

**ORDINANCE NO. 1211-2024**

**An ordinance of the city council of the City of Pearland, Texas, amending Chapter 10, *Fire Prevention and Protection*, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, by amending Chapter 10, *Fire Prevention and Protection*; having a savings clause, a severability clause, and a repealer clause; and providing for codification - and an effective date.**

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

**Section 1.** That Chapter 10, *Fire Prevention and Protection*, of the City of Pearland Code of Ordinances, is hereby amended, to read as follows:

**” Chapter 10 - FIRE PREVENTION AND PROTECTION**

**ARTICLE I. - IN GENERAL**

**Sec. 10-1. - Arson reward—Established.**

The mayor is hereby empowered to offer a reward of one thousand dollars (\$1,000.00), payable to the person or persons who shall be responsible for the arrest and conviction of any person committing the crime of arson in the city as the same is now defined by the penal code of the state.

**Sec. 10-2. – Same—How offered.**

Whenever the mayor shall be informed that any fire occurring in the city was of an incendiary origin, he shall call for a report on the same by the city fire marshal, and if the marshal shall report that such fire was caused by the commission of the crime of arson, it shall become the duty of the mayor to offer the reward provided by section 10-1, which reward shall be in the form of a proclamation duly issued by the mayor under his official signature and attested by the seal of the city.

**Sec. 10-3. – Same—Notice.**

- (a) The city secretary is hereby directed to have prepared and posted an arson reward notice on placards eight (8) inches by twelve (12) inches in size showing the following reward notice:

**ARSON REWARD**

The City of Pearland, Texas, hereby offers the reward of one thousand dollars (\$1000.00) for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the corporate limits of the City of Pearland, Texas. This reward is a standing offer and shall be paid out of the general fund of the City of Pearland, Texas.

- (b) Such placards shall be placed in wooden frames under glass and shall be posted inside at least twenty (20) different public buildings within the city, one of which shall be the city hall, in accordance with the regulations of the state fire insurance department.

#### **Sec. 10-4. – Same—Payment.**

Upon information being given by any person causing the arrest and conviction of any person guilty of the specific crime of arson and upon the final conviction of such person, the person giving such information shall be entitled to receive the reward offered in section 10-1 from the city.

#### **Sec. 10-5. - Tampering with the alarm system.**

Whosoever shall maliciously tamper with any part or parts of the municipal fire alarm system, such as pulling false box alarms, cutting any of the line wires or disfiguring boxes, shall be deemed guilty of a misdemeanor.

#### **Sec. 10-6. - Electronic gates and emergency access.**

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except when the context indicates a different meaning:  
  
*Remote access points* mean other gates that are remote from the main entrance gate or gates that are remotely located for alternative entry
- (b) *Operations.* If the owner or developer of a gated subdivision, gated multi-family complex, or gated commercial complex does install gates at their facility, the owner or developer shall install electrically operated gates at all entrances and remote emergency access points. If the facility has more than two emergency access gates, the fire marshal may allow any additional gates to be manually operated.
  - (1) All entrances and remote access points shall have a manual means of operation in case of power failure or other inoperability to allow for ingress and egress.
  - (2) Each entrance and remote access point shall be equipped with a "Key Switch" approved by the Fire Marshal to allow emergency vehicles access to the facility.
  - (3) If the key switch or gates are otherwise inoperable, the gates shall be left opened until the gates are repaired and in good operating condition.
- (c) *Inspections.* Plans shall be submitted to the permits department for approval prior to installation of any emergency access gate. Approved permits must be received by the contractor prior to any installation. Final inspections and testing shall be required prior to the gate(s) being placed into service or operation.
- (d) *Retrofitting existing complexes.* All such electrically operated gates in existence prior to the effective date of the ordinance from which this article is derived shall have 12 months from the effective date to install compliant "Key Switches". The owner of the property shall be responsible for all costs associated with the purchase, installation, and maintenance of the gate system.

**Sec. 10-7. - Notice of pipeline malfunctions.**

Any gas leak, product loss, or critical pressure loss or any other malfunction, from any underground pipeline or associated aboveground valves, pumps and connections occurring within the corporate city limits of the city, indicating a possible emergency, shall be reported immediately by the person or corporation owning or operating the pipeline to the emergency services dispatcher in the city.

**Secs. 10-8—10-16. – Reserved**

**ARTICLE II. - FIRE MARSHAL**

**Sec. 10-17. - Office created.**

The office of fire marshal is hereby created in and for the city.

**Sec. 10-18. - Qualifications.**

The person appointed fire marshal shall be properly qualified for the duties of his office in accordance with recognized standards.

**Sec. 10-19. - Removal from office.**

The person appointed as fire marshal shall be removed from office only for cause.

**Sec. 10-20. - Duty to investigate fires.**

The fire marshal shall investigate the cause, origin and circumstances of every major and/or suspicious fire occurring within this city, and every fire in which a serious fire related injury or fatality has occurred, and every fire in which there has been a major loss of property or in which property has been severely damaged within this city, and shall especially make investigation as to whether such fire was intentional or the result of carelessness or design. Such investigation shall begin as soon as practical after the occurrence of such fire.

**Sec. 10-21. - Taking of testimony generally.**

The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing.

**Sec. 10-22. - Summon witnesses, obtain evidence, oaths.**

The fire marshal shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this chapter subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The fire

marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him.

**Sec. 10-23. - Private investigations, separate witnesses.**

All investigations held by or under the direction of the fire marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

**Sec. 10-24. - Duty when evidence indicates arson.**

If the fire marshal shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

**Sec. 10-25. - Misconduct of witnesses.**

Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the fire marshal in the matter of the investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor; and it shall be the duty of the fire marshal to cause all such offenders to be prosecuted.

**Sec. 10-26. - Right of entry.**

The fire marshal shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

**Sec. 10-27. - Inspection of premises.**

The fire marshal having probable cause, or upon complaint of any person having interest in any building or property adjacent and without any complaint, shall have the right at all times, for the purpose of examination, to enter into and upon all buildings and premises within the city. It shall be his duty, monthly or more often, to enter upon and make or cause to be entered and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto.

#### **Sec. 10-28. - Correction of dangerous conditions.**

Whenever the fire marshal shall find any building or other structure which, for want of repair, or by reason of age or dilapidated and unsafe condition, or for any cause is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever the fire marshal shall find an improper or dangerous arrangement of any of the following:

- (a) Any kind of heat producing devices whatsoever;
- (b) Any electrical or electronic devices or systems;
- (c) Dangerous or unlawful storage of explosives, compounds, flammable liquids, combustible materials, hazardous materials; or
- (d) Any other condition(s) which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firefighters, occupants, or neighbors;

the fire marshal shall immediately order the same to be remedied by code compliance or demolished and removed from site, and such order shall be complied with by the owner or occupant of the building or premises in the time specified by the fire marshal; provided, however, that if the owner or occupant deems himself aggrieved by such order, he may, within five (5) days, appeal to the city manager, who shall investigate the cause of the complaint and unless by his authority the order is revoked within fourteen (14) days, such order shall remain in force and be forthwith complied with by the owner or occupant.

All conditions described above are hereby declared to be a common and public nuisance, constituting a fire hazard and posing an immediate threat to the community within the city and within the area immediately adjacent and contiguous to the city limits extending for a total of five thousand (5,000) feet.

#### **Sec. 10-29. - Record of fires.**

The fire marshal shall keep in his office a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin of the fires and the amount of loss, which may be determined by the investigation required by this article.

#### **Sec. 10-30. - Attendance at fires.**

The fire marshal shall answer fire alarms and be present at all fires within the city whenever possible and practical.

#### **Sec. 10-31. Fire or Disaster Restoration Companies**

All fire and disaster restoration companies or representatives must maintain a safe distance from any fire or disaster scene a distance not less than 750 feet.

#### **Sec. 10-32. Fire debris.**

- (1) All properties damaged by fire are hereby declared a nuisance and must be secured and properly cleaned up by the owner, occupant or person in control of the property.
- (2) Any person, firm or corporation responsible for any fire or impermissible smoke discharge shall bear all costs and complete all actions necessary to remedy and assist in the remedy of all the effects of such fire and/or smoke, at no cost to the city.
- (3) Whenever any building or other structure is partially or totally burned, the owner or occupant of the property or the person in charge or control thereof, within ten days after notice from the fire marshal's office, shall remove from the premises all refuse, debris, charred and partially burned lumber and material as directed in such notice. If such building or other structure is burned to such an extent that it is rendered incapable of being repaired, the owner or occupant of the property upon which the same is located or the person in control thereof, within ten days after notice from the fire marshal, shall remove from the premises all of the remaining portions of the building or structure that are damaged beyond repair and immediately secure the property as directed.
- (4) The fire marshal may direct the owner, occupant or person in control of the property in the necessary measures to secure the premises after a fire. The owner, occupant or person in control of the property shall promptly comply with the directive of the fire marshal. Failure to comply with the written directives of the fire marshal within ten days of the notice shall be a violation of this article.
- (5) When deemed necessary by the fire marshal due to an imminent threat to the public safety or an attractive nuisance constituting an imminent threat, the fire marshal may cause immediate cleanup to be initiated by the fire department or by an authorized individual or firm.
  - (a) All costs associated with such cleanup shall be borne by the owner, operator, person in control of the property or other person responsible for the fire or impermissible discharge of smoke. Failure of a person deemed responsible for a fire to pay the costs of cleanup shall be deemed a violation of this article.

Secs. 10-33—10-45. - Reserved.

#### **ARTICLE III. - FIRE CODE**

##### **Sec. 10-46. - Fire code adopted.**

There is hereby adopted the "City of Pearland Fire Code," which shall consist of the International Fire Code, 2021 Edition, including appendices as published by the International Code Council, Inc. A copy of said code shall be maintained in the office of the city secretary.

## **Sec. 10-47. - Local amendments.**

The fire code adopted in section 10-46 is hereby modified as follows:

(a) The following provisions are added:

- (1) 108.4.1 No waiver. The failure of the Pearland Fire Marshal to enforce any provision of the fire code shall in no case constitute or be deemed a waiver of the applicability of said provision or the authority of the Fire Marshal to enforce it.
- (2) 108.2.1.1 Inspection by Fire Marshal. The Pearland Fire Marshal or his designee shall inspect all registered and licensed personal care facilities, foster care, child-care, and group homes within the City of Pearland for compliance with the fire code and life safety code.
- (3) 503.2.3.1 Surface. Access roads shall be constructed of concrete utilizing the standards in the City of Pearland's Engineering Design Criteria Manual for a public local street.
- (4) 506.1.3 When required. All new construction and any existing shall be required to have a key box approved by the Fire Marshal.

*Retrofitting existing occupancies.* All occupancies in existence prior to the effective date of the ordinance from which this article is derived shall have 12 months from the effective date to install compliant "Key box". The owner of the property shall be responsible for all costs associated with the purchase, installation, and maintenance of the key box.

- (5) 903.1.5 Sprinkler Systems. All fire sprinkler systems shall be approved and permitted prior to installation by the fire marshal's office. All fire sprinkler systems so installed shall be maintained in compliance with all NFPA applicable standards and codes, by the owner, occupant or other person charged with responsibility for the management, care and maintenance of such building or structure.
- (6) 903.1.6 Conflicting provisions. In cases of conflict or inconsistency in the provisions of this section and any other applicable rules or regulations, the most stringent of the provisions shall apply.
- (7) 903.2.6.1 Group I. No sprinklers shall be required in Home and Community Based Services (HCS) residences for individuals with intellectual or developmental disabilities regulated by the Texas Department of Aging and Disability Services (DADS), unless DADS would otherwise require sprinklers in such homes.
- (8) 904.14.1.3 Fire suppression. Any domestic cooking appliance installed in a commercial facility, including foster care facilities, shall provide cooking fire suppression as approved by the Fire Code Official.
- (9) 905.4 Location of Class I standpipe hose connection. 7. Class I standpipe hose connections shall be installed in all buildings that exceed 150,000 square feet in size. They shall be installed in the following locations:
  - a) On each side of a wall adjacent to the exit opening of a horizontal exit,
  - b) At egress doors no further apart than 200 feet, and
  - c) Where the most remote portion of a floor or story is more than 200 feet from a hose connection.
- (10) 907.5.1.2 Evacuation. Upon activation of any automatic fire alarm system, all occupants of the structure shall be evacuated and shall remain outside the structure until the fire department has determined that no fire or danger exists. To enable fire department personnel to locate the area or zone activated, occupants of the structure shall not reset an alarm activation.

- (11) 1103.5.1.1 Group A-2, Existing A-2 type occupancies where alcoholic beverages are consumed and occupant load is 300 or more, shall be equipped with an automatic fire alarm system in compliance with NFPA 72. In the event of a level III alteration as defined by the International Building Code. Building would be required to comply with 1103.5.1 of the International Fire Code.
- (12) 3405.7 Location of storage. Storage of waste tires in any form, whether whole, split shredded, or chopped, shall only be allowed in no more than one (1) enclosed trailer, 8' x 8' x 20' or 1280 ft.<sup>3</sup>, located on-site.
- (13) 3405.8 Off-loading of trucks. All incoming tires by truck or trailer shall be off-loaded within 24 hours and worked into stock on non-combustible racks as required for all tire storage. Tires are not to be left on the ground at the end of the workday and the truck or trailer transporting the incoming tires shall be removed from the site immediately following off-loading.
- (14) 3405.9 Public nuisance declared. Tires not designated for retail or wholesale consumption shall not be allowed to accumulate above the limits herein established regardless of their form, whether whole, split, shredded, or chopped, or so as to constitute a fire or health hazard. Any accumulation in violation of this section shall be deemed a public nuisance and their prohibition shall extend to all of the city's extra-territorial jurisdiction (ETJ) within five thousand (5,000) feet of the city's corporate limits.

(b) The following provisions are deleted in their entirety:

- (1) 905.5.2 Protection.
- (2) 905.5.3 Class II system 1 inch hose.

(c) The following provisions are adopted in place of the identically numbered provisions in the International Fire Code, 2021 Edition:

- (1) *105.1.1 Permits required.* Permits required by this code shall be obtained from the code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official. Permits are required for the following:

Type I Permit (include review, inspection, testing, and permit)

Installation of fire sprinkler system.

Modification of any fire protection system.

Installation of underground fire mains.

Installation of smoke control systems.

Installation of fire pumps.

Installation of standpipe system.

Installation of fixed fire protection systems.

Installation of fire alarm.



Installation or removal of flammable/combustible liquid storage tank.

Installation of residential automatic fire sprinkler system.

Type II Permits (includes permit and site inspection)

Temporary storage tanks.

Public displays of fireworks.

Installation of Firefighter air replenishment system.

Installation of Emergency Responder Radio System.

(2) 202 General Definitions.

(a) [BG] AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less-than-24-hour basis to persons who are rendered *incapable of self-preservation* by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include, but not limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

(b) SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

(3) 307.1 General. No person shall kindle or maintain any type of open fire or burning, including bonfires, recreational fires, and trench-burn fires as defined by the Texas Commission on Environmental Quality (TCEQ), within the city. Such open fires are hereby declared to be a public nuisance, and their prohibition shall extend to all of the city's extra-territorial jurisdiction (ETJ) within five thousand (5,000) feet of the city's corporate limits.

This prohibition does not apply to live firefighting training conducted by the Fire Department in compliance with TCEQ regulations, barbecue pits used for cooking, or an approved outdoor fireplace used for warmth that has three sides and a spark arrestor and complies with Sec. 307. The fire official may prohibit any or all fires or order the immediate extinguishment of any and all fires when, in his sole discretion, atmospheric conditions or local circumstances make such fires an immediate threat to public safety or the smoke or ash from such fires becomes a public nuisance.

(4) 501.4 Timing of Installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

- (5) 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).
- (6) 503.2.2 Authority. The fire code official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.
- (7) 503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus in all weather conditions.
- (8) 503.2.4 Turning Radius. The minimum corner radius on the turns shall be 25' on the inside and 50' on the outside.
- (9) 503.3 Marking. Where required by the code official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and replaced or repaired when necessary to provide adequate visibility.

Whenever any provision regarding the regulation of fire lanes contained in the most recent edition of the International Fire Code adopted by the City is in conflict with the provisions of this subsection, the provisions of this subsection shall govern.

The owner, manager, or person in charge of any new or existing building or property for which fire lanes have been approved or required by the Fire Marshal or his authorized representative shall mark and maintain said fire lanes as provided below.

- (a) Fire lanes shall not be located immediately adjacent to a structure if other possible locations exist that are not immediately adjacent but close enough to give sufficient access to at least three sides of the structure.
- (b) All curbs and curb ends shall be painted red with white lettering four inches (4") high and at least one half-inch ( $\frac{1}{2}$ ") stroke, stating "NO PARKING-FIRE LANE". Wording may not be spaced more than thirty-five feet (35') apart. Fire lanes shall be marked on both sides of access roads so as to assure a minimum of 24' clear width in the middle of said access roads.
- (c) In areas where fire lanes are required but no continuous curb is available, one of the following methods shall be used, in conjunction with curb markings where possible, to indicate that the fire lane is continuous:
  - (1) Signs that comply with Section D103.6 shall be mounted conspicuously along the edge of the fire lane, spaced no more than twenty-five feet (25') apart, and shall have lettering at least two inches (2") high with three-eighths inch ( $\frac{3}{8}$ ") stroke.
  - (2) From the point the fire lane begins to the point the fire lane ends, including behind all parking spaces which adjoin a fire lane, there shall be painted one continuous red stripe having a minimum width of at least six inches (6"). Fire lanes shall be stenciled every twenty-five feet (25') apart "NO PARKING FIRE LANE" with white lettering four inches (4") high and at least one half-inch ( $\frac{1}{2}$ ") stroke. Fire lanes shall be so marked on both sides of the lane.

- (10) 505.1 Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (152.4 mm) high with a minimum stroke width of  $\frac{1}{8}$  inch (12.7 mm). Properties that have multiple buildings with the same address shall have the building number placed on the building in a position that is visible from the street or road fronting the property and approved by the fire code official. Each character shall be not less than 12 inches (304.8 mm) high with a minimum stroke width of  $\frac{1}{8}$  inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.
- (d) Retrofitting existing buildings. All buildings must come into compliance within 12 months from the effective date of this ordinance. The owner of the property shall be responsible for all costs associated with the purchase, installation, and maintenance of the building numbers.
- (11) 903.1.1 Sprinkler Systems. The installation of an automatic fire sprinkler system shall be required in all new commercial structures over 10,000 square feet or greater.
- (12) 903.1.2 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted instead of automatic sprinkler protection where recognized by the applicable standard and approved by the fire code official.
- (13) 903.2.8 Group R. An automatic sprinkler system shall be provided throughout all buildings with a Group R occupancy fire area, including attached balconies, patios, porches, breezeways, car ports, and Porte cocheres, regardless of fire separations.
- (14) 903.3.7 Fire department connections. The fire department connection FDC shall be located at a point no further than 20 feet from a fire apparatus access road, remotely located away from the building collapse zone at a horizontal distance that is at least one and one-half times the height of the building on the main street side, and easily accessible to the Fire Department. The location of the FDC shall be so as to provide hose connections that shall not block access to the building or obstruct other fire apparatus from accessing the building. There shall be an approved sign as specified by the Fire Marshal designating the address served by the FDC. A fire hydrant shall be located within fifty-feet (50') of the FDC measured along a fire apparatus access road. FDCs shall have a five-inch (5") Storz connection and shall include an approved locking cap as specified by the Fire Marshal. FDC shall be installed into a pre-fabricated vault to allow access to mechanical devices. FDC piping shall be an independent dry line connected to the fire protection system after all shut off valves.

- (15) 904.3.5 Monitoring. All automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72. The audible and visible waterflow shall be a weather-proof horn strobe and shall be required to indicate when the system has activated.
- (16) 905.5.1 Groups A-1 and A-2. In Group A-1 and A-2 occupancies with occupant loads of more than 300, Class I or Class III hose connections shall be located on each side of any stage, on each side of the rear of the auditorium, on each side of the balcony, and on each tier of dressing rooms.
- (17) 906.3. (1) Table.

	LIGHT (Low) HAZARD OCCUPANCY	ORDINARY (Moderate) HAZARD OCCUPANCY	EXTRA (High) HAZARD OCCUPANCY
Minimum-rated single extinguisher	3-A	3-A	4-A
Maximum floor area per unit of A	3,000 Square feet	1,500 Square feet	1,000 Square feet
Maximum floor area for extinguishers	11,250 Square feet	11,250 Square feet	11,250 Square feet
Maximum distance of travel to extinguisher	75 feet	75 feet	75 feet

- (18) 907.1.1 Fire and Smoke Detectors. The installation of UL or FM approved smoke detectors shall be required in any new building or structure, either residential or commercial, within the city limits. The smoke detectors shall be installed with electrical power with battery backup and interconnected directly together so that if one detector activates, all detectors will sound an audible alarm throughout the structure. All smoke detectors shall be installed at a minimum of every 900 square feet and approved by the fire marshal's office. All such smoke detectors installed shall be maintained in working order by the owner, occupant, or other person charged with the responsibility for the management, care, or maintenance of the occupancy and/or building.

Existing occupancies are required to install battery type smoke detectors. All battery type smoke detectors shall be installed at a minimum of every 900 square feet and approved by the fire marshal's office.

Fire alarm wiring installation, when required: All commercial fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices.

- (19) 907.1.2 Construction documents. Construction documents for the fire alarm systems shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code; the International Building Code; and relevant laws, ordinances, rules and regulations, as determined by the fire code official.
- (20) 907.1.3 Fire alarm shop drawings. Shop drawings for fire alarm systems shall be prepared in accordance with NFPA 72 and submitted for review and approval prior to system installation.
- (21) 907.1.4 Equipment. Systems and their components shall be listed and approved for the purpose for which they are installed. All new fire alarm control panels, remote annunciators, and initiating devices shall be addressable and communication devices shall be monitored by an approved supervising station in accordance with NFPA 72. The system shall have occupant notification throughout the building in compliance with ADA requirements.
- (22) 907.2.1.1 System initiation in Group A occupancies with an occupant load of 300 or more. All new and existing assembly buildings with an occupant load of 300 or greater shall install Emergency Voice Evacuation (EVAC) systems in accordance with NFPA 72.
- (23) 907.6.6 Monitoring. Where required by this chapter or the International Building Code, monitoring shall be provided by an approved supervising station in accordance with NFPA 72. All alarm activations monitored by an approved supervising station shall not be subject to pre-qualification. Instead, the local fire department shall immediately be notified of all alarm activations.
- (24) L101.1 Scope. Fire fighter air replenishment systems (FARS) shall be provided in accordance with this appendix in new buildings when any of the following conditions occur:
- (a) Any new building 5 stories or more in height.

## **ORDINANCE NO. 1211-2024**

(b) Any new building with 2 or more floors below grade.

Each stairwell shall have a supply riser. SCBA fill panels shall be located on odd numbered floors commencing at the first level in the primary stairwell and on even numbered floors commencing at level 2 in the remaining stairwells. Fill panels in buildings over 250,000 square feet shall be located adjacent to each standpipe connection.

### **Sec. 10-48. - Life safety code adopted.**

NFPA 101, Life Safety Code Handbook, 2021 edition, is hereby adopted and incorporated herein and made a part of hereof for all intents and purposes, and shall apply for repairs, alterations, renovations, and maintenance of all commercial buildings and appurtenances thereto. A copy of said code shall be maintained in the office of the city secretary.

### **Sec. 10-49. - Local amendments.**

The life safety code adopted in section 10-49 is hereby modified to delete the following provisions in their entirety:

- (1) 12.3.5.1
- (2) 24.3.5.1

### **Sec. 10-50. - Penalty for violation.**

- (a) Any person, firm or corporation who violates or fails to comply with the requirements or provisions of the City of Pearland Fire Code or the City of Pearland Life Safety Code, as herein adopted, shall be deemed guilty of a misdemeanor, and shall, upon conviction by a court of competent jurisdiction, be punished as provided in section 1-11 of this Code.
- (b) In prosecutions under this section, the requirement that a culpable mental state be pled and proven by the state is hereby waived.

Secs. 10-51—10-72. - Reserved.

## **ARTICLE IV. - FIREWORKS**

### **Sec. 10-73. - Definitions.**

For the purposes of this article, the terms used herein are defined as follows:

*Distributor:* Those who sell fireworks to retailers or to jobbers for resale to others.

*Fireworks:* Any firecrackers, cannon crackers, skyrockets, 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.

## **ORDINANCE NO. 1211-2024**

*Importer:* Those who import fireworks from a foreign country for sale to distributors, jobbers or retailers within the State of Texas.

*Jobber:* Those who purchase fireworks for resale to consumers only.

*Manufacturer:* Persons, firms, corporations or associations that are engaged in the making of fireworks.

*Person:* Any natural person, association of persons, partnership, corporation, agent or officer of a corporation and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors and administrators.

*Public display:* The igniting and shooting of fireworks for public amusement.

*Retailers:* Those who purchase fireworks for resale to consumers only.

### **Sec. 10-74. - General prohibition.**

Except as otherwise specifically provided in this article, it shall be unlawful for any person to sell, offer to sell or have in his/her possession with intent to sell, keep, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description.

### **Sec. 10-75. - Aiding minors to purchase, use, etc., fireworks.**

No relation in the ascending line of a minor or guardian of a minor shall furnish money or a thing of value to a minor for the purchase of fireworks or encourage, act in conjunction with or in any manner instigate or aid a minor in the commission of having, keeping, storing, selling, offering for sale, giving away, using, transporting or manufacturing fireworks within the corporate limits of the city. This shall be an offense regardless of whether the minor has been found guilty of the offense. The commission of the offense by the minor on the property under the control or owned by the relation or guardian shall be prima facie evidence that the relation or guardian was instigating or aiding the minor.

### **Sec. 10-76. - Exceptions.**

The general prohibition as set forth in section 10-74 herein shall not apply to the following:

- (1) Section 10-74 shall not apply to toy pistols, toy canes, toy guns or similar devices in which paper caps containing twenty-five one-hundredths (0.25) grains or less of explosive compounds are used provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five one-hundredths (0.25) grains of explosive compounds, the sale and use of which shall be permitted at all times.
- (2) It shall not be unlawful upon a permit issued by the fire marshal for any person engaged in any organized play, legitimate theatrical performance, circus or other show designed for the amusement and edification of the general public to use, discharge or cause to be discharged and ignited fireworks as a part of an act, performance, play or circus so long as such person does not also engage in the retailing, wholesaling, selling or distribution of any of such fireworks. The fire marshal shall cause to be made an investigation of each application made hereunder to determine whether the use of such fireworks as proposed shall be of such a character that it may be hazardous to property or dangerous to any person; and he/she shall, in the exercise of reasonable discretion, grant or deny the application for such permit.

## **ORDINANCE NO. 1211-2024**

- (3) Section 10-74 shall not apply to signal flares and torpedoes of the type and kind commonly used by any railroads, which signal flares and torpedoes are received by and stored or transported by any railroad for use in railroad operation; nor shall section 10-74 apply to any marine signal flare or rocket which is transported or received and stored for use only as ship's stores; nor shall section 10-74 apply to signal flares or rockets for military or police use; nor shall section 10-74 apply to signal flares for use by motorists in distress.

### **Sec. 10-77. - Public displays exempted.**

The provisions of section 10-74 shall not apply to a public display of fireworks made under the terms and conditions of this section, and such display shall be permitted upon compliance with the provisions of this section as follows:

- (1) Any adult person or any firm, co-partnership, corporation or association planning to make a public display of fireworks shall first make a written application for a permit to the fire marshal at least forty-eight (48) hours in advance of the date of the proposed display.
- (2) It shall be the duty of the fire marshal to make an investigation as to whether the display as proposed by the applicant for a permit under this article shall be of such a character that it may be hazardous to property or dangerous to any person; and he/she shall, in the exercise of reasonable discretion, grant or deny the application subject to the conditions prescribed in this section. In the event the application is approved, a permit shall be issued for public display by the fire marshal. Such permit shall be for a period of time designated on the permit but shall not exceed fourteen (14) days, and the permit shall not be transferable. In the event that the application is denied by the fire marshal, he/she shall notify the applicant of the denial in writing.
- (3) The applicant for a display permit under this section shall, at the time of making application, furnish proof that he/she carries compensation insurance for his/her employees as provided by the laws of the state; and he/she shall file with the fire marshal a certificate of insurance evidencing the carrying of public liability insurance in an amount not less than fifty thousand dollars (\$50,000.00), issued by an insurance carrier authorized to transact business in the state, for the benefit of the person named therein as assured as evidence of ability to respond in damages in at least the amount of fifty thousand dollars (\$50,000.00), such policy to be approved by the fire marshal. In lieu of insurance, the applicant may file with the fire marshal a bond in the amount of fifty thousand dollars (\$50,000.00) issued by an authorized surety company approved by the fire marshal, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks or any negligence on the part of the applicant or his/her agents, servants, employees or subcontractors in the presentation of the public display.
- (4) The range of aerial displays shall not be more than two hundred (200) feet, and the fireworks shall be discharged vertically from steel tubes.
- (5) The limit of a display authorized by this section shall be not more than sixty (60) minutes per performance, and there shall not be more than two (2) performances in each twenty-four (24) hours.



## **ORDINANCE NO. 1211-2024**

- (6) No public display of fireworks shall be of such a character and so located, discharged or fired as to be hazardous or dangerous to persons or property, and this determination shall be within the sound discretion of the fire marshal.
- (7) The persons handling the display of fireworks under this section shall be competent, adult persons and experienced pyrotechnic operators approved by the fire marshal, and no person not approved by the fire marshal shall handle fireworks at the public display. The names of the experienced pyrotechnic operators shall be designated on the permit issued.
- (8) For each public display of fireworks under this section, not less than two (2) firemen of the city shall be in attendance during the display. The expense of such firemen at the display shall be borne by the applicant for the permit and shall be paid in advance at the time of the application for the permit.
- (9) The material to be used for a public display authorized by this section shall not be stored within the city limits (unless approved by the fire marshal) but shall be brought in on the day of the public display and then shall be taken immediately to the place of display for further handling and storage.

### **Sec. 10-78. - Illegal fireworks as nuisance; seizure and destruction.**

The presence of any fireworks within the city limits and within the area immediately adjacent and contiguous to the city limits extending for a distance outside of the city limits for a total of five thousand (5,000) feet, in violation of this article, is hereby declared to be a common and public nuisance. The fire marshal may seize in accordance to state law any fireworks found in violation of this article and any authorized deputy of the fire marshal, or any police officer of the city or any other duly constituted Texas peace officer is empowered to stop the transportation of and detain any fireworks being transported illegally or to close any building where any fireworks are found stored illegally until the fire marshal can be notified in order that such fireworks may be seized in accordance with the terms of this article. Notwithstanding any penal provision of this article, the city attorney is authorized to file suit on behalf of the city, the fire marshal or both for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of fireworks within the city or such five-thousand-foot area. It shall not be necessary to obtain injunctive relief as a prerequisite to the seizure of fireworks. This section shall not apply within any portion of such five-thousand-foot area which is contained within the territory of any other incorporated city, town or village.

### **Sec. 10-79. - Penalty.**

Any person, firm or corporation who shall violate or fail to comply with the requirements of any provisions of this article shall be guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished as provided in section 1-11 of the city Code of Ordinances.

### **Sec. 10-80. - Permitted transportation; identification.**

It shall not be an offense under this article for a person to transport ICC Class C common fireworks as defined in V.T.C.A., Occupations Code § 2154.001, as amended, by motor vehicles which meet the interstate commerce commission requirements for transporting ICC Class C common fireworks if equipped with at least one ten-pound fire extinguisher for

## **ORDINANCE NO. 1211-2024**

extinguishing Type A, B and C fires along and upon Farm to Market Road 518 or upon State Highway 35, either within the city limits or within five thousand (5,000) feet of the corporate boundaries of the city. Vehicles used for transportation of fireworks shall be provided with a sign on each side reading *Fireworks*. The sign shall have a white background with red letters at least six (6) inches in height and a minimum width of not less than three-fourths ( $\frac{3}{4}$ ) of an inch.

Secs. 10-81—10-90. - Reserved.

### **ARTICLE V. - HAZARDOUS MATERIALS**

#### **Sec. 10-91. - Definitions; applicability.**

(a) For the purposes of this article, the term used herein is defined as follows:

*Hazardous materials:* A substance or material which has been determined by the U.S. Secretary of Transportation to be capable of posing an unreasonable risk to health, safety and property when manufactured, stored or transported in commerce and which has been so designated.

(b) This article shall apply to materials not otherwise covered in this Code which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a health, fire or explosion hazard, or which because of their toxicity, flammability, or liability to explosion render fire-fighting abnormally dangerous or difficult; also to flammable or combustible liquids which are chemically unstable and which may spontaneously form explosive compounds, or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous chemicals, oxidizing materials, potentially explosive chemicals, highly toxic materials and poisonous gases are defined in the National Fire Protection Manuals.

#### **Sec. 10-92. - When permit required.**

- (a) A permit shall be required for the storage, manufacturing or handling of more than fifty-five (55) gallons of corrosive liquids; or more than five hundred (500) pounds of oxidizing materials; or more than ten (10) pounds of organic peroxides; or more than five hundred (500) pounds of nitromethane; or five hundred (500) pounds of water reactive chemicals or one thousand (1,000) pounds or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures covered in section 19-6(d); or any amount of highly toxic materials, pyrophoric materials, hypergolic materials, cryogenic materials or poisonous gases.
- (b) A permit shall be required for the storage, transportation or handling of more than one (1) microcurie of radium not contained in a sealed source; or more than one (1) millicurie of radium or other radioactive material in a sealed source or sources, or any amount of radioactive material for which a specific license from the United States Atomic Energy Commission is required.
- (c) No person shall store or handle, or suffer, permit or allow the storage, existence or handling of any of the substances described in subsection (a) above on any property unless a permit issued pursuant to this chapter is in effect for the storage or handling of the substances on the premises. Only one (1) permit shall be required for the storage and handling of any or all of the substances listed in section 10-92(a) if the substances are stored or handled on the same premises.

## **ORDINANCE NO. 1211-2024**

### **Sec. 10-93. - Protective facilities for manufacture, storage, handling and use generally; defective containers; retail sale.**

- (a) The manufacture, storage, handling and use of hazardous materials shall be safeguarded with such protective facilities as public safety requires.
- (b) The fire marshal may require the separation, or isolation of any substance that in combination with other substances may bring about a fire or explosion or may liberate a flammable or poisonous gas. The fire marshal may require separation from other storage, occupancies or buildings when the quantity stored constitutes a material hazard.
- (c) Defective containers which permit leakage or spillage shall be disposed of or repaired in accordance with recognized safe practices; no spilled materials shall be allowed to accumulate on floors or shelves.
- (d) Where kept for retail sale in containers or packages usual to the retail trade, storage shall be neat and orderly and shelves shall be of substantial construction.
- (e) Where specific requirements are not otherwise established, storage, handling and use of hazardous materials shall be in accordance with nationally recognized good practice.

### **Sec. 10-94. - Storage of oxidizing materials.**

- (a) Packaging oxidizing materials shall be stored in dry locations and separated from stored organic materials. Bulk oxidizing materials shall not be stored on or against wooden surfaces.
- (b) Oxidizing materials shall be stored separately from flammable liquids, flammable solids, combustible materials, hazardous chemicals, corrosive liquids and such other noncompatible materials as may be determined by the fire marshal.
- (c) Oxidizing agents shall be stored and handled in accessible areas in fully sprinkled, fire-resistive buildings.

### **Sec. 10-95. - Radioactive materials.**

- (a) Durable, clearly visible signs of warning of radiation dangers shall be placed at all entrances to areas or rooms where radioactive materials are used or stored. In addition, each container in which radioactive materials are used, stored or transported shall bear a durable, clearly visible, appropriate warning sign. Such signs shall bear the three-bladed radiation symbol in magenta or purple on a yellow background in accordance with nationally recognized good practice.
- (b) Signs are not required for storage of manufactured articles other than liquids, such as instruments or clock dials or electronic tubes or apparatus of which radioactive materials are a component part, and luminous compounds, when securely packed in strong containers, provided the gamma radiation at any surface of the package in less than ten (10) milliroentgens in twenty-four (24) hours.

## **ORDINANCE NO. 1211-2024**

- (c) When not in use, radioactive materials shall be kept in adequately shielded fire-resistant containers of such design that the gamma radiation will not exceed two hundred (200) milliroentgens per hour or equivalent at any point of readily accessible surface.

### **Sec. 10-96. - Manufacture and storage of potentially explosive materials.**

- (a) *General.* Potentially explosive, combustible or flammable materials (liquid, solids, powders, etc.) shall be manufactured and stored away from all heat-producing appliances and electrical devices which are not intrinsically safe, and shall be protected from external heat, fire or explosion. Explosive and blasting agents shall not be stored in the same building or in close proximity to such materials, except by approval of the fire marshal. Hazardous materials that are packaged in sealed containers and that are subject to pressure build-up due to ambient temperatures, shall be stored in a covered, temperature controlled atmosphere so as not to allow pressure build-up to occur. Uncontaminated contents of broken or cracked bags, packages or other container shall be immediately transferred in an approved manner to new and clean containers before the product is stored. Other spilled materials and discarded containers shall be immediately gathered up and disposed of in an approved manner. All electric bulbs, appliances or devices shall be explosion and/or vapor proof. (Upon approval by the fire marshal, vapor proof devices may suffice in some areas.) Open ignition sources, flames and smoking shall be prohibited in or near manufacturing and storage areas of hazardous materials, and shall be so posted. Internal combustion motor vehicles (i.e., fork lift trucks, etc.) shall not be operated in areas where such hazardous materials are manufactured or stored unless said vehicles are intrinsically safe and display manufacturers plaque stating same.
- (b) *Organic peroxides.* A detached, well isolated, ventilated and unheated storage building with walls having not less than a two-hour fire-resistive rating constructed in accordance with the building code, a noncombustible floor and a lightweight insulated roof shall be provided for the storage of fifty (50) pounds or more of organic peroxides. If not adequately protected by a fast-acting deluge type automatic sprinkler system, the storage building shall be located the following minimum distances from flammable or combustible liquid storage, combustible materials in the open and from any other building or highway:

<i>Weight of organic peroxide</i>		
[Over]	(Pounds) [Not over]	Distance (Feet)
50 to	100	75
100 to	500	100
500 to	1,000	125
1,000 to	3,000	200
3,000 to	5,000	300

## **ORDINANCE NO. 1211-2024**

The organic peroxides shall be stored in the original shipping containers (DOT containers). Care shall be taken to avoid rough handling or contamination of these chemicals. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.

Where organic peroxides are stored in refrigerated rooms or vaults, a warning placard is to be conspicuously placed in an approved manner and shall set forth emergency procedure in case of loss of electrical power or refrigeration.

- (c) *Nitromethane and other nitro-hydrocarbon compounds.* A suitably isolated outdoor storage area shall be provided for nitromethane. Hazardous processing shall not be permitted in the vicinity of this storage area. Nitromethane shall be stored in the drums in which it is received or in an underground tank with suitable corrosion protection and a minimum of two (2) feet of earth over the tank or in barricaded tanks aboveground. If the drum storage is not adequately protected by a fast-acting deluge type automatic sprinkler system, the storage of two thousand (2,000) pounds or more shall be located the following minimum distances from inhabited buildings:

<i>Pounds Weight</i> (Over)      (Not Over)	Approximate Number of Drums	Distance (Feet)
Beginning at 2,000	4	100
2,000 to 10,000	20	200
10,000 to 20,000	40	300
20,000 to 40,000	80	400
40,000 to 80,000	160	500

Care shall be taken to avoid rough handling or contamination of this chemical. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.

- (d) *Ammonium nitrate.*

- (1) All flooring in storage and handling areas shall be of noncombustible material and shall be without drains, traps, pits or pockets into which any molten ammonium nitrate could flow and be confined in the case of fire.
- (2) Each storage pile of bags or other authorized packages and containers of such materials shall not exceed twelve (12) feet in height, twelve (12) feet in width and thirty (30) feet in length. Such pile units shall be separated by a clear space of not less than thirty-six (36) inches in width from the base to the top of the piles. Cross aisles in the storage area shall be not less than four (4) feet in width. A clearance of not less than

**ORDINANCE NO. 1211-2024**

thirty (30) inches shall be maintained from building walls and partitions and of not less than thirty-six (36) inches from ceilings or roof structural members with a minimum of eighteen (18) inches from sprinklers.

- (3) Ammonium nitrate storage areas shall be separated by a space of thirty (30) feet or by a tight noncombustible partition from storages of organic chemicals, corrosive liquids, compressed gases, flammable and combustible materials or other contaminating substances such as sulphur, coal, flour, and metallic powders such as zinc, copper and magnesium where storage of such materials is permitted with ammonium nitrate.
  - (4) Quantities of ammonium nitrate or ammonium nitrate fertilizer, having no organic coating, in the form of crystals, flakes, grains or pills including fertilizer grade, dynamite grade, nitrous oxide grade and technical grade ammonium nitrate and ammonium nitrate phosphate (containing sixty (60) per cent or more ammonium nitrate by weight) of more than fifty (50) tons total weight shall be stored in a well-ventilated building. Such building shall be of one-hour fire-resistive or noncombustible construction as specified in the building code or shall be equipped with an approved automatic fire extinguishing system. In populated areas, quantities of two thousand five hundred (2,500) tons or more shall be stored in well-ventilated buildings of one-hour fire-resistive or noncombustible construction as specified in the building code equipped with an approved automatic fire extinguishing system. No combustible materials or ammonium nitrate sensitizing contaminants shall be stored in this building.
  - (5) Storage of ammonium nitrate, coated or mixed with organic anti-caking materials except compound blasting agents, shall not be permitted in populated and congested areas. Outside such areas, quantities of five hundred (500) tons or less may be stored in well-ventilated buildings of one-hour fire-resistive or noncombustible construction, as specified in the building code, equipped with an approved automatic fire extinguishing system.
  - (6) Under no circumstances shall ammonium nitrate be stored with explosives, blasting agents, booster chargers, or detonating materials.
  - (7) Avoid material handling practices and maintenance of material handling equipment that would result in contamination of the ammonium nitrate with organic materials. Remove and dispose of contaminated material in an approved manner.
- (e) *Hydrogen peroxide.*
- (1) Concentrations over thirty (30) per cent to be stored in permanent containers only in approved locations under special permit.
  - (2) Bulk storage tanks of hydrogen peroxide shall be located out of doors in vessels equipped with safeguards required by good engineering practices with due consideration for temperature and concentration.
  - (3) Dikes or drainage shall be provided to prevent storage area spills from approaching buildings or other storage. Avoid drains that may contain other wastes or pass under buildings.
  - (4) Arrangements shall be made for remote shutoff of hydrogen peroxide supply.
  - (5) Unloading stations for tank cars or trucks shall be located at least one hundred (100) feet from storage tanks or guard rails should be provided to prevent mechanical damage by unloading equipment. Isolate the unloading station from other material

## **ORDINANCE NO. 1211-2024**

unloading stations. Clearly identify the pipe connections to prevent introducing any other material into the hydrogen peroxide system or vice versa. Lock all fill lines and assign the key to the person responsible for the storage tank. Provide water hose near the unloading stations to wash down any spills. Tank cars and trucks shall be unloaded and removed promptly. Full tank cars should be kept on sidings at least one hundred (100) feet from important buildings or equipment until they are unloaded.

### **Sec. 10-97. - Storage of highly toxic materials.**

- (a) Highly toxic materials are materials so toxic to man as to afford an unusual hazard to life and health.
- (b) Highly toxic materials shall be segregated from other chemicals and combustible and flammable substances by storage in a room or compartment separated from other areas by a one-hour occupancy separation construction as specified in the building code. The storage room shall be provided with adequate drainage facilities and natural or mechanical ventilation to the outside atmosphere constructed as specified in the mechanical code.
- (c) Legible warning signs and placards stating the nature and location of the highly toxic materials shall be posted at all entrances to areas where such materials are stored or used. All permanent containers and facilities to be marked in accordance with N.F.P.A. Standard No. 740m. The fire marshal or his representative upon survey may require placards setting forth emergency procedures in case of fire.

### **Sec. 10-98. - Storage of poisonous gases.**

- (a) Storage of poisonous gases shall be in rooms of at least one-hour fire-resistive construction as specified in the building code and having natural or mechanical ventilation adequate to remove leaking gas. Such ventilation shall not discharge to a point where the gases may endanger any person.
- (b) Legible warning signs stating the nature of hazard shall be placed at all entrances to locations where poisonous gases are stored or used. All pertinent facilities for storage to be marked in compliance with N.F.P.A. Standard No. 704m.
- (c) Where severity of hazard is sufficiently dangerous to fire-fighting operations or other emergency operations, the fire marshal may require approved breathing apparatus in numbers sufficient to allow plant personnel to assist emergency personnel in controlling emergency spills, leaks or ruptures.

### **Sec. 10-99. - Containing and neutralizing or safely flushing away leakage of corrosive liquids; piping of acids and corrosive liquids; storage of corrosive liquids; warning signs.**

- (a) Satisfactory provisions shall be made for containing and neutralizing or safely flushing away leakage of corrosive liquids which may occur during storage or handling. Quantities of approved absorptive materials shall be maintained in quantities to control any spill from portable container, drum or carboy. Such material to be stored in readily accessible location and employees are to be adequately trained in emergency procedures.

## **ORDINANCE NO. 1211-2024**

- (b) Piping of acids and corrosive liquids in process areas shall not be in overhead piping unless approved safeguards are taken to guard against drips, leaks and ruptures.
- (c) Storage of corrosive liquids shall be selected to prevent reaction with building components should leaks or spills occur.
- (d) Legible warning signs, stating the nature of hazard, shall be placed at all storage areas. All permanent facilities for storage shall be marked in compliance with N.F.P.A. Standard No. 704m.

### **Sec. 10-100. - Storage and handling of materials that are hazardous in contact with water.**

Metals and compounds that react vigorously with water include lithium, sodium, potassium, calcium, rubidium, cesium, and the alloys and amalgams of these metals; phosphides, sulfides, borides, nitrides, selenides, arsenides, carbides, silicides, hydrides, acid anhydrides, and concentrated acids or alkalies.

These substances react strongly with water, steam or water solutions to produce heat and flammable or explosive gases. Some materials, such as the alkali metals and metal hydrides, undergo a vigorous exothermic reaction with water, evolving hydrogen, which may be ignited spontaneously by the heat of reaction. The alkali metals also react strongly with all common extinguishing agents.

The acid anhydrides, concentrated acids, and alkalies will react to produce considerable heat. Other compounds react with water or decompose when heated to produce flammable gases or explosive hydrides. In many cases, these gases are extremely toxic. The volatile hydrides, including those of boron, phosphorous, and arsenic, will ignite spontaneously in air.

- (1) Materials that are hazardous in contact with water shall be stored and handled in buildings of fire-resistive or damage limiting construction, safely protected from floods and windstorm damage.
- (2) Complete sprinkler protection shall be provided if ordinary combustibles are present or if construction is combustible. Sprinkler water does not increase the hazard of an explosion because flammable gases released by reaction with water would ignite immediately. The sprinkler discharge would protect the building, prevent ignition beyond the immediate burning zone, and ultimately distinguish or control the fire.
- (3) Buildings having these materials shall be dry, cool and well ventilated. They may be heated indirectly by dry hot air systems. Avoid the use of steam heating systems. Buildings shall be designed as for hydrogen storage, with approved powered roof vents to remove light gases promptly.
- (4) Automatic detection and alarm systems to warn of dangerous accumulations of flammable gases may be required by the fire marshal where sufficient hazards exist.
- (5) The materials shall usually be stored in airtight sealed containers and handled in dry boxes containing an inert gas atmosphere.



## **ORDINANCE NO. 1211-2024**

### **Sec. 10-101. - Construction of cabinets for storage of hazardous materials.**

Cabinets for the storage of hazardous materials shall be approved and substantially constructed of No. 16 gauge sheet iron or a minimum of one-inch plywood or equivalent. Doors shall be painted with an intumescent type paint and shall be conspicuously labeled in red letters "Hazardous—Keep Fire Away." All facilities to be marked with the symbols required in N.F.P.A. Standard No. 704m. Where more than one (1) hazardous chemical is stored in a given cabinet, then list the most dangerous first, followed by the remaining chemicals.

### **Sec. 10-102. - Transporting hazardous materials.**

- (a) No person shall operate any vehicle transporting any hazardous materials unless, at the time of such transportation, there is displayed upon each side and the rear of the vehicle, a sign in letters not less than three (3) inches in height upon a background of sharply contrasting color, which shall specifically designate the cargo. Emergency information such as emergency telephone numbers along with the appropriate symbol(s) according to N.F.P.A. Standard No. 704m shall be displayed in an approved manner.
- (b) A "Hazardous Materials Route" for the sole purpose of transporting any and all hazardous materials is hereby designated and shall include the following: State Highway 35 (Main Street), State Highway 288 (Nolan Ryan Expressway), Beltway 8 (Sam Houston Parkway), and the BNSF (Burlington Northern Santa Fe) rail line. No person shall cause any vehicle transporting hazardous materials to travel any routes other than the ones established herein, except as follows:
  - (1) Vehicles delivering or picking up hazardous materials to or from commercial and industrial complexes may travel the nearest and most direct public roadway to said complex.
  - (2) Vehicles containing hazardous materials that are operated by local businesses, may travel the nearest and most direct public roadway to said place of business.
- (c) Vehicle parking. Except in an emergency, no vehicle transporting hazardous materials shall be left unattended on any street, highway, alley or parking lot; provided, that this shall not prevent the driver or operator from the necessary absence from said vehicle in connection with the delivery or pick up of load, except that during actual discharge of said hazardous materials, some responsible person shall be present at said vehicle; nor shall it prevent stops for meals during the day or night; provided, that said vehicle be parked in a safe manner; nor shall it prevent said vehicle from being parked for any reason at an area approved by the fire marshal.

### **Sec. 10-103. - Handling of emergency conditions; fire protection and prevention measures generally.**

- (a) Provisions shall be made in all storage areas for hazardous materials, for the proper handling of emergency conditions such as leaks, spills and ruptures. Employees shall be instructed on proper procedures for notifying emergency services, appropriate emergency action, if any; and appropriate evacuation procedures.
- (b) Where open flame constitutes a hazard, the fire marshal may restrict smoking and require posting of "No Smoking" signs.

## **ORDINANCE NO. 1211-2024**

- (c) Portable fire extinguishers shall be provided in accordance with special care to any reactivity between chemicals stored and extinguisher agent selected.
- (d) Large fire suppression systems or devices may be required where determined by the fire marshal.
- (e) A conspicuous placard shall be permanently displayed beginning with the words, "In Case of Fire"; such placard shall designate the fire department phone number and such other safety precautions the fire marshal deems necessary.
- (f) Means shall be available for calling the fire department. Such means may consist of a proprietary alarm system, fire department alarm box or telephone not requiring a coin to operate; whichever it is, it must be within one hundred (100) feet of the storage or manufacturing area.

### **Sec. 10-104. - Disposition of hazardous materials incidents.**

- (a) No hazardous materials of any type shall be disposed of by any means unless approved by the fire marshal.
- (b) Hazardous materials incidents, (spills, leaks, etc.) shall be cleaned up in an approved manner, beginning immediately upon release of the scene by the fire marshal. The following principals shall be responsible for said cleanup.
  - (1) By the carrier or his designee, if on a public roadway or parking area normally accessible to the public;
  - (2) By the owner or tenant (as determined by the fire marshal) of private properties where hazardous materials incidents occur. This shall include fixed properties (buildings, slabs, etc.) that may be damaged as the result of said incident;
  - (3) All clean-up costs, reimbursements, etc. shall be the complete responsibility of the carrier, owner(s), tenant(s), etc. as determined by the fire marshal or investigating official. Local authorities shall have the right to engage environmental disposal contractors for cleanup, if necessary.

### **Sec. 10-105. - Hazardous materials.**

The storage and transportation of flammable and combustible liquids, liquified petroleum gas, explosives, fireworks, and other hazardous materials shall be as specified in this Code.

### **Sec. 10-106. - Penalty.**

Any person, firm or corporation who shall violate or fail to comply with the requirements of any provision of this article, shall be guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished as provided in section 1-11 of the City Code of Ordinances.

Secs. 10-107—10-110. - Reserved.

## **ORDINANCE NO. 1211-2024**

### **ARTICLE VI. - FIRE LANES**

#### **Sec. 10-111. - Parking prohibited within fire lane.**

When signs or other approved notices or markings are erected or in place by painting or marking giving notice thereof, it shall be unlawful for the owner or operator of any motor vehicle to allow, cause or permit such vehicle to be parked within any fire lane hereafter designated by the fire marshal.

#### **Sec. 10-112. - Summons and penalty for violation of section 10-111.**

- (a) *Summons.* Any summons or notice to appear in answer to a charge of parking in violation of section 10-111 of this article shall be issued on official forms therefore prescribed by the city. Such forms may be issued, consecutively numbered, to the owner or lessee of the property upon which a fire lane has been established hereunder or to any person employed by or on behalf of such an owner or lessee who holds a security officer commission issued by the Texas Board of Private Investigators and Private Security Agencies pursuant to V.T.C.A., Occupations Code ch. 1702, and he shall account to the police department for such forms. The owner or lessee of the property upon which a fire lane has been established hereunder shall file with the police department a list, which shall be corrected from time to time to reflect changes in personnel, of the designated private security officers who are authorized by him to issue the summons or notice herein provided for. Such summons or notice shall require the appearance of the violator before the municipal court of the city and all fines paid by the violator shall be paid to the municipal court clerk's department of the city. The summons or notice to appear in answer to a charge of parking in violation of section 10-115, specifying the location of the fire lane in which such violation occurred and the date and time of such violation, may be issued by any person employed by or on behalf of an owner or lessee of the property upon which a fire lane has been established hereunder who holds a security officer commission issued by the Texas Board of Private Investigators and Private Security Agencies pursuant to V.T.C.A., Occupations Code Ch. 1702, or by the fire marshal of the city or any member of the city police department otherwise empowered to issue tickets for parking violations.
- (b) *Penalty.* An offense under this article is punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than two thousand dollars (\$2,000.00) for each offense.

Secs. 10-113—10-130. - Reserved.

**Section 2.**     **Savings.** All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

**Section 3.**     **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise

**ORDINANCE NO. 1211-2024**

unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4.**     **Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 5.**     **Codification.** It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's Official Code of Ordinances as provided hereinabove.

**Section 6.**     **Effective Date.** The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its passage on the second and final reading.

.

PASSED and APPROVED on FIRST READING this the 9th day of January, A.D., 2024.

---

J. KEVIN COLE  
MAYOR

ATTEST:

---

FRANCIS AGUILAR, TRMC, MMC  
CITY SECRETARY

**ORDINANCE NO. 1211-2024**

PASSED and APPROVED on SECOND and FINAL READING this the 22<sup>nd</sup> day of January,  
A.D., 2024.

---

J. KEVIN COLE  
MAYOR

ATTEST:

---

FRANCIS AGUILAR, TRMC, MMC  
CITY SECRETARY

APPROVED AS TO FORM:

---

DARRIN M. COKER  
CITY ATTORNEY