

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS**

**ORDINANCE NO. 23-042-00**

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING ARTICLE 5.03, FIRE CODE, SECTION 5.03.002, AMENDMENTS, OF THE CITY OF LEANDER TEXAS CODE OF ORDINANCES, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE, PROVIDING AN EFFECTIVE DATE, PROVIDING AN OPEN MEETINGS CLAUSE, AND PROVIDING FOR OTHER RELATED MATTERS.**

**WHEREAS**, the City Council of the City of Leander, Texas (the, “City”) adopted the 2015 International Fire Code and made certain insertions and deletions to said code by Ordinance No. 16-048-00,

**WHEREAS**, the City desires to further amend the 2015 International Fire Code by more insertions and deletions for the purpose of regulation and governance and the safeguard of life and property from fire and explosion hazards arising from storage, handling and use of hazardous substances, materials and devices, and the conditions hazardous to life and property in the occupancy of buildings and premises in the City of Leander, Texas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER TEXAS, THAT:**

**Section 1.     Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**Section 2.     Amendment of Ordinance.**

Article 5.03, Fire Code, Section 5.03.002, Amendments, is hereby amended by the addition of the following:

The following sections are further amended by those amendments attached hereto as **EXHIBIT A**, attached hereto, and incorporated by reference herein.

**Section 3.     Amendment of Conflicting Ordinances.**

All City ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. This Ordinance shall

amend Article 5.03, City of Leander Code of Ordinances (the “Code”) as provided herein and the contents of this Ordinances shall appear in Article 5.03 of the Code. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

**Section 4.     Severability.**

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**Section 5.     Savings Clause.**

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6.     Effective Date.**

This Ordinance shall take effect on the 1<sup>st</sup> day of September, 2023 and upon and passage by the City Council in accordance with the City’s Charter and procedures as required by law.

**Section 7.     Open Meetings.**

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** this 20th day of July, 2023.

**ATTEST:**

**CITY OF LEANDER, TEXAS**

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Dara Crabtree, City Secretary

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Christine DeLisle, Mayor

## **EXHIBIT A**

### **SECTION 202, GENERAL DEFINITIONS:**

**The following additions are made to Section 202:**

**Animal Housing or Care Facility.** Facilities used for temporary or permanent housing of animals for the purpose of providing a service, participating in a sport, or for providing general board and care. Animal housing or care facilities do not include animal or pet care by pet owners caring for their own animals at their owned or rented residential property, horse stables, facilities used for equestrian purposes, and these facilities do not include Group U agricultural uses for the care and feeding of the agricultural business owner's own livestock.

**Constant supervision.** for Group B Animal Housing or Care Facilities, constant supervision means 24-hour on-site staff that is capable of responding to problems or emergencies that could affect the safety or lives of the animals being housed or cared for.

**The following occupation is added to [BG] Business Group B:**

Animal Housing or Care Facility

### **SECTION 903, AUTOMATIC SPRINKLER SYSTEMS:**

**The following addition is made to Section 903:**

**903.2.2.2. Animal housing or care facilities.** An automatic sprinkler system in accordance with section 903.3 and 903.4 shall be provided in fire areas containing an animal housing or care facility when the animals are **not** provided with **constant supervision**. The following exceptions apply to this requirement:

***Exceptions:***

1. An automatic sprinkler system is **not** required in animal housing or care facilities serving **50 or fewer animals** where all of the following conditions are met:
  - a. Walls and ceilings have a class a finish as specified in section 803, and
  - b. The facility is provided with a supervised fire alarm system in accordance with section 907.2.2.2.
2. An automatic sprinkler system is **not** required in animal housing or care facilities serving **100 or fewer animals** where all of the following conditions are met:
  - a. The facility is of 1-hour fire resistive construction on both sides of the boundary walls of the kennel area and
  - b. Walls and ceilings have a class a finish as specified in section 803, and
  - c. The facility is provided with a supervised fire alarm system in accordance with section 907 .2.2.2.

3. An automatic sprinkler system is **not** required in animal housing or care facilities where **every animal has immediate and unobstructed access to an exterior** area of safety approved by the fire code official and the facility is provided with a supervised fire alarm system in accordance with section 907.2.2.2.

## **SECTION 907, FIRE ALARM AND DETECTION SYSTEMS:**

**The following addition is made to Section 907:**

**907.2.2.2 Animal housing or care facilities.** Fire areas containing an animal housing or care facility shall be provided with an electronically supervised automatic smoke detection system. In spaces provided with a source of heat or light but otherwise unconditioned, in lieu of smoke detection the alarm system may be activated by quick response heat detectors with a response time index of less than 100 (E.G. RTI CLASSIFICATION OF "QUICK", "ULTRA FAST", "V-FAST").

### ***Exceptions:***

1. Smoke detectors and/or quick response heat detectors are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with sections 903.3 and 903.4 and activation of the automatic sprinkler system activates notification appliances as required by Section 907.2.2.2.1.
2. Where animals are provided constant supervision.

**Section 907.2.2.2.1 is amended to read as follows:**

**907.2.2.2.1.** Notification appliances shall provide audible and visual alarm signals in office areas and other areas within the fire area where no animals are housed or cared for. Notification appliances within areas where animals are housed or cared for shall provide only visual alarm signals.

## **SECTION 915, CARBON MONOXIDE DETECTION**

**Section 915.1.1 is amended to read as follows:**

**915.1.1 Where Required.** Carbon monoxide detection shall be provided in Group I-1, I-2, I-4, and R occupancies, in Group B fire areas containing an animal housing or care facility, and in classrooms in Group E occupancies in the locations specified in Section 915.2 where any of the conditions in Section 915.1.2 through 915.1.6 exist.

### ***Exceptions:***

1. Carbon monoxide detection shall not be required in dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms where there are no communicating openings between the fuel-burning

- appliance or fuel burning fireplace and the dwelling unit, sleeping unit, room of animal housing or care facility where animals are housed or cared for, or classroom.
2. Carbon monoxide detection shall not be required in dwelling units, sleeping units, animal housing or care facilities where animals are housed or cared for, and classrooms where carbon monoxide detection is provided in one of the following locations:
    - a. In an approved location between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit, animal housing or care facilities where animals are housed or cared for, or classroom.
    - b. On the ceiling of the room containing the fuel-burning appliance or fuel-burning fireplace.

**Section 915.1.2 is amended to read as follows:**

**915.1.2 Fuel-burning appliances and fuel-burning fireplaces.** Carbon monoxide detection shall be provided in dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms that contain a fuel-burning appliance or a fuel-burning fireplace.

**Section 915.1.3 is amended to read as follows:**

**915.1.3 Forced-air furnaces.** Carbon monoxide detection shall be provided in dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms served by a fuel-burning, forced-air furnace.

***Exception:***

1. Carbon monoxide detection shall not be required in dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms where carbon monoxide detection is provided in the first room or area served by each main duct leaving the furnace, and the carbon monoxide alarm signals are automatically transmitted to an approved location.

**Section 915.1.4 is amended to read as follows:**

**915.1.4 Fuel-burning appliances outside of dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms.** Carbon monoxide detection shall be provided in dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms located in buildings that contain fuel burning appliances or fuel-burning fireplaces.

***Exceptions:***

1. Carbon monoxide detection shall not be required in dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms where there are no communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit, room of the animal housing or care facility where animals are housed or cared for, or classroom.
2. Carbon monoxide detection shall not be required in dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms where carbon monoxide detection is provided in one of the following locations:
  - a. In an approved location between the fuels burning appliance or fuel-burning fireplace and the dwelling unit, sleeping unit, room of the animal housing or care facility where animals are housed or cared for, or classroom.
  - b. On the ceiling of the room containing the fuel-burning appliance or fuel-burning fireplace.

**Section 915.1.5 is amended to read as follows:**

**915.1.5 Private garages.** Carbon monoxide detection shall be provided in dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms in buildings with attached private garages.

***Exceptions:***

1. Carbon monoxide detection shall not be required where there are no communicating openings between the private garage and the dwelling unit, sleeping unit, room of the animal housing or care facility where animals are housed or cared for, or classroom.
2. Carbon monoxide detection shall not be required in dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, and classrooms located more than one story above or below a private garage.
3. Carbon monoxide detection shall not be required where the private garage connects to the building through an open-ended corridor.
4. Where carbon monoxide detection is provided in an approved location between openings to a private garage and dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, or classrooms, carbon monoxide detection shall not be required in the dwelling units, sleeping units, rooms of animal housing or care facilities where animals are housed or cared for, or classrooms.

**Section 915.3 is amended to read as follows:**

**915.3 Carbon Monoxide Detection.** Carbon monoxide detection required by Sections 915.1 through 915.2.3 shall be provided by carbon monoxide alarms complying with Section 915.4 or carbon monoxide detection systems complying with Section 915.5.

Electronically supervised carbon monoxide detection systems complying with Section 915.5, shall be provided in Group B fire areas containing an animal housing or care facility where animals are not provided with constant supervision.

**SECTION 1101, GENERAL:**

**The following additions are made to Section 1101:**

**1103.1.2 Group B Animal Housing or Care Facilities.** Group B occupancies used for the purpose of animal housing or care facilities shall have interior wall and ceiling finishes that comply with Table 803.3 in Chapter 8.

**1103.7 Fire Alarm Systems.** An *approved* fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.8 and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code.

**1103.7.8 Animal housing or care facilities.** An electronically supervised automatic smoke detection system complying with section 907.2.2.2 shall be installed in all fire areas containing an existing Group B Animal housing or care facility without constant supervision.