

ORDINANCE NO. 10-2980

AN ORDINANCE AMENDING THE CITY OF BEDFORD CODE OF ORDINANCES BY AMENDING CHAPTER 58 – FIRE PREVENTION AND PROTECTION, ARTICLE IV- FIRE PREVENTION; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Fire Marshal annual permit fee is currently the responsibility of the property owner; and,

WHEREAS, the fees associated with the storage of and sale of hazardous materials is currently the responsibility of the occupant offering the material for sale; and,

WHEREAS, to be more consistent with the hazardous materials clause, the annual permit fee is to be assessed to each occupant of a non-residential property.

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

SECTION 1. That Chapter 58 – Fire Prevention and Protection, Article IV – Fire Prevention of the City of Bedford Code of Ordinances, is hereby amended to read as follows:

Sec. 58-96. Statement of purpose.

This article is to provide the city with rules and regulations to improve public safety by promoting the maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance.

Sec. 58-97. Code adopted.

This Code shall be known as the City of Bedford Fire Prevention Code. The articles of the International Fire Code (IFC), 2000 edition, save and accept such portions as are hereinafter deleted, modified, or added, shall be the Fire Prevention Code of the City of Bedford.

Sec. 58-98. Enforcement; office of fire marshal established.

The fire code shall be administered and enforced by the office of the fire marshal, which is hereby established. The fire chief shall appoint the fire marshal and shall designate members of the fire department as may be necessary from time to time to enforce the provisions of this fire code.

Sec. 58-99. Amendments.

The International Fire Code (IFC), 2000 edition, and the Bedford Fire Prevention Code are amended and changed as published in the following respects:

(1) Section 102 Applicability.

a. *Section 102.4 (IFC), Application of building code*, is amended as follows: The adoption of this fire code shall not automatically adopt any other edition of the International Model Codes.

b. *Section 102.6 (IFC)*, is amended as follows: The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. 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 standards shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

(2) Section 202, General Definitions (IFC), is amended to include the following definitions:

a. Code official. The fire chief, fire marshal, or member of the fire department, charged with the duties of administration and enforcement of this code, or a duly authorized representative.

b. Emergency access easement. An access road or fire lane located on private property dedicated by the owner(s) of the property to provide fire apparatus access.

c. High-rise building. Any structure used for human occupancy and/or storage more than fifty five (55) feet above the lowest level of fire department vehicle access or with five (5) or more stories, excluding the basement. For the purpose of this code, building height shall be the highest point of the structure excluding penthouses.

d. Self-service/storage facility. Real property designated 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.

(3) Vehicle parking and storage.

a. No motor vehicle shall be parked or stored; assembled or disassembled, at any time within any apartment, multi-family, motel, hotel or commercial building unless authorized by the fire marshal.

Exemption: vehicles within structures properly zoned as motor vehicle sales or service that comply with the other provisions of this code.

b. No motor vehicle shall be parked within ten (10) feet of any patio, stairs, or egress path at any apartment, multi-family unit, motel, hotel or commercial structure unless on an approved parking space.

(4) General fire safety.

a. Keep warm fires will be allowed at construction sites, provided the fire is kept in a metal barrel or can, covered with a wire screen and attended at all times. The keep warm fires must be at least ten (10) feet from all structures. The fire marshal may prohibit keep warm fires when wind or weather conditions are such that a fire hazard will be created.

b. The construction of commercial and multi-family structures shall not be allowed above the foundation until a fire lane and adequate water supply for fire protection has been provided in compliance with this code.

c. A temporary fire lane and water supply may be installed during construction when approved by the fire marshal.

d. Open burning as defined in Section 302 (IFC) shall be prohibited unless approved and permitted by the fire marshal due to special circumstances or civil disaster.

e. Recreational fires as defined in Section 302 (IFC) shall be prohibited unless approved by the fire marshal.

f. Exit doors and exit ways with electronic locking devices that must be released or operated to accomplish an emergency exit shall:

1. Disconnect or "drop out" when the fire alarm system is activated

2. A Knox type key release shall be installed on the exterior of all gates and doors to allow emergency access by the fire department.

(5) *Parking and storage of hazardous materials vehicles.*

a. No motor vehicle designed or utilized to transport hazardous materials, or required to post Department of Transportation (DOT) warning placards, shall be parked within the city without a fire marshal's permit.

