

**CITY OF EDNA**

**ORDINANCE NO. 2019-03**

**AMENDING THE CITY OF EDNA CODE OF ORDINANCES, CHAPTER 5 “FIRE PREVENTION AND PROTECTION”, ARTICLE 5.02 SECTION 5.02.001, “ADOPTED”, AND SECTION 5.02.002, “AMENDMENTS”, BY ADOPTING THE INTERNATIONAL FIRE CODE, 2018 EDITION WITH AMENDMENTS, AND BY DELETING SECTIONS 5.02.003 “ESTABLISHMENT OF LIMITS OF DISTRICTS”, 5.02.005 “BOARD OF APPEALS, 5.02.006 “ENFORCING OFFICER”, 5.02.007 “DEFINITION”, 5.02.008 “STORAGE OF EXPLOSIVES AND BLASTING AGENTS; STORAGE OF CLASS I LIQUIDS IN ABOVE-GROUND TANKS; STORAGE OF LIQUEFIED PETROLEUM GAS”, 5.02.009 “MODIFICATIONS”, 5.02.010 “APPEALS”, 5.02.011 “PENALTY”, AND ARTICLE 5.03 “FIRE DEPARTMENT” IN THEIR ENTIRETY; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE, CODIFICATION CLAUSE, AND EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City of Edna adopted the International Fire Code, 2009 edition with amendments; and

**WHEREAS**, the newest model code series, the 2018 edition, was recently published by the International Code Council and is an update to the existing model code; and

**WHEREAS**, the update to this code is necessary to ensure the most current construction and hazardous operations safety standards are maintained in the City of Edna; and

**WHEREAS**, certain sections of the City of Edna’s Code of Ordinances can now be deleted because those sections are specifically addressed within the 2018 Edition of the International Fire Code;

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

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. ENACTMENT**

- 1. Chapter 5 of the City of Edna Code, “FIRE PREVENTION AND PROTECTION”, Article 5.02 Section 5.02.001, “ADOPTED”, is hereby amended as follows:**

“Sec. 5.02.001            ADOPTED

A certain document, three (3) copies of which are on file in the office of the city secretary and/or the code enforcement official of city, being marked and designated as the International Fire Code, including appendix chapters as listed below, as published by the International Code Council, is hereby adopted as the code of the city for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2018 edition, published by the International Code Council, on file in the office of the city are hereby referred to, adopted and made a part hereof as if fully set out in this article with the additions, insertions, deletions and changes, if any, prescribed in section 5.02.002 of this article.

2. **Chapter 5 of the City of Edna Code, “FIRE PREVENTION AND PROTECTION”, Article 5.02.002, “Amendments” is hereby deleted in its entirety and replaced with the following language:**

“Sec. 5.02.002                      Amendments

Section 101.1, “Title”, shall read:

These regulations shall be known as the Fire Code of City of Edna, hereinafter referred to as “this code.”

Section 101.6, “Requirements of other agencies”, is added, and shall read:

101.6 Requirements of other Agencies.

The City of Edna Building Codes do not include all additional requirements for buildings and structures that may be imposed by other state/county agencies, occupational licensing boards or commissions. It shall be the responsibility of a permit holder, design professional, contractor or occupational license holder to determine whether any additional requirements exist.

Section 102.3.1, Notice of Alteration to be given to Fire Chief, is added, and shall read:

102.3.1 Notice of Alteration to be given to Fire Chief.

The City shall provide written notice to the Fire Chief of every application made to repair, alter, or remodel any occupancy and any building or structure with the exception of non-commercial single family and two-family dwellings.

Sections 104.3.2 Photographic Documentation, is added, and shall read;

104.3.2 Photographic Documentation.

Members of the Fire Department making such examinations or inspections shall have the right and be authorized to take a reasonable number of photographs or videotapes for evidence and for records for use by the Fire Department.

Section 105.2.5 Investigation Fee/Working without a Permit, is added, and shall read:

105.2.5 Investigation Fee/Working without a Permit

Work requiring a permit shall not commence until said permit is posted in a conspicuous place on the job site and approved plans are available at this location. Where work is commenced prior to obtaining said permit, the fees provided in the City Code may be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this ordinance in the execution of the work nor of any other penalties prescribed herein.

Section 105.4.1 Submittals, is entirely deleted and replaced with the following language:

105.4.1 Submittals

Construction documents and supporting data shall be submitted in two or more sets, and at least once by portable document format accepted on electronic memory card with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.

**Exception:** The fire code *official* is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

Section 105.6, Required operational permits, is entirely deleted

Section 106.3 Work commencing before permit issuance, shall read:

106.3 Work commencing before permit issuance

Any person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to a double permit fee. All work shall cease until the required permits are obtained and inspections completed. It shall be unlawful, and a violation of this code, subject to penalties as described herein, for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform by the fire chief, in order to remove a violation or unsafe condition.

Section 106.5, Refunds, shall read:

106.5, Refunds

Refunds to permit fees will be issued if no part of a plans review or fire inspections have been scheduled or performed, minus a \$50 administrative processing fee.

Section 109, Board of Appeals, shall read:

Section 109, Appeals

For purposes of administration of the code hereby adopted, any reference to the Board of Appeals shall be construed and interpreted to mean the City Council.

Section 110.4, Violation penalties, shall read:

110.4, Violation penalties

Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Chief, or if a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor punishable by a fine of not more than \$2,000.00 dollars or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Such fine and imprisonment shall be at the discretion of the Municipal Court Judge. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.2.1 Removal of Occupants is added, and shall read:

111.2.1 Removal of Occupants. A member of the Fire Department is authorized to require the removal of occupants at a location when actual occupancy exceeds the permitted or posted occupant load. A person commits an offense if he refuses to obey an order to vacate.

Section 112.4, Failure to comply, shall read:

112.4, Failure to comply

Any person continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50 dollars or more than \$2,000.00 dollars.

Section 202, Add to definitions in section 202:

**FIRE LANE** shall mean any area appurtenant to entrances or exits of a building deemed necessary by the Fire Chief or his designee to remain free and clear of parked vehicles for

access to such building in case of fire or other emergency and designated by him as such, and may include sidewalks, driveways, portions of parking lots, or any other area adjacent to or near building entrances or exits, or any fire hydrant.

**MOBILE FOOD ESTABLISHMENT** shall mean a mobile food operation using any heat producing equipment to cook, fry, or warm products for consumption from a motorized vehicle, towable trailer, or watercraft.

Whenever the word "JURISDICTION" is used in the International Fire Code, it shall be held to mean the City of Edna, Texas.

Whenever the words "Chief of the Bureau of Fire Prevention", or "Fire Code Official" are used in the International Fire Code, it shall be held to mean "The Fire Chief."

Section 307.1, General, shall read:

307.1 General

Except for domestic purposes to include; cooking food, or for heating. Open burning of leaves, trash, yard debris and any vegetation is strictly prohibited.

**Exception:** When authorized and supervised by the Fire Department, open burning for ceremonial or training purposes, such as a flag retirement, or live fire training by Firefighters will be allowed.

Section 307.2, Permit required, is deleted in its entirety.

Section 307.2.1, Authorization, is deleted in its entirety.

Section 307.3 Extinguishment Authority, shall read:

307.3 Extinguishment Authority

The Fire Chief is authorized to order the extinguishment by the person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

Section 307.4, Location, is deleted in its entirety.

Section 307.4.1, Bonfires, is deleted in its entirety.

Section 307.4.3, Portable Outdoor Fireplaces, shall read:

307.4.3 Portable Outdoor Fireplaces

The use of portable outdoor fireplaces within the complex of any group R is prohibited. Portable outdoor fireplaces shall be used in accordance with the manufacturer's

instructions and shall not be operated within 15 feet of a structure or combustible material.

**Exception:** Portable outdoor fireplaces used at one and two-family dwellings.

Section 319. Mobile Food Preparation Vehicles, is deleted in its entirety.

Section 501.3. Construction documents, shall read:

Section 501.3 Construction documents

Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

Upon completion of construction and prior to issuance of a certificate of occupancy, a copy of finished drawings (as built) shall be provided to the fire department in an electronic format, acceptable by the Fire Chief.

Section 501.3.1 Fire Protection Site Plan is added, shall read:

501.3.1 Fire Protection Site Plan

A Fire Protection Site Plan (labeled as such) shall be submitted electronically in portable document format with the construction documents when application is made for a building permit. Plans must be reviewed and approved by the Fire Chief and/or Fire staff before a building permit is issued. The approved Fire Protection Site Plan will be retained by the Jackson County ESD No.3 . The Fire Protection Site Plan shall be drawn to scale and shall show and include, but not be limited to, the following:

1. Compass reading.
2. Property and/or lot lines.
3. Street frontages.
4. Location of all buildings (existing and proposed).
5. Fire apparatus access roads (i.e., fire lanes, aerial apparatus access roads) to buildings. Fire lanes shall be highlighted and shall include dimensions (width, turning radii, clearance to overhead obstructions, etc.). The plans shall also show dimensions and calculations for evaluation of compliance with Section D105.3.
6. Fences, gates, walls, streams and other obstructions to firefighter access.
7. Location of all fire hydrants (existing and proposed). This shall include the direction and the distance to all hydrants not shown on the site plan, but within one thousand (1000) feet of the building to be protected.

8. Size (diameter and length) and locations of all fire main piping (proposed and existing). The pressure class and type of new pipe to be installed shall be identified.
9. The location, type, and size of backflow prevention devices, where installed.
10. Number of lanes, including turning lanes, of all adjacent streets and the location of medians as applicable.
11. Location of all automatic sprinkler and standpipe risers.
12. Location of Fire Department connection(s).
13. Size, type, and location of valves including post indicator valve (if they are located in a pit), control room automatic sprinkler system shut-off, etc.
14. Other water supplies.
15. Where required, type of protection from collision that may cause physical damage to fire protection equipment.

503.2.4 Turning radius, shall read:

503.2.4 Turning radius

The required turning radius of a fire apparatus access road shall be determined by the fire code official. The turning radii of a fire apparatus access roadway shall require a minimum of 50 feet outside radius and a minimum of 25 feet clear distance to the inside radius on all turns in excess of 30 degrees.

Section 503.2.7 Grade, is amended to read as follows:

503.2.7 Grade

The gradient for a fire apparatus access road shall not exceed ten percent (8%).

Section 503.2.8 Angles of approach and departure, shall read:

Section 503.2.8 Angles of approach and departure

An angle of approach and an angle of departure shall be designed so that at least 8 degrees shall be maintained at the front and the rear of the department's apparatus when it is loaded to the estimated in-service weight.

Section 503.6 Security Gates shall read:

503.6 Security Gates

The installation of a security gate(s) across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall be required to have installed on such gate a siren operated sensor, and manual access controls. The siren

operated sensor shall open gates when approached by an emergency apparatus. Manual access controls shall open gates during non-emergency responses and serve as a backup in the event that the siren operated sensor fails to operate. The maintenance of access controls and the siren operated sensor system shall be the responsibility of the Owner or Owners Agent. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Section 503.6.1 Direction of Swing, is added and shall read:

503.6.1 Direction of Swing

Security gates installed across a Fire Apparatus Access Road shall swing in the direction of travel towards the building or open horizontally to avoid backing up of Fire Apparatus and to allow for an expedited response.

Section 503.6.1.2 Gate timing, is added and shall read:

503.6.1.2 Gate timing

Gates must fully open within 15 seconds of activation and remain in the open position until closed by operation of the electrical control device.

Section 503.6.1.3 Fail safe position, is added and shall read:

503.6.1.3 Fail safe position

Fire department access gates shall fail safe (open) in the event of a power failure.

Section 503.6.1.4 Gate and entrance design, is added and shall read:

503.6.1.4 Gate and entrance design

Gates shall be designed so that the access roadway or turning radius (AASHTO WB50) shall not be obstructed by the operation of the gate. Minimum setback from the public street shall be a distance determined by the city engineer and shall allow the emergency vehicle the ability to safely operate the lock box or panel without the rear of the vehicle protruding into the street. Security gates installed across a Fire Apparatus Access Road shall swing in the direction of travel towards the building or open horizontally to avoid backing up of Fire Apparatus and to allow for an expedited response. Turning radius from the public street shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) standard, WB50.

Section 503.6.1.5 Access controls, is added and shall read:

503.6.1.5 Access controls



Access controls shall be exterior to the gate and located for activation by the vehicle operator without leaving the vehicle. The height of the lock box/control panel shall be 66 inches, measured from the finished grade line of the street.

Section 506.1 Where required, shall read:

506.1 Where required

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be a Knox ® rapid entry system capable of holding the number of keys necessary for operation and access of necessary equipment, doors, and other areas necessary for access as determined and approved by the fire code official. The Knox ® rapid entry system shall be keyed to system code registered for the Jackson County Emergency Services District No. 3.

Section 506.1.1 Locks, shall read:

506.1.1 Locks

Any lock required by the fire code official for access, or where a lock is placed per request of the owner or manager of the business or property, and the area locked is determined by the fire code official to require access; the lock shall be a Knox ® rapid entry system keyed to the system code registered by the Edna Fire Department.

Section 506.2.1 Key Box Access and Removal of Keys, is added and shall read:

506.2.1 Key Box Access and Removal of Keys

The Fire Department shall have the only key to the key box. Removal of any key by other than the authorized Fire Department personnel shall be a violation of this Code.

507.5.1.2 Additional Locations required, is added and shall read:

507.5.1.2 Additional Locations required

Public and/or private fire hydrants are required to be installed where one or more of the following conditions exist:

1. Existing fire hydrants do not meet the required fire hydrant location and spacing criteria defined in Section 507.5.1, or Appendix C.
2. The complexity of the project justifies their installation as determined by the Fire Chief.

Section 603.5.3 Special day care provision, is added and shall read:

603.5.3 Special day care provision

In adult and child day care facilities, unvented fuel burning heaters and portable electric heaters of all types are prohibited.

Section 901.6 Inspection, testing and maintenance, is amended by adding Section 901.6.2.3 Maintenance Agreement as follows:

901.6.2.3 Maintenance Agreement.

A maintenance agreement, as defined by Section 202, with a licensed fire protection company shall be provided to the Fire Marshal for each fire protection system at all times. Proof of a maintenance agreement shall be provided during any system acceptance test. Agreements for testing and inspection only as defined by Section 202 shall not be credited with having met this requirement.

Section 903.2.9.1 Repair garages, shall read:

903.2.9.1 Repair Garages

An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, as shown:

1. Buildings having more than two stories above grade plane, including *basements*, with a *fire area* containing a repair garage exceeding 15,000 square feet.
2. Buildings not more than one story above grade plane, with a *fire area* containing a repair garage exceeding 15,000 square feet.
3. Buildings with repair garages servicing vehicles parked in *basements*.
4. A Group S-1 *fire area* used for the repair of commercial motor vehicles where the *fire area* exceeds 10,000 square feet.

Section 912.1 Installation, add to section 912.1:

When single or multiple fire department connections service a building or group of buildings, the piping shall be arranged so that use of any fire department connection will supply the entire building or group of buildings.

Section 912.2 Location, add to section 912.2:

Sprinkler system and standpipe fire department connections shall be:

1. Within forty (40) feet of a public street, approved fire lane, or access roadway;
2. Within one hundred (100) feet of an approved fire hydrant as measured and approved by the Fire Chief.
3. Minimum of two (2) feet above finished grade and a maximum of four (4) feet above finished grade for standard inlets and minimum of 30 inches at lowest point above finished grade and maximum of four (4) feet above finished grade for the fire (5) inlet;

4. The Fire Chief shall approve the location of any freestanding fire department connections;
5. Fire department connections for H occupancies will be freestanding remote and located as determined by the Fire Chief.
6. Fire department connection(s) shall be located on the main entrance side of the building, and within 100 feet of a fire hydrant.

Section 912.5 Signs, add to section:

912.5 Signs

An additional metal sign with dimensions ten (10) inches wide and eight (8) inches in height shall be posted not more than 72 and not less than 48 inches from the bottom of the sign to grade level and within 6 feet of the fire department connection. This additional sign shall have a white reflective background and have the letters "FDC" in red reflective material and be permanently affixed to a wall or post. The letters shall be at least 4 inches in height and a ½ inch stroke width.

Section 1009.1 Accessible Means of Egress, shall read:

Section 1009.1 Accessible Means of Egress

All buildings or portions of buildings must comply with the accessibility standards adopted by the State of Texas. Projects shall be submitted to the Texas Department of Licensing and Regulation for review, inspection and approval in accordance with State law. Copies of the approval on plans shall be submitted to the fire department for review and final approval.

Section 1010.1.9.5 Bolt locks. Add to Section 1010.1.9.5:

Exceptions

6. In Group E occupancy for the safety of students, when approved by Edna Independent School Board, shall be permitted on Interior doors, only to be used during active Shooter Events and or Lockdown Events.

Chapter 11. Construction Requirements For Existing Buildings, is deleted in its entirety.

Section 2404.4 Fire Protection. Add to Section 2404.4:

Exceptions

1. Automatic Fire-extinguishing system complying with Chapter 9 is not required if booth is placed in existing building with Fire Chiefs prior approval.

Delete Appendix A, "Board of Appeals".

Delete Appendix K, "Construction Requirements for Existing Ambulatory Care Facilities."

Delete Appendix J, "Building Information System".

Delete Appendix L, "Requirements for Firefighter Air Replenishment Systems".

3. Article 5.02 Section 5.02.003, "ESTABLISHMENT OF LIMITS OF DISTRICTS", is hereby deleted in its entirety.
4. Article 5.02. Section 5.02.005, "BOARD OF APPEALS", is hereby deleted in its entirety.
5. Article 5.02. Section 5.02.006, "ENFORCING OFFICER", is hereby deleted in its entirety.
6. Article 5.02. Section 5.02.007, "DEFINITIONS", is hereby deleted in its entirety.
7. Article 5.02. Section 5.02.008, "STORAGE OF EXPLOSIVES AND BLASTING AGENTS; STORAGE OF CLASS I LIQUIDS IN ABOVE-GROUND TANKS; STORAGE OF LIQUEFIED PETROLEUM GAS", is hereby deleted in its entirety.
8. Article 5.02. Section 5.02.009, "MODIFICATIONS", is hereby deleted in its entirety.
9. Article 5.02. Section 5.02.010, "APPEALS", is hereby deleted in its entirety.
10. Article 5.02. Section 5.02.011, "PENALTY", is hereby deleted in its entirety.
11. Chapter 5 of the City of Edna Code, "FIRE PREVENTION AND PROTECTION", Article 5.03 "FIRE DEPARTMENT", is hereby deleted in its entirety.

### 3. SAVINGS/REPEALING CLAUSE

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

### 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**6. EFFECTIVE DATE**

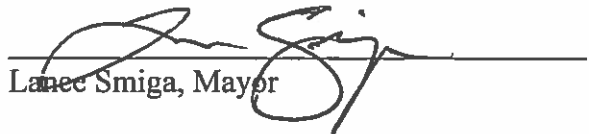
The fact that there is a necessity to adopt the foregoing ordinance creates an emergency and the rules requiring ordinances to be read on two (2) separate dates is hereby suspended and this ordinance shall be in full force and affect from and affect its passage, adoption and publication as required by law.

**7. PROPER NOTICE AND MEETING**


It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this 20<sup>TH</sup> day of June, 2019, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Edna, Texas.

CITY OF EDNA:

  
Lane Smiga, Mayor

ATTEST:

  
Becky Miska  
City Secretary