

ORDINANCE NO. 10639-2019

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, "FIRE PROTECTION AND EMERGENCY MANAGEMENT", ARTICLE I, THROUGH THE AMENDMENT OF SECTIONS 12-1 AND 12-2; ADDING SECTION 12-11 "FIREFIGHTER AIR REPLENISHMENT SYSTEM"; ADDING SECTION 12-12 "ATTIC AND ATTACHED GARAGES"; ADDING SECTION 12-13 "AUTOMATIC SMOKE DETECTION SYSTEMS"; AND ADDING SECTION 12-15 "PROTECTION OF UNDERGROUND PIPELINES FROM EXCAVATION ACTIVITY"; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A CUMULATIVE CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE; AND TO BECOME EFFECTIVE UPON PASSAGE, APPROVAL, AND PUBLICATION

WHEREAS, the Grand Prairie Fire Department desires to ensure all commercial buildings within the city are designed to protect the occupants of the building and the firefighters responding to that building during an emergency.

WHEREAS, in order to create modern codes and fire protection, the Fire Code as adopted by ordinance will establish those modern standards to be consistent with other regional cities.

WHEREAS, the fire department has observed a reluctance to comply with State and Federal laws related to pipelines damaged during excavation activities and the Fire Department desires to ensure the safety of the citizens during a hazardous material leak,

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

SECTION 1. That Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, Section 12-1 International Fire Code be amended to read in its entirety as follows:

"(a) The International Fire Code, 2015 Edition, including Appendices H, I, J and L excluding the Sections 105.3.3, 505.1 and 903.3.1.2.3 together with "Option A" of the recommended amendments of the North Central Texas Council of Governments, excluding Table 3206.2 footnote j, and the additions, deletions, and amendments hereinafter contained are hereby adopted as the Fire Code of the City of Grand Prairie, from the effective date hereof, and incorporated herein as set out in full. One (1) copy of such fire code is incorporated herein by reference and shall have been filed for permanent record and inspection in the office of the city secretary. To the extent of any conflict between the adopted Code and Chapter 12 of the Grand Prairie Code of Ordinances, Chapter 12 controls.

(b) Any person, firm or corporation that violates the provisions or terms of the Code or amendments that are adopted or established by the Chapter shall be subject to a fine for each offense in accordance with section 1-8 of the Code of Ordinances of the City of Grand Prairie. "

SECTION 2. That Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, Section 12-2, Third party review: construction documents, International Fire Code Section 105.4.1.1 Examination of Documents be amended to read in its entirety as follows:

"The International Fire Code, 2015 edition, Section 105.4.1.1 Examination of Documents is hereby amended to read as follows:

(1) The fire code official shall examine or cause to be examined, including by independent third party review as described in the succeeding paragraph, the accompanying construction documents and shall

ascertain by such examinations whether the work indicated and described is in accordance with the requirements of this code.

(2) Fire sprinkler plans, fire alarm plans, hazardous material plans, and other plans as determined by the fire code official shall be submitted to an approved third party for review to ensure compliance with all applicable codes and standards. A list of approved parties shall be maintained by the fire code official. The applicant may use a third party not on the list, provided that they are approved by the fire code official prior to conducting the review. Plan review fees shall be paid directly to the third party by the applicant."

SECTION 3. That Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, be amended to ADD Section 12-11 "Firefighter Air Replenishment System" to read in its entirety as follows:

"The International Fire Code, 2015 edition, Appendix L, is hereby amended to add Section L101.2 Required Locations to read as follows:

The following buildings shall be equipped with Firefighter Air Replenishment Systems in accordance with this appendix:

- (1) Any new building 5 stories or higher
- (2) Any new, non-residential building which is 500,000 square feet or more in size."

SECTION 4. That Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, be amended to ADD Section 12-12 "Attics and Attached Garages" to read in its entirety as follows:

"The International Fire Code, 2015 edition, is hereby amended to add Section 903.1.2.3 Attics and Attached Garages to read as follows:

- (1) Sprinkler protection and compliant freeze protection is required in attic spaces and attached garages of buildings protected by a sprinkler system designed in accordance with NFPA 13R. If the design criteria for certain situations is not contained within NFPA 13R, then the design and installation shall comply with NFPA 13."

SECTION 5. That Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, be amended to ADD Section 12-13 "Automatic Smoke Detection Systems (Group E-Restrooms)" to read in its entirety as follows:

"The International Fire Code, 2015 Edition, is hereby amended to add Section 907.2.3.1: Group E - Restrooms

- (1) An automatic smoke detection system shall be installed in restrooms with an adjoining corridor and not contained within an adjoining classroom."

SECTION 6. That Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, be amended to ADD Section 12-15 "Protection of Underground Pipelines from Excavation Activity" to read in its entirety as follows:

"Protection of Underground Pipelines from Excavation Activity:

Scope - This Section prescribes the minimum requirements that excavations must follow to protect the public from excavation related damage to underground pipelines. It also establishes an enforcement process for violations of these requirements.

Definitions:

(1) Damage refers to damage as defined in 16 TAC 18.2 and includes pipeline weakening, the partial or complete destruction of the pipeline, including, but not limited to, the pipe, appurtenances to the pipe, protective coatings, support, cathodic protection or the housing for the line, device or facility which requires repair or replacement of the pipeline.

(2) Excavation refers to the excavation and demolition activities defined in 16 TAC §18.2, and covers all excavation activity involving both mechanized and non-mechanized equipment, including hand tools.

(3) Excavator means any person or legal entity, public or private, proposing to or engaging in excavation.

(4) One-call means a notification system through which a person can notify pipeline operators of planned excavation to facilitate the locating and marking of any pipeline in the excavation area.

(5) Pipeline means all parts of those physical facilities through which gas, carbon dioxide, or a hazardous liquid moves in transportation, including, but not limited to, pipe, valves, and other appurtenances attached or connected to pipe (including, but not limited to, tracer wire, radio frequency identification or other electronic marking system devices), pumping units, compressor units, metering stations, regulator stations, delivery stations, holders, fabricated assemblies, and break out tanks.

Pre-Excavation Requirements: At least 2 business days before performing excavation, the excavator shall utilize One-Call to reduce the risk of underground pipeline damage.

Excavation Related Damage: If a pipeline is damaged in any way by excavation activity, the excavator must promptly, at the earliest possible moment following discovery of the damage and no later than one hour, report such damage to the pipeline operator, whether or not a leak occurs. If damage to a pipeline from excavation activity causes the release of any PHMSA regulated natural and other gas or hazardous liquid as defined in this chapter, the excavator shall promptly report the release to appropriate emergency response authorities by calling the 911 emergency telephone number.

Leak Mitigation:

Any leak represents an existing or probable hazard to persons or property and requires immediate notification of emergency responders by calling the 911 emergency telephone number. Leaks may also require immediate repair or prompt action to eliminate the hazardous conditions. The prompt action, in some instances, may require one or more of the following:

- (1) Implementation of an emergency plan
- (2) Evacuating premises
- (3) Blocking off an area
- (4) Rerouting traffic
- (5) Eliminating sources of ignition
- (6) Venting the area by removing manhole covers, barholing, installing vent holes, or other means.
- (7) Stopping the flow of gas by closing valves or other means

Penalty:

It is an offense to act or fail to act, when required, in violation of any of the provisions of this section. Administrative penalties may also be imposed by the Grand Prairie Fire Department in the amounts specified within Title 16, Chapter 18 of the Texas Administrative Code, in particular 16 TAC 18.12."

SECTION 7. Savings Clause.

That the Code of Ordinances of the City of Grand Prairie, Texas shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. Severability Clause

If any article, section, sub-section, sentence or phrase of this Ordinance should be held to be invalid for any reason whatsoever, such invalidity shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provision of this Ordinance are declared to be severable.

SECTION 9. Cumulative Clause.

All Ordinances or parts of Ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other Ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION 10. Penalty Clause

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined in accordance with Texas law and Section 1-8 of the Code of Ordinances, with a maximum fine of two thousand dollars (\$2,000), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative to other remedies provided by state law and may be exercised in enforcing this article whether or not there has been a complaint filed.

SECTION 11. Effective Date.

This Ordinance shall become effective from and after its passage and publication as provided by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS,
ON THIS THE 21ST DAY OF MAY 2019.**

APPROVED:



Ron Jensen, Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney