

ORDINANCE NO. 4247

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 5-27(7)(g) IN ITS ENTIRETY AND ADDING A NEW SECTION 5-27(7)(g) THEREBY PROVIDING A CERTAIN DELETION AND ADDITION TO THE AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, 2009 EDITION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE.

WHEREAS, on May 2, 2011, the City Council of the City of Mesquite enacted Ordinance No. 4142, which adopted the 2009 International Building Code (“the IBC”) together with certain local amendments recommended by the North Central Texas Council of Governments; and

WHEREAS, one such amendment to Section 903.2.11.9 of the IBC, codified as City Code Section 5-27(7)(g), requires all structures exceeding 6,000 square feet to include an automatic sprinkler system, provided that an open parking garage is exempted from such requirement under certain conditions; and

WHEREAS, the application of IBC Section 903.2.11.9 to aircraft hangars constructed at the Mesquite Metro Airport (“the Airport”) imposes an expense on construction that is excessive in light of the realistic risk of fire within a hanger, and such expense places the Airport at a competitive disadvantage when attempting to attract corporate aviation lessees to build at the Airport; and

WHEREAS, on August 28, 2012, the Building Standards Board, meeting in open session, reviewed the impact of IBC Section 903.2.11.9 on the economic development objectives of the Airport and voted to recommend to the City Council that IBC Section 903.2.11.9 be amended to exempt aircraft hangars exceeding 6,000 square feet from the requirement to install an automatic sprinkler system if other conditions of the International Building Code are met.

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

SECTION 1. That Chapter 5 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by deleting Section 5-27(7)(g) in its entirety and adding a new Section 5-27(7)(g) to read as follows, in all other respects said Code, Article and Chapter to remain in full force and effect:

Sec. 5-27. Amendments to the International Building Code, 2009 Edition.

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

- (g) *Section 903.2.11.9.* Amend by adding a new Section 903.2.11.9 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.

Exception: Open parking garages in compliance with Section 406.3 of the *International Building Code* and aircraft hangars in compliance with Section 412.4 of the *International Building Code*.

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.

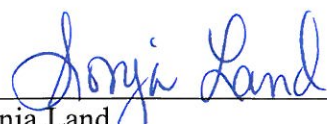
SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of December, 2012.




John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B.J. Smith
City Attorney