

ORDINANCE NO. 2019-32

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 20, “FIRE PREVENTION AND PROTECTION”, OF THE CODE OF ORDINANCES BY AMENDING SECTIONS 20-25, 20-26, 20-28, AND 20-48 AND ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND THE 2015 EDITION OF THE LIFE SAFETY CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT

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WHEREAS, the City of Tomball (the “City”) is proposing to adopt the 2015 editions, with local amendments, of the construction codes published by the International Code Council; and

WHEREAS, the International Code Council recommends that the fire code adopted by a city be the same edition as all other construction codes adopted by a municipality for the sake of consistency between codes; and

WHEREAS, the Fire Chief has recommended certain amendments to the International Fire Code;

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

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

Section 2. Section 20-25 of the Tomball Code of Ordinances (“City Code”) is hereby amended by adding to Section 20-25 the language underscored below and deleting therefrom the language struckthrough below to read as follows:

“Sec. 20-25. - International Fire Code adopted.

~~For the purpose of providing regulations consistent with nationally recognized practices for the reasonable protection of life and property from the hazards of fire, the city hereby adopts the International Fire Code, 2012-2015 edition, hereinafter sometimes referred to as the “code,” with appendix chapters B through J, as published by the International Code Council, Inc., except such portions as are deleted or amended by this article, and the same are hereby adopted and incorporated as fully as if set out at length herein. One copy of the code is now filed in the office of the city secretary. From the date on which the~~

~~ordinance from which this article is derived shall take effect, the provisions thereof shall be controlling within the limits of the city and its extraterritorial jurisdiction~~ The International Fire Code, 2015 edition, hereinafter sometimes referred to as the “code,” as published by the International Code Council, Inc., is hereby adopted. A copy of said code is made a part hereof for all purposes, an authentic copy of which shall be kept of file with the City Secretary. In the event of a conflict between any provision of the fire code adopted by this section and the life safety code adopted in Section 20-26 of the City Code, the fire code shall prevail. In the event of a conflict between any provision of the fire code adopted by this section and the property maintenance code adopted in Article IX of the City Code, the most restrictive provision shall prevail.”

Section 3. Section 20-26 of the City Code is hereby amended by adding to Section 20-26 the language underscored below and deleting therefrom the language struckthrough below to read as follows:

“Sec. 20-26. - Life Safety Code, NFPA 101.

The NFPA 101, ~~2012~~ 2015 edition, as published by the National Fire Protection Association, Inc., and as amended herein, is hereby adopted in its entirety with the listed exceptions. A copy of said Life Safety Code is attached to the ordinance from which this article is derived and made a part hereof for all purposes, an authentic copy of which has been filed with the city secretary. “

Section 4. Section 20-28 of the City Code is hereby amended by adding to Section 20-28 the language underscored below and deleting therefrom the language struckthrough below to read as follows:

“Sec. 20-28. - Amendments to the ~~2012~~ 2015 International Fire Code.

The following sections of the fire code adopted in Section 20-27 of the City Code are amended as follows:

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

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference **and as further regulated in Sections 102.7.1 and 102.7.2.** ~~Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.~~ Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

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

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

(c) Section 108 is hereby amended by deleting section 108.~~3~~1 and substituting therefore a new section 108.31 to provide as follows:

108.31 Board of Appeals Established. The Board of Appeals shall be ~~made up of the members of the City Council~~ the Zoning Board of Adjustments of the City of Tomball, acting as the board of appeals under this code. For purposes of hearings on dangerous structures in violation of this code to such an extent that the fire code official is recommending the structure be ordered repaired, vacated or demolished, the hearing may be held before the board of appeals or the municipal court.

(d) Section 109.4 of said code is hereby ~~amended to provide as follows~~ deleted in its entirety and the penalty provision in Section 1-14 of the City Code is substituted in its place.

~~*109.4 Violation penalties.* Any person, firm, corporation, or other entity who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall constitute a separate offense.~~

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

111.4 Failure to comply. Any person, firm, corporation, or other entity who shall continue any work after having been served with a stop work order, except such work as that person, firm, corporation, or other entity is directed to perform to remove a violation or unsafe condition, shall be liable for a fine not to exceed two thousand dollars (\$2,000.00).

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

City shall mean the City of Tomball, Texas.

Fire Chief shall mean the City of Tomball eChief of the ~~f~~Fire ~~d~~Department.

Fire Code Official shall mean the ~~f~~Fire ~~m~~Marshal, or a duly authorized representative, as the designated authority charged by the ~~f~~Fire ~~e~~Chief with the duties of administration and enforcement of the code.

Fire Marshal. See fire code official.

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.

Standby Personnel shall mean qualified fire service personnel, approved by the ~~f~~Fire ~~e~~Chief or ~~f~~Fire ~~m~~Marshal. When utilized, the number required shall be as directed by the ~~f~~Fire ~~e~~Chief or ~~f~~Fire ~~m~~Marshal. Charges for utilization shall be as normally calculated by the jurisdiction.

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

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

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

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

- (h) Section 307.2.~~1~~2 of said code is hereby added to provide as follows:

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

- (i) Section 307.2.3 of said code is hereby ~~amended~~ added to provide as follows:

307.2.3 Trench burns. Trench burns shall be conducted in air curtain trenches and in accordance with section 307.2.

- (j) Section 307.4 of said code is hereby amended to provide as follows:
307.4 Location. The location for open burning shall not be less than 300 feet (91,440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91,440 mm) of any structure.
- (k) Section 307.4.1 of said code is hereby deleted in its entirety.
- (l) Section 307.4.2 of said code is hereby deleted in its entirety.
- (m) Section 307.5 of said code is hereby amended to provide as follows:
307.5 Attendance. Trench burns or ceremonial fires shall be constantly attended until the fire is completely extinguished. A minimum of one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on site fire extinguishing equipment, such as dirt, sand, water, garden hose or water truck, shall be available for immediate utilization. A permit is required from the fire marshal's office, prior to the ignition of any said fire. The Fire Marshal may require a dedicated standby of qualified personnel to assist in the supervision.
- (n) Section 308.1.2 of said code is hereby amended to provide as follows:
308.1.2 Throwing or placing sources of ignition. No person shall throw, sail, launch, or place, or cause to be thrown, sailed, launched, or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.
- (o) Section 308.1.4 of said code is hereby amended to provide as follows:
308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices used for cooking or recreational uses shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction. No permit is required for this operation.

Exceptions:

1. One and two-family dwellings.

(p) Chapter 3 of said code is hereby amended by adding section 319 that shall provide as follows:

Section 319 – Mobile Food Preparation Vehicles

319.1 General.

Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors shall comply with this section.

319.2 Inspection and Permit required.

Inspection by the fire code official shall be required prior to operation of any mobile food preparation vehicle within the city limits. A permit shall be required in accordance with Section 105.6 of this code, unless a mobile food truck permit has been issued for the vehicle by the State Department of State Health Services or a local government acting pursuant to the same or similar statutory authority.

319.3 Exhaust hood.

Cooking equipment that produces grease-laden vapors shall be provided with a kitchen exhaust hood in accordance with Section 609.

319.4 Fire protection.

Fire protection shall be provided in accordance with Sections 319.4.1 and 319.4.2.

319.4.1 Fire protection for cooking equipment.

Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.12.

319.4.2 Fire extinguisher.

Portable fire extinguishers shall be provided in accordance with Section 906.4.

319.5 Appliance connection to fuel supply piping.

Gas cooking appliances shall be secured in place and connected to fuel-supply piping with an appliance connector complying with ANSI Z21.69/CSA 6.16. The connector installation shall be configured in accordance with the manufacturer's installation instructions. Movement of appliances shall be limited by restraining devices installed in accordance with the connector and appliance manufacturers' instructions.

319.6 Cooking oil storage containers.

Cooking oil storage containers within mobile food preparation vehicles shall have a maximum aggregate volume not more than 120 gallons (454 L), and shall be stored in such a way as to not be toppled or damaged during transport.

319.7 Cooking oil storage tanks.

Cooking oil storage tanks within mobile food preparation vehicles shall comply with Sections 319.7.1 through 319.7.5.2.

319.7.1 Metallic storage tanks.

Metallic cooking oil storage tanks shall be listed in accordance with UL 80 or UL 142, and shall be installed in accordance with the tank manufacturer's instructions.

319.7.2 Nonmetallic storage tanks.

Nonmetallic cooking oil storage tanks shall be installed in accordance with the tank manufacturer's instructions and shall comply with both of the following:

1. Tanks shall be listed for use with cooking oil, including maximum temperature to which the tank will be exposed during use.
2. Tank capacity shall not exceed 200 gallons (757 L) per tank.

319.7.3 Cooking oil storage system components.

Metallic and nonmetallic cooking oil storage system components shall include, but are not limited to, piping, connections, fittings, valves, tubing, hose, pumps, vents and other related components used for the transfer of cooking oil.

319.7.4 Design criteria.

The design, fabrication and assembly of system components shall be suitable for the working pressures, temperatures and structural stresses to be encountered by the components.

319.7.5 Tank venting.

Normal and emergency venting shall be provided for cooking oil storage tanks.

319.7.5.1 Normal vents.

Normal vents shall be located above the maximum normal liquid line, and shall have a minimum effective area not smaller than the largest filling or withdrawal connection. Normal vents are not required to vent to the exterior.

319.7.5.2 Emergency vents.

Emergency relief vents shall be located above the maximum normal liquid line, and shall be in the form of a device or devices that will relieve excessive internal pressure caused by an exposure fire. For nonmetallic tanks, the emergency relief vent shall be allowed to be in the form of construction. Emergency vents are not required to discharge to the exterior.

319.8 LP-gas systems.

Where LP-gas systems provide fuel for cooking appliances, such systems shall comply with Chapter 61 and Sections 319.8.1 through 319.8.5.

319.8.1 *Maximum aggregate volume.*

The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed 200 pounds (91 kg) propane capacity.

319.8.2 *Protection of container.*

LP-gas containers installed on the vehicle shall be securely mounted and restrained to prevent movement.

319.8.3 *LP-gas container construction.*

LP-gas containers shall be manufactured in compliance with the requirements of NFPA 58.

319.8.4 *Protection of system piping.*

LP-gas system piping, including valves and fittings, shall be adequately protected to prevent tampering impact damage, and damage from vibration.

319.8.5 *LP-gas alarms.*

A listed LP-gas alarm shall be installed within the vehicle in the vicinity of LP-gas system components, in accordance with the manufacture's instructions.

319.9 *CNG systems.*

Where CNG systems provide fuel for cooking appliances, such systems shall comply with Sections 319.9.1 through 319.9.4.

319.9.1 *CNG containers supplying only cooking fuel.*

CNG containers installed solely to provide fuel for cooking purposes shall be in accordance with Sections 319.9.1.1 through 319.9.1.3.

319.9.1.1 *Maximum aggregate volume.*

The maximum aggregate capacity of CNG containers transported on the vehicle shall not exceed 1,300 pounds (590 kg) water capacity.

319.9.1.2 *Protection of container.*

CNG containers shall be securely mounted and restrained to prevent movement. Containers shall not be installed in locations subject to a direct vehicle impact.

319.9.1.3 *CNG container construction.*

CNG containers shall be an NGV-2 cylinder.

319.9.2 CNG containers supplying transportation and cooking fuel.

Where CNG containers and systems are used to supply fuel for cooking purposes in addition to being used for transportation fuel, the installation shall be in accordance with NFPA 52.

319.9.3 Protection of system piping.

CNG system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage and damage from vibration.

319.9.4 Methane alarm.

A listed methane gas alarm shall be installed within the vehicle in accordance with manufacturer's instructions.

319.10 Maintenance.

Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 319.10.1 through 319.10.3.

319.10.1 Exhaust system.

The exhaust system, including hood, grease-removal devices, fans, ducts and other appurtenances, shall be inspected and cleaned in accordance with Section 609.3.

319.10.2 Fire protection systems and devices.

Fire protection systems and devices shall be maintained in accordance with Section 901.6.

319.10.3 Fuel gas systems.

LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an *approved* inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every 3 years in a qualified service facility. CNG containers shall not be used past their expiration date as listed on the manufacturer's container label. Upon satisfactory inspection, the *approved* inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

(q) Section 404 of said code is hereby amended by adding Section 404.5 to provide ~~amended~~ as follows:

404.65 Evacuation plan retention box. Where determined by the fire code official based on the hazards of a specific location or occupancy,

certain occupancies or locations shall install an approved repository of records containing the evacuation plans, floor plans, emergency cut-offs and other pertinent information to the building.

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

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (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 13 feet 6 inches (4115 mm). ~~Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm) and an unobstructed vertical clearance of not less than 14 feet (4267 mm).~~

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

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

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

2. Signs—Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be twelve inches (12”) wide and eighteen inches (18”) high. Signs shall be painted on a white background with letters and borders in red, using not less than two inch (2”) lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than thirty feet (30’) apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Marshal.

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

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1 and 503.2.2, and any area marked as a fire lane as described in section 503.3, shall be maintained at all times. This shall include painted fire lanes or tow away zones maintained and/or managed by a company or firm.

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

506 - Key Boxes

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

1. Structures that are either equipped with, or required to be equipped with, fire sprinkler systems or fire detection alarm systems that report to an alarm monitoring center;
2. Multifamily residential structures that have restricted access through locked doors or gates and that have a common area or corridor for access to the living units;
3. Buildings, regardless of use or occupancy, that contains four (4) or more occupancies within the same structure that have separate entryways and exit ways that are separated by tenant space and/or have restricted common entryways and exit ways into the common area of the building;
4. Properties having mechanical gates that control vehicular and pedestrian access to commercial property or to streets in subdivisions, apartment complexes, condominiums or other residential developments which contain more than two residential units; or
5. Commercial property with parking garages or secured parking and storage unit areas that will restrict access for emergency services.
6. In new and existing buildings where an elevator is provided, an approved box suitable for the storage of elevator keys and shall be located near the elevator car.
7. For any building above two stories or any Group E, H, I occupancy, including buildings used for higher education; a box shall be provided in an approved location for the storage of building specific data, not limited to floor plans, MSDS information and equipment disconnects to assist with emergency operations.

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

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

- (v) Section ~~807.4.4.2~~ 807.5.5.2 of said code is hereby amended by adding an exception to provide as follows:

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

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

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

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

Section 903.2.10

Section 903.2.11.3, ~~exception #1 and #2 only~~

Section 903.4, exceptions #1 and #3 only

(y) Section 903.2 of said code is hereby amended by adding the following paragraph:

~~Any~~ **An automatic fire sprinkler system shall be required through any building if any building** or individual suite in a multitenant strip center, having a fire area and/or occupant load greater than that allowed by the code **without a fire sprinkler system** ~~shall be provided with an automatic fire sprinkler system if it is determined that an amount greater or equal to fifty percent (50%) of the properties appraised value~~ is effected by a manmade or natural disaster, including fire, **to an extent that: (i) 50% of the total square footage of the strip center is impacted by the disaster or requires repair, or (ii) repair costs amount to a sum that is equal to or greater than 50% of the appraised value of the strip center as shown on the County's latest tax roll prior to the disaster.**

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

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

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

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

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

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

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

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

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

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

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

Manual alarm actuating devices shall be an approved double action type **and have protective covers.**

(dd) Section 907.6.~~5~~**6** of said code is hereby amended to provide as follows:

*Section 907.6.~~5~~**6** Monitoring.* An approved supervising station in accordance with NFPA 72 fire alarm systems shall monitor all new and existing manual, automatic, or manual and automatic fire alarm system.

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

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

(ff) Section ~~1015.1~~ **1006.2** of said code is hereby amended by adding #41 to the list of requirements.

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

(gg) Section 5601.1.**3** of said code is hereby ~~amended by deleting the “exceptions” contained in paragraphs numbered 1 through 4 and adding the following sections~~ **deleted in its entirety and a new section 5601.1.3 is substituted therefore to provide as follows:**

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

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

Exceptions:

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

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

(hh) Appendix table D103.4 of said code is hereby **deleted in its entirety and a new Appendix table D103.4 is substituted therefore** ~~amended~~ to provide as follows:

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	24	None required
151-500	24	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

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

(ii) **The following subsection 1 of Section D103.5 of** Appendix D103.5 of said code is hereby amended to provide as follows:

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

1. The minimum gate width shall be 24 feet for all gates securing the fire apparatus access roads.

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

~~109.3 Violation penalties. Any person, firm, corporation, or other entity who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall constitute a separate offense.”~~

(ii) Appendices.

(1) The following appendices contained in this code are deleted in their entirety:

Appendix A, Board of Appeals

Appendix K, Construction Requirements for Existing Ambulatory Care Facilities

Appendix M, High-Rise Buildings – Retroactive Automatic Sprinkler Requirement

(2) The following appendices contained in this code are adopted in their entirety:

Appendix B, Fire-Flow Requirements for Buildings

Appendix C, Fire Hydrant Locations and Distribution

Appendix D, Fire Apparatus Access Roads

Appendix E, Hazard Categories

Appendix F, Hazard Ranking

Appendix G, Cryogenic Fluids – Weight and Volume Equivalents

Appendix H, Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions

Appendix I, Fire Protection Systems – Noncompliant Conditions

Appendix J, Building Information Sign

Appendix L, Requirements for Fire Fighter Air Replenishment Systems; provided, however, this appendix L shall apply to new construction only.

Section 5. Section 20-48 of the City Code is hereby amended by adding to Section 20-48 the language underscored below and deleting therefrom the language struckthrough below to read as follows:

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

- (a) Section 3.3.134.2 of NFPA 13 D is hereby amended by ~~deleting~~ adding the following sentence to the definition of “Control Valve”:

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

Section 6. Chapter 20, Fire Prevention and Protection, of the Code of Ordinances shall be revised and amended as indicated above.

Section 7. This Ordinance shall in no manner amend, change, supplement, or revise any other provision of Chapter 20, Fire Prevention and Protection, of the Code of Ordinances except as indicated above.

Section 8. All ordinances or portions thereof, of the City of Tomball, in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

Section 9. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 10. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000, in accordance with the general penalty provision of Section 1-14 of the City Code. Each day of violation shall constitute a separate offense.

Section 11. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City’s Home Rule Charter.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4TH DAY OF NOVEMBER 2019.

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

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18TH DAY OF NOVEMBER 2019.

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

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary