA 13 sprinkler system materials, design and installation shall be installed instead of NFPA 13R. Sprinkler coverage of voids between floors as required by NFPA 13 may be omitted when replacing a NFPA 13R system.

- (d) *Section 903.2.* Amend by deleting the exception in Section 903.2 in its entirety.

- (e) *Section 903.2.8.3.* Amend by adding a new Section 903.2.8.3 to read as follows:

Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception: One-story self-service storage facilities that have no interior corridors with a one-hour fire barrier

separation wall installed between every storage compartment.

- (f) *Section 903.2.10.* Amend by adding the following text at the end of the title of Section 903.2.10.

...Except R-3 and U.

- (g) *Section 903.2.10.3.* Amend by deleting the section in its entirety and adding a new Section 903.2.10.3 to read as follows:

Buildings over 35 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level other than penthouses in compliance with Section 1509 of the *International Building Code*, 35 feet or more above the lowest level of fire department vehicle access.

Exception: Open parking structures in compliance with Section 406.3 of the *International Building Code*.

- (h) *Section 903.2.10.4.* Amend by adding a new Section 903.2.10.4 to read as follows:

High-piled combustible storage. Buildings with a clear height exceeding 12 feet are also subject to the applicable provisions of Chapter 23.

- (i) *Section 903.2.10.5.* Amend by adding a new Section 903.2.10.5 to read as follows:

Spray booths and rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

- (j) *Section 903.2.10.6.* Amend by adding a new Section 903.2.10.6 to read as follows:

Buildings over 6,000 square feet. An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 square feet. For the purpose of this provision, fire walls shall not define separate buildings.

Exceptions:

1. Open parking garages in compliance with Section 406.3 of the *International Building Code*.
2. Type A-5.

- (k) *Section 903.3.1.1.1.* Amend by deleting the section in its entirety and adding a new Section 903.3.1.1.1 to read as follows:

Exempt locations. When approved by the Fire Code Official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents when approved by the Code Official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two hours.

- (l) *Section 903.3.1.2.* Amend by deleting the section in its entirety and adding a new Section 903.3.1.2 to read as follows:

The installation of NFPA 13R sprinkler systems is prohibited. Where such reference is found in this code, NFPA 13 sprinkler system materials, design and installation shall be installed instead of NFPA 13R. Sprinkler coverage of voids between floors as required by NFPA 13 may be omitted when replacing a NFPA 13R system.

- (m) *Section 903.3.5.* Amend by adding a second paragraph to Section 903.3.5 to read as follows:

The water supply required for automatic sprinkler systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor.

- (n) *Section 903.3.7.* Amend by adding the following text at the end of Section 903.3.7 to read as follows:

The fire department connection shall be located within 50 feet of a fire apparatus access road and within 200 feet of a fire hydrant.

- (o) *Section 903.4.* Amend by adding a paragraph after the exceptions in Section 903.4 to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to an automatic sprinkler system and shall cause an alarm upon detection of water flow lasting more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering. Sprinkler systems in multi-story buildings shall be designed to identify a water flow for each floor and attic. A separate and distinct signal shall be transmitted to the central station to identify each floor and attic area.

- (p) *Section 903.4.2.* Amend by adding a second paragraph to Section 903.4.2 to read as follows:

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

- (q) *Section 903.6.2.* Amend by adding a new Section 903.6.2 to read as follows:

Spray booths and rooms. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 1504.

- (r) *Section 905.2.* Amend by deleting the section in its entirety and adding a new Section 905.2 to read as follows:

Installation standards. Standpipe system shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

- (s) *Section 905.3.8.* Amend by adding a new Section 905.3.8 to read as follows:

Building area. In buildings exceeding 10,000 square feet in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

Exception: Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.

- (t) *Section 905.4.5.* Amend by deleting Item #5 in its entirety and adding a new Item #5 to read as follows:

Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located either on the roof or at the highest landing of stairways with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

- (u) *Section 905.9.* Amend the section by adding a paragraph after the exceptions in Section 905.9 to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to an automatic sprinkler system and shall cause an alarm upon detection of water flow lasting more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

- (v) *Section 907.1.3.* Amend by adding a new Section 907.1.3 to read as follows:

Design standards. All alarm systems new or replacement serving 10 or more alarm actuating devices shall be addressable fire detection systems. Alarm systems serving more than 40 smoke detectors or more than 100 total alarm activating devices shall be analog intelligent addressable fire detection systems. All detection devices shall have a unique point of identification. A fire alarm system that is monitoring a sprinkler system shall transmit, as a minimum, a separate signal to the central station for general alarm and water flow for each floor at each riser.

Existing systems will be required to comply with this section when building remodel involving 30 percent or more of the building occurs or expansion increasing the building more than 30 percent occurs. When cumulative building remodel or expansion exceeds 50 percent of the building, compliance is required within 18 months of permit application.

- (w) *Section 907.2.1.* Amend by adding the following text at the end of the first sentence of Section 907.2.1.

...persons or more than 100 persons above or below the lowest level of exit discharge.

- (x) *Section 907.2.3.* Amend by deleting the first paragraph and Exception “1” in the section in their entirety and adding a new first paragraph and Exceptions “1” and “1.1” to Section 907.2.3 to read as follows:

Group E. A manual fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100 feet of open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

1. Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.
 - 1.1 Residential in-home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)

- (y) *Section 907.2.12.* Amend by deleting the first paragraph and Exception “3” in the section in their entirety and adding a new first paragraph and Exception “3” in Section 907.2.12 to read as follows:

High-rise buildings. Buildings having floors used for human occupancy located more than 55 feet above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communications system in accordance with Section 907.2.12.2.

Exceptions:

3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code* when used for open air seating; however, this exception does not apply to accessory uses including but not limited to skyboxes, restaurants and similarly enclosed areas.

- (z) *Section 907.3.1.7.* Amend by deleting the first paragraph in its entirety and adding a new paragraph to read as follows:

Group R-2. A fire alarm system shall be installed in existing Group R-2 occupancies that are two or more stories in height.

- (aa) *Section 907.4.* Amend by deleting the heading in its entirety and adding a new heading and second sentence in Section 907.4 to read as follows:

Manual fire alarm boxes and actuating devices.

Manual fire alarm actuating devices shall be an approved double-action type.

- (bb) *Section 907.6.1.* Amend by adding a new Section 907.6.1 to read as follows:

Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All initiating circuit conductors shall be Class "A" wired with a minimum of six feet separation between supply and return circuit conductors. IDC – Class "A" Style D; SLC - Class "A" Style 6; NAC - Class "B" Style Y. The IDC from an addressable device used to monitor the status of a suppression system may be wired Class B, Style B provided the distance from the addressable device is within 10 feet of the suppression system device.

- (cc) *Section 907.9.2.* Amend by deleting the first paragraph in its entirety and adding a new first paragraph in Section 907.9.2 to read as follows:

High-rise buildings. In buildings that have floors located more than 55 feet above the lowest level of fire department vehicle access that are occupied for human occupancy, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided.

- (dd) *Section 907.21.* Amend by adding a new Section 907.21 to read as follows:

Storage Group S Occupancies. All Storage Group S occupancies two- or more stories in height that are open to the general public shall have a fire alarm system.

- (ee) *Section 910.1.* Amend by deleting the Exception "2" in the section in its entirety and add a new Exception "2" in Section 910.1 to read as follows:

2. Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, automatic

only manual smoke and heat vents shall not be required within these areas.

- (ff) *Section 910.2.4.* Amend by adding a new Section 910.2.4 and Exceptions to read as follows:

Group H. Buildings and portions thereof used as a Group H occupancy as follows: 1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet in single floor area.

Exceptions:

1. Buildings of noncombustible construction containing only noncombustible materials.
2. In areas of buildings in Group H used for storing Class 2, 3 and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.
3. Buildings of noncombustible construction containing only noncombustible materials.

- (gg) *Table 910.3.* Amend by deleting the first row of the table in Table 910.3 to read as follows:

Group H, F-1 and S-1.

