

**ORDINANCE NO. 2165**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS, AMENDING THE CITY OF HURST CODE OF ORDINANCES BY AMENDING CHAPTER 8, ARTICLE II, FIRE PREVENTION CODE, BY REPEALING SECTION 8-16, ADOPTION OF INTERNATIONAL FIRE CODE, AMENDMENTS, IN THEIR ENTIRETY AND ADDING A NEW SECTION 8-16; PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS, AND EXPLOSION; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO; PROVIDING A PENALTY CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Hurst, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution, and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Hurst, Texas, deems it necessary to adopt the 2009 Edition of the International Fire Code to provide for the safety of the citizens of Hurst; and

WHEREAS, upon the recommendation of the Hurst Fire Department, the City Council of the City of Hurst, Texas, is of the opinion that it is in the best interests of the City and its citizens that the amendments to the International Fire Code should be approved and adopted.

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, Chapter 8 Article II, Fire Prevention Code, Section 8-16 8-17, Adoption of International Fire Code 2009, of the City of Hurst Code of Ordinances, is hereby repealed in its entirety and a new section shall be added to read as follows:

"Section 8-16 8-17 Adoption of International Fire Code

Sec.8-16 Adoption of International Fire Code 2009

The City of Hurst hereby adopts the 2009 Edition of the International Fire Code, including Appendix Chapters A, B, C, D, E, F and G,H,I,J published by the International Code Council, Inc., save and except such portions as are deleted or amended by this ordinance, and the same are hereby adopted and incorporated as fully as if set out at length herein. One (1) copy of the 2009 Edition of the International Fire Code is now filed in the office of the City Secretary. From the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Hurst and its extraterritorial jurisdiction."

Section 3: THAT, Chapter 8, Article II, Fire Prevention Code, Section 8-17, Amendments of the City of Hurst Code of Ordinances, is hereby repealed in its entirety and a new section shall be added to read as follows:

"Section 8-17. Amendments

The following sections of the 2009 Edition of the International Fire Code, as adopted in Sec. 8-17, are hereby amended as follows:

Section 101.1; change to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Hurst, hereinafter referred to as "this code."

Section 109.3; change to read as follows:

109.3 Violation penalties. Any person, firm, or corporation 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) or by imprisonment not exceeding twenty (20) days or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4; change to read as follows:

111.4 Failure to comply. Any person, firm, or corporation who shall continue any work after having been served with a stop work order, except such work as that person, firm, or corporation 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).

Section 202; change by adding and/or changing the following definitions:

CITY shall mean the City of Hurst, Texas

CODE OFFICIAL. The Fire Marshal is the designated authority charged by the Fire Chief with the duties of administration and enforcement of the code, or a duly authorized representative.

FIRE MARSHAL. See Code Official

HIGH-RISE BUILDING. A building having any floors used for human occupancy located more than 55 feet (16 764 mm) or three stories above the lowest level of fire department vehicle access.

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

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

Section 307.2.2; add to read as follows:

307.2.2 Trench Burns. Trench burns shall not be allowed.

Section 307.4; change to read 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.

Section 503.1.1; add the following sentence to the first paragraph:

Except for single or two-family residences, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure.

Section 503.2.1; change to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

Section 503.3; change to read 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 "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at 25 feet intervals 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 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 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 fifty feet (50') apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

Section 505.1; change to read as follows:

505.1 Address identification.

Approved numerals of a minimum 6" height and of a color contrasting with the background designating the address shall be placed on all new and existing buildings or structures in a position as to be plainly visible and legible from the street or road fronting the property and from all rear alleyways / access.

Where buildings do not immediately front a street, approved 6 inch height building numerals or addresses and 3-inch height suite / apartment numerals of a color contrasting with the background of the building shall be placed on all new and existing buildings or structures. Numerals or addresses shall be posted on a minimum 20 inch by 30 inch background on border.

Address numbers shall be Arabic numerals or alphabet letters. The minimum stroke width shall be 0.5 inches. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

Section 507.5.4; change to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 704.1; change to read as follows:

704.1 Enclosure. Interior vertical shafts, including but not limited to stairways, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as specified in Chapter 46.

