ORDINANCE NO. 2025-205

An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 13, Fire Prevention and Protection, Article VII. Fire Prevention Code, at Sections 13-151 and 13-152 by adopting the International Fire Code, 2024 Edition, inclusive of all Appendices therein, and with exceptions and amendments as provided for herein, as well as all National Fire Protection Association (NFPA) current standards; repealing Ordinance 2025-082 adopted on April 1, 2025; providing a repealing clause; providing a savings clause; providing for severability; and providing a penalty.

WHEREAS, the International Fire Code 2024 Edition as published by the International Code Council and all National Fire Protection Association current standards are the most recent editions of the existing codes, and with the increase in commercial construction within the City of Pasadena, Texas adoption of the current codes will enhance Fire Protection, Life Safety, Health, and Environmental Compliance, which in turn will continue the goal of keeping our citizens, businesses, and visitors safe within the City of Pasadena; and

WHEREAS, it is recommended that the International Fire Code 2024 Edition inclusive of all appendices therein, and with exceptions and local amendments as provided herein, and all National Fire Protection Association (NFPA) current standards be adopted as part of the Code of Ordinances of the City of Pasadena, Texas; and

WHEREAS, it is also recommended that Ordinance 2025-082, adopted on April 1, 2025, be repealed, as requirements regarding

energy storage systems is being updated by adoption of this Ordinance; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASADENA:

SECTION 1. That the City Council of the City of Pasadena, Texas hereby finds and adopts the entire preamble to this Ordinance.

SECTION 2. That the Code of Ordinances of the City of Pasadena, Texas is hereby amended at Chapter 13, Fire Prevention and Protection, Article VII. Fire Prevention Code, at Sections 13-151 and 13-152, to hereafter read as shown on the attached Exhibit "A".

SECTION 3. That Ordinance 2025-082, previously adopted by Council on April 1, 2025 is hereby repealed.

SECTION 4. That all other terms and provisions of such Chapter, except as amended, shall remain in full force and effect.

SECTION 5. That all ordinances in force when this Ordinance becomes effective which are inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

SECTION 6. That all rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

SECTION 7. That the City Council of the City of Pasadena, Texas does hereby declare that if any section, subsection, paragraph,

sentence, clause, phrase, word or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the City Council would have passed and ordained and any all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any other portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION 8. That it shall be unlawful and a misdemeanor to violate any provision or requirement hereof and any person convicted of violating any provision, restriction, requirement or prohibition of this Chapter shall be fined in a sum of not more than two thousand dollars ($2,000.00) for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 9. That the provisions of this Ordinance shall not take effect until ninety (90) days after Council approval of this Ordinance, such ninety (90) day grace period from the date of adoption until implementation to allow the construction industry to conform.

SECTION 10. That notice was published on the City's website and a public hearing held on the proposed adoption of the national

model codes, and local amendments thereto, if any, in accordance with Chapter 214, Subchapter G, of the Texas Local Government Code.

SECTION 11. That the City Council officially determines that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the contents and posting thereof.

(SIGNATURE AND APPROVAL – NEXT PAGE)

PASSED ON FIRST READING by the City Council of the City of Pasadena, Texas in regular meeting in the City Hall this the _____ day of _____, A.D., 2025.

APPROVED this the _____ day of _____, A.D., 2025.

_____
THOMAS SCHOENBEIN, MAYOR
OF THE CITY OF PASADENA, TEXAS

ATTEST:

_____
AMANDA F. MUELLER
CITY SECRETARY
CITY OF PASADENA, TEXAS

APPROVED:

_____
JAY W. DALE
CITY ATTORNEY
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the City Council of the City of Pasadena, Texas in regular meeting in the City Hall this the ____ day of _____, A. D., 2025.

APPROVED this the _____ day of _____, A.D., 2025.

_____
THOMAS SCHOENBEIN, MAYOR
OF THE CITY OF PASADENA, TEXAS

ATTEST:

_____
AMANDA F. MUELLER
CITY SECRETARY
CITY OF PASADENA, TEXAS

APPROVED:

_____
CITY ATTORNEY
CITY OF PASADENA, TEXAS

EXHIBIT "A"

Section 13-151. - Adoption.

The 2024 edition of the International Fire Code inclusive of all appendices as published by the International Code Council, with those local exceptions and amendments provided for in Sec. 13-152 and all National Fire Protection Association (NFPA) current standards are hereby adopted by the City of Pasadena, Texas as the Fire Prevention Code of the City of Pasadena, Texas for regulating and governing fire prevention and suppression of buildings and structures within its jurisdiction; and each and all of the regulations, provisions, penalties, conditions and terms of said 2024 International Fire Code is hereby referred to, adopted and made a part of hereof, as if fully set out in this Article, subject, however, to those local amendments set forth in Section 13-152 of this Article.

Section 13-152. - Amendments to 2024 International Fire Code.

CHAPTER 1 ADMINISTRATION

Section 101.1 is amended to hereafter read as follows:

Section 101.1 Title. These regulations shall be known as the Fire Code of the City of Pasadena, hereinafter referred to as "this code".

Section 102.3 Change of Use or Occupancy is deleted in its entirety.

Section 102.4 Application of Building Code is deleted in its entirety.

Section 103 Code Compliance Agency is deleted in its entirety.

Section 112 Means of Appeals is deleted in its entirety.

Section 113.4 is amended to hereafter read as follows:

Section 113.4 Violation penalties. Any person, firm, corporation, or other entity who violates a provision of this code or shall fail to comply with any of the requirements thereof 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 misdemeanor, punishable by a fine

of not more than two thousand dollars ($2,000.00). Each day that a violation continues after due notice has been served shall constitute a separate offense.

Section 114.4 is amended to hereafter read as follows:

Section 114.4 Failure to comply. Any person, firm, corporation, or other entity who shall continue any work after having been served with a stop work order, except such work as that person, firm, corporation, or other entity is directed to perform to remove a violation or unsafe condition, shall be subject to a fine not to exceed two thousand dollars ($2,000.00).

