

**ORDINANCE NO. 2018-30**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING AND REPLACING SECTION 20-28 AMENDMENTS TO THE 2012 INTERNATIONAL FIRE CODE, OF ARTICLE II, FIRE CODE, OF CHAPTER 20 FIRE PREVENTION AND PROTECTION IN ITS ENTIRETY; BY DELETING AND REPLACING SECTION 20-47, OF ARTICLE III. STANDARDS FOR INSTALLATION OF FIRE SPRINKLER SYSTEMS IN ITS ENTIRETY; BY AMENDING SECTION 20-48, AMENDMENTS TO NFPA13D OF ARTICLE III, STANDARDS FOR INSTALLATION OF FIRE SPRINKLER SYSTEMS; BY DELETING SECTION 20-94 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-95 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-96 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-97 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING SECTION 20-98 OF ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; BY DELETING ARTICLE V. ARSON REWARDS IN ITS ENTIRETY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY, AND MAKING OTHER FINDINGS RELATED THERETO.**

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**WHEREAS**, the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of its citizens to amend the International Fire Code to be; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and matters set forth in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-28, Amendments to the 2012 International Fire Code, of Article II, Fire Code of Chapter 20 fire Prevention and Protection, in its entirety and replacing it with a new Section 20-28, as follows:

“Sec. 20-28. - Amendments to the 2012 International Fire Code.

- (a) Section 102.7 of the fire code adopted in section 20-27 is hereby amended to provide as follows:

*102.7 Referenced codes and standards.* The codes and standards referenced in this code shall be those that are listed in chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

- (b) Section 103 is hereby amended by deleting sections 103.1, 103.2 103.3, and 103.4 of said code and substituting therefore a new section 103.1 to provide as follows:

*103.1 Fire Prevention Division.* The Tomball Fire Department, Fire Prevention Division is responsible for the enforcement of this code shall be under the administrative and operational control of the Fire Marshal. The Fire Marshal shall be selected by the fire chief with the approval of the City Manager. The Fire Marshal may appoint deputies to assist him/her, subject to the approval of the Fire Chief.

- (c) Section 108 is hereby amended by deleting section 108.3 and substituting therefore a new section 108.3 to provide as follows:

*108.3 Board of Appeals.* The Board of Appeals shall be made up of the members of the City Council of the City of Tomball.

- (d) Section 109.4 of said code is hereby amended to provide as follows:

*109.4 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 shall constitute a separate offense.

- (e) Section 111.4 of said code is hereby amended to provide as follows:

*111.4 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 liable for a fine not to exceed two thousand dollars (\$2,000.00).

- (f) Section 202 of the code is hereby amended by adding and/or changing the following definitions:

*City.* Shall mean the City of Tomball, Texas.

*Fire Chief.* Shall mean the City of Tomball chief of the fire department.

*Fire Code Official.* The fire marshal, or a duly authorized representative, is the designated authority charged by the fire chief with the duties of administration and enforcement of the code.

*Fire Marshal.* See fire code official.

*Fireworks.* Any firecrackers, cannon crackers, skyrocketes, torpedoes, roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display; and such term shall include all articles or substances within the commonly accepted meaning of fireworks whether herein specially designated and defined or not.

*Standby Personnel.* Qualified fire service personnel, approved by the fire chief or fire marshal. When utilized, the number required shall be as directed by the fire chief or fire marshal. Charges for utilization shall be as normally calculated by the jurisdiction.

(g) Section 307.2 of said code is hereby amended to provide as follows:

*307.2 Permit required.* A permit shall be obtained from the fire code official in accordance with section 105.6 prior to kindling a fire for recognized silvicultural practices, prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality guidelines and/or restrictions.
2. State, county or local temporary or permanent bans on open burning.
3. Local written policies as established by the code official.

(h) Section 307.2.1 of said code is hereby added to provide as follows:

*307.2.1.* Open burning is prohibited within the city limits of Tomball unless a permit has been issued by the fire marshal for ceremonial fires, trench burning operations for major land clearing, and the prevention or disposal of diseased livestock. A permit is not required for barbeque pits and approved outdoor fireplaces, which are used for its actual design and intent and used in accordance with this code.

(i) Section 307.2.2 of said code is hereby amended to provide as follows:

*307.2.2 Trench Burns.* Trench burns shall be conducted in air curtain trenches and in accordance with section 307.2.

(j) Section 307.4 of said code is hereby amended to provide as follows:

*307.4 Location.* The location for open burning shall not be less than 300 feet (91,440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91,440 mm) of any structure.

(k) Section 307.4.1 of said code is hereby deleted in its entirety.

(l) Section 307.4.2 of said code is hereby deleted in its entirety.

(m) Section 307.5 of said code is hereby amended to provide as follows:

*307.5 Attendance.* Trench burns or ceremonial fires shall be constantly attended until the fire is completely extinguished. A minimum of one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on site fire extinguishing equipment, such as dirt, sand, water, garden hose or water truck, shall be available for immediate utilization. A permit is required from the fire marshal's office, prior to the ignition of any said fire. The fire marshal may require a dedicated standby of qualified personnel to assist in the supervision.

(n) Section 308.1.2 of said code is hereby amended to provide as follows:

*308.1.2 Throwing or placing sources of ignition.* No person shall throw, sail, launch, or place, or cause to be thrown, sailed, launched, or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

(o) Section 308.1.4 of said code is hereby amended to provide as follows:

*308.1.4 Open-flame cooking devices.* Charcoal burners and other open-flame cooking devices used for cooking or recreational uses shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

No permit is required for this operation.

Exceptions:

1. One and two-family dwellings.

(p) Section 404 of said code is hereby amended to as follows:

*404.6 Evacuation plan retention box.* Where determined by the fire code official, certain occupancies shall install an approved repository of records containing the evacuation plans, floor plans, emergency cut-offs and other pertinent information to the building.

(q) Section 503.2.1 of said code is hereby amended to provide as follows:

*503.2.1 Dimensions.* Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm) and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

(r) Section 503.3 of said code is hereby amended to provide as follows:

*503.3 Marking.* Approved striping or, when allowed by the code official, signs, or both, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. Striping—Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words lettered "FIRE LANE—NO PARKING—TOW AWAY ZONE" shall appear in four inch (4") white letters on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

2. Signs—Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white

background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than thirty feet (30') apart. Signs may be installed on permanent buildings or walls or as approved by the fire marshal.

(s) Section 503.4 of said code is hereby amended to provide as follows:

*503.4 Obstruction of fire apparatus access roads.* Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1, and any area marked as a fire lane as described in section 503.3, shall be maintained at all times. This shall include painted fire lanes or tow away zones maintained and/or managed by a company or firm.

(t) Section 506 of said code is hereby deleted and a new section 506 is substituted therefore to provide as follows:

*506.1 Key boxes required.* The following structures and/or properties shall be equipped with an approved key lock security system box or electronic override key switch at or near the main entrance or such other location as required by the fire marshal:

1. Structures that are either equipped with, or required to be equipped with, fire sprinkler systems or fire detection alarm systems that report to an alarm monitoring center;

Multifamily residential structures that have restricted access through locked doors or gates and that have a common area or corridor for access to the living units;

3. Buildings, regardless of use or occupancy, that contains four (4) or more occupancies within the same structure that have separate entryways and exit ways that are separated by tenant space and/or have restricted common entryways and exit ways into the common area of the building;

4. Properties having mechanical gates that control vehicular and pedestrian access to commercial property or to streets in subdivisions, apartment complexes, condominiums or other residential developments which contain more than two residential units; or

5. Commercial property with parking garages or secured parking and storage unit areas that will restrict access for emergency services.

6. In new and existing buildings where an elevator is provided, an approved box suitable for the storage of elevator keys and shall be located near the elevator car.

7. For any building above two stories or any Group E, H, I occupancy, including buildings used for higher education; a box shall be provided in an approved location for the storage of building specific data, not limited to floor plans, MSDS information and equipment disconnects to assist with emergency operations.

*506.3 Type of key lock box required.* The fire marshal shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures and/or property to use the designated system.

*506.4 Access to buildings.* The owner or operator of a structure and/or property required to have a key lock box shall at all times keep the required keys in the lock box that will allow for access to the structure, required rooms and/or property. Required keys shall not include keys to individual living units.

(u) Section 807.4.4.2 of said code is hereby amended by adding an exception to provide as follows:

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with section 903.3.1.1 shall be limited to 50 percent of the wall area.

(v) Section 901.7 of said code is hereby amended to provide as follows:

*901.7 Systems out of service.* Where a required fire protection system is out of service or in the event of an excessive number of activations, the fire department and the code official shall be notified immediately and, where required by the code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

(w) Section 903 Automatic Sprinkler System of said code is hereby amended by deleting the following exceptions.

Section 903.2.10

Section 903.2.11.3, exception #1 and #2 only

Section 903.4, exceptions #1 and #3 only

(x) Section 903.2 of said code is hereby amended by adding the following paragraphs:

Any building or individual suite in a multitenant strip center, having a fire area and/or occupant load greater than that allowed by the code shall be provided with an automatic fire sprinkler system if it is determined that an amount greater or equal to fifty percent (50%) of the properties appraised value is effected by a manmade or natural disaster, including fire.

(y) Section 903.3.1.2 of said code is hereby amended to provide as follows:

*903.3.1.2 NFPA 13R sprinkler systems.* Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R. However, sprinkler protection is required in attic spaces, and elevator control rooms of such buildings three or more stories in height.

(z) Section 903.3.5.1 of said code is hereby amended by adding a second paragraph to provide as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10-psi safety factor.

(aa) Section 907.1.3 of said code is hereby amended by adding the following section:

*907.1.3.1 Design Standards.* All fire alarm systems new or replacement serving fifty (50) or more alarm actuating devices shall be intelligent addressable fire detection systems.

Exception: Existing systems need not comply unless a building remodel or expansion initiated after the effective date of this code, as adopted, causes the total fire area to exceed the square footage of the building in the applicable sections of this code.

(bb) Section 907.2 of said code is hereby amended to provide as follows:

*907.2 Where required—New buildings and structures.* A manual and automatic fire alarm system shall be provided in new buildings and structures other than in Group U occupancies that have a fire area exceeding 5000 square feet in accordance with sections 907.2.1 through 907.2.23. Systems shall be equipped with **at least** one means of automatic activation, and manual activation.

Approved automatic fire detection systems shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall comply with section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

(cc) Section 907.4 of said code is hereby amended by adding a second sentence to provide as follows:

Manual alarm actuating devices shall be an approved double action type.

(dd) Section 907.6.5 of said code is hereby amended to provide as follows:

*Section 907.6.5 Monitoring.* An approved supervising station in accordance with NFPA 72 fire alarm systems shall monitor all new and existing manual, automatic, or manual and automatic fire alarm system.

(ee) Section 912.1 of said code is hereby amended by adding criteria #1 and #2 to provide as follows:

1. The fire department connection for standpipe systems shall be located remotely.

(ff) Section 1015.1 of said code is hereby amended by adding #4 to the list of requirements.

4. Each individual tenant space in a retail strip center shall be provided with a secondary exit door in an approved location, regardless of travel distance or occupant load.

(gg) Section 5601.1 of said code is hereby amended by deleting the "exceptions" contained in paragraphs numbered 1 through 4 and adding the following sections:

*5601.1.3 Fireworks.* The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the corporate limits of the city.

The possession, manufacture, storage, sale, handling and use of fireworks are declared to be a nuisance and are prohibited within the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet unless such area is within the corporate limits of another municipality.

Exceptions:

Only when approved for fireworks displays, storage and handling of fireworks as provided in section 5601.2.4.2 and 5601.4.

The use of fireworks for approved displays as permitted in section 5608.

(hh) Appendix table D103.4 of said code is hereby amended to provide as follows:

*Table D103.4.* Width should be a minimum of 24 feet for lengths up to 500 feet.

(ii) Appendix D103.5 of said code is hereby amended to provide as follows:

*Appendix D103.5.* Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 24 feet.

“(c) Section 109.3 of said code is hereby amended to provide as follows:

*109.3 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 shall constitute a separate offense.”

**Section 3.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-47, NFPA 13, NDP 13D, and NFPA 13R Standards for the Installation of Sprinkler Systems, of Article III, Standards for Installation of Fire Sprinkler Systems, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 4.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-48, Amendments to NFPA 13D, of Article III, Standards for Installation of Fire Sprinkler Systems, of Chapter 20 fire Prevention and Protection, in its entirety and replacing it with a new Section 20-48, as follows:

“Sec. 20-48. - Amendments to NFPA 13D.

(a) Section 3.3.13.2 of NFPA 13 D Is hereby amended by deleting the definition of "Control Valve" and substituting therefore a new definition to provide as follows:

Each system shall have a single control valve arranged to shut off both the domestic system and the sprinkler system, and there shall be a separate shutoff valve for the domestic system only. However, the sprinkler system shall be permitted to have a separate control valve where supervised by a central station or remote station alarm service.”



**Section 5.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-94. Established, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 6.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-95. How Offered, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 7.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-96. Notice, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 8.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-97. Payment, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 9.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Section 20-98. City Officers, of Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 10.** The Code of Ordinances of the City of Tomball Texas are hereby amended by deleting Article V. Arson Rewards, of Chapter 20 fire Prevention and Protection, in its entirety.

**Section 11.** All ordinances in conflict or inconsistent with this ordinance are, to the extent of such conflict or inconsistency, repealed.

**Section 12.** **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part

declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 13.** This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF AUGUST 2018.

|                        |            |
|------------------------|------------|
| COUNCILMAN FORD        | <u>AYE</u> |
| COUNCILMAN STOLL       | <u>AYE</u> |
| COUNCILMAN DEGGES      | <u>AYE</u> |
| COUNCILMAN TOWNSEND    | <u>AYE</u> |
| COUNCILMAN KLEIN QUINN | <u>AYE</u> |

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF AUGUST 2018

|                        |            |
|------------------------|------------|
| COUNCILMAN FORD        | <u>AYE</u> |
| COUNCILMAN STOLL       | <u>AYE</u> |
| COUNCILMAN DEGGES      | <u>AYE</u> |
| COUNCILMAN TOWNSEND    | <u>AYE</u> |
| COUNCILMAN KLEIN QUINN | <u>AYE</u> |

Gretchen Fagan  
Gretchen Fagan, Mayor

ATTEST:

| Doris Speer-  
Doris Speer, City Secretary