Section 807.4.3.2; change to read as follows:

807.4.3.2 Artwork. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area and on the walls of classrooms to not more than 50 percent of each wall area. Such materials shall not be continuous from floor to ceiling or wall to wall.

Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

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.

Section 901.6.1 add 901.6.1.1

901.6.1.1 Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.

For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing

water through the standpipe, the tester shall connect hose from a fire hydrant or portable

2. Pumping system (as approved by the fire code official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the fire code official.
5. Upon successful completion of standpipe test, place a blue tag (as per "Texas Administrative Code, Title 28. Insurance, Part I. Texas Department of Insurance, Chapter 34. State Fire Marshal, Subchapter G. Fire Sprinkler Rules, 28 TAC § 34.720. Inspection, Test and Maintenance Service (ITM) Tag") at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by "Texas Administrative Code, Title 28. Insurance, Part I. Texas Department of Insurance, Chapter 34. State Fire Marshal, Subchapter G. Fire Sprinkler Rules, 28 TAC" with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (Fire Code Official) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.

8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.

9. Contact the fire code official for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the fire code official.

Section 901.10; add Section 901.10 to read as follows:

901.10 Discontinuation or change of service. Notice shall be made to the fire code official whenever contracted alarm services for monitoring of any fire alarm system is terminated for any reason, or a change in alarm monitoring provider occurs. Notice shall be made in writing to the fire code official by the building owner and alarm service provider prior to the service being terminated.

Section 903.2; delete the exception.

Sections 903.2.1.1, 903.2.1.3, and 903.2.1.4; change to read as follows:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 Occupancies where one of the following conditions exists:

1. The fire area exceeds 6,000-square feet (557 m<sup>2</sup>);
2. The fire area has an occupant load of 300 or more;
3. The fire area is located on a floor other than the level of exit discharge; or

4. The fire area contains a multitheater complex.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 Occupancies where one of the following conditions exists:

1. The fire area exceeds 6,000-square feet (557 m<sup>2</sup>).
2. The fire area has an occupant load of 300 or more; or
3. The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 Occupancies where one of the following conditions exists:

1. The fire area exceeds 6,000-square feet (557 m<sup>2</sup>).
2. The fire area has an occupant load of 300 or more; or
3. The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

Section 903.2.9.3; add to read as follows:

903.2.9.3 Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception: One-story self-service storage facilities that have no interior corridors, with a one-hour fire barrier separation wall installed between every storage compartment.

Section 903.2.11; amend 903.2.11.3, and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:

903.2.11.3 Buildings more than thirty-five feet (35') or three (3) stories in height. An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1509 of the International Building Code, that is located thirty-five feet (35') (10 668 mm) or three (3) stories or more above the lowest level of fire department vehicle access.

Exception: Open parking structures in compliance with Section 406.3 of the International Building Code.

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding twelve feet (12'), see Chapter 23 to determine if those provisions apply.

903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

903.2.11.9 Buildings Over 6,000-square feet. An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000-square feet. For the purpose of this provision, firewalls shall not define separate buildings.

Exception: For Group R-3 Occupancies the dwelling area shall only consider conditioned

living space and space intended for future conditioned living space ("bonus rooms"). And Open Parking Garage.

For the purpose of this section, area separation walls or fire barriers shall not be considered as forming separate buildings.

Section 903.3.1.2; change to read 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 of such buildings three or more stories in height.

Section 903.3.5; add a second paragraph to read 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.

Section 903.4; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than forty-five (45) seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 903.4.2; add second paragraph to read as follows:

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

Section 903.4.3; change to read as follows:

903.4.3 Floor Control Valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in multi-story buildings.

Section 903.6.3; add to read as follows:

903.6.3 Spray booths and rooms. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 1504

Section 905.2; change to read as follows:

905.2 Installation standards. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

Section 905.9; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than forty-five (45) seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to

initiate a supervisory signal at the central station upon tampering.

