

ORDINANCE NO. 4499

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, CORRECTING ORDINANCE NO. 4486, PASSED BY THE MESQUITE CITY COUNCIL ON MAY 1, 2017, WHICH AMENDED CHAPTER 6 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY CORRECTING THE SECTION NUMBERING AND BY PROVIDING CERTAIN NONSUBSTANTIVE AMENDMENTS AND DELETIONS UNDER CHAPTERS 1, 2 AND 6 OF THE INTERNATIONAL FIRE CODE, 2015 EDITION; THEREBY MAKING CERTAIN AMENDMENTS AND DELETIONS IN CHAPTER 6 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, UNDER SECTIONS 6-6(2), 6-6(3) AND 6-6(7); PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, in Ordinance No. 4486, new language was added, but inadvertently assigned the same section numbers as existing sections intended to survive the amendment; and

WHEREAS, the City Council finds that it is in the public interest to correct Ordinance No. 4486 to accurately reflect the intent of the City Council by correcting the inadvertent conflict between existing section numbering and the numbering of newly added language, and to make other nonsubstantive, typographical corrections.

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

SECTION 1. That Ordinance No. 4486, passed by the Mesquite City Council on May 1, 2017, which amended Chapter 6 of the Code of the City of Mesquite, Texas, as amended, is corrected by amending Chapter 6 of the Code of the City of Mesquite, Texas, as amended, by deleting Sections 6-6(2)(a) through 6-6(2)(i), Section 6-6(3)(a), Section 6-6(3)(a)(1) and Section 6-6(7)(k) in their entirety and adding new Sections 6-6(2)(a) through 6-6(2)(l), Section 6-6(3)(a), Section 6-6(3)(a)(1) and Section 6-6(7)(k) to read as follows, in all other respects said Code and Chapter to remain in full force effect:

(1) *Sec. 6-6(2). Chapter 1, Scope and Administration.* Amend Section 6-6(2) by deleting Sections 6-6(2)(a) through 6-6(2)(i) in their entirety and adding new Sections 6-6(2)(a) through 6-6(2)(l) to read as follows:

(a) **Section 101.1.** Section 101.1 shall be amended by inserting the name “City of Mesquite, Texas” as the “Name of Jurisdiction” and accordingly, Section 101.1 shall be amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Fire Code* of the City of Mesquite, Texas, hereinafter referred to as “this code.”

(b) **Section 102.1.** Section 102.1 shall be amended by deleting #3 in its entirety and adding a new #3 to read as follows:

3. Existing structures, facilities and conditions when required in Chapter 11 or in specific sections of this code.

- (c) **Section 105.1.4.** Section 105 shall be amended by deleting Section 105.1.4 in its entirety and adding a new Section 105.1.4 to read as follows:

**Section 105.1.4 Emergency repairs.** Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the *fire code official*.

- (d) **Section 105.1.5.** Section 105 shall be amended by adding a new Section 105.1.5 to read as follows:

**105.1.5 Repairs.** Application or notice to the *fire code official* is not required for ordinary repairs to structures, equipment or systems. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall any repairs include addition to, alteration of, replacement or relocation of any standpipe, fire protection water supply, *automatic sprinkler system*, fire alarm system or other work affecting fire protection or life safety.

- (e) **Section 105.1.7.** Section 105 shall be amended by adding a new Section 105.1.7 to read as follows:

**105.1.7 Permit fees.** A *permit* fee is required before 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*.
10. **Electronic access control systems.** To install new or alter existing electronic access control systems.
11. **Fire hydrant flow test.** To conduct a fire hydrant flow test.
12. **Speed reducing devices.** The installation, addition to or alteration of speed reducing devices.

**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.

- (f) **Section 105.1.8.** Section 105 shall be amended by adding a new Section 105.1.8 to read as follows:

**105.1.8 Permit, inspection, investigation and outside review fee schedule.** All fees required in this section must be paid before the permit application is considered complete and before any inspection, re-inspection, investigation or outside review begins. All permitted systems and items shall be pre-tested by or at the direction of the permit holder before an inspection is scheduled.

1. **General permit fee schedule.** The following *permit* fee schedule applies to a permit for the installation, addition to or alteration of the following:

- a. **Fire sprinkler systems:**

1 – 19 heads	\$150.00
20 – 100 heads	\$200.00
100 – 200 heads	\$250.00

Fire Sprinkler Systems exceeding 200 heads will be \$250.00 plus \$1.00 for each additional head.

- b. **Fire alarm systems:**

1 – 10 devices	\$150.00
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11 – 25 devices	\$200.00
26 – 100 devices	\$250.00

Fire Alarm Systems exceeding 100 devices shall be \$250.00 plus \$1.00 for each additional device.

- c. **Fire suppression systems:** \$100.00 per system.
- d. **Underground or aboveground storage tanks** (does not include temporary tanks or residential propane):
  - i. \$150.00 per tank for installation of or removal of underground tanks.
  - ii. \$150.00 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. \$100.00 per day.
  - ii. A *permit* fee is not required for a campfire, flag retirement ceremony or similar event.
- g. **Use of explosive materials; fireworks; pyrotechnics.** \$100.00.
- h. **Electronic access control systems.**
  - i. If connected to a fire alarm control unit, \$100.00 is required for a permit.
  - ii. If not connected to a fire alarm control unit, \$50.00 is required.
- i. **Fire hydrant flow test.**
  - i. For the initial test, \$50.00.
  - ii. For each subsequent test, \$25.00.
- j. **Speed reducing device installation inspection.** \$100.00 for each intersection of a speed-reducing device with a fire apparatus access road.

2. **Permit fees for temporary aboveground tanks.** A fee of \$50.00 is required for the following *permits*:
  - a. Temporary aboveground tanks to include:
    - i. Propane exchange stations.
    - ii. Residential propane.
    - iii. Temporary tank at a construction site.
3. **Re-inspection fee.**
  - a. \$75.00 per re-inspection for the first three re-inspections.
  - b. \$100.00 for each re-inspection after the first three.
4. **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, is required whether or not a *permit* is subsequently issued. The payment of the 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.
5. **Third party review fee.** A third party review process shall be used for *permit* submittals with fire system technology not normally permitted. An impartial third party shall be selected by the *fire code official* and have extensive experience and knowledge in the field to be reviewed. A third party review fee is required in addition to the *permit* fee. The third party review fee shall be the cost of the review plus associated shipping or courier cost.
6. **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.
7. **Certificate of occupancy inspections.** Any occupancy requiring an inspection shall be charged a re-inspection fee of \$75.00 for each re-inspection after the first inspection.

8. **Inspections not part of the permitting process.** An occupancy inspection not part of the permitting process shall be charged a \$75.00 re-inspection fee after the first re-inspection and for each subsequent re-inspection.

(g) **Section 105.3.3.** Section 105 shall be amended by deleting Section 105.3.3 in its entirety and adding a new Section 105.3.3 to read as follows:

**105.3.3 Occupancy prohibited before approval.** The building or structure shall not be occupied prior to the *fire code official* issuing a *permit* when required and conducting associated inspections indicating the applicable provisions of this code have been met.

(h) **Section 105.7.19.** Section 105 shall be amended by adding a new Section 105.7.19 to read as follows:

**105.7.19 Electronic access control systems.** Construction *permits* are required for the installation or modification of an electronic access control system, as specified in Chapter 10 of the International Fire Code, 2015 Edition. A separate construction *permit* is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a *permit*.