CHAPTER 3 GENERAL REQUIREMENTS

Section 317 Vegetative and Landscaped Roofs is amended by adding the following:

Section 317.1.1 Wooden and Thatch Roof Coverings.

a) **Prohibited.** Wooden roof coverings, including but not limited to wooden shingles, wooden shakes, and roof coverings of thatch, straw, palm, and bamboo (commonly known as palapas), are prohibited and shall not be installed or used over any enclosed commercial building or space, which includes but is not limited to open-air palapa, patio cover, and gazebo.
b) **Use, alteration, and repair.** Any roof prohibited by subsection (a) of this section but in use on or before April 01, 2023, may continue to be used. Any roof of materials prohibited in subsection (a) that is in existence on April 01, 2023, may be repaired or altered with such materials, provided such alteration or repair does not exceed 50 percent of the roof area. Alteration or repair of more than 50 percent of the roof area shall require replacement of the entire roof with acceptable materials.
c) **Permit requirements.** Wooden roof coverings, including wooden shingles, wooden shakes, and roof coverings of thatch, straw, palm, or bamboo installed on or before April 01, 2023, shall require a fire-retardant roof permit to be obtained by the owner or occupant.
d) **Prohibited without a permit.** Except as otherwise expressly provided in this section or some other ordinance of the city, it shall be unlawful for a person to construct, maintain, use, or allow any structure with wooden roof covering,

including wooden shingles, wooden shakes, and roof coverings of thatch, straw, palm, or bamboo to remain on commercial property they own or occupy without possessing an unexpired fire-retardant roof permit for such structure.

e) **Fire-retardant coating.** No fire-retardant roof permits shall be issued except upon the presentation of proof that an approved fire-retardant coating has been properly applied to the roof material in accordance with the manufacturer's recommendations and that such coating was applied less than 30 days preceding application for such permit.

f) **Expiration and renewal.** A fire-retardant roof permit shall expire twenty-four (24) months after issuance and shall be renewed for every twenty-four (24) months by application for another permit and presentation of proof that an approved fire-retardant coating has been re-applied to the entire roof surface within 30 days preceding application for permit renewal. The fee for a fire-retardant roof permit or renewal shall be one hundred fifty dollars ($150.00).

Section 320 Lithium-Ion and Lithium Metal Battery Storage is amended at Section **320.1 General** to hereafter read as follows:

Section 320.1 General. The storage methods for any and all Lithium-Ion and Lithium Metal batteries, including those for commercial use, within the incorporated city limits of the City of Pasadena shall comply with Section 320, NFPA-855 Chapters 3 and 14, and the 2024 International Fire Code.

1. The storage design plan shall be completed by a Licensed Fire Protection Engineer and a Licensed Electrical Engineer, and the design plan shall be submitted to the Fire Code Official for plan review and approval.
2. Pending the final approval of the Fire Code Official, the storage of any Lithium Metal and/or Lithium-ion commercial batteries within any commercial building, warehouse, or structure is strictly prohibited.
3. The Fire Code Official has the right to set allowable storage quantities.
4. The Fire Code Official has the final say on the Storage of Lithium Metal and/or Lithium-Ion batteries.

Section 320.1.1 Exceptions

1. New or refurbished batteries installed in the equipment, devices or vehicles they are designed to power.
2. New or refurbished batteries packed for use with the equipment, devices or vehicles they are designed to power.
3. Batteries in original retail packaging that are rated at not more than 300 watt-hours for lithium-ion batteries or contain not more than 25 grams of lithium metal for lithium metal batteries.
4. Temporary storage of batteries or battery components during the battery manufacturing process prior to completion of final quality control checks.
5. Temporary storage of batteries during the vehicle manufacturing or repair process.

CHAPTER 5 FIRE SERVICE FEATURES

Section 507 Fire Protection Water Supplies is amended at Section 507.5.1 to hereafter read as follows:

Section 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official and shall not exceed 100 feet from any Fire Department Connection (FDC).

CHAPTER 6 BUILDING SERVICES AND SYSTEMS

Section 604 Elevator Operation, Maintenance, and Fire Service Keys is amended at **Section 604.5 Maintenance of Elevators** by adding new Subsections 6.4.5.5, 604.5.6, 604.5.7 and 604.5.8 to hereafter read as follows:

Section 604.5.5 Performance and Maintenance of Elevators All buildings, other than single-family residences, three stories or more in height, shall have at least one elevator capable of providing access to every floor. This elevator shall be designed to accommodate one emergency ambulance stretcher (minimum size 22 inches by 78 inches in full horizontal). The stretcher shall be able to enter the elevator car without being shortened or tilted.

1. In order to ensure access for emergency medical personnel, the following requirements relating to elevators and car access are stipulated:
   a. At least one elevator shall be identified for emergency medical service use.
   b. The emergency medical service elevator shall have the following design criteria:
      1. The inside car dimension shall not be less than 51 inches by 82 inches;
      2. The door access into the elevator shall be at least 42 inches wide and positioned along the long axis of the car.
   c. The elevator provided with these requirements shall be clearly marked and have key control for recall by the emergency medical personnel.
2. Each elevator shall have a lock box, approved by the Fire Marshal, located adjacent to the elevator on the first floor, which will house emergency keys and tools to aid in the rescue of trapped individuals inside a non-working elevator. All elevators shall be equipped with two-way communications that are monitored 24 hours a day for emergency use inside the car.

Section 604.5.6 – Elevators to be regularly maintained.

The owner of any building containing residential dwellings located above the ground floor with at least one (1) elevator must conduct scheduled maintenance on said elevator(s) in accordance with the Texas Department of Licensing Regulations. An owner of any such building shall provide to the Chief Building Official of the City of Pasadena, upon request, records demonstrating the maintenance performed on each elevator in the building for the previous year.

Section 604.5.7 Notice.

The owner of any building containing residential dwellings located above the ground floor with at least one (1) elevator shall provide twenty-four (24) hours' advance written notice of scheduled maintenance on the elevator(s). Such notice shall be prominently posted on the wall adjacent to each set of elevator doors on each floor of the building. A copy of such notice shall also be delivered directly to each dwelling unit, either in paper form or by electronic mail. The owner shall also provide twenty-four (24)

hours' advance written notice of scheduled maintenance on the elevator(s) to the Chief Building Official of the City of Pasadena.

Section. 604.5.8 - Inoperable elevators.

The owner of any building containing residential dwellings located above the ground floor that has an elevator(s) in inoperable condition must repair the elevator(s) and restore elevator service within three (3) calendar days.

CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS

Section 901.5 is amended to hereafter read as follows:

Section 901.5 Where required. Fire Detection and Alarm Systems, Fire Extinguishing Systems, Fire Hydrant Systems, Fire Pump Systems, Private Fire Service Mains and all other fire protection systems and appurtenances thereto, shall be subject to acceptance tests as contained in the installation standards, with all Post Indicator Valves (PIV) to be installed above ground, remote from the building and have exterior access as approved by the Fire Code Official. The Fire Code Official shall be notified before any required acceptance testing.

Section 903.2 is amended to hereafter read as follows:

Section 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section or when the gross square footage of the building or structure exceeds 8,000 square feet.

Section 903 AUTOMATIC SPRINKLER SYSTEMS is amended by adding a new section 903.2.3.1 to hereafter read as follows:

903.2.3.1 An approved automatic sprinkler system shall be provided for all Group E Day Care occupancies where the number of occupants exceeds 100 persons.

Section 905 STANDPIPE SYSTEMS is amended by adding a new section 905.3.1.1 to hereafter read as follows:

905.3.1.1 Where required and in addition to the requirements set forth in Chapter 9 of the Fire Code, the Fire Code Official may require the installation of a Class III standpipe system in any new premises where the gross square footage of the premises exceeds 200,000 square feet. The proposed location of the standpipe system

shall be submitted for approval to the Fire Code Official prior to installation.

Section 912 FIRE DEPARTMENT CONNECTIONS is amended by adding a new section 912.2.1.1 to hereafter read as follows:

912.2.1.1 Where required, Fire Department Connections (FDC) shall be installed in accordance with NFPA Standards at a remote location, street side, with all standards applicable to system design, and shall comply with 912.2 through 912.7, and upon approval and acceptance by the Fire Code Official.

CHAPTER 12 ENERGY SYSTEMS

Section 1201 General is amended by adding a new section 1201.4 Purpose to hereafter read as follows:

Section 1201.4 Purpose. To advance and protect the public health, safety and welfare of the City of Pasadena by creating regulations for the installation and use of Energy Storage Systems, with the following objectives:

1. Provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of a battery energy storage system;
2. Protect, health, welfare, safety and quality of life of the general public;
3. Mitigate the impacts of Energy Storage Systems on City resources, public services and nearby properties; and
4. Ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems.

Section 1201.4.1 Applicability.

1. The requirements of this Chapter shall apply to all Energy Storage Systems permitted, installed, modified, expanded, improved and/or replaced in the City of Pasadena after the effective date of this article, excluding general maintenance and repair.
2. Energy Storage Systems constructed or installed prior to the effective date of this article shall not be required to meet the requirements of this Chapter.

Section 1201.4.2 Classification. Energy Storage facilities shall be classified as a "Private Utility" and a High Hazard Operation.

Section 1202.1 Definitions is amended to hereafter add to definitions the following:

BATTERY ENERGY STORAGE SYSTEM (BESS). A rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, and associated electrical equipment designed to provide electrical power to a building. The system is typically used to provide standby or emergency power, an uninterruptible power supply, load shedding, load sharing, or similar capabilities.

BATTERY TYPES. For the purposes of this code, certain types are defined as follows:

FLOW BATTERY. A type of storage battery that includes chemical components dissolved in two different liquids. Ion exchange, which provides the flow of electrical current, occurs through the membrane while both liquids circulate in their respective spaces.

LEAD-ACID BATTERY. A storage battery that is comprised of lead electrodes immersed in a solution of water and sulfuric acid electrolyte.

LITHIUM METAL POLYMER BATTERY. A storage battery that is similar to the lithium-ion battery except that it has a lithium metal anode in place of the traditional carbon or graphite anode.

LITHIUM-ION BATTERY. A storage battery with lithium ions serving as the charge carriers of the battery. The electrolyte is a polymer mixture of carbonates with an inorganic salt and can be in a liquid or a gelled polymer form. Lithium metal oxide is typically a cathode, and forms of carbon or graphite typically form the anode.

NICKEL-CADMIUM (Ni-CD) BATTERY. An alkaline storage battery in which the positive active material is nickel oxide. The negative electrode contains cadmium, and the electrolyte is a solution of water and potassium hydroxide.

NICKEL-METAL HYDRIDE (NiMH). An alkaline storage battery in which the positive active material is nickel oxide; the negative electrode is an intermetallic compound, and the electrolyte is usually potassium hydroxide.

STATIONARY STORAGE BATTERY. A group of electrochemical cells interconnected to supply a nominal voltage of DC power to a

suitably connected electrical load, designed for service in a permanent location.

CAPACITOR ENERGY STORAGE SYSTEM. A stationary, rechargeable energy storage system consisting of capacitors, chargers, controls, and associated electrical equipment designed to provide electrical power to a building or facility. The system is typically used to provide standby or emergency power, an uninterruptible power supply, load shedding, load sharing, or similar capabilities.

COMMISSIONING. A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

CRITICAL CIRCUIT. A circuit that requires continuous operation to ensure the safety of the structure and occupants.

CRITICAL FACILITY. Any structure or facility that is essential to the preservation of life and property, including but not limited to:

1. Hospitals, nursing homes, blood banks, assisted, living facilities, health care facilities including those storing vital medical records, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during an emergency event;
2. Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for emergency response activities before, during, and after an emergency event;
3. Public and private utility facilities that are vital to maintaining or restoring normal services to affected areas before, during and after an emergency event;
4. Structures or facilities that produce, use, treat, store or dispose of highly volatile, flammable, explosive, toxic, and/or water-reactive materials, or hazardous waste; and
5. Drinking water plants and facilities, and wastewater treatment plants and facilities.

DEDICATED-USE BUILDING. A building that is built for the primary intention of housing battery energy storage system equipment is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1. The building's only permitted use is battery energy storage, energy generation, and other electrical grid-related operations.
2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel who operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain a battery energy storage system, provided the areas do not occupy more than 10 percent of the building area of the story in which they are located.

EMERGENCY POWER SYSTEM. A source of automatic electric power of a required capacity and duration to operate required life safety, fire alarm, detection, and ventilation systems in the event of a failure of the primary power. Emergency power systems are required for electrical loads where interruption of the primary power could result in loss of human life or serious injury.