Sections 907.1 add 907.1.4 to read as follows:

907.1.4 Design Standards. All alarm systems new or replacement shall be addressable. Alarm systems serving more than 20 alarm actuating devices shall be analog addressable.

Exception: Existing systems need not comply unless the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodel or expansion exceeds 50% of the building must comply within eighteen (18) months of permit application.

Section 907.2.3; change to read as follows:

907.2.3 Group E. A manual fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' of open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Section 907.2.3; change exception #1, and add exception #1.1 to read as follows:

1. Group E educational and day care occupancies with an occupant load of less than fifty (50) when provided with an approved automatic sprinkler system.

- 1.1 Residential In-Home day care with not more than twelve (12) children may use interconnected single station detectors in all habitable rooms (For

care of more than five (5) children 2  
1/2 or less years of age, (see  
Section 907.2.6)

Add Section 907.2.10.4

Section 907.2.10.4 to read as follows:

(a) Every dwelling unit within a multi-family dwelling, every guest room in a hotel used for sleeping purposes and every rented dwelling unit in any other residential property shall, be provided with smoke detectors conforming to nationally recognized standards. Such smoke detectors shall be required in every dwelling unit in every type of residential property before any certificate of occupancy is granted or renewed. No building permit for alterations requiring the expenditure of more than one thousand dollars (\$1,000.00) shall be granted without the installation of smoke detectors.

(b) The number of smoke detectors, and the manner and location of installation shall be set forth in the International Building Code or International Residential Code except that on rental property such detectors shall not be only battery-powered, but shall be wired directly into the power supply of the dwelling unit.

(c) Smoke detectors shall be maintained in operating condition. Multi-family rental property shall be inspected annually by the fire department and/or code enforcement department to determine whether smoke detectors are present and operating. If the fire department and/or code enforcement department is refused access to any rental dwelling unit upon reasonable notice, ten (10) days, the apartment rental unit manager will be deemed guilty of a misdemeanor and, upon conviction thereof, fined not less than twenty-five (\$25.00) or more than five hundred (\$500.00) per dwelling unit. If a smoke detector required for a rental unit is inoperable, the rental unit manager will be deemed guilty of a misdemeanor and, upon conviction thereof, fined not less than twenty-five (\$25.00) or more than five hundred (\$500.00) per dwelling unit. Furthermore, should the owner or manager fail to come into compliance within thirty (30) days of re-inspection, the certificate of occupancy of that multi-family office will be automatically revoked, and the utility company serving

such office shall be required to discontinue service thereto. Such certificate of occupancy and service shall not be restored until all smoke detectors comply with this section.

(d) In the event that the smoke detector is inoperable due to the absence of electricity of the dwelling unit, a battery-powered smoke detector shall be temporarily installed until electrical power to the dwelling unit is restored.

Section 907.2.13; change to read as follows:

907.2.13 High-rise buildings.

Buildings with a floor used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.2, a fire department communication system in accordance with Section 907.6.2.2

Section 907.2.13 Exception #3; change to read as follows:

3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code, when used for open air seating; however, this exception does not apply to accessory uses including but not limited to skyboxes, restaurants and similarly enclosed areas.

Section 907.5.2; add Section 907.5.2.6 to read as follows:

Manual alarm actuating devices shall be an approved double action type.

Section 907.7.1 add Section 907.7.1.1 to read as follows:

907.7.1.1 Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit

conductor will not interfere with the normal operation of other such devices. All initiating circuit conductors shall be Class "A" wired with a minimum of six feet separation between supply and return circuit conductors. IDC - Class "A" Style D; SLC - Class "A" Style 6; NAC - Class "B" Style Y. The IDC from an addressable device used to monitor the status of a suppression system may be wired Class B, Style B provided the distance from the addressable device is within 10-feet of the suppression system device.

Section 907.7.5; add Section 907.7.5.2 to read as follows:

907.7.5.2 Communication requirements. All alarm systems, new or replacement shall transmit alarm, supervisory and trouble signals descriptively to the approved central station, remote supervisory station or proprietary supervising station as defined in NFPA 72, with the correct device designation and location of addressable device identification. Alarms shall not be permitted to be transmitted as a General Alarm or Zone condition.

Section 910.1; change Exception 2 to read as follows:

2. Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, only manual smoke and heat vents shall be required within these areas. Automatic smoke and heat vents are prohibited.

Section 910.3.2.2; add second paragraph to read as follows:

The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed

Section 1018.1; add an exception #5 to read as follows:

5. In Group B office buildings, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic smoke-detection system within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke-detection system shall be connected to the building's fire alarm system where such a system is provided.

Section 1022.9; change to read as follows:

1022.9 Smokeproof enclosures. In buildings required to comply with Section 403 or 405, each of the exits of a building that serves stories where any floor surface is located more than fifty-five feet (16 764 mm) above the lowest level of fire department vehicle access or more than thirty feet (9144 mm) below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with Section 909.20 or the *International Building Code*.

Section 1024.1; change to read as follows:

1024.1 General. Approved luminous egress path markings delineating the exit path shall be provided in buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access in accordance with Sections 1024.1 through 1024.5.

Section 1030.2; change to read as follows:

1030.2 Reliability. Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments

to full instant use in the case of fire or other emergency. Security devices affecting means of egress shall be subject to approval of the fire code official.

Section 1501.2; delete the section.

Section 1504.4; change to read as follows:

1504.4 Fire Protection. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9 which shall also protect exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used.

Section 3204.3.1.1; add second paragraph to read as follows:

The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the city limits unless approved by Special Use Permit and with the approval of the Fire Marshal.

Section 3301.1.3; change to read as follows:

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Only when approved for fireworks displays, storage and handling of fireworks as provided in Sections 3304 and 3308.
2. The use of fireworks for approved display as permitted in Section 3308.

Section 3302; change the definition of "fireworks" to read as follows:

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein.

Section 3401.1; add a sentence to read as follows:

Section 3401.1 The storage of Class I and II liquids in above-ground tanks is prohibited within the city limits unless approved by the Fire Chief.

Section 3403.6; add a sentence to read as follows:

An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 3404.2.9.5.1; change to read as follows:

3404.2.9.5.1 Locations where above ground tanks are prohibited. The storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within the city limits unless approved by Special Use Permit and with the approval of the Fire Marshal.

Section 3404.2.11.5; add a sentence to read as follows:

An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 3404.2.11.5.2; change to read as follows:

3404.2.11.5.2 Leak detection. Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 3404.2.11.5.3.

Section 3404.2.11.5.3; add to read as follows:

3404.2.11.5.3 Observation wells. Approved sampling tubes of a minimum 6 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling sump at the corners of the excavation with a minimum of 4 sumps. Sampling tubes shall be placed in the product line excavation within ten feet (10') of the tank excavation and one every fifty feet (50') routed along product lines towards the dispensers, a minimum of two (2) are required.

Section 3406.2.4.4; change to read as follows:

3406.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in aboveground tanks is prohibited within the city limits unless approved by Special Use Permit and with the approval of the Fire Marshal.

Section 3406.5.4; delete Section 3406.5.4.5 and replace with the following:

3406.5.4.5 Commercial, industrial, governmental or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with Sections 3406.5.4.5.1 through 3406.5.4.5.3.

3406.5.4.5.1 Site requirements.

1. Dispensing may occur at sites that have been permitted to conduct mobile fueling.
2. A detailed site plan shall be submitted with each application for a permit. The site plan must indicate:
  - a. all buildings, structures, and appurtenances on site and their use or function;
  - b. all uses adjacent to the property lines of the site;
  - c. the locations of all storm drain openings, adjacent waterways or wetlands;
  - d. information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and,
  - e. The scale of the site plan.
3. The Code Official is authorized to impose limits upon: the times and/or days during which mobile fueling operations are allowed to take place and specific locations on a site where fueling is permitted.
4. Mobile fueling operations shall be conducted in areas not generally accessible to the public.
5. Mobile fueling shall not take place within fifteen feet (4.572 m) of buildings, property lines, or combustible storage.

