

ORDINANCE NO. 103

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE
PRESCRIBING REGULATIONS GOVERNING CONDITIONS
HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION

Be it ordained by the City Council of the City of Mesquite, Texas.

SECTION 1. Adoption of Fire Prevention Code.

There is hereby adopted by the City of Mesquite for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the National Board of Fire Underwriters, being particularly the 1953 edition thereof and the whole thereof, of which code not less than three (3) copies have been and now are filed in the office of the City Secretary of the City of Mesquite and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Mesquite.

SECTION 2. Enforcement.

The Fire Prevention Code shall be enforced by the Fire Marshal of the City of Mesquite.

SECTION 3. Definitions.

Wherever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Mesquite, Texas.

Wherever the words "Chief of the Bureau of Fire Prevention" are used in the Fire Prevention Code they shall be held to mean the Fire Marshal.

SECTION 4. Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Above-ground Tanks is to be Prohibited.

The limits referred to in Section 15.201 of the Fire Prevention Code in which storage of flammable liquids in outside above-ground tanks is prohibited, and the limits referred to in Section 15.401 of the Fire Prevention Code, in which new bulk plants for flammable liquids are prohibited, are hereby established as being all areas within the corporate limits of the City of Mesquite except manufacturing districts.

SECTION 5. Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

The limits referred to in Section 20.06a of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as being all areas within the corporate limits of the City of Mesquite except manufacturing districts.

SECTION 6. Modifications.

The Fire Marshal shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done.

SECTION 7. Appeals.

Whenever the Fire Marshal shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Marshal to the City Council within 30 days from the date of the decision of the appeal.

SECTION 8. Penalties.

Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than Twenty-five Dollars (\$25.00). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited condition are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 9. Repeal of Conflicting Ordinances.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

SECTION 10. Validity.

The City Council hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION 11. Date of Effect.

This ordinance shall take effect and be in force from and after five days after its publication in The Texas Mesquiter, April 9, 1954.

Passed and approved the 6th day of April, 1954.

T. O. Williams

T. O. Williams
Mayor

ATTEST:

(Mrs.) Norma Gene Mc Gaughy
Norma Gene Mc Gaughy
City Secretary