(i) **Section 108.1.** Section 108 shall be amended by deleting Section 108.1 in its entirety and adding a new Section 108.1 to read as follows:

**108.1 Section 5-25, “Building Standards Board,” of Chapter 5, “Building and Construction” applies to and is incorporated into this chapter as if fully set out herein.** The Building Standards Board shall have all the powers set forth in Section 5-25 including, but not be limited to:

1. Hearing all appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code;
2. Reviewing, taking comment on and submitting recommendations to the City Council on the proposed adoption of or amendment to a national model code; and
3. Conducting hearings to determine whether a dilapidated, substandard or dangerous building complies with minimum standards and whether the building should be vacated, secured, repaired, removed or demolished.

(j) **Section 109.3.** Section 109 shall be amended by adding new Sections 109.3, 109.3.1, 109.3.2, 109.3.3 and 109.3.4 to read as follows:

**109.3. Notice of violation.** Where the *fire code official* finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the *fire code official* is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for reinspection.

**109.3.1 Service.** A notice of violation issued pursuant to this code shall be served upon the *owner*, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the *owner*, the owner's authorized agent, or occupant.

**109.3.2 Compliance with orders and notices.** A notice of violation issued or served as provided by this code shall be complied with by the *owner*, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

**109.3.3 Prosecution of violations.** If the notice of violation is not complied with promptly, the *fire code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

**109.3.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *fire code official* shall not be mutilated, destroyed or tampered with, or removed, without authorization from the *fire code official*.

(k) **Section 109.4.** Section 109 shall be amended by deleting Section 109.4 in its entirety and adding a new Section 109.4 to read as follows:

**109.4 Violation Penalties.** Any *person* who shall violate a provision of this code or shall fail to comply with any of the requirements of this code or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor and upon conviction, shall be subject to a fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense, provided, however, if the maximum penalty provided for by this code 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 code 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 code continues shall constitute a separate offense.

- (1) **Section 111.4.** Section 111 shall be amended by deleting Section 111.4 in its entirety and adding a new Section 111.4 to read as follows:

**111.4 Failure to comply.** Any *person* who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine upon conviction not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense, provided, however, if the maximum penalty provided for by this code for disobeying a stop work order 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 code for disobeying a stop work order 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 code continues shall constitute a separate offense.

- (2) *Sec. 6-6(3). Chapter 2, Definitions.* Amend Section 6-6(3) by deleting Sections 6-6(3)(a) and 6-6(3)(a)(1) in their entirety and adding new Sections 6-6(3)(a) and 6-6(3)(a)(1) to read as follows:

- (a) **Section 202.** Amend Section 202 by deleting the definitions of “*ambulatory care facility*”, “*atrium*”, “*fire watch*”, “*high-rise building*”, and “*repair garage*” in their entirety and replacing them with the definitions set forth below. Deleting the first paragraph of “*fireworks*” in its entirety and adding a new first paragraph to “*fireworks*”. Add a second paragraph to the definition of “*high-piled combustible storage*”. Adding definitions for “*defend in place*”, “*self-service storage facility*”, “*standby personnel*”, and “*upgraded or replaced fire alarm system*” as new definitions to the existing list of definitions in Section 202 to read as follows:

1. **AMBULATORY CARE FACILITY.** Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers

- Psychiatric centers

(3) *Sec. 6-6(7). Chapter 6, Building Services and Systems.* Amend Section 6-6(7) by deleting Section 6-6(7)(k) in its entirety and adding a new Section 6-6(7)(k) to read as follows:

(k) **604.2.18. Airport Traffic Control Towers.** A standby power system shall be provided in airport traffic control towers more than 65 feet in height. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment and lighting.
2. Elevator operating equipment.
3. Fire alarm and smoke detection systems.

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.

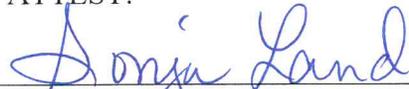
SECTION 4. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of August, 2017.



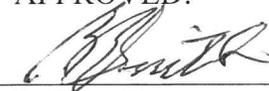
Stan Pickett  
Mayor

ATTEST:



Sonja Land  
City Secretary

APPROVED:



B. J. Smith  
City Attorney