#### 3406.5.4.5.2 Refueling Operator Requirements.

1. The owner of a mobile fueling operations shall provide to the jurisdiction a written response plan which demonstrates readiness to respond to a fuel spill, carry out appropriate mitigation measures, and to indicate its process to properly dispose of contaminated materials when circumstances require.

2. The tank vehicle shall comply with the requirements of NFPA 385 and Local, State and Federal requirements. The tank vehicle's specific functions shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.
3. Signs prohibiting smoking or open flames within twenty-five feet (7.62 m) of the tank vehicle or the point of fueling shall be prominently posted on three (3) sides of the vehicle including the back and both sides.
4. A fire extinguisher with a minimum rating of 40:BC shall be provided on the vehicle with signage clearly indicating its location.
5. The dispensing nozzles and hoses shall be of an approved and listed type.
6. The dispensing hose shall not be extended from the reel more than one hundred feet (100') in length.
7. Absorbent materials, non-water absorbent pads, a ten-foot (3.048 m) long containment boom, an approved container with lid, and a non-metallic shovel shall be provided to mitigate a minimum five-gallon fuel spill.
8. Tanker vehicles shall be equipped with a fuel limit switch such as a count-back switch, limiting the amount of a single fueling operation to a maximum of five hundred (500) gallons between resettings of the limit switch.

Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which,

when activated, immediately causes flow of fuel from the tanker to cease.

1. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of a fire, leak, or spill. Training records shall be maintained by the dispensing company and shall be made available to the Code Official upon request.
2. Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an emergency communications device to notify the proper authorities in the event of an emergency.

#### 3406.5.4.5.3 Operational Requirements.

1. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.
2. Prior to beginning dispensing operations, precautions shall be taken to assure ignition sources are not present.
3. The engines of vehicles being fueled shall be shut off during dispensing operations.
4. Night time fueling operations shall only take place in adequately lighted areas.
5. The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled.
6. During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.

7. Motor vehicle fuel tanks shall not be topped off.
8. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.
9. The Code Official and other appropriate authorities shall be notified when a reportable spill or unauthorized discharge occurs.

Section 3803.2.1.8; add to read as follows:

3803.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed twenty-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed sixty-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than twenty feet (20').

Section 3804.2; add an exception #2 to read as follows:

Exceptions:

2. Except as permitted in 308.3 and 3804.3.2, LP-gas containers are not permitted in residential areas.

Add Section 3804.3.2; add to read as follows:

3804.3.2 Spas, Pool Heaters and other listed devices. Where natural gas service is not available, LP-Gas containers are allowed to be used to supply spa and pool heaters or other listed devices. Such containers shall not exceed 250-gallon water capacity. See Table 3804.3 for location of containers.

Section 4: PENALTY. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than five hundred dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 5: CUMULATIVE CLAUSE. This Ordinance shall be cumulative of all provisions of ordinances of the City of Hurst, Texas, except where provisions of this Ordinance are in direct conflict with the provisions of another ordinance, in which event the conflicting provisions of the other ordinance are hereby repealed.

Section 6: SEVERABILITY CLAUSE. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since they would have been enacted by the City Council without the incorporation in this Ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

Section 7: SAVINGS CLAUSE. All rights and remedies of the City of Hurst are expressly saved as to any and all violations of the

provisions of Article II, Chapter 8, "Fire Prevention Code", of the Code of Ordinances, City of Hurst, Texas, as amended, or any other ordinances affecting such code which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 9: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

AND IT IS SO ORDAINED.

Passed and approved on the first reading by a vote of 6 to 0 on this the 22nd day of March, 2011.

Passed and approved on the second reading by a vote of 6 to 0 on this the 12th day of April, 2011.

CITY OF Hurst, TEXAS

By: Richard Ward  
Richard Ward, Mayor

ATTEST:

Rita Frick  
Rita Frick, City Secretary

Approved as to Form and Legality:

John F. Boyle  
John F. Boyle, City Attorney