ENERGY STORAGE MANAGEMENT SYSTEM. An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the ESS or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

ENERGY STORAGE SYSTEM (ESS). One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

a) Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
b) Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

ENERGY STORAGE SYSTEM, ELECTROCHEMICAL. An energy storage system that stores energy and produces electricity using chemical reactions. It includes, among others, battery ESS and capacitor ESS.

ENERGY STORAGE SYSTEM MOBILE. An energy storage system capable of being moved and utilized for temporary energy storage applications, and not installed as fixed or stationary electrical equipment. The system can include integral wheels for transportation or be loaded on a trailer and unloaded for charging, storage, and deployment.

ENERGY STORAGE SYSTEM, WALK-IN UNIT. A prefabricated building that contains energy storage systems. It includes doors that provide walk-in access for personnel to maintain, test, and service the equipment, and is typically used in outdoor and mobile ESS applications.

ENERGY STORAGE SYSTEM CABINET. A cabinet containing components of the energy storage system that is included in the UL 9540 listing for the system. Personnel are not able to enter the enclosure other than by reaching in to access components for maintenance purposes.

ENERGY STORAGE SYSTEM COMMISSIONING. A systematic process that provides documented confirmation that an energy storage system functions according to the intended design criteria and complies with applicable code requirements.

ENERGY STORAGE SYSTEM DECOMMISSIONING. A systematic process that provides documentation and procedures that allow an energy storage system to be safely de-energized, disassembled, readied for shipment or storage, and removed from the premises in accordance with applicable code requirements.

FUEL CELL POWER SYSTEM STATIONARY. A stationary energy generation system that converts the chemical energy of a fuel and oxidant to electric energy (DC or AC electricity) by an electrochemical process.

FIELD-FABRICATED FUEL CELL POWER SYSTEM. A stationary fuel cell power system that is assembled at the job site and is not a pre-engineered or prepackaged, factory-assembled fuel cell power system.

PRE-ENGINEERED FUEL CELL POWER SYSTEM. A stationary fuel cell power system consisting of components and modules that are produced in a factory and shipped to the job site for assembly.

PREPACKAGED FUEL CELL POWER SYSTEM. A stationary fuel cell power system that is factory assembled as a single, complete unit and shipped as a complete unit for installation at the job site.

PORTABLE GENERATOR. A mobile internal combustion engine-driven device that provides temporary electrical power. This includes hand portable, wheeled, trailer-mounted, and motor vehicle-mounted generator sets. It does not include generators in permanent, fixed installations.

PROXIMITY. Nearness in space, time, or relationship. Has the same meaning as vicinity.

STANDBY POWER SYSTEM. A source of automatic electric power of a required capacity and duration to operate the required building, hazardous material, or ventilation systems in the event of a failure of the primary power. Standby power systems are required for electrical loads where interruption of the primary power could create hazards or hamper rescue or firefighting operations.

Chapter 12 ENERGY SYSTEMS is amended by adding a new SECTION 1208 General Requirements.

1208.1 General. Specific requirements for ground-mounted solar photovoltaic systems location, installation, commissioning, fire protection, and security.

1. All Battery Energy Storage Systems (BESS), all dedicated-use buildings and all other buildings or structures that contain or are otherwise associated with a BESS will be required to complete a Land Use Request before applying for a Floodplain Development, Site Plan and Commercial Building Permit to ensure conformance with the provisions of this Chapter.

2. All BESS, all dedicated-use buildings, and all other buildings or structures that contain or are otherwise associated with a BESS and are subject to the International Building Code, Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the International Building Code,

Uniform Code, Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and City of Pasadena Code of Ordinances.

3. Energy Storage Systems shall be designed and approved by a licensed Electrical Engineer and Fire Protection Engineer prior to submission for plan review and permitting.
4. Onsite detention and internal storm water collection are required.

1208.2 Design Approval Requirements. Ground-mounted solar photovoltaic system arrays shall be designed and approved by a licensed Electrical Engineer and Fire Protection Engineer prior to submission for plan review and permitting.

1208.2.1 Code compliance. Ground-mounted solar photovoltaic systems must meet all applicable codes, standards, and code amendments as adopted by the City of Pasadena at the time of submission, and the code analysis must be listed on the legend page of the plan set.

1208.3 Permitting and Plan Review. All applications, permits, and plan reviews for energy storage systems and ground-mounted solar photovoltaic system arrays shall be submitted directly to City Permit Department and the Fire Marshal's Office of the City of Pasadena, Texas, for approval and code compliance.

1. A completed application for a Floodplain Development Permit shall be submitted to the City Permit Department and must include the following:

    a. Two complete sets of Engineer sealed plans drawn to scale with a legend, north arrow and vicinity map.

    b. Existing topography survey and proposed site grading plan; including any areas of fill placement, areas of excavation, finished floor elevations and slab elevations. Provide centerline elevations of all adjacent streets.

    c. Site Plan showing all easements, rights of way, lot dimensions, setback dimensions, all proposed structures, fencing, gates, equipment, and poles.

d. Paving Plan showing all paved areas with pavement elevations, driveways, and sidewalks.

e. Utility and drainage plan, including detention and mitigation ponds with cross-sections and Engineer sealed calculations. Storm Water Pollution Prevention Plan and current City of Pasadena Standard Details.