Exception: Vehicles may be parked for one (1) hour for the purpose of loading or off loading cargo or eating a meal.

b. Hazardous materials vehicles shall not be parked within one hundred (100) feet of a residential structure except to deliver cargo, and must be parked only for less than one (1) hour.

(6) *Summary abatement.*

a. If the fire marshal or his authorized representative becomes aware of a condition or situation that by its very nature causes a hazard, they shall have the authority to have the hazard corrected immediately.

b. If the hazard cannot be immediately corrected, the fire marshal shall have the authority to assign the necessary fire protection personnel to provide as safe a situation as possible, until the hazard is corrected.

(7) *Board of appeals, Section 108 (IFC), shall be amended.*

a. The fire marshal's appeal board shall here and after be known as the building and standards commission, as defined by the Code of Ordinances, City of Bedford, Texas.

b. Appeals shall be in compliance with the Section 58.103 of this Code.

(8) *Compliance certification.*

a. A notarized letter shall be required by the fire marshal that indicates compliance with the fire code regarding technical installations of fire related equipment and systems.

b. Notarized letters may be required for the following:

1. Automatic fire alarm systems;
2. Automatic fire extinguishing systems;
3. Storage and use of explosives;
4. Storage of hazardous materials;
5. Fire appliance servicing;
6. Flame retardant application;
7. Liquefied gas installations and operations;
8. Radioactive material storage and handling;
9. Emergency lighting systems;
10. Emergency power system;
11. Security gates.

c. The letter shall be on company letterhead, and filed with the office of the fire marshal before final approval of the activity or installation.

d. All fire extinguishing system installations shall be inspected by the fire marshal.

e. All compliance testing shall be witnessed by the fire marshal.

(9) Exit ways--Hotels, motels and multi-family.

- a. All public exit ways and balconies shall be constructed of material having a class "C" flame spread seventy five (75) to two hundred (200) flame spread.
- b. All balconies and landings utilized as exit ways shall have a minimum length of height eight (8) feet and a minimum width of four (4) feet.

(10) Fire hydrants.

- a. All fire hydrants, located on public or private property, shall be painted an approved shade of red.
- b. Hydrants may be color coded to indicate the water flow or water main size as required by N.F.P.A. Standard 291- "Fire Flow Testing and Marking of Hydrants".
- c. Fire hydrants shall be installed as follows:

1. *Section 508.1.1 (IFC), Where required,* is amended as follows: When a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than three hundred (300) feet from a hydrant on the fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire marshal.

Exception: For Group R-3 and Group U occupancies, the distance requirement shall be five hundred (500) feet.
Exemption 2 is deleted.

2. The location of fire hydrants on private property or along fire access roads shall be approved by the fire marshal.
3. Fire system connections: Fire hydrants shall be located within a three hundred (300) foot hose lay of the fire department connections to the protection system(s). Fire department connections shall have a forty two inch (42") by forty two inch (42") concrete pad below each connection.
4. Fire hydrants not installed on public street shall be looped to provide a water supply from two (2) directions.

(11) Automatic fire sprinkler systems.

a. *Section 902, (IFC) Definitions,* is hereby amended to include the following definition:
Fire area. The fire area is the aggregate floor area of a building regardless of the installation of fire walls, fire barriers, fire partitions, or demising walls. For the purpose of calculating fire sprinkler requirements the total building will be considered one (1) structure. Buildings must be separated by at least twenty (20) feet to be considered separate buildings.

b. *Section 902.1.2, (IFC) Residential sprinklers,* is amended as follows:

1. Unless specifically allowed by this code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be recognized for the purposes of exemptions or reductions, commonly known as "trade-offs", permitted by other requirements of this code.
2. In addition, residential sprinkler systems installed in accordance with NFPA 13R must include attic protection.

c. *Section 903.2.8, (IFC) Group R-2,* is amended as follows: An automatic sprinkler system shall be provided throughout all buildings with a Group R-2 occupancy and where

the fire area is two (2) stores in height, including basements, or where the building has more than three (3) dwelling units. Any Group R-2 occupancy three (3) or more stories in height shall be required to have a sprinkler system meeting the requirements of NFPA Standard 13.

d. *Section 903.2.10.2, (IFC) Bulk storage of tires*, is amended as follows: Buildings and structures where the area for the storage of tires exceeds ten thousand (10,000) cubic feet shall be equipped throughout with an automatic fire sprinkler system meeting the requirements of NFPA Standard 13.

e. *Section 903.2.10.3, (IFC) Self-service storage facilities*, is amended as follows: An automatic sprinkler system meeting the requirements of NFPA Standard 13 shall be installed throughout all self-storage facilities.

f. *Section 903.2.12.4, (IFC) High-piled combustible storage* is amended as follows: Any building designed or used for high-piled storage, with a clear height exceeding twelve (12) feet shall be equipped throughout with an automatic fire sprinkler system meeting the requirements of NFPA Standards 13.

g. *Section 903.2.12.5, (IFC) Spray booths and rooms*. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

h. *Section 903.2.12.6, (IFC) Buildings over six thousand (6,000) square feet*. All provisions of this code are hereby amended to require an automatic sprinkler system throughout all buildings with a fire area over six thousand (6,000) square feet, including single family residences, or where the structure is three (3) or more stories in height, excluding the penthouse.

Exception: Open parking garages in compliance with Section 406.3 of the building code, provided fire department stand pipes and connections are installed in such a way that no portion of the garage is more than a one hundred (100) feet unobstructed hose lay from the connection.

i. *Section 903.3.5, (IFC) Water supplies*. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against back flow in accordance with the requirements of this section.

j. *Section 905.9, (IFC) Valve supervision*, is amended to include the following: 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 the fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the control station upon tampering.

k. *Section 907.1.3, (IFC) Design standards*, is amended as follows.

1. All fire alarm systems, new or replacement, serving fifty (50) or more alarm actuating devices shall be addressable fire detection systems. Fire alarm systems serving more than seventy five (75) smoke detectors or more than two-hundred (200) total alarm activating devices shall be analog intelligent addressable fire detection systems.

2. Existing systems need not comply unless the total building remodel or expansion, initiated after the effective date of this code, as adopted, but shall comply with the provisions of 58.99.

Amendments, (19) Reconstruction/Remodel.

l. Section 907.2.3, (IFC) Group E, is amended as follows: A manual fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems and smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detector system shall be installed in Group E day care occupancies. Unless separated by a minimum of one thousand (1000) feet open space, all buildings, whether portable buildings or the main building, will be considered one (1) building for occupant load considerations and the interconnection of fire alarm systems.

m. Section 907.3, (IFC) Where required, is amended as follows: All manual alarm actuating devices shall be an approved double action type.

n. Notarized letters indicating all work has been performed as permitted and that the work meets code requirements must be submitted at final inspection.

o. No system shall be approved until a complete inspection of materials and a functional test has been completed and witnessed by the fire marshal. The installer/technician must be present for all inspections and testing.

p. *Installation schedule:* Approved fire sprinkler systems shall be operational in a building under construction when:

1. The building is sufficiently constructed to the point that the exterior sheathing and roof have been installed; or

2. At the start of combustible interior construction; or

3. When there is an accumulation of combustible material within the building including, but not limited to, building supplies, rubbish and furniture, or

4. When the building goes under conditioned atmosphere.

q. *Wet sprinkler system:* Whenever the outside atmospheric temperature is predicted to be below twenty five (25) degrees Fahrenheit for six (6) or more hours, a wet sprinkler system may be drained to prevent freeze damage, provided:

1. It has been determined by a fire sprinkler service technician and the fire marshal that there is not adequate freeze protection for the system.

2. The owner/occupant notifies the fire department that the system will be drained.

3. The owner/occupant provides an alternate means of early fire discovery and control by the employment of approval twenty four (24) hour security personnel, and/or an approved fire alarm and detection system to supplement the fire sprinkler systems. Alarms must be monitored twenty four (24) hours a day by an approved central monitoring service.

4. When the temperature rises above thirty (30°) degrees Fahrenheit the drained systems shall be restored. It is the intent of this section that a fire sprinkler system will be in service and operational at all times except the rare cases of very cold weather.

(12) *Fees and permits.*

a. The fire marshal's office shall collect the approved fees for inspections, certificates of occupancies, annual permits, the sale and storage of hazardous materials and other permits as required by the ordinances of the City of Bedford.

b. The minimum cost of a permit shall be thirty dollars (\$30.00) unless otherwise indicated in the approved fee schedules adopted by the city. When a permit is required, the permit fee shall be doubled when work or construction has occurred without obtaining the appropriate permits. In those cases where the work occurs on City of Bedford

property and no permit fee is required, an amount equal to the initial permit cost shall be charged for failure to obtain a permit.

c. Annual fire marshal permit fees shall be due on or before February first (1st), unless otherwise indicated on the permit.

d. Payment of annual permit fees shall be the responsibility of the property owner and business owner. Fees for the storage and sale of hazardous materials shall be the responsibility of the occupant who offers the material for sale.

e. Any occupancy hereafter opening for the purpose of doing business in Bedford, as evidenced by application to the Building Official for a Certificate of Occupancy, shall pay a fee for an initial Fire Code compliance inspection and for the establishment on an inspection file. This fee shall be collected by the Building Official at the same time that the Certificate of Occupancy fee is collected. This fee is based on square footage as indicated in the fee schedule.

f. The fire marshal may request copies of bid documents or other items to verify the estimated cost of construction when calculating permit fees.

(13) Security gates: Section 503.6 (IFC) Security gates. Section 503.6 is hereby amended as follows: Where security gates are installed, they shall be installed to comply with this section.

a. Definitions.

1. As used herein, a security gate shall be any device located on private property which prohibits access of motor vehicles. It includes, but is not limited to, a metal or wood swing railing extended across a street, private drive or fire lane, which can only be opened by a human operator situated on the premises or by remote control or both.

2. The owner shall mean a person, corporation, partnership, association or any other similar entity.

3. Light duty metal chain means a chain with the maximum diameter of metal in the chain links being one quarter (1/4) inch, and does not mean high-test proof, coil chain and other than tempered chain, regardless of size.

4. Main gate means a security gate located on private property where more than one (1) security gate exists. The owner shall designate in writing to the fire department the main gate.

b. Main gates.

1. Main gates shall be located at least thirty (30) feet back from the inside edge of the sidewalk, or forty (40) feet from the actual start of the thoroughfare.

2. All main gates shall be electrically operated, with a manual disconnect in case of a power failure. The manual disconnect is to be placed in a weather tight box, with a piano-type hinge on one side and a KNOX BOX, PL-1 padlock and hasp on the other side.

3. All main gates shall open with the fire department KNOX K 2 key-operated switch. The KNOX key-operated switch shall be provided and installed by the owner. The key-operated switch is to be located ten (10) feet from the gate, on the left side of the approach, placed on a pedestal with the key switch facing the fire lane. The key switch shall be no closer than four feet six inches (4' 6") or no farther than five feet five inches (5' 5") from the ground.

4. The owner shall furnish the fire department the necessary number of tenant access cards, so fire personnel may gain access during emergency calls.

5. Where a security gate is installed with a median, the entry side of the gate shall have a minimum opening and driving surface of twenty (20) feet. (Section 503.6 is hereby deleted).

6. Optically controlled emergency entry devices.

(a) All electronic security gates commercial and residential shall be equipped with an optically controlled emergency override device that is compatible with the optical activation devices installation on fire apparatus. The devices shall provide for the opening of the gates as fire apparatus approaches and exits the property.

(b) The fire marshal shall approve the installation of all devices and shall inspect the installations upon completion to determine compliance.

(c) *Security gates.* It shall be unlawful for a security gate to be placed within a public access or fire lane easement, unless such gate complies with the following:

1. The minimum fire lane width requirement of twenty (20) feet and the minimum height requirement of fourteen (14) feet shall be maintained on the entrance side of all security gates.

2. Wooden security gates shall be constructed to break away at the base on minor impact or the application of manual pressure at the end most remote point from the mounting base. The side of the wooden rails shall be a maximum of five inches (5") by three quarter inches (3/4") where attached to the mounting base. The wooden railing shall be of soft wood and mounted on the base by a knife-edge bracket or scored to create a weak point to break away.

3. Horizontal swing security gates shall be so constructed mounted and maintained whereby such gates will open fully when manual pressure is applied by an average size individual. When opened, the gates must remain open.

4. Security gates other than electronic gates can be locked with a light duty chain and lock with the approval of the fire department.

d. *Application for security gates.* An application to install security gates shall be submitted to the fire marshal and must include adequate plans to indicate and ensure that code compliance shall be provided. Security gates may be installed only after receipt of a permit from the fire marshal.

e. *Disclaimer of liability.* Upon approval from the city for the owner to restrict public access to motor vehicles, the city hereby disclaims any and all liabilities resulting from damages sustained by any person or owner, either directly or indirectly, as a result of any emergency function of the city, where such damage is occasioned by the noncompliance of any owner with the provisions of this section.

(14) *Fire alarms.*

a. *Section 907.2.1 (IFC), Group A,* is amended as follows: A manual fire alarm shall be installed in accordance with NFPA 72 in Group A occupancies having an occupant load of one hundred (150) or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm as required for Group E occupancies.

b. *Fire alarm permits.*

1. The permit fee for the construction, repair, alteration or relocation of a fire alarm system shall be determined based on the fee schedule as required by the ordinances of the City of Bedford.

2. All fire alarm systems shall be designed and constructed so the failure, malfunction, or removal of any single device or failure of the wiring to a device does not interfere with the operation of other devices in the system.

c. Pre-recorded or voice message fire alarms shall not be approved unless accompanied by a fire alarm signal of audio-visual devices that meet the minimum standards of the Americans with Disabilities Act (ADA).

d. Notarized letters indicating all work has been performed as permitted and that the work meets code requirements must be submitted at final inspection.

e. No system shall be approved until a complete inspection of materials and a functional test has been completed and witnessed by the fire marshal. The installer/technician must be present for all inspections and testing.

(15) Fire Apparatus Roads, Fire Lanes and Emergency Access Easements Section 503 (IFC) Fire Apparatus Access Roads is amended as follows:

a. **Section 503.2.1 Dimensions.** Fire apparatus access road and fire lanes shall have an unobstructed width of not less than twenty four (24) feet, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than fourteen (14) feet. Fire lanes shall have a minimum centerline turning radius of thirty (30) feet. Unless otherwise approved by the fire department fire lanes shall be installed before construction proceeds above grade (slab). Temporary fire lanes may be installed provided they have been approved by the fire department.

b. **Section 503.2.2 Authority.** The fire marshal shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

c. **Section 503.2.7 Grade.** Section 503.2.7 (IFC) is amended as follows: The grade of the fire apparatus access road/fire lane shall be within the limits established by the fire marshal based on the fire department's apparatus. When the grade is greater than six percent (6%) formal approval is required. At no time shall grade be greater than eight percent (8%).

d. **Section 503.3 Marking.** Section 503.3 (IFC) is amended as follows: Approved striping or, when allowed by the fire marshal, 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 reflective red traffic paint a minimum of four inches (4") or a maximum of 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 twenty five feet (25') intervals on the red bordered marking along both sides of the fire lane. Where a curb is available, the striping shall be on the vertical face of the curb.

2. **Signs** shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be a minimum of twelve inches (12") wide and eighteen inches (18") high. Signs shall be reflective, 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 fifty feet (50') apart. Signs shall be installed on permanent buildings or wall or as approved by the fire marshal.

3. **Reflective supplemental address** shall be installed in conjunction with fire lane marking at all multi-family occupancies in excess of four (4) dwelling units, club rooms

and offices where a single street address number is used to designate the buildings official address.

(a) The marking shall be a minimum of twenty four inches (24") by twelve inches (12") red rectangle painted on the pavement, in conjunction to the red fire lane markings.

(b) The red rectangle shall have white reflective numbers that indicate the street address of the building. Numbers shall be in a bold font, measuring a minimum of ten inches (10") in height, easily readable from a moving vehicle.

(c) Supplemental street numbers shall only be installed on private property, near the center of the building. Where the front and the end of the building border a fire lane, the numbers shall be required on each side.

(d) Maintenance of the supplemental numbers shall be the same as required for fire lanes.

e. *Section 503.4 Obstructions 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 any area marked as a fire lane as described in Section 503.3 shall be maintained at all times. A vehicle stopped or standing in a fire lane, when attended by a licensed driver capable of relocating the vehicle on command, shall not be deemed in violation of this section, provided the vehicle does not impede the designed traffic flow.

f. *Section 503.6 Security Gates.* Where security gates are installed, they shall be installed to meet the standards of the Bedford Fire Prevention Code, Section 58.99, (13).

g. Dead end fire access roads/lanes are prohibited unless an approved turnaround is installed to comply with Appendix D-103.4 of the International Fire Code. At no time shall the minimum required width of the access road/fire lane be less than twenty four feet (24').

h. Emergency access easements and access roads, when assigned a street name for the purpose of addressing, shall have street name signs a minimum of six and one half (6.5") inches high in a format approved by the City of Bedford Public Services Department. Installation and maintenance of the signs shall be the responsibility of the owner/operator of the property.

(16) *Fixed fire protection systems.*

a. A permit shall be required for the installation, reconstruction, modification, moving or alteration of any fixed system.

b. The permit application shall be submitted to the office of the fire marshal and must have attached to the application detailed construction plans and a copy of the applicant's state license.

c. The permit fee for the construction, repair, alteration or relocation of a fixed system shall be calculated based on the fee schedule.

d. Work shall not begin on any system without first obtaining a permit.

Exemption: Emergency repairs due to system malfunctions or discharging may begin, provided a permit is obtained the next working day.

e. Notarized letters indicating all work has been performed as permitted and that the work meets code requirements must be submitted at final inspection.

f. No system shall be approved until a complete inspection of materials and a functional test has been completed and witnessed by the fire marshal. The installer/technician must be present for all inspections and testing.

(17) *Special fire inspections.*

a. All fire sprinkler, stand pipe, fixed fire extinguishing systems and fire alarms shall be inspected every twelve (12) months by a technician properly licensed by the State of Texas.

b. The licensed technician/company making the inspection shall notify the office of the fire marshal and the owner/occupant immediately when a system fails to pass a required test and/or is found inoperative.

(18) *State licensees.*

a. All repair and installation of fire alarm, fire sprinkler and fixed extinguishing systems shall require the presence of a State of Texas licensed technician on the job site.

b. The licensed technician shall be able to present a copy of appropriate State of Texas licenses upon request.

(19) *Reconstruction/Remodel.*

a. A building that is being altered, remodeled or reconstructed shall comply with current fire codes in regard to:

1. Panic Hardware
2. Fire Alarms
3. Exit Lights
4. Emergency Lighting
5. Exits and Exit Ways
6. Fire Protection Systems

b. When applicable, permits shall be obtained and compliance inspections performed.

c. A building or structure shall be considered under construction or re-construction when:

1. Greater than fifty percent (50%) of the total floor area is changed or altered in one or more construction phases over a two (2) year period, or,
2. The cost of the construction is greater than fifty percent (50%) of the appraised value of the structure.

(20) *Elevator recall.*

a. Where elevator travel is in excess of two (2) floors, the elevator shall be fire fighter recalled to the designated level by the initiation of any automatic fire alarm in the building.

b. Where a shunt trip mechanism is present, a smoke and heat activated device shall be provided to return the elevator car to an egress point approved by the fire marshal.

(21) *Open flame cooking devices at apartments: Section 307.5 (IFC), Open burning,* is hereby amended to delete open-flame cooking devices. All open-flame and outdoor cooking shall be in compliance with this section. The use of open flame cooking devices shall be as follows:

a. It shall be a violation of this code for any person to use, allow or permit the use of a fixed or portable grill or cooking device that uses an open flame or electrical element

within ten feet (10') of any multi-family structure, under any covered portion a multi-family structure, or under any covered parking structure or portion thereof.

b. It shall be a violation of this code for any person to own or manage any multi-family structure without installing and maintaining on each balcony, patio and landing of each dwelling unit an approved sign readily visible to the occupants that prohibits the use of any grill, hibachi or smoker within ten feet (10') of all apartment structures. Signs shall be at least thirty (30) square inches with the word "PROHIBITED" in one inch (1") letters, and the remaining message in at least one quarter inch (1/4") letters, red on white, and provide the following warning:

TABLE INSET:

<p>-PROHIBITED- THE USE OF ANY GRILL, HIBACHI, OR SMOKER IN OR WITHIN TEN FEET (10') OF ALL APARTMENT STRUCTURES, PATIOS AND CARPORTS. BEDFORD FIRE CODE - FINE UP TO TWO THOUSAND DOLLARS (\$2000.00)</p>

c. It shall be a violation of this code for any person to own or manage any multi-family structure without providing the fire marshal, upon request, written proof that each tenant has been advised of the prohibition on cooking with grills and cooking devices. Such proof shall consist of a warning document signed by the tenant and kept in the lease files that indicates the tenant is aware of the prohibition and that the sign is in place.

d. Existing apartment complexes shall comply with the provisions of this code within one hundred eighty (180) days of approval. The restriction on the use of cooking devices shall become effective immediately

(22) Premises identification, Section 505.1 (IFC), Address Numbers is amended as follows:

a. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of eight inches (8") high with a minimum stroke width of one inch (1").

b. Where buildings contain multiple occupancies the suite number and/or address shall appear on the front of the building and the back door of each occupancy.

(23) Furnishings, Section 803.2 Artwork, is amended by adding the following exemption.

Corridors protected by an approved automatic sprinkler system installed in accordance with this code shall be limited to fifty percent (50%) of the wall area.

(24) Section 804 Decorative Vegetation. Section 804.1.1 (IFC), Natural Cut Trees, is amended by adding the following Exception:

a. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.

b. Trees shall not be prohibited inside private dwelling units of Group R-2 Occupancies.

(25) Section 2703.3.1.4 Responsibility for Cleanup. Is hereby amended to include the following: Any cost associated with a fire department response to accomplish control and mitigation of an unauthorized discharge may be charged back to the person, firm or corporation responsible for the release.

Sec. 58-100. Storage of Flammable or Combustible Liquids.

(a) The storage of flammable or combustible liquids in an outside above ground storage tank is prohibited.

Exceptions:

1. An exception may be granted by the fire marshal during an emergency operation, at construction sites, and other locations where underground installations cannot be utilized. At no time will the sale or distribution of flammable or combustible liquids be allowed from above ground storage tanks by gravity, portable pump powered by vehicle batteries or pneumatic pressure.

2. Above ground fuel tanks that comply with IFC Chapter 34 may be allowed for commercial and retail purposes when permitted by the fire marshal.

(b) The storage of flammable or combustible liquids at construction sites shall require a permit from the fire marshal's office. All fuel tanks shall be at least ten feet (10') off the roadway and shall be provided with impact protection.

Sec. 58-101. Amendments Storage and Distribution of Liquefied Petroleum Gas (LPG), Compresses Natural Gas (CNG) and Liquefied Natural Gas (LNG).

(a) The storage, sale, and distribution of LPG, CNG and LNG shall be in compliance with the rules and regulations established by the Texas Railroad Commission and the provisions of the International Fire Code.

(b) The use of LPG, CNG or LNG as a heating or cooking fuel shall be prohibited where natural gas service is available. The fire marshal shall approve the size and location of LPG, CNG and LNG storage tanks.

(c) LPG storage shall not exceed two hundred fifty (250) gallons per installation unless approved by the fire marshal.

(d) Storage tanks shall be installed a minimum of ten feet (10') from all ignitions sources and five feet (5') from all property lines and structures.

(e) A permit shall be required for the installation and/or removal of any LPG, CNG or LNG container or equipment. The permit shall be obtained before the start of any work and the cost of the permit shall be by the City of Bedford fee schedule.

(f) Where portable LPG containers are required for jewelry repair, dental labs, portable cookers, and other services, individual containers shall not exceed twenty (20) pound water capacity and the aggregate capacity on premises shall not exceed sixty (60) pounds water capacity (three (3) containers). Each container shall be separated from other containers by a distance of not less than twenty feet (20').

Exemption: Such events where commercial outdoor cooking is required provided a permit is issued by the City of Bedford and the site is inspected by the fire marshal's office.

(g) It shall be a violation of this code to dispense LPG, CNG or LNG from a vehicle parked on a public street or roadway.

Sec. 58-102. Storage of explosives or blasting agents.

(a) The storage of explosives or blasting agents within the city is prohibited without a permit from the fire marshal.

(b) All use and storage of explosives and blasting agents shall be in compliance with the standards of the National Fire Code and Chapter.

Sec. 58-103. Appeal from decision of fire marshal.

(a) Whenever the fire marshal disapproves an application, or refuses a permit applied for, or when it is claimed that the provisions of this code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the fire marshal to the building and standards commission.

(b) An application for appeal shall be filed in accordance with the provisions of section 22-35, Code of Ordinances.

Sec. 58-104. Penalty.

(a) Any person who shall violate any of the provisions of this article or shall fail to comply therewith or with any requirement thereof shall be deemed guilty of a misdemeanor and shall be liable to a fine and, upon conviction of any such violation, shall be fined up to the maximum amount allowed by law.

(b) This provision is intended to comply the state and local law relating to penalties and the provisions of Section 109.3 (IFC)

SECTION 2. That all other ordinances in conflict herewith are hereby repealed.

SECTION 3. That if any section, paragraph, clause, phrase, or provision of this ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after its passage and publication as required by law.

PRESENTED AND PASSED this 12th day of October 2010, by a vote of 6 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney