

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO: 2019-153

AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE, WITH AMENDMENTS AS STATED HEREIN AND REPEALING ALL ORDINANCES ADOPTING PRIOR VERSIONS OF THE INTERNATIONAL FIRE CODE; PROVIDING FOR ENFORCEMENT, INCLUDING CIVIL AND CRIMINAL PENALTIES; AND PROVIDING A SEVERABILITY CLAUSE, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Sandy Oaks, Texas (“City”) to protect the public health, safety, and welfare; and

WHEREAS, the City Council seeks to protect the citizens of the City, from conditions hazardous to life or property related to fire protection; and

WHEREAS, the City Council finds it to be in the best interest of the public to provide for a building code to regulate and govern conditions and maintenance of all property, buildings, and structures; and

WHEREAS, the City Council finds it necessary that current policies and procedures of the City be consistent with state and federal statutes and laws; and

WHEREAS, the City Council is of the opinion that the 2018 Edition of the International Fire Code should be approved and adopted as the Fire Code of the City, with amendments as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS;

SECTION 1. FINDINGS OF FACT. That all of the above recitals are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. FIRE CODE

(a) Adoption of the 2018 Edition of the International Fire Code. The City Council hereby adopts the 2018 Edition of the International Fire Code and all appendices thereto, except as modified or amended in this Ordinance. The regulations referenced in this Ordinance shall be applied as part of the 2018 Edition of the International Fire Code unless the fire code official determines and approves compliance with these standards through an alternative method or regulation.

(b) Amendments to the 2018 Edition of the International Fire Code.

1. Section 103 of the 2018 Edition of the International Fire Code shall be amended to read as follows:

~~[A]103.2 Appointment.~~

~~The *fire code official* shall be appointed by the chief appointing authority of the jurisdiction; and the *fire code official* shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.~~

[A]103-2 Appointment.

The *fire code official* shall be appointed by the City Council; and the *fire code official* may be removed from office by a majority vote of the City Council.

2. Section 401 of the 2018 Edition of the International Fire Code shall be amended to read as follows:

~~401.1 Scope.~~

~~Reporting of emergencies, coordination, with emergency response forces, emergency plans and procedures for managing or responding to emergencies shall comply with the provisions of this section.~~

~~Exception: Firms that have *approved on-premises fire-fighting organizations* and that are in compliance with *approved procedures for fire reporting*.~~

401.1 Scope.

The Fire Department shall determine and enforce the requirements of Chapter 4 as necessary and will keep all required records.

3. Section B105 of the 2018 Edition of the International Fire Code Appendix B shall be amended to read as follows:

~~B105.1 One- and two-family dwellings, Group R-3 and R-4 Buildings and Townhouses.~~

~~The minimum fire-flow and flow duration requirements for one- and two-family *dwellings*, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables 105.1(1) and 105.1(2).~~

B105.1 One- and two-family dwellings.

The minimum fire-flow requirements for one- and two-family *dwellings* shall be 1,000 gallons per minute (3785.4 L/min).

4. Section C103 of the 2018 Edition of the International Fire Code shall be amended to read as follows:

~~C103.1 Hydrant spacing.~~

~~Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the *International Fire Code* shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3.~~

C103.1 Hydrant spacing.

Hydrant distribution and spacing shall be as listed in Table C102.1 or as approved by the fire code official.

SECTION 3. ENFORCEMENT

(a) The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

(b) Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not to exceed TWO THOUSAND DOLLARS (\$2,000.00), except as may be otherwise expressly provided herein or by state law. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

(c) Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

1. Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;
2. A civil penalty up to ONE THOUSAND DOLLARS (\$1,000.00) a day if in a civil suit the City proves (1) the defendant was actually notified of the provisions of the ordinance; and (2) after the defendant received notice of the ordinance provisions, the defendant committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance. A civil penalty may not exceed ONE THOUSAND DOLLARS (\$1,000.00) a day for a violation of this ordinance; and
3. Other available relief as provided by ordinance or state law.

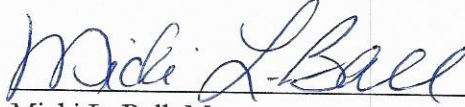
(d) The penalties provided for in this section are in addition to any other enforcement remedies that the City may have under other City ordinances or state law.

SECTION 4. SEVERABILITY. That if any section, subdivision, clause, phrase or section of this ordinance be adjudged or held unconstitutional, unenforceable or invalid, the same shall not affect the validity of this ordinance as a whole or any part hereof other than the part so decided to be unconstitutional, unenforceable or invalid, and the same shall not affect the validity of the City's ordinances as a whole.

SECTION 5. PUBLICATION. That the City Clerk is hereby ordered and directed to cause this ordinance to be published in every issue of the official newspaper for two days or one issue of the newspaper if the official newspaper is a weekly paper as required by section 52.011 of the Local Government Code.


SECTION 6. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect when the publication requirement is satisfied.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER 2019.



Micki L. Ball, Mayor

ATTEST:


Katherine Yelton, City Secretary