2. Site Plan approval does NOT indicate compliance with any other ordinances or requirements of the City of Pasadena or compliance with regulations, standards or requirements of other relevant jurisdictions. Application for a Site Plan Permit shall be submitted to the City Permit Department and must include the following:

a. A completed application with all of the information and fees required.
b. Site Plan permit fee of Three Hundred Dollars ($300.00) per lot.
c. Scaled plans with north arrow, and describe the property lines of all tracts and/or lots related to the development.
d. Locations and dimensions of all existing and proposed structures.
e. A survey sealed and certified by a Texas registered professional land surveyor showing the location of each existing building, structure or improvement; each easement and right-of-way within or abutting the boundary of the surveyed property; and the dimensions of each sidewalk, alley, driveway or other part of the site development dedicated to the public.
f. Bearings, dimensions and locations of existing property lines, easements and building setback lines.
g. Surrounding land uses, adjoining streets, alleys and other public improvements.
h. Locations of existing trees, including identifying those trees to be preserved as well as existing landscape to be preserved.
i. Site Plan with all proposed landscaping, parking, fencing, paving, structures, equipment and poles and their setbacks from all property lines.
j. Locations, dimensions, design, materials, location of driveways, parking spaces, drive aisles, landscaping

islands, curbs, wheel stops and other physical features related to layout of parking and loading facilities.

k. Location and materials of sidewalks, patios and other improvements.
l. Proposed trees, shrubs, parking lot landscaping, lawn areas, groundcovers and buffer yards with plant list including type, size, variety and number of plants.
m. Landscape irrigation plan.
n. Proposed fence and/or wall information, including materials, height, and if needed, certification by a registered engineer.
o. Locations of above-ground existing and proposed physical features such as utility poles, fire hydrants, trash receptacles, dumpsters, dumpster enclosures, bollards and other features.
p. Covenants and restrictions recorded in the real property records affecting the tracts and/or lots included in the Site Plan.
q. Licenses, permits and other documentation required by federal, state and other governments for the operation of the use.
r. Existing and proposed signs and similar features.
s. Any additional information/materials such as plans, maps, exhibits, information about proposed uses, etc., as deemed necessary by the Planning Director in order to ensure that the Application is understood.

3. A Commercial Development Permit shall be presented to the Building Official on forms furnished by the Permit department and must include the approved Floodplain Development permit, Site Plan permit, approved plans and a Commercial Permit Fee of One Hundred Dollars ($100.00) for each Battery Energy enclosure, cabinet or structure not covered in this Chapter.
4. Special Use Permit application shall be submitted and include the following information:

a. Site Plan indicating the distance from all adjacent property lines and structures.

b. Elevations and renderings/illustrations.

c. Such other information as the City deems necessary to administer this Chapter.

5. An electrical permit shall be required and plans must be signed and sealed by a Licensed Electrical Engineer.

6. Environmental reviews and approvals shall be required and include the following:

   a. Initial site Environmental Assessment.

   b. Full Environmental Impact Analysis.

   c. Documentation of compliance with Historical Properties Survey.

   d. Compliance with any Wetlands Permitting through the US Army Corps of Engineers.

   e. Such other information as the City deems reasonably necessary to administer this Chapter.

7. Energy Storage System sites must be registered with all Federal, State and Local Regulatory agencies.

8. Centerpoint Energy review and approval of the proposed Energy Storage System is required before a City permit will be issued.

9. Civil Site Requirements. All structures, buildings, equipment, drive aisles, and parking areas must be on an improved surface of asphalt or concrete with an internal drainage system draining away from all property lines. The following requirements shall apply:

   a. Concrete paving must be five and one-half (5½) inches of 2500 PSI concrete reinforced with No. 3 rebar at eighteen (18) inches O.C.E.W. poured on a subbase compacted to ninety-five (95) percent density; or

   b. One and one-half (1½) inches of hot mix asphalt laid on a six (6) inch compacted limestone or crushed concrete base on a subbase compacted to ninety-five (95) percent density.

   c. Driveways and approaches must comply with current City of Pasadena standard details. A maximum driveway width of

thirty-five (35) feet with a minimum radius of ten (10) feet will be allowed.

d. Certain streets, roads or highways may require Driveway/Approach permits with Harris County, TxDOT and/or the Harris County Toll Road Authority.

e. Internal drainage calculations using Atlas 14 must be provided with an Engineer's seal.

f. Onsite detention is required at the current City of Pasadena detention rate, if outfalling into a City maintained system. If outfalling to Harris County, Harris County Flood Control, TxDOT or any other drainage system, the detention rate of the accepting jurisdiction will apply.

g. All domestic, fire and irrigation lines shall have their own connection to the City water main and they must have their own water meter and backflow preventer.

10. Utility Lines and Electrical Circuitry. All utility and electrical lines shall be placed underground with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment.
11. All utility and electrical lines in a public easement or right of way must be placed underground. A right of way permit through the City Engineering department is required.
12. Buildings must be protected from vehicle impact, including but not limited to protection provided by bollards.
13. No person, firm or corporation may operate a BESS system without first obtaining a permit to do so from the City of Pasadena, Texas. The permit shall be renewed on an annual basis and the city shall conduct an annual site inspection prior to permit renewal.

1208.3.1 Special Use Performance Standards.

(a) Availability and adequacy of public service. Public services including but not limited to sewer, water, gas, police, and fire protection must be available as evidenced by letters of availability from the department of Public Works and Engineering at an adequate level and capable to service the proposed land use. The Public Works Director, Fire Marshal and/or the city council may impose any necessary conditions and restrictions to insure that an

overloading of the city system does not occur and that inordinate demand on public services does not jeopardize or limit existing and protected services demands.

(b) Required licenses obtained. All necessary government permits and licenses shall be secured with evidence of such placed on record with the city. Any person, firm or corporation seeking to exercise, carry on or engage in the business or operation of a battery energy storage system shall make application with the Fire Marshal's office and the City of Pasadena Permit Department.

(c) Transfer of Ownership. The Applicant shall provide written notification to the Fire Marshal's Office and Planning Department at least thirty (30) days prior to any change in ownership of a BESS. A change in ownership includes any kind of assignment, sale, lease, transfer, or other conveyance of ownership or operating control of the applicant, the BESS, or any portion thereof. The Applicant or successors-in-interest or assignees of the Special Use Permit, as applicable, shall remain liable for compliance with all conditions, restrictions and obligations contained in the Special Use Permit, the provisions of this Ordinance, and applicable City, state, and federal laws.

1208.3.2 Operational Performance Standards. Energy Storage Systems or any combination thereof shall each meet the following minimum performance standards. No person, firm, corporation, partnership or other entity shall operate or permit to be operated a Energy Storage System in violation of any of the following performance standards contained in this section. All applications for permits and subsequent annual renewal applications shall include a certification from a licensed engineer that verifies compliance with these performance standards. Where applicable, land uses shall meet and be in compliance with the appropriate federal, state and local regulations. Compliance with the following operational standards must be met:

(a) Lighting and glare. Any lighting used shall be arranged so as to deflect light away from any adjoining residential use or from public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding, shall not be directed onto

any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot-candle (meter reading) as measured from the centerline of such street. Any light or combination of lights which casts light on residential property shall not exceed 0.4 foot-candles (meter reading) as measured from such property.

(b) Radiation and electrical emissions. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(c) Smoke. The emission of smoke by any use shall be in compliance with and regulated by the appropriate federal, state, or local agency.

(d) Dust or other particulate matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the appropriate federal, state, or local agency.

(e) Odors. The emission of odor by any use shall be in compliance with and regulated by the appropriate federal, state, or local agency.

(f) Fire and explosive hazards. Hazardous materials/explosives shall meet all current federal, state, and local codes and regulations.

(g) Vibration. All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located.

(h) Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the requirements and standards set forth in section 20-1 of the Code of Ordinances of the City of Pasadena, Texas.

(i) On site containment of materials and waste. No material or waste shall be deposited on a property in such a form or

manner that it may be transferred off the property by natural causes or forces such as wind or rain.

(j) Remote Monitoring. All Energy Storage sites shall have a redundant 24/7 site monitoring system to detect and prevent thermal runaway. The system shall be subject to the following requirements:

(1) The system shall have detectors for temperature, gases, and smoke installed.

(2) System alerts and detection warnings of a potential thermal runaway, smoke detector activation, or gas detector activation shall be sent to local emergency services (Fire and Police Departments), site and remote operators, and owners.

(3) Alerts and detections of a potential thermal runaway, smoke detector activation, or gas detector activation shall trigger BESS unit shutdown and exhaust fan initiation at a minimum.

(4) All critical safety systems and remote monitoring systems shall have a secondary source of power in the event of a power failure.

(5) A plan shall be provided showing the capability of providing battery backup power for as long as it takes for a permanent (generator) power source to be put in place. The company shall send its backup power plan to the Fire Marshal's office at time of permitting for review. The plan shall explain how they will sustain emergency backup power until normal power is restored, especially during a natural disaster.

(6) For additional safety and redundancy of a commercial energy storage system (ESS) installation, a Battery Analytics software system shall be required to monitor the data produced by the Battery Management System (BMS). Indications of a potential failure shall be immediately transmitted to the energy storage system operator and to the fire department.

(k) Supervision of Site. A stationary energy storage system shall be operated and maintained under the general supervision of a technical expert held to the following standards:

(1) Be trained and knowledgeable in the installation, maintenance, and operation of the battery system, such

as a person engaged in the design or installation of such systems;

(2) Possess the manufacturer's installation and operating specifications for each battery system and any associated fire protection systems;

(3) Immediately report any emergency condition affecting a battery system to the Fire Department; and

(4) Provide technical assistance about the stationary energy storage system installation to the Department and, in coordination with the energy storage management system monitoring facility, identify a subject matter expert (such as a representative of the manufacturer) who can provide technical assistance about the battery's design and performance in the event of an emergency condition affecting the battery system.

(l) Event Response. If City employees respond to an incident at the site, the operator of the Energy Storage System site shall adhere to the following requirements:

(1) A technical expert must be on-site within one hour of any remote monitoring alert.

(2) All City costs associated with the incident must be reimbursed at a rate specified by the City.

(3) Any third-party response requested by the City or Pasadena Fire Department will be at the cost of the property owner.

(m) Insurance. The operator of the BESS site shall provide and maintain, as current, a certificate of liability insurance with the City named as an Additional Insured.

(n) On-site Signage. The operator of the BESS site shall post in a conspicuous location at the entrance to the facility a sign subject to the following regulations:

(1) The sign shall contain the address for the location, be reflective and weatherproof and shall be placed at all entrance gates to the facility, as well as on the entrance to any buildings that may house any components of the BESS.

(2) Lettering shall be a minimum letter height of 3/8" permanently affixed.

(3) The sign shall be inspected annually to ensure its structural integrity and to determine if any additional information is required.

1208.3.3 Revocation of Permit.

(a) Upon verified written complaint filed by any person with the City Fire Marshal's Office or any other City department setting out facts alleging that any permitee under this article has violated the provisions of this article, or any other applicable ordinance of the city, state or federal law; the City Fire Marshal, the City Planning Director, and/or the City Building Official, or their designated representative shall investigate the allegations.

(b) Based on this investigation, the City Fire Marshal, City Planning Director, or City Building Official shall determine whether just cause exists for revocation, or if there will be a deadline to correct the complaint before revocation.

(c) If just cause exists for revocation of a permit herein, the City Fire Marshal, City Planning Director, or City Building Official shall notify the permitee in writing by certified mail, return receipt requested, that their permit is being revoked. A copy of the verified complaint shall be included, notifying the permitee of the allegations against them.

(d) In the event that the permitee's permit is revoked, such permitee may appeal the revocation to the city council by notifying the city secretary in writing within fourteen (14) days after the revocation. A hearing before the city council shall be set as soon as practical. Failure to appeal within fourteen (14) days shall render the revocation of the permit decision final.

(e) At the hearing conducted by the city council, all parties shall have the right to be represented by a licensed attorney and shall have the right to ask questions of opposing witnesses. After hearing the evidence presented by both sides, the city council shall, render its decision, notifying applicant by certified mail, return receipt requested, as soon after the conclusion of the hearing as practical, but in no event more than thirty (30) days following the date of the hearing. Failure of the city council to act within thirty (30) days shall be deemed the City Council's upholding of the decision by the City Fire Marshal, Planning Director or Building Official, to revoke the permit. This will conclude the permitee's

administrative remedies and the city council's action or inaction shall be final.

1208.3.4 Permitting Fees.

1. Ground-mounted solar photovoltaic system arrays are considered and classified as High Hazard Operations by the City of Pasadena and shall require the following permit fees on an annual basis.

a. System Arrays in an area up to 20,000 square feet require a permit fee of $5,000.00 annually.
b. System Arrays in areas greater than 20,000 square feet require a permit fee of $10,000 annually.

2. BATTERY ENERGY STORAGE SYSTEM

a. Battery Energy Storage System in an area up to 20,000 square feet requires a permit fee of $5,000.00 annually.
b. Battery Energy Storage System in an area greater than 20,000 square feet requires a permit fee of $10,000 annually

1208.3.5 Regulatory Agencies. Entities and solar photovoltaic system array sites must be registered with all Federal, State, and Local Regulatory Agencies.

1208.4 Site Location. The site location for the installation of Solar Photovoltaic System Arrays, Energy Storage Systems, Dedicated-Use Buildings and any other buildings or structures that contain or are otherwise associated with a BESS shall comply with the following:

(a) BESS sites shall be no larger than five (5) acres in size, measured property line to property line; excluding setbacks areas as described in (d) and (f).

(b) All structures, buildings, and equipment shall be setback a minimum of one-hundred fifty (150) feet from rear and side property lines. All setbacks shall be sodded or seeded and comply with all current City landscaping codes.

(c) BESS sites shall be no closer than fifteen-hundred (1,500) feet from another BESS site measured from nearest property line.

(d) BESS sites shall be no closer than one thousand (1,000) feet from all critical facilities; excluding other BESS sites and Centerpoint Energy facilities, measured from the nearest property line.

(e) All structures, buildings, and equipment shall be setback a minimum of fifty (50) feet from the right of way.

(f) BESS sites shall not be located in a special flood hazard area.

(g) All BESS sites must have frontage along and take direct access from a public right of way.

(h) All BESS systems, dedicated-use buildings, and other buildings, structures and equipment installed, modified, expanded, improved, and/or replaced must be elevated to the following:

(1) For curb and gutter streets, a minimum of one (1) foot above the centerline of all adjacent streets at the midpoint of the lot, or meet the 500-year flood elevation as determined from the effective FIS using City of Pasadena bench marks and correcting for latest NAVD leveling, whichever is higher. (Contact city for latest NAVD leveling.)

(2) Open ditch street one (1) foot above the centerline of the street at the midpoint of the lot, or meet the 500-year flood elevation as determined from the effective FIS, whichever is higher.

(3) For structures within two hundred (200) feet of the floodway a minimum elevation of two (2) feet above the 500-year flood elevation as determined from the effective FIS, whichever is higher.

1208.4.1 Site Security. The site of the solar photovoltaic system array must be secured to prevent unauthorized access including but not limited to:

(a) Screening and Visibility Requirements. BESS sites shall have views minimized from adjacent properties and from the road right of way. The following requirements shall apply:

(1) A minimum seven (7) foot high opaque wall or fence shall be erected with a self-locking gate at all openings to prevent unauthorized access to the facility.

(2) The perimeter fence shall be set back a minimum of ten (10) feet from the public right-of-way.

(3) Approved materials for perimeter screening walls and fences:

(a) Ribbed metal. Ribbed metal or R-panel fencing shall be suitably finished and shall be erected on a structurally sound metal frame set in concrete.

(b) Concrete or masonry. Screening walls shall consist of either decorative concrete masonry block or decorative concrete tilt-up walls. Decorative masonry block means neutral colored slump stone block, split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete tilt-up wall means concrete with a combination of paint and raised patterns, reveals, and/or trim lines.

(4) Maintenance. Screening walls and fences must be maintained in their original design, placement, and structural integrity.

(b) Landscaping. A landscape buffer shall be provided between the perimeter fence and the public right-of-way that is no less than ten (10) feet in width. The landscape area shall be planted with one (1) evergreen tree no less than six (6) inches in caliper for every fifty (50) feet of frontage to screen the development from view of the public right-of-way. Facility owner is responsible for maintaining any required landscaping.

(c) Irrigation. The landscape area shall be provided with an irrigation system. No planting or irrigation will be permitted within the public right-of-way.

(d) Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and

surrounding area and not interfere with ventilation or exhaust ports.

(e) The building must be protected from vehicle impact, including but not limited to protection provided by bollards.

1208.4.2 Dedicated-Use Building. A building that is built for the primary intention of housing battery storage system equipment is classified as Group F-I occupancy as defined in the International Building Code, and it complies with the following:

1) The building's only permitted primary use is for battery energy storage, energy generation, and other electrical grid-related operations.

2) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

3) No other occupancy types are permitted in the building.

4) Administrative and support personnel are permitted in incidental-use areas within the buildings that do not contain a battery energy storage system, provided the following:

a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.

b. A means of egress is provided from the incidental-use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy systems.

1208.4.3 Site Plan Application. Battery Energy Storage Systems requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

1) Property lines and physical features, including roads, for the project site.

2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

3) An electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code-compliant disconnects and overcurrent devices.

4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters, and associated electrical equipment that are to be installed, to the extent those equipment specification sheets are available. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.

5) Name, address, and contact information of the system installer and the owner and/or operator of the battery energy storage system shall be submitted prior to the issuance of the building permit.

6) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery storage energy storage system.

7) Commissioning Plan. Prior to issuance of the building permit, such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Adopted Codes. Where commissioning is required by Code, battery energy storage system commissioning shall be conducted by a Licensed Professional Engineer approved by the City of Pasadena in conjunction with the Fire Marshal after installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required by the Fire Code shall be provided to the City of Pasadena and the Fire Marshal prior to final inspection and approval and maintained at an approved on-site location.

8) Fire Safety Compliance Plan. Prior to issuance of the building permit, such a plan shall document and verify that

the system and its associated controls and safety systems are in compliance with the Uniform Code.

9) System and Property Operations and Maintenance Manual. Prior to issuance of the building permit, such a plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing, and commissioning information, and shall meet all requirements set forth in the Uniform Code.

10) Emergency Operation Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

a. Procedure for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

b. Procedures for inspection and testing of associated alarms, interlocks, and controls.

c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed-upon notification to the fire department personnel for potentially hazardous conditions in the event of a system failure.

d. Emergency procedures to be followed in cases of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

g. Other, procedures as determined necessary by the Fire Code Official to provide for the safety of occupants, neighboring properties, and emergency responders.

h. Procedure and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

1208.5 Fire Extinguishers. Fire Extinguishers, size, quantity, and installation shall be in accordance with section 906 of the International Fire Code-2024 Edition and approval of the AHJ.

1208.5.1 Protected Cabinets. Fire extinguishers installed in an outside environment shall be stored in readily identifiable storage cabinets to protect them from the environment.

1208.5.2 Firefighting Water Source. If the code or the Authority Having Jurisdiction requires that the solar photovoltaic system array site location require a water source for firefighting operations, the fire water line must be a minimum of 12 inches.

1208.6 Decommissioning Plan. In addition to section 1207.2.1 (12) of the International Fire Code-2024, a plan to retire the physical facilities of the project, including decontamination, dismantlement, rehabilitation, landscaping, and monitoring, shall be submitted to the Authority Having Jurisdiction. The plan shall contain detailed information on the proposed decommissioning and shall cover the schedule, type, and sequence of decommissioning activities; waste management, storage, and disposal of the waste from decommissioning, as well as the timeframe for decommissioning and site rehabilitation.

1208.6.1 Decommissioning/Removal. All applications for Battery Energy Storage System shall be accompanied by a Decommissioning

Plan to be implemented upon abandonment and/or in conjunction with removal of the installation. Prior to removal of the Battery Energy Storage System, a permit for removal activities shall be obtained from the Authority Having Jurisdiction. For all other Battery Energy Storage Systems subject to regulation under this Local Ordinance, the Decommissioning Plan shall include the following provisions:

a. The owner, operator, or his/her successors in interest shall remove any Battery Energy Storage System, Dedicated-Use Building, and other buildings or structures related thereto which have reached the end of their useful life or have been abandoned. The owner or operator shall physically remove the installation no more than one hundred fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Authority Having Jurisdiction by certified mail of the proposed date of discontinued operations and plans for removal.

b. Physical removal of all Battery Energy Storage System, Dedicated-Use Building, all other buildings or structures related thereto, security barriers, feeders, and branch circuit wiring from the site.

c. Disposal of all solid and hazardous waste in accordance with Local, State, and Federal waste disposal regulations.

d. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Authority Having Jurisdiction may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

e. Absent notice of a proposed date of decommissioning and written notice of extenuating circumstances, the Battery Energy Storage System shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Authority Having Jurisdiction ("Abandonment"). If the owner or operator of the Battery Energy Storage System fails to remove the installation in accordance with the requirements of this section within one hundred fifty (150) days of Abandonment or the proposed date

of decommissioning, the Authority Having Jurisdiction may enter the property and physically remove the installation.

f. Upon the decommissioning of the project and removal of all equipment, the soils at the site shall be restored to the condition and classification that existed prior to the construction of the project.

g. As part of the decommissioning plan, the owner or operator of a Battery Energy Storage System shall provide the City of Pasadena with an irrevocable standby letter of credit or other form of security reasonable acceptable to the City Attorney, which shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the letter of credit or other security shall be in the amount of one hundred percent (100%) of the cost of removal of the Battery Energy Storage System and restoration of the property, which shall be renewed every five (5) years. Delivery of the letter of credit or other security to the City of Pasadena shall occur prior to the commencement of operations.

h. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the letter of credit or other security shall be forfeited to the City of Pasadena, which shall be entitled to maintain an action thereon. The letter of credit or other security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

i. In the event of default or abandonment of the Battery Energy Storage System, the system shall be decommissioned as set forth in this subsection.

1208.6.2 Cost of Decommissioning/Removal. The operator of an installation and the owner of the real property on which such installation is located shall be jointly and severally liable for all costs and expenses of the City of Pasadena incurred during and relating to the removal of an installation under Section 1208.6.1. Notwithstanding the foregoing, the City of Pasadena shall first

attempt to secure payment for such costs and expenses from the operator of the installation; however, in the event the City of Pasadena is not compensated following reasonable attempts to collect such costs and expenses from the operator of the installation, the City of Pasadena reserves all rights under the Code to pursue payment for such costs and expenses from the owner of the real property on which the installation in question is located.

1208.7 Due Diligence. The following NFPA standards are associated with Chapter 12 Energy Systems and shall be referenced during the design, installation, maintenance, commissioning and decommissioning of Energy Systems.

*NFPA 2 Hydrogen Technologies Code

*NFPA 70 National Electrical Code

*NFPA 76 Standard for the Fire Protection of Telecommunication Facilities

*NFAP 99 Health Care Facilities Code

*NFPA 110 Standard for Emergency and Standby Power Systems

*NFPA 111 Standard on Stored Electrical Energy Emergency and Standby Power Systems

*NFPA 853 Standard for the Installation of Stationary Fuel Cell Power Systems

1208.7.1 System Safety/Certification. Prior to commencement of operation, battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and equipment) with subcomponents meeting each of the following standards as applicable:

1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications.

2) UL 1642 (Standard for Lithium Batteries).

3) UL 1741 or UL 62109 (inverters and power converters).

4) Certified under the applicable electrical, building, and fire prevention codes as required.

5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations, and safety standards may be used to meet system certification requirements.

6) Battery energy storage systems shall be maintained in good working order and in accordance with industry standards and the City of Pasadena Adopted Codes. A KNOX box shall be installed at the site to allow access to all structures.

7) Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

CHAPTER 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

Section 5704.2.13 is amended to hereafter read as follows:

Section 5704.2.13 Abandonment and status of tanks. Underground storage tanks that have not been used or taken out of service for a period of 90 days or more are strictly prohibited from being in place and shall be removed. This will include all piping, vents, hoses, pumps, and any and all appurtenances associated with the storage and distribution of Flammable and Combustible Liquids. The removal process shall also be in accordance with Section 5704.2.14.1, 5704.2.14.2, and API 1604 International Fire Code 2024 Edition.

Section 5704.2.13.1.2 Out of service for 90 days is deleted in its entirety.

Section 5704.2.13.1.3 Out of service for one year, is deleted in its entirety.

APPENDICES

Appendix A. Board of Appeals is deleted in its entirety.

Appendix B. Fire-Flow Requirements for Buildings shall be adopted in its entirety.

Appendix C. Fire Hydrant Locations and Distribution shall be adopted in its entirety.

Appendix D. Fire Apparatus Access Roads shall be adopted in its entirety.

Appendix E. Hazard Categories shall be adopted in its entirety.

Appendix I. Fire Protection Systems-Noncompliant Conditions shall be adopted in its entirety.

Appendix K. Construction Requirements for Existing Ambulatory Care Facilities shall be adopted in its entirety.