

4-3-18
agenda

AGENDA REQUEST

2H

☒ ORDINANCE ☐ RESOLUTION

NO: 2018-043

CAPTION: An ordinance amending the "Fire Prevention and Protection" Chapter of the Code of Ordinances of the City of Pasadena, Texas, through updating section 13-12 Fire and Life Safety Operating Permit, Special Use Permits, and Inspection Fees; and providing for a penalty.

RECOMMENDATIONS & JUSTIFICATION: The Purpose of the Fire and Life Safety ordinance is to ensure that all new and existing businesses and facilities meet the city's fire code and fire and life safety program. The Fire Marshal's Office has had a small number of fees for fire inspections and permits for a number years. The attached ordinance will update this list to include commercially or publicly occupied buildings which by virtue of their operation or clientele has a potential fire and life safety hazard.

(IF ADDITIONAL SPACE IS REQUIRED, PLEASE ATTACH SECOND PAGE)

BUDGETED: ☐ COUNCIL DISTRICT(S) AFFECTED:
REQUIRES APPROPRIATION: ☐
See attached Certification

		COUNCIL ACTION	
REQUESTING PARTY (TYPED)		FIRST READING:	FINAL READING:
David M. Brannon DATE: 03/12/2018			
BUDGET DEPARTMENT		<u>Casados</u> MOTION	<u>Bass</u> MOTION
PURCHASING DEPARTMENT		<u>Harrison</u> SECOND	<u>Heaman</u> SECOND
APPROVED:			
<u>McClellan</u> CITY ATTORNEY		<u>4-3-18</u> DATE	<u>4-17-18</u> DATE
<u>[Signature]</u> MAYOR		DEFERRED: _____	

ORDINANCE NO. 2018- 043

An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas, at Chapter 13, Fire Prevention and Protection, Section 13-12(H) Fee Required, Update fee schedule; and providing for a penalty.

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

SECTION 1. That the Code of Ordinances of the City of Pasadena, Texas is hereby amended at Chapter 13, Fire Prevention and Protection, by amending Section 13-12(H), and updating the fee schedule as shown on the attached Exhibit A.

SECTION 2. That the amendments to Chapter 13 caused by this ordinance and described herein shall become effective upon final approval.

SECTION 3. That all other terms and provisions of such chapter, except as amended, shall remain in full force and effect.

SECTION 4. 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this ordinance becomes effective which are inconsistent with, or in conflict with this ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this ordinance.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 5. 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 6. 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 any and 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.

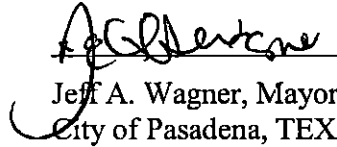
SECTION 7. Any violation of any provision of this section shall be deemed a Class C Misdemeanor and any person, firm, corporation, or other entity convicted of any such violation shall be fined not less than one hundred dollars.

SECTION 8. 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 City Hall located at 1149 Ellsworth Drive, Pasadena, Harris County, Texas for the time required by 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.

(Signatures 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 3rd day of April, A.D., 2018.

APPROVED this the 3rd day of April, A.D., 2018



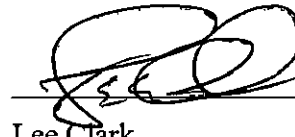
Jeff A. Wagner, Mayor
City of Pasadena, TEXAS

ATTEST:



Linda Rorick
City Secretary
City of Pasadena, TEXAS

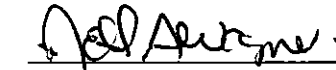
APPROVED:



Lee Clark
City Attorney
City of Pasadena, TEXAS

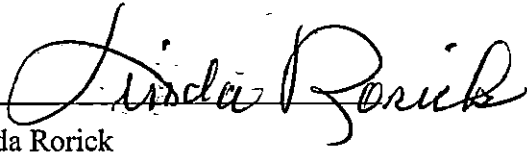
PASSED ON SECOND AND FINAL READING by the City Council of the City of Pasadena, Texas in regular meeting in the City Hall this the 17th day of April, A.D., 2018.

APPROVED this the 17th day of April, A.D., 2018



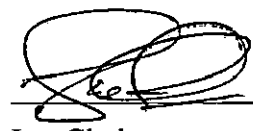
Jeff A. Wagner, Mayor
City of Pasadena, TEXAS

ATTEST:



Linda Rorick
City Secretary
City of Pasadena, TEXAS

APPROVED:



Lee Clark
City Attorney
City of Pasadena, TEXAS

Sec. 13-12 Fire and Life Safety Operating Permit, Special Use Permits, and Inspections Fees.

A. Definitions. For the purpose of this ordinance the following definitions shall apply.

Fire and Life Safety Operating Permit means a certificate of authorization issued by the City of Pasadena Fire Marshal's Office to the owner, agent, or person in control of the property, which authorizes the operation of certain occupancies which by virtue of their operation or clientele has an increased fire and life safety hazard.

Special Use Permit means a certificate of authorization issued by the City of Pasadena Fire Marshal's Office to the owner, agent, or person in control of the property, which authorizes the operation of certain businesses which by the very nature of the operations constitute a special fire hazard.

Foster Homes or Group Foster Home Occupancies means a private residential dwelling and its surrounding grounds which is licensed or approved by the state to provide twenty-four (24) hour substitute foster care for children.

Assembly Use Occupancies are buildings or structures, or a portion thereof, used for the gathering of persons for purposes of recreation, food or drink consumption including, but not limited to: banquet halls, night clubs, restaurants, taverns and bars

High-Hazard Use Occupancies are buildings or structures, or a portion thereof, which involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard including, but not limited to: auto wrecking yards, automotive repair shops, fuel dispensing, hazardous materials storage, high pile storage, industrial ovens, lumberyards, service stations and tire storage facilities.

Institutional Use Occupancies are buildings or structures, or a portion thereof, in which people are cared for or living in a supervised environment and having physical limitations because of health or age, are harbored for medical treatment or other care or treatment including but not limited to: alcohol and drug centers, assisted living facilities, congregate care facilities, convalescent facilities, group homes, half-way houses, residential board and care facilities, social rehabilitation facilities, hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities.

Day Care Use Occupancies are buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption and in a place other than the home of the person cared for including but not limited to: day care centers, after school programs and family/ group day care homes.

Multi-Family Residential Use Occupancies are buildings or structures, or a portion thereof containing 3 or more dwelling units including but not limited to: apartment houses, boarding houses, congregate living facilities, dormitories, fraternities and sororities, hotels, and motels.

Tent means a structure, enclosure or shelter constructed of fabric or pliable material supported by any manner used for the gathering of persons for commercial purposes of recreation and entertainment including tents that are used for assemblies, carnivals or circuses. For the purpose of this ordinance, "tent" does not include pop tents or tents used for personal use.

Emergency Generators means an engine generator in commercial, not residential, occupancies supplying emergency or standby power to fire and life safety systems, fire alarms or fire pumps.

B. Applicability. The provision of this ordinance applies to all fire and life safety operating permits, special use permits and certain inspections conducted by the fire prevention department (Fire Marshal's Office) within the

corporate limits of the City of Pasadena.

- C. Permit application: issuance.** It shall be unlawful for any person to operate, cause to be operated, or permit the operation of an Assembly Use Occupancy, a Day Care Use Occupancy, Foster or Group Foster Home Occupancy, a High-hazard Use Occupancy, an Institutional Use Occupancy, or a Multi-Family Residential Use Occupancy unless a valid Fire and Life Safety Operating Permit or a Special Use Operating Permit has been issued by the City of Pasadena Fire Marshal's Office for such business or operation.
- D. Existing Occupancies.** Occupancies in existence before the effective date of this ordinance shall be required to obtain a Fire and Life Safety Permit or the Special Use Operating Permit upon their next scheduled yearly inspection unless a new certificate of occupancy is issued or a significant change in the occupancy use occurs.
- E. Separate permit for each place of business.** Every person who desires to maintain and operate more than one place of business or branch office or substitute place of business for which a permit is required by this ordinance must designate in his application each and every such place of business, branch office or substitute place of business, giving each address, and pay a separate permit fee and secure a separate permit for each address.
- F. Display.** A permit issued under this article shall at all times be displayed in a conspicuous place in the office of each place of business maintained by the permit holder.
- G. Term; Renewal.** Permits issued under this section shall expire one (1) calendar year from the date of issuance. Such permits shall be renewed by filing an application for renewal at least ten (10) days prior to the expiration of the current permit with the fire marshal's office.
- H. Fee required.** A fee shall be assessed for all annual Fire and Life Safety Operating Permits, Special Use Operating Permit and certain types of inspections conducted by the Fire Marshal's Office. Such fee shall be paid prior to issuance of the initial permit to an applicant and upon renewal of such permit each year thereafter. The fees shall be as listed:

Annual Fire and Life Operating Permits

Assembly Use Occupancies, banquet halls, night clubs, restaurants, taverns and bars;

1. 1-99 persons ... \$75.00
2. 99-299 person ... \$150.00
3. 300 or more persons ... \$200.00

Day Care Use Occupancies, Licensed Facilities providing less than 24-Hr Care, Day Care Centers/ After School Programs Licensed for:

1. 1-25 children ...\$75.00
2. 26-49 children ...\$100.00
3. 50-99 children ...\$125.00
4. 100-149 children ...\$150.00
5. 150 or more children ... \$175.00

Family/ Group Day Care Homes Licensed for 1-12 people ... \$75.00

Foster Homes or Group Foster Home Occupancies, Licensed Facilities providing 24-hr care Foster Homes

/ Foster Group Homes

1. Licensed for 1-6children ... \$35.00
2. Licensed for 7-12 children ... \$100.00

Institutional Use Occupancies, Licensed Facilities providing 24-hr care Hospitals/ Nursing Homes
Licensed for:

1. 1-99 beds ... \$200.00
2. 100-199 beds ... \$250.00
3. 200-499 beds ... \$300.00
4. 500 or more beds ... \$400.00

Institutional Use Occupancies, 24-hr Care Facilities, such as residential treatment centers, personal care facilities, maternity homes, & similar facilities. Licensed for:

1. 1-3 occupants ... \$75.00
2. 4-16 occupants ... \$100.00
3. 17-25 occupants ... \$150.00
4. 26 or more occupants ... \$200.00

Multi-Family Residential Use Occupancies, Multi-Family Residences, Apartments, Hotels, Motels & other multi-family dwellings

1. 3-20 unit dwelling ... \$65.00
2. 21 or more units ... \$ 250.00

Commercial and Public Building Inspections

1. One Hour ... \$65.00
2. Two Hour ... \$130.00
3. Three Hour ... \$195.00
4. Four Hour ... \$260.00

High-Hazard Use Occupancies, High Hazards Operations

1. Hazardous Materials Storage ... \$250.00
2. Auto Wrecking Yards ... \$65.00
3. Automotive Repair ... \$65.00
4. Industrials Ovens ... \$100.00
5. Lumberyards ... \$130.00
6. Tire Storage ... \$65.00
7. High Pile Storage ... \$200.00
8. Service stations/ Fuel Dispensing ... \$200.00

Special Use Operating Permits

Commercial Burn Operations ...\$200.00

Explosives and Pyrotechnics

1. Use & Storage Explosives ... \$200.00
2. Fireworks Displays ... \$300.00
3. Pyrotechnics ... \$150.00
4. Fire Extinguisher Training ... \$50.00
5. Commercial Carnivals ... \$75.00
6. Tents ...\$35

Miscellaneous Permits and Inspection

Emergency Generators ... \$65.00

Occupancy Load Evaluation ... \$50.00

After Hours inspections (3 hours Minimum) ... \$250.00

Access Gates ... \$65.00

Plan Review

1. Fire Alarms plan review and Inspection ... \$100.00
2. Fire Sprinkler plan review and Inspection ... \$100.00
3. Extinguishing plan review and Inspection ... \$100.00

4. Miscellaneous Life Safety plan review and Inspection ... \$100.00
Product Line Inspection ... \$125.00
Storage Tank Inspection ... \$125.00
Occupancy Load Evaluation ... \$50.00

- I. **Re-inspections.** If, after the 2nd inspection, it is necessary for the fire inspector to re-inspect any work whether from a defect or the work not being ready a re-inspection fee of (\$25.00) shall be collected for each re-inspection.
- J. **Permit Revocation.** The fire marshal shall have, and *is* hereby granted, the power and the authority to revoke any and all permits authorized by this ordinance for violation of the terms and provisions of city ordinances, fire codes adopted by the City of Pasadena and applicable state laws.
- K. **Penalty.** Any violation of any provision of this section shall be deemed a Class C Misdemeanor and any person, firm, corporation, or other entity convicted of any such violation shall be fined not less than one hundred dollars.



Jeff A. Wagner
Mayor

City of Pasadena Fire Marshal's Office



David M. Brannon
Fire Marshal

FIRE AND LIFE SAFETY PERMITS	FEE
Assembly Use Occupancies; Banquet Halls, Night Clubs, Restaurants, Taverns and Bars	
1-99 persons occupant load	75
99-299 persons occupant load	150
300 or more persons occupant load	200
Licensed Facilities Providing Less Than 24-Hr Care; Day Care Centers / After School Programs	
Licensed for 1 – 25 Children	75
26 – 49 Children	100
50 – 99 Children	125
100 – 149 Children	150
150 or more Children	175
Family / Group Day Care Home	
Licensed for 1 – 12 People	75
Licensed Facilities Providing 24-hr Care; Foster Homes / Foster Group Homes	
Licensed for 1 – 6 Children	35
Licensed for 7 – 12 Children	100
Licensed Facilities Providing 24-hr Care; Hospitals Nursing Homes	
Licensed for 1 – 99 Beds	200
100 – 199 Beds	250
200 – 499 Beds	300
500 or more Beds	400
Other 24-hr Care Facilities; such as residential treatment centers, personal care facilities, maternity homes, & similar facilities	
Licensed for 1 – 3 Occupants	75
4 – 16 Occupants	100
17 – 25 Occupants	150
26 or More Occupants	200
Multi-Family Residences; apartments, hotels, motels & other multi-family dwellings	
3 – 20 Unit Dwelling	65
21 or More Units	250
Commercial and Public Building Inspections	
1 Hour	65
2 Hour	130
3 Hour	195
4 Hour	260
High Hazards Operations	
Hazardous Materials Storage	250
Auto Wrecking Yards	65
Automotive Repair	65
Industrial Ovens	100
Lumberyards	130
Tire Storage	65
High Pile Storage	200
Service Station / Fuel Dispensing	200

SPECIAL USE PERMITS	FEE
Burn Permits	
Fire Extinguisher Training	50
Commercial Burn Operations	200
Assembly Occupancies	
Commercial Carnivals	75
Tents	35
Explosives and Pyrotechnics; Use and Storage	
Explosives	200
Fireworks Displays	300
Pyrotechnics	150
MISCELLANEOUS PERMITS & INSPECTIONS	
Emergency Generators	65
Access Gates	65
After Hours Inspections (3 Hours Minimum)	250
Re-inspections Fees (After 2 nd)	25
Plan Review	100
Fire Alarm Plan Review and Inspections	100
Extinguishing System Plan Review & Inspection	100
Fire Plan Review Plan Review and Inspection	100
Fire Sprinkler System Plan Review and Inspection	100
Occupancy Load Evaluation	50
Product Line Inspection	125
Storage Tank Inspection	125