- (hh) *Section 910.3.2.2.* Amend by adding a second paragraph to Section 910.3.2.2 to read as follows:

The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees Fahrenheit (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

- (ii) *Section 913.1.* Amend by adding a second paragraph and exception to Section 913.1 to read as follows:

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than three feet in width and six feet eight inches in height, regardless of any interior doors that are provided. A key box shall be provided at this door as required by Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room or as approved by the Fire Code Official. Access keys shall be provided in the key box as required by Section 506.1.

(10) *Chapter 10, Means of Egress.*

- (a) *Section 1008.1.3.4.7.* Amend by adding a new Section 1008.1.3.4.7 to read as follows:

Approved smoke detectors shall be provided on both sides of the access and egress sides of doors in a location approved by the Fire Code Official when a full building smoke detection system is not provided.

- (b) *Section 1017.1.* Amend by adding an Exception "5" to Section 1017.1 to read as follows:

5. In Group B office buildings, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic fire alarm system with corridor smoke detection. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke-detection system shall be connected to the building's fire alarm system where such a system is provided.

- (c) *Section 1020.1.7.* Amend by deleting the section in its entirety and adding a new Section 1020.1.7 to read as follows:

Smoke-proof enclosures. In buildings required to comply with Section 403 or 405 of the IBC, each of the exits of a building that serves stories where any floor surface is located more than 55 feet above the lowest level of fire department vehicle access or more than 30 feet below the level of exit discharge serving such floor levels shall be a smoke-proof enclosure or pressurized stairway in accordance with Section 909.20.

- (d) *Section 1028.2.* Amend by deleting the section in its entirety and adding a new Section 1028.2 to read as follows:

Reliability. Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. Security

devices affecting means of egress shall be subject to approval of the Fire Code Official.

- (e) *Section 1504.4.* Amend by deleting the section in its entirety and adding a new Section 1504.4 to read as follows:

Fire protection. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9. Protection shall also extend to exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used.

(11) *Chapter 22, Service Stations and Repair Garages.*

- (a) *Section 2204.1.* Amend by deleting the section in its entirety and adding a new Section 2204.1 to read as follows:

Supervision of dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall be in accordance with the following:

1. Conducted by a qualified attendant; and/or
2. Shall be under the supervision of a qualified attendant; and/or
3. Shall be an unattended self-service facility in accordance with Section 2204.3.

At any time the qualified attendant of Item #1 or #2 above is not present, such operations shall be considered as an unattended, self-service facility and shall also comply with Section 2204.3.

- (b) *Section 2206.2.1.2.* Amend by adding a new Section 2206.2.1.2 to read as follows:

Aboveground tanks. The following provisions shall apply to the dispensing of Class I, Class II and Class IIIA liquids from an aboveground tank:

1. There shall be no dispensing to the general public.
2. Tanks shall not be located within 100 feet of the property line of any occupancy Group A, E, I or R.
3. For the purposes of this provision, used motor oil that has not been contaminated by other flammable or combustible substances shall be classified as a Class III B liquid.

4. In areas other than those zoned Industrial and Conditional Use Airport, the following quantities shall apply:
 - a. The quantity and capacity of each tank shall not exceed 2,000 gallons of Class I, Class II or Class IIIA liquid in each tank.
 - b. The aggregate quantity of Class I, Class II and Class IIIA liquids shall not exceed 6,000 gallons.
5. Industrial and Conditional Use Airport quantities shall comply with the IFC.

(12) *Chapter 23, High-Piled Combustible Storage.*

- (a) *Section 2302.1.* Amend by adding a second paragraph to the definition of “High-Piled Combustible Storage” in Section 2302.1 to read as follows:

Any building exceeding 6,000 square feet that has a clear height in excess of 12 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage and shall comply with the provisions of this section. When a specific product cannot be identified, a fire protection system shall be installed as for Class IV commodities to the maximum pile height.

- (b) *Section 2306.2.* Amend by deleting the text of Footnote (j) in its entirety and adding the text in Table 2306.2 to read as follows:
 - j. Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, only manual smoke and heat vents shall be required within these areas.

(13) *Chapter 33, Explosives and Fireworks.*

- (a) *Section 3301.1.1.* Amend by adding a sentence at the end of Section 3301.1.1 to read as follows:

The manufacture of explosives is prohibited.

- (b) *Section 3301.1.3.* Amend by deleting the section in its entirety and adding a new Section 3301.1.3 to read as follows:

Fireworks. The possession, manufacturing, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. When approved for fireworks displays, storage and handling of fireworks as provided in Sections 3304 and 3308.
 2. The use of fireworks for approved display as permitted in Section 3308.
- (c) *Section 3302.1.* Amend by deleting the definition of “Fireworks” in the section in its entirety and adding a new definition for “Fireworks” to Section 3302.1 to read as follows:

Fireworks. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation and/or activated by ignition with a match or other heat-producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein.

(14) *Chapter 34, Flammable and Combustible Liquids.*

- (a) *Section 3403.6.* Amend by adding a sentence at the end of the paragraph in Section 3403.6 to read as follows:

An approved method of secondary containment shall be provided for underground tank and piping systems.

- (b) *Section 3404.2.11.5.* Amend by adding a sentence at the end of the paragraph in Section 3404.2.11.5 to read as follows:

An approved method of secondary containment shall be provided for underground tank and piping systems.

- (c) *Section 3404.2.11.5.2.* Amend by deleting the section in its entirety and adding a new Section 3404.2.11.5.2 to read as follows:

Leak detection. Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 3404.2.11.5.3.

- (d) *Section 3404.2.11.5.3.* Amend by adding a new Section 3404.2.11.5.3 to read as follows:

Dry sumps. Approved sampling tubes of a minimum six inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a

sampling sump at the corners of the excavation with a minimum of four sumps. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

- (e) *Section 3404.2.13.1.4.* Amend by deleting the section in its entirety and adding a new Section 3404.2.13.1.4 to read as follows:

Tanks abandoned in place. Tanks shall not be permitted to be abandoned in place.

Exception: Removal is not possible due to the proximity to a building foundation or another tank, or other practical constraints. In such case, the tanks shall be abandoned as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping.
2. The suction, inlet, gauge, vapor return and vapor lines shall be disconnected.
3. The tank shall be filled completely with an approved inert solid material.

Exception: Residential heating oil tanks of 1,100 gallons (4164 L) or less provided the fill line is permanently capped or plugged below grade to prevent refilling of the tank.

4. Remaining underground piping shall be capped or plugged.
5. A record of tank size, location and date of abandonment shall be retained.
6. All exterior above-grade fill piping shall be permanently removed when tanks are abandoned or removed.

- (f) *Section 3406.5.4.5.* Amend by deleting the section in its entirety and adding Section 3406.5.4.5 to read as follows:

Commercial, industrial, governmental or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted provided such dispensing operations are conducted in accordance with Sections 3406.5.4.5.1 through 3406.5.4.5.3.

- (g) *Section 3406.5.4.5.1.* Amend by adding Section 3406.5.4.5.1 to read as follows:

Site requirements.

1. Dispensing may occur at sites that have been permitted to conduct mobile fueling.
2. A detailed site plan shall be submitted with each application for a permit. The site plan must indicate:
 - a. All buildings, structures and appurtenances on site and their use or function;
 - b. All uses adjacent to the property lines of the site;
 - c. The locations of all storm drain openings, adjacent waterways or wetlands;
 - d. Information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and
 - e. The scale of the site plan.
3. The Fire Code Official is authorized to impose limits upon the times and/or days during which mobile fueling operations are allowed to take place and specific locations on a site where fueling is permitted.
4. Mobile fueling operations shall be conducted in areas not generally accessible to the public.
5. Mobile fueling shall not take place within 15 feet of buildings, property lines or combustible storage.

- (h) *Section 3406.5.4.5.2.* Amend by adding Section 3406.5.4.5.2 to read as follows:

Refueling Operator Requirements.

1. The owner of a mobile fueling operation shall provide to the jurisdiction a written response plan which demonstrates readiness to respond to a fuel spill, carry out appropriate mitigation measures, and to indicate its process to properly dispose of contaminated materials when circumstances require.
2. The tank vehicle shall comply with the requirements of NFPA 385 and local, State and federal requirements. The

tank vehicle's specific functions shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.

3. Signs prohibiting smoking or open flames within 25 feet of the tank vehicle or the point of fueling shall be prominently posted on three sides of the vehicle including the back and both sides.
4. A fire extinguisher with a minimum rating of 40:BC shall be provided on the vehicle with signage clearly indicating its location.
5. The dispensing nozzles and hoses shall be of an approved and listed type.
6. The dispensing hose shall not be extended from the reel more than 100 feet in length.
7. Absorbent materials, non-water absorbent pads, a 10-foot-long containment boom, an approved container with lid and a non-metallic shovel shall be provided to mitigate a minimum five-gallon fuel spill.
8. Tanker vehicles shall be equipped with a fuel limit switch such as a count-back switch, limiting the amount of a single fueling operation to a maximum of 500 gallons (1893 L) between resettings of the limit switch.

Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which, when activated, immediately causes flow of fuel from the tanker to cease.

9. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of a fire, leak or spill. Training records shall be maintained by the dispensing company and shall be made available to the Code Official upon request.
10. Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an emergency communications device to notify the proper authorities in the event of an emergency.

- (i) *Section 3406.5.4.5.3.* Amend by adding Section 3406.5.4.5.3 to read as follows:

Operational Requirements.

1. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.
2. Prior to beginning dispensing operations, precautions shall be taken to assure ignition sources are not present.
3. The engines of vehicles being fueled shall be shut off during dispensing operations.
4. Night time fueling operations shall only take place in adequately lighted areas.
5. The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled.
6. During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.
7. Motor vehicle fuel tanks shall not be topped off.
8. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.
9. The Fire Code Official and other appropriate authorities shall be notified when a reportable spill or unauthorized discharge occurs.

(15) *Chapter 38, Liquefied Petroleum Gases.*

- (a) *Section 3803.2.1.8.* Amend by adding a new Section 3803.2.1.8 to read as follows:

Jewelry repair, dental labs and similar occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound water capacity. Aggregate capacity shall not exceed 60-pound water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

Exception: Propane shall not be used for this purpose within a covered mall.

- (b) *Section 3804.2.* Amend by deleting the exception in the section in its entirety and adding new Exceptions “1” and “2” to Section 3804.2 to read as follows:

Exceptions:

1. In particular installations, this capacity limit shall be determined by the Fire Code Official, after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the local fire department.
2. Except as permitted in Sections 308.3 and 3804.3.2, LP-gas containers are not permitted in residential areas.

- (c) *Section 3804.3.2.* Amend by adding a new Section 3804.3.2 to read as follows:

Spas and pool heaters and other listed devices. Where natural gas service is not available, LP-gas containers are allowed to be used to supply spa and pool heaters and other listed devices. Such containers shall not exceed 250-gallon water capacity. See Table 3804.3 for permitted location of containers. A Mesquite Fire Department permit is required prior to installation.

- (d) *Section 3805.3.* Amend by adding a new Section 3805.3 to read as follows:

Restricted uses of LP gas. New installations of LP gas shall not be allowed for building services to include heating, water heater, cooking, etc., in areas other than zoned Agricultural. LP gas is allowed in Agricultural zoning if natural gas service is not available.

- (16) *Appendices.* Amend by adding Appendix B, Appendix C and Appendix D.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

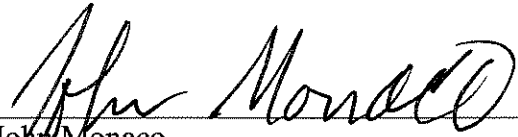
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

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.

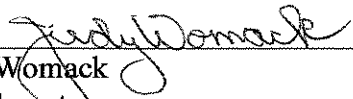
SECTION 5. That this ordinance shall take effect on April 16, 2008.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of March, 2008.



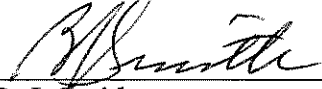
John Monaco
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney