

**ORDINANCE NO. 2013-571**

**AN ORDINANCE ADOPTING VARIOUS 2012 INTERNATIONAL CODES RELATING TO THE CONSTRUCTION, RENOVATION, USE, AND MAINTENANCE OF BUILDINGS AND BUILDING SYSTEMS AND ADOPTING THE 2011 NATIONAL ELECTRIC CODE BY AMENDING SECTIONS 16-26 THROUGH 16-32 OF ARTICLE II, CHAPTER 6 “BUILDINGS AND BUILDING REGULATIONS” AND AMENDING SECTIONS 10-20 AND 10-21 OF ARTICLE II, CHAPTER 10 “FIRE PREVENTION AND PROTECTION” OF THE CODE OF ORDINANCES OF THE CITY OF WACO, MCLENNAN COUNTY, TEXAS, TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; PROVIDING FOR AN ENFORCEMENT DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WACO, MCLENNAN COUNTY, TEXAS:**

**Section 1.** That Sections 16-26 through 16-32 of Article II in Chapter 6, “Building and Building Regulations” and Sections 10-20 and 10-21 of Article II in Chapter 10, “Fire Prevention and Protection” of the Code of Ordinances of the City of Waco, McLennan County Texas, are amended as follows (additions, ~~deletions~~):

ARTICLE II IN CHAPTER 6, “BUILDING AND BUILDING REGULATIONS”.

**Sec. 6-26. Codes adopted.**

(a) The following Codes and the standards contained therein, are hereby adopted as the Minimum Building Standard Codes of the City of Waco:

- (1) International Property Maintenance Code, ~~2009~~ 2012 Edition;
- (2) International Building Code, ~~2009~~ 2012 Edition;
- (3) International Residential Code, ~~2009~~ 2012 Edition, including appendices A, B, C, & G;
- (4) International Plumbing Code, ~~2009~~ 2012 Edition, including appendices D, E, & F;
- (5) International Mechanical Code, ~~2009~~ 2012 Edition, including appendixees A;
- (6) International Fuel Gas Code, ~~2009~~ 2012 Edition, including appendices A, B, C, & D;
- (7) International Energy Conservation Code, ~~2009~~ 2012 Edition;

- (8) International Fire Code, ~~2009~~ 2012 Edition, including appendices B, C, D, E, F, G, & I;
  - (9) International Existing Building Code, ~~2009~~ 2012 Edition; and
  - (10) National Electrical Code (NEC), ~~2008~~ 2011 Edition.
- (b) Where a provision of the International Property Maintenance Code, ~~2009~~ 2012 Edition; International Building Code, ~~2009~~ 2012 Edition; International Residential Code, ~~2009~~ 2012 Edition, including appendices A, B, C & G; International Plumbing Code, ~~2009~~ 2012 Edition, including appendices D, E & F; International Mechanical Code, ~~2009~~ 2012 Edition, including appendix A; International Energy Conservation Code, ~~2009~~ 2012 Edition; International Fire Code, ~~2009~~ 2012 Edition, including appendices B, C, D, E, F, G and I, as set forth in Chapter 10 of this code; International Existing Building Code, ~~2009~~ 2012 Edition, and the National Electrical Code (NEC), ~~2008~~ 2011 Edition; conflicts with a section of this article, the language contained in a section of this article governs. A copy of the codes, shall be retained on file in the office of the city secretary.

**Sec. 6-27. Exceptions, amendments and deletions to the International Property Maintenance Code, ~~2009~~ 2012 Edition.**

- (1) **IPMC Section 103.5** Fees shall be deleted.
- (2) **IPMC Section 103.6** Permits, shall read:  
Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change a building or structure or to cause any work to be done shall first make application to the code official and obtain the required permit thereof. Ordinary minor repairs may be made with the approval of the code official without a permit, provided that such repairs shall not violate any of the provisions of this code.
- (3) **IPMC Section 107.2** Form, shall read:  
~~4. Include a correction order allowing up to 30 days to correct major violations and up to 60 days to correct minor violations with a maximum time limit of 120 days for either, subject to approval of the code official.~~  
4. Include a correction order allowing time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- (4) **IPMC Section 108.2** Closing of Vacant Structures, shall read:  
If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to have the structure closed. Upon the structure being closed, the code official will send a bill to the owner of the cost of the closure and inform the property owner of their right to appeal the closure for the structure to the Building Standards Commission pursuant to Chapter 6, Article 6, Section 6-320 of the City of Waco code of Ordinances. The code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private

- persons and the closure shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
- (5) **IPMC Section 108.4** Placarding, shall read:  
~~Upon failure of the owner or person responsible to comply with the notice provisions within the time given, t~~ The code official shall post on the premises or on defective equipment a placard and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
  - (6) **IPMC 108.5** Prohibited Occupancy, shall be amended to read:  
 Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.  
 Exception. Owners of record shall not be required to vacate a condemned and placarded structure.
  - (7) **IPMC Section 109.4** Emergency repairs shall be deleted.
  - (8) **IPMC Section 109.5** Costs of emergency repairs shall be deleted.
  - (9) **IPMC Section 110.1** General shall be amended to read:  
 The code official shall order the owner of any premises upon which is located any structure, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation and occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; to include but not be limited to, the removal of the concrete foundations and their components, porches, steps, walkways, and curbs.
  - (10) **IPMC Section 111.1** Application for appeal, shall read:  
 Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Standards Commission, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there-under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of this code would cause an undue hardship.
  - (11) **IPMC Section 111.2 – 111.8** shall be deleted.
  - (12) **IPMC Section 112.4** Failure to comply shall be amended to read:  
 Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition ~~shall be liable to a fine of not less than \$1.00 or less than \$2000.00.~~ is subject to a fine of not less than one dollar (\$1.00) and no more than two thousand dollars (\$2,000.00), and each day work continues in violation of this section shall be a separate offense.
  - (13) **IPMC Section 302.4** Weeds shall be deleted.
  - (14) **IPMC Section 302.8** Motor vehicle shall be deleted.

- (15) **IPMC Section 302.9** Defacement of property shall be deleted.
- (16) **IPMC Section 302.10** Care of Premises, shall read:  
It shall be unlawful for the owner or occupant of a building, structure, or property to utilize the premises of such property for the open storage of the following items, including but not limited to, ice box, refrigerator, stove, glass, carpet, upholstered furniture, tires, auto parts, building materials, building rubbish or other similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and in compliance with this section.
- (17) **IPMC Section 303.2** Enclosures shall be amended to read:  
Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at 72 inches (1830 mm) in height above the finished ground level measured on the side of the barrier away from the pool. The remainder of the section is unchanged.  
Exception. When the yard in which the private swimming pool, hot tub and spa is constructed is completely enclosed with an approved fence or barrier.
- (18) **IPMC Section 304.3** Premises Identification, shall read:  
Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch (12.7mm). The numbers shall be on the building or a structure facing the main Right-of-Way. The curbs are not an acceptable location for addresses for 911 purposes.
- (19) **IPMC Section 304.5.1** Ventilation shall be added and shall read:  
Crawl space under buildings without basements shall be ventilated by approved mechanical means or by openings in foundation walls. The minimum net area of ventilation openings shall not be less than 1 sq. ft. for each 150 sq. ft. of crawl space area. Ventilation openings shall be covered for their height and width with any of the following materials, provided that the least dimension of the covering shall not exceed 1/4 inch (6mm):
1. Perforated sheet metal plates not less than .070" (1.8mm) thick.  
Expanded sheet metal plates not less than .047" (1.2mm) thick.
  3. Cast iron grills or gratings.
  4. Extruded load bearing vents.
  5. Hardware cloth of .035" (.89 mm) wire or heavier.
  6. Corrosion resistant wire mesh, with the least dimension not exceeding 1/8" (3.2mm).
- (20) **IPMC Section 304.7.1** Ventilation shall be added and shall read:  
For gabled and hipped roofs, ventilation shall be provided to furnish cross ventilation of each separate attic space with weather protected vents. All vents shall be screened to protect the interior from intrusion of birds. The ratio of total net free ventilating area to the area of the ceiling shall be not less than 1/150. That ratio may be reduced to 1/300 provided:
1. A vapor barrier having permeance not exceeding one perm is installed on the warm side of the ceiling, or

2. At least 50% and not more than 80% of the required ventilating area is provided by ventilators located in the upper portion of the space to be ventilated (at least 3 ft. (914mm) above eave or cornice vents) with the balance of the required ventilation provided by eave or cornice vents.

For flat roofs, blocking and bridging shall be arranged so as not to interfere with the movement of air. Such roofs shall be ventilated along the overhanging eaves, with the net area of opening being not less than 1/150 of the area of the ceiling below.

All openings shall be covered with screening, hardware cloth or equivalent to prevent the entry of birds, squirrels, rodents, etc. The openings therein shall not exceed 1/4 inch (6.4mm).

- (21) **IPMC Section 304.14** Insect Screens, shall read:

Every door, window, and other outside opening of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screens on exterior doors and windows shall not be required where a central air conditioning system is provided.

- (22) **IPMC 308.2.2** Refrigerators shall be deleted.

- (23) **IPMC 308.3.1** Garbage facilities shall be deleted.

- (24) **IPMC 403.2** Bathrooms and toilet rooms shall be amended to read:

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required in section 403.1, except that a window shall not be required in such spaces equipped by a mechanical ventilation system.

- ~~(25) **IPMC 404.5** Overcrowding shall read:~~

~~The number of persons occupying a dwelling unit shall not create conditions that endanger the life, health, safety or welfare of the occupants.~~

- ~~(26)~~ (25) **IPMC 503.4** Floor surface shall read:

Every toilet room floor shall be maintained to be smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

- ~~(27)~~ (26) **IPMC Section 602.3** Heat Supply, shall read:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68F in all habitable rooms, bathrooms, and toilet rooms. Exceptions shall be:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30°F(-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

- ~~(28)~~ (27) **IPMC Section 602.4** Occupiable work spaces, shall read:

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions: Processing, storage and operation areas that require cooling or special temperature conditions. Areas in which persons are primarily engaged in vigorous physical activities.

~~(29)~~ (28) **IPMC Section 604.2** Service shall read:

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Every dwelling shall be served by an electrical service having a rating of not less than 60 amperes.

**Sec. 6-28. Exception, amendments and deletions to the International Building Code, 2009 2012 Edition.**

(1) **IBC Section 109.2.** Schedule of permit fees is amended to read as follows:

A schedule of fees for building permits issued by the City of Waco shall be approved by the city council, by minute entry or as a part of annual budget. A copy of permit fee schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to a permit until the fees prescribed under this section have been paid. However, the city council may waive permit fees for work being performed by humanitarian or charitable organizations that work to provide affordable housing for people.

(2) **IBC Section 1101.2.** Design shall be changed to read as follows:

Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC/ANSI A117.1. All buildings governed by Texas Department of Licensing and Regulations will take precedence over this code or ICC/ANSI A117.1.

~~(3) — **IBC Chapter 17. Structural Tests and Special Inspections shall be deleted in its entirety.**~~

~~(4)~~ (3) **IBC Section 3109.3.** Public Swimming Pools. Public swimming pools is amended to read as follows:

Public swimming pools shall be completely enclosed by a fence at least 6 feet (1830 mm) in height or a screen enclosure. The remainder of the section is unchanged.

~~(5)~~ (4) **IBC Section 3109.4.1.** Barrier height and clearances. The top of the barrier shall be at least 72 inches (1830 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The remainder of the section is unchanged.

(5) **IBC TABLES 2308.8(1); 2308.8(2); 2308.9.5; 2308.9.6; 2308.10.2(1); 2308.10.2(2); and 2308.10.3(1) through (6) shall be replaced with the new design values for Southern Pine dimension lumber. A copy of the new design values for Southern Pine dimension lumber shall be retained on file in the office of the city secretary.**

**Sec. 6-29. Exception; amendments and deletions to the International Residential Code, 2009 2012 Edition, including appendices A, B, C and G.**

- (1) **IRC Part VIII-** Electrical Chapters 34-43 shall be deleted.
- (2) **IRC Section R108.2.** Schedule of Permit Fees is amended to read as follows:  
On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit schedule of fees for building permits issued by the City of Waco shall be approved by the city council. A copy of the permit fee schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to a permit until the fees prescribed under this section have been paid.
- (3) **IRC Section R313.2** One and two family dwellings automatic fire systems shall be deleted.
- (4) **IRC Section G2417.4.1 (406.4.1) Test pressure, shall read:**  
The test pressure to be used shall be no less than 1 1/2 times the proposed maximum working pressure, but not less than 3 psig, irrespective of design pressure.  
Exception- When using a Fisher gauge the test pressure shall be ~~the~~ two (2) times the working pressure of the system.  
Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified yield strength of the pipe.
- (5) **IRC Section P2903.10** Hose Bibb shall be deleted.
- (6) **Appendix G, AG105.2 Outdoor swimming pool.** Outdoor swimming pools is amended to read as follows: 1. The top of the barrier shall be at least 72 inches (1830 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The remainder of the section is unchanged.
- (7) **IRC TABLES R502.3.1(1); R502.3.1(2); R502.3.3(1); R502.5(1); R602.7.1; R802.4(1); R802.4(2); and R802.5.1(1) through (8) shall be replaced with the new design values for Southern Pine dimension lumber. A copy of the new design values for Southern Pine dimension lumber shall be retained on file in the office of the city secretary.**

**Sec. 6-30. Exceptions, amendments and deletions to the International Plumbing Code, 2009 2012 Edition, including appendices D, E and F.**

- (1) **IPC Section 106.6.2, Fee Schedule, shall read:**  
A schedule of fees for plumbing permits issued by the City of Waco shall be approved by resolution or as part of the annual budget. A copy of the schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to a permit until the fees prescribed under this section have been paid. However, the city council may waive permit fees for work being performed by humanitarian or charitable organizations that work to provide affordable housing for people in accordance with state law.
- (2) **IPC Section 106.6.3, Fee Refunds, shall read:**  
The code official shall authorize the refunding of fees as follows:
  1. The full amount of any fee paid hereunder that was erroneously paid or collected.  
Not more than 70 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- (3) **IPC Section 109**, Means of Appeal, shall be deleted and shall be replaced with Article IV, Division 2 Board of Plumbing and Mechanical Contractors, Section 6-191 through 6-202, City of Waco Code of Ordinances.
- (4) **IPC Section 305.6.1**, Sewer depth is changed to read: Building sewers shall be a minimum of six inches below grade.
- (5) **IPC Section 608.14.2. Protection of backflow preventers.** Protection of backflow preventers shall be amended to read:  
Backflow preventers shall not be located in areas subject to freezing except where protected from freezing by heat, insulation or both.
- (6) **IPC Section 1103**, Traps, shall be deleted.
- (7) **IPC Section 1108**, Combined Sanitary and Storm System, shall be deleted.

**Sec. 6-31. Exceptions, amendments and deletions to the International Mechanical Code, 2009 2012 Edition, including appendix A.**

- (1) **IMC Section 106.5.2** Fee Schedule, shall be changed to read:  
A schedule of fees for Mechanical permits issued by the City of Waco shall be approved as part of the annual budget or by resolution or as part of the annual budget. A copy of the schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to a permit until the fees prescribed under this section have been paid. However, the city council may waive permits fees for work being performed by humanitarian or charitable organizations that work to provide affordable housing for people.
- (2) **IMC Section 106.5.3** Fee Refunds, shall read:  
The code official shall authorize the refund of fees as follows:
  - 1. The full amount of any fee paid ~~here~~ that was erroneously paid or collected.
  - 2. Not more than 70 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application submitted by the original permittee not later than 180 days after the date of fee payment.

- (3) **IMC Section 109**, Means of Appeal, shall be deleted and shall be replaced with Article IV, Division 2, Board of Plumbing and Mechanical Contractors, Sections 6-191 through 6-202, City of Waco Code of Ordinances.
- ~~(4) **IMC Section 304.7** Private Garages shall be changed to read,  
Appliances located in private garages and carports shall be installed in a manner, which provides protection from vehicular traffic.~~

**Sec. 6-32. Exceptions, amendments and deletions to the International Fuel Gas Code, 2009 2012 Edition, including appendices A, B, C, and D.**

- (1) **IFGC Section 106.6.2** Fee Schedule, shall read:



A schedule of fees for plumbing permits issued by the City of Waco shall be approved by the city council by resolution or as a part of the annual budget. A copy of the schedule shall be on file with the city secretary and building official. A permit shall not be issued nor any amendment made to permit until the fees prescribed under this section have been paid. However, the city council may waive permit fees for work being performed by humanitarian or charitable organizations that work to provide affordable housing for people.

(2) **IFGC Section 106.6.3** Fee Refunds, shall read:

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 70 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(3) **IFGC Section 109.** Means of Appeal shall be deleted and be replaced with Article IV, Division 2 Board of Plumbing and Mechanical Contractors, Sections 6-191 through 6-202, City of Waco Code of Ordinances.

~~(4) **IFGC Section 305.5.** Private Garages shall be changed to read;~~

~~Appliances located in private garages and carports shall be installed in a manner, which provides protection from vehicular traffic.~~

~~(5)~~ (4) **IFGC Section 406.4.1.** Test pressure, shall read:

The test pressure to be used shall be no less than 1 1/2 times the proposed maximum working pressure, but not less than 3 psig, irrespective of design pressure.

Exception: When using a Fisher gauge the test pressure shall be two (2) times the working pressure of the system.

Where the test pressure exceeds 125 psig, the test pressure shall not exceed a valve that produces a hoop stress in the piping greater than 50% of the specified yield strength of the pipe.

ARTICLE II IN CHAPTER 10, "FIRE PREVENTION AND PROTECTION".

**Sec. 10-20. Adoption of Fire Code.**

- (a) Fire codes adopted. There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion the International Fire Code, ~~2009~~ 2012 Edition, including appendices B, C, D, E, F, G, and I as published by the International Code Council. Where this chapter or a provision in the International Fire Code makes reference to a section or provision contained within the National Fire Code published by the National Fire Protection Association, that reference shall be considered as being adopted by the city for application in the city as though it were set out entirely within this chapter or the International Fire Code.

- (b) *Modifications; copies on file.* The code is hereby adopted except as may be deleted, modified or amended by this chapter. A copy of the International Fire Code shall be retained on file in the city secretary's office and the fire marshal's office.
- (c) *Conflict with Code of Ordinances or state law.* If any conflict exists between the provisions of these respective codes and provisions of the Code of Ordinances or state law, the provisions of the Code of Ordinances or state law shall prevail and be controlling.

**Sec. 10-21. Exceptions, amendments and deletions.**

The following exceptions, amendments and deletions are hereby made to the International Fire Code adopted in section 10-20:

(1) *Section 310.3.1* is added to state: "No Smoking" signs shall be of cardboard, metal or cloth, and not less than six inches by 16 inches in size. Lettered upon such signs shall be the words "No Smoking" which shall be not less than four inches in vertical length, and the words "By Order of the Fire Marshal" shall be in letters at least one-half inch in vertical length. No owner, manager, operator, supervisor or other person having charge of any building or premises ~~listed in subsection (a) of this section~~ shall fail to have posted "No Smoking" signs at the places designated by the fire marshal after having received three days' notification to erect such signs.

~~*Sections 503.3.1, 503.3.2, 503.3.4, 503.3.5, 503.3.6 are added to state:*~~

(2) *Section 503.2.1* shall be changed to read: Fire apparatus access roads shall have an unobstructed width of not less than 26 feet (7925 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

(3) *Section 503.3.1* is added to state: On public property, the fire lane shall be marked with free standing signs that may be supplemented by curb or pavement markings; however, curb or pavement markings are not required.

(4) *Section 503.3.2* is added to state: On privately owned property, the proper markings to designate a fire lane shall be one of the following:

- (a) Signs: Shall read "NO PARKING FIRE LANE" and shall be 12 inches wide and 18 inches high. Signs shall be painted on a white background with letters and borders in red, using not less than two inch lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet six inches above finished grade. Signs shall be spaced not more than twenty-five (25) feet apart, or up to fifty (50) feet apart if pavement or curb markings are also used. Signs may be installed on permanent buildings or walls if approved by the fire marshal. Also, the fire marshal may allow a variance to sign marking

styles where access to the property is limited or restricted by means of gates or barriers. A written request with full architectural details shall be submitted to the fire marshal for review.

(b) Pavement markings: Shall be marked by painted lines of red traffic paint six inches in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" shall appear in four inch white letters at 20 foot intervals on the red border marking along both sides of the fire lanes.

(c) Curb markings: Shall be painted in red traffic paint from the top seam of the curb to a point even with the driving service. The words "NO PARKING FIRE LANE" shall appear in four inch white letters at 20 foot intervals along the curb(s).

(5) Section 503.3.3 is added to state: Existing signs and markings for fire lanes shall be brought into compliance with this section within 180 days of the adoption of this section, unless the fire marshal approves the existing signs and markings at the location or extends the time for compliance for the specific location.

(6) Section 503.3.4 is added to state: All fire lanes shall be maintained and kept in a good state of repair at all times by the owner, and the City shall not be responsible for the maintenance of fire lanes, except those on property owned and controlled by the City. It shall further be the responsibility of the owner to insure that all fire lane markings required by this section be kept so that the border of each and every portion of the fire lane is easily distinguishable by the public.

(7) Section 503.3.5 is added to state: No owner or person in charge of any premises served by a fire lane shall abandon or close any fire lane without first obtaining the approval of the fire marshal.

(8) Section 503.3.6 is added to state: It shall be unlawful for any person to stop, stand, or park a vehicle, or to allow a vehicle owned by him to stop, stand, or park, within any fire lane, on either public or private property. Persons who park a vehicle or allow a vehicle to be stopped, stood or parked in such area, be it on public or private property, may be cited for and charged with a violation by any person authorized to enforce the Code of Ordinances. Persons authorized to enforce this provision may include a private security guard as provided in section 25-198. Proof that a person owned a vehicle shall constitute prima facie proof that the person parked the vehicle or allowed the vehicle to be parked in such area.

(9) ~~2009-IFC~~ Section 903.2.8. The following exception is added to this section:  
Exceptions: One and two family dwellings.

**Section 2.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Waco not in conflict with the provisions of this ordinance shall remain in full

force and effect.

**Section 3.** That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

**Section 4.** That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

**Section 5.** That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

**Section 6.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

**Section 7.** That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, which shall be a fine of not less than one dollar (\$1.00) and no more than two thousand dollars (\$2,000.00), and each day a violation exists shall be a separate offense.

**Section 8.** That, except in cases of imminent harm to the health or safety of the public, the implementation and enforcement of this ordinance shall be delayed for 30 days after final adoption to permit persons affected to comply with the ordinance.

**PASSED AND APPROVED:**

**First Reading:            September 3<sup>rd</sup>, 2013.**

**Second Reading:        September 17<sup>th</sup>, 2013.**

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John Kinnaird, Mayor Pro Tem  
City of Waco, Texas

**ATTEST:**

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Patricia W. Ervin, City Secretary

**APPROVED AS TO FORM & LEGALITY:**

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Jennifer Richie, City Attorney