

**ORDINANCE NO. 1211-2013**

**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, TO AMEND ARTICLE III, ENTITLED *FIRE CODE*; 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 AMEND Article III, entitled *Fire Code*, to read as follows:

**“ARTICLE III. FIRE CODE**

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

There is hereby adopted the “City of Pearland Fire Code,” which shall consist of the International Fire Code, 2012 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.

**10-47. Local amendments.**

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

(a) The following provisions are added:

- (1) **106.4.1 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) **106.4.2 Acceptable compliance alternative.** The Pearland Fire Marshal or his designee may accept an alternative method of achieving compliance with any provision of the fire code proposed by the owner or user of a facility, if in the Fire Marshal’s judgment

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said alternative is equally effective in achieving the objective of the fire code, is more practicable to effect than the usual required method of compliance, and does not negatively impact current or future compliance with the fire code or any other code.

- (3) **106.1.1 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.
  - (4) **907.5.1.1 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.
  - (5) **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.
  - (6) **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) **905.5.1 Groups A-1 and A-2.**
  - (2) **905.5.2 Protection.**
  - (3) **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, 2012 Edition:

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- (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.

- (2) **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.

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- (3) **308.1.4 Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices shall not be operated on balconies or within 10 feet (3048 mm) of a building.

Exceptions:

1. One- and two-family dwellings.  
Where the building and the area where the charcoal burner or open-flame cooking device is operated, such as a patio, deck, porch, or balcony, are protected by an automatic sprinkler system.

Charcoal burners, solid fuel cookers, and barbeque pits shall be listed for their intended use and shall not be used inside a structure unless specifically intended or listed for inside use.

- (4) **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. The minimum corner radius on the turns shall be 25' on the inside and 50' on the outside.

(b) All curbs and curb ends shall be painted red with white lettering four inches (4") high and at least one half-inch ( ½") stroke, stating "NO PARKING - FIRE LANE". Wording may not be spaced more than twenty five feet (25') 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.

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(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 (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 (1/2") stroke. Fire lanes shall be so marked on both sides of the lane.

- (5) **505.2.3 Construction standards.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus in all weather conditions. 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, unless an alternative is approved by the City Engineer.
- (6) **506.1.3 When required.** All new construction and any existing building with a monitored fire alarm system shall be required to have a key box approved by the Fire Marshal.
- (7) **609.2.1 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.
- (8) **903.2.5 Group I.** An automatic sprinkler system shall be provided throughout buildings with a Group I fire area, except that an automatic sprinkler system installed in accordance with Sections 903.3.1.2 or 903.3.1.3 shall be allowed in Group I-1 facilities. An automatic residential fire alarm system, equipped with emergency force notification and initiated by smoke detection and activation of the automatic sprinkler system, shall also be provided throughout buildings with a Group I fire area.

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This section shall only apply to the new construction or registering/licensing of a facility other than a foster care facility housing four (4) or fewer persons that are capable of self-preservation and equipped with fire suppression for domestic cooking appliances as approved by the Fire Code Official.

- (9) **903.2.7 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.
- (10) **903.2.9 Group S.** All storage facilities (S-1/S-2) moderate/low-hazard that are 5000 sq. ft. or more shall be fully sprinkled, regardless of the fire area and aggregate floor area. Installation of fire separations is not an exception to sprinklers on structures that have a fire area greater than 5000 sq. ft.
- (11) **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 such 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 one hundred feet (100') 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.
- (12) **904.3.5 Monitoring.** Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72. If the building has no fire alarm, a local audible and visible alarm notification appliance shall be required to indicate when the system has activated.
- (13) **905.1 General.** Standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used in connection with standpipe systems shall comply with NFPA 1963 or as otherwise approved and shall be compatible with fire department hose threads. The location of fire department hose connection shall be approved. In buildings used for high-piled

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combustible storage, fire protection shall be in accordance with Chapter 24. When a standpipe system is required only a Class I or Class III standpipe with a 2 1/2" to 1 1/2" reducer attached shall be acceptable.

- (14) **905.5 Location near auditorium.** In Group A-1 and A-2 occupancies with occupant loads of more than 1,000, 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.
- (15) **907.1 General.** This section covers the application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures. The requirements of Section 907.2 are applicable to new building and structures. The requirements of Section 907.3 are applicable to existing buildings and structures.

All new installations of residential automatic fire alarm systems shall comply with the latest published edition of NFPA 72. Said installations shall include smoke detectors in all sleeping rooms, in the hallway outside the sleeping rooms, and one per floor. The detectors shall be interconnected and electrically hard wired with battery backup in the alarm system.

- (16) **907.1.3 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, and manual pull stations shall be required by all exits regardless of any conflicting provision in the code.
- (17) **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.
- (18) **907.6.5 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

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shall not be subject to pre-qualification. Instead, the local fire department shall immediately be notified of all alarm activations.

- (19) **3405.8 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.
- (20) **D103.6.1 Posting of fire lanes.** Fire access roads that are required to be marked shall have a minimum width of 24 feet and shall be posted on both sides as a fire lane.

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

NFPA 101, Life Safety Code Handbook, 2012 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.

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

The life safety code adopted in Section 10-48 is hereby modified to delete the following provisions in their entirety:

- (1) **12.3.5.1**
- (2) **24.3.5.1**

### **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."

**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.



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**Section 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise 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 on August 1, 2013.

PASSED and APPROVED on FIRST READING this the 8<sup>th</sup> day of July, A.D., 2013.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

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PASSED and APPROVED on SECOND and FINAL READING this the  
22nd day of July, A.D., 2013.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

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DARRIN M. COKER  
CITY ATTORNEY