

ORDINANCE NO. 7359

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 10-2, ARTICLE II, SECTIONS 10-2-16 AND 10-2-17, BY REPEALING THE CURRENT TEXT AND REPLACING IT WITH AND ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL FIRE CODE* TO REGULATE AND GOVERN 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, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; REPEALING SECTION 10-2-18 AS FIREWORKS ARE NOW COVERED IN THE *2012 INTERNATIONAL FIRE CODE*; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory and Appeals Board and the Fire Marshal, the City Commission now finds it is in the best interests of public health, safety, and welfare to adopt the 2012 edition of the *International Fire Code* to regulate and govern 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; providing for the issuance of permits and collection of fees; and, making necessary repeals and amendments to conform other provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. That Chapter 10-2, Article II, be and hereby is repealed in its entirety.

SECTION 2. That Chapter 10-2, Article II, Section 10-2-16 and 10-2-17 be and hereby are re-adopted to now read as follows:

**Sec. 10-2-16. Fire code adopted; amendments**

Code adopted. There is hereby adopted the 2012 edition of the *International Fire Code*, (published by the International Code Council), including Appendices B, C, and D with the following amendments, copies of which shall be maintained by the Fire Marshal and Building

Official:

101.1 Title. These regulations shall be known as the Fire Code of the City of Amarillo. Hereinafter referred to as "this code."

108.1 Board of appeals established: Construction Advisory and Appeals Board, see Chapter 2-6 of the Municipal Code.

109.4 Violation penalties. Violation of any of the provisions of this code shall constitute an offense punishable by a fine not to exceed two thousand dollars (\$2,000.00) in accordance with section 1-1-5 of the Municipal Code.

110.5 Unsafe structures. Abandoned and substandard structures shall be subject to the requirements of applicable provisions of this Municipal Code and state law.

111.4 Failure to comply. Any person who shall continue 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 as specified in section 1-1-5 of the Municipal Code for violations.

113.1 Fees. A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit fee released until the additional fee, if any, has been paid.

113.2 Schedule of fees. A fee for each required inspection or permit shall be paid as required, in accordance with Section 113.2.1

113.2.1 Fees for Required Inspections and Permits.

An inspection is required from the Department of Fire Prevention for obtaining a license or approval from any agency other than the City of Amarillo to engage in an activity, operation, practice or function will be charged a fee as outlined in Table 113.2.1. The fee shall be paid at the time of request and prior to any inspection being performed. A permit required from the Department of Fire Prevention will require a fee as outlined in Table 113.2.2. The fee shall be paid at the time of permit application.

**TABLE 113.2.1 Inspection Fees**

	<u>Occupant Load</u>	<u>Fee</u>
<u>Day Care</u>	<u>Up to 50</u>	<u>\$40.00</u>
	<u>51 to 150</u>	<u>\$80.00</u>
	<u>Over 150</u>	<u>\$80.00 for first 150 plus \$40.00 For each additional 100 or fraction thereof</u>
<u>Foster/Group Home/Shelter</u>	<u>1 to 5</u>	<u>\$40.00</u>
	<u>6 to 15</u>	<u>\$80.00</u>
	<u>Over 15</u>	<u>\$80.00 for first 15 plus \$40.00 For each additional 15 or fraction thereof</u>
<u>Nursing Homes</u>	<u>Up to 50 beds</u>	<u>\$160.00</u>
	<u>51 to 100 beds</u>	<u>\$240.00</u>
	<u>Over 200 beds</u>	<u>\$240 for first 100 beds Plus \$80.00 for each additional 100 beds or fraction thereof</u>
<u>Hospitals</u>	<u>Up to 100 beds</u>	<u>\$320.00</u>
	<u>101 to 200 beds</u>	<u>\$400.00</u>
	<u>Over 200 beds</u>	<u>\$400.00 for first 200 beds Plus \$80.00 for each additional 100 beds or Fraction thereof</u>
<u>Other Facilities</u>	<u>Up to 2,500 sq. ft</u>	<u>\$40.00</u>
	<u>2,501 to 5,000 sq. ft</u>	<u>\$80.00</u>
	<u>5,001 to 10,000 sq. ft</u>	<u>\$120.00</u>
	<u>10,001 to 50,000 sq. ft</u>	<u>\$160.00</u>
	<u>Over 50,000 sq. ft</u>	<u>\$160.00 for first 50,000 sq. ft. plus \$40.00 for each additional 25,000 sq. ft. or fraction thereof</u>

**TABLE 113.2.2 Permit Fees**

<u>Operational Permits</u>	<u>\$40.00</u>
<u>Renewal</u>	<u>\$40.00</u>
<u>Standby required</u>	<u>\$300.00</u>
<u>Construction Permits</u>	<u>\$80.00</u>
<u>Re-inspection</u>	<u>\$40.00</u>

113.3 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 an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees.

113.4 Related fees. The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

113.5 Refunds. Any refunds will be in accordance with the Section 113.5.1 through Section 113.5.4:

113.5.1 Fee refunds. Fees collected in accordance with this chapter may be refunded under the following conditions when requested in writing by the person who paid the fee within one hundred eighty (180) days of the collection of the fee.

113.5.2 Fee collected in error. Any fee under this chapter that was collected in error shall be refunded.

113.5.3 Fire Inspection fees. When an inspection request is withdrawn or cancelled by the requestor prior to any inspection action by the City, then eighty (80) percent of the application fee shall be refunded. If the inspection has begun, then no refund shall be granted.

113.5.4 Permit fees. When a permit is withdrawn or canceled by the applicant before any work, activity or operation has begun as authorized by that permit, then eighty (80) percent of the permit fee shall be refunded. If any work, activity or operation has begun in accordance with the permit, then no refund shall be granted.

202 Definitions:

FIRE MARSHAL - The fire code official of the Department of Fire Prevention.

FIREWORKS - Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein.

Fireworks, 1.4G. Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks which comply with the construction, chemical composition and labeling regulations of the DOTn for Fireworks, UN 0336. and requires an external heat source for ignition or activation.

NIGHTCLUB—a place of entertainment open at night, usually serving or allowing the consumption of alcoholic beverages, having a floor show, or providing music and space for dancing.

307 Prohibited open burning. No person may cause, suffer, allow, or permit any open burning within the city limits of Amarillo, except as provided by this section.

Exceptions:

1. Recreational fires conducted in accordance with Section 307.
2. Training fires for fire-fighting personnel when conducted in compliance with Title 30 of

the Texas Administrative Code, Sections 111.201-111.221.

3. Open burning conducted in accordance with Section 307 for which a permit has been secured from the fire code official.

308.1.4 Open-flame cooking and heating devices. Charcoal burners and other open-flame cooking devices, heating, outdoor fireplaces, and other similar devices used for any purpose shall not be located or operated on combustible balconies, decks or within 10 feet (3048 mm) of combustible construction.

403.3.1 Fire events. In the event of an unwanted fire occurs, or the discovery of fire, smoke, or unauthorized release of a hazardous material on a property, the owner or occupant shall immediately report such condition to the fire department.

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 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 6 inches (4420 mm).

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.3.1 Unauthorized marking. No person may mark, post or otherwise identify a private passageway or public roadway as a fire lane, fire zone or in such a manner as tends to create confusion as to whether the passageway is a fire lane without obtaining approval by the fire code official.

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies where the occupant load due to the assembly occupancy is 300 or more. In A-2 Nightclubs having an occupant load of 100 or more. Group A occupancies not separated from one another in accordance with Section 707.3.9 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more. Activation of the fire alarm in Group A occupancies with an occupant load of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

Exception: Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.

907.2.1.2 Emergency voice/alarm communication system captions. Stadiums, arenas and grandstands required to caption audible public announcements shall be in accordance with Section 907.5.2.2.4.

907.2.1.3 System response in A-2 Nightclubs. An activation of the fire alarm system shall automatically:

1. Cause illumination of the means of egress with light of not less than 1 foot candle (11 lux) at the walking surface level;
2. Stop all conflicting or confusing sounds and visual distractions; and
3. Activation of a pre-recorded message, clearly audible throughout the building

5601.1.3 Fireworks.

The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.
3. The use of fireworks for fireworks displays as allowed in Section 5608.

SECTION 5609 TEMPORARY STORAGE OF CONSUMER FIREWORKS—is deleted.

5610.1 General. Where the possession, manufacture, storage, sale, handling and use of fireworks is prohibited, Section 5610.1.1 through 5610.1.3 will provide remedy for violation and the destruction of fireworks.

5610.1.1 The fire department and police department are each authorized to seize, and destroy the fireworks seized, inside the city limits in violation of this chapter, in accordance with the following procedures:

1. At the time of seizing illegal fireworks inside the city limits, the Fire Marshal or police officer shall prepare an inventory of such fireworks and photograph same at the scene. All such photographs shall constitute and be evidence.
2. The Fire Marshal or police officer shall, by end of the tour of duty during which the fireworks are seized, deposit same into a receptacle dedicated for the purpose by the fire or police department. Such container shall be secure from flames, other sources of ignition, pilfering, and theft.
3. As soon as practicable thereafter, and in accordance with internal orders and procedures of the fire or police chief, all such fireworks shall be destroyed, disabled, or otherwise rendered useless by any safe method, by personnel trained in the handling of explosives or hazardous materials.

5610.1.2 The fire and police chief may adopt reasonable internal regulations and procedures for their respective departments, as necessary to implement this section.

5610.1.3 The seizure of illegal fireworks in violation of Texas Occupations Code, Chapter 2154, shall remain in custody as evidence, with destruction delayed, in accordance with the requirements and procedures of Section 2154.304, of the Texas Occupations Code.

Part VII, Appendices, Adoption of the following appendices:

Appendix B - Fire-Flow Requirements for Buildings.

Appendix C - Fire Hydrant Locations and Distribution.

Appendix D - Fire Apparatus Access Roads.

SECTION 3. That Chapter 10-2, Article II, Section 10-2-18 be and hereby is repealed, and, Sections 10-2-18 to 10-2-30 are Reserved.

SECTION 4. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.



SECTION 5. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 6. Continuation. That nothing in this ordinance or any code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 7. Penalty. It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

SECTION 8. Publishing and Effective Date. This ordinance shall be published according to law and be effective on October 1, 2012.

INTRODUCED AND PASSED by the City Commission of the City of Amarillo, Texas, on First Reading this the 28 day of August, 2012; and PASSED on Second and Final Reading the 4 day of September, 2012.

  
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Paul Harpole, Mayor

ATTEST:

  
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Donna DeRight, City Secretary