

ORDINANCE NO. 2002 - 16

AN ORDINANCE AMENDING SECTIONS 9-1, 9-2, AND 9-3 OF THE VICTORIA CITY CODE TO ADOPT THE "INTERNATIONAL FIRE CODE, 2000 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AS AMENDED HEREIN, PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 UPON CONVICTION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Sections 9-1, 9-2, and 9-3 of the Victoria City Code are amended to read as follows:

Sec. 9-1. International Fire Code--Adopted.

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain code known as the International Fire Code, 2000 Edition, published by the International Code Council, save and except such portions as are deleted, modified, or amended by this article, of which a copy is on file with the City Secretary and the Victoria Fire Department, and the International Fire Code, 2000 Edition, is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of this city.

Sec. 9-2. Same--Definitions.

(a) Whenever the words "fire official" are used in the International Fire Code they shall be held to mean the Fire Marshal of the City of Victoria.

(b) Whenever the words "chief of the fire department" are used in the International Fire Code, they shall be held to mean the Chief of the Victoria Fire Department or that Chief's authorized representative.

Sec. 9-3. Amendments to the Fire Code

The following sections of the International Fire Code are hereby amended, added or deleted as hereinafter indicated:

(1) Section 105, Permits, is hereby deleted.

(2) Section 107.1, Maintenance, is hereby amended to read as follows:

Maintenance of Safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall hereafter be continuously maintained in accordance with this code and applicable referenced standards.

(3) Section 107.4, Rendering equipment inoperable, is hereby amended to read as follows:

Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing. The fire official shall be notified before disconnection and interruption of any fire protection, tests, repairs, alterations or additions are started, and upon its completion, and shall be advised of the extent of and reason for such work. Protection shall be restored promptly. All fire extinguishers located at or within a business, excluding government agencies, shall be inspected on an annual basis, by a person licensed by the State of Texas to perform such services.

(4) Section 903.3.7, Automatic sprinkler systems, is hereby amended to read as follows:

Fire department connections shall be either valve pit or wall mounted connections. These connections must meet the requirements for Public Works Construction and N.F.P.A. Standard No.13. The fire official must approve the style and location of these connections prior to installation and the connection must be near, but not greater than a distance of 100' from a fire hydrant of sufficient capacity.

(5) Section 1011.5, Maintenance of the Means of Egress is amended to add Section 1011.5, Rescue Line Anchors, which will read as follows:

1011.5 Rescue Line Anchors. Buildings at least 4, and not more than 20, stories in height shall be equipped with rescue line anchors meeting the specifications and installed as prescribed herein.

(a) Specifications:

- 1. Anchors shall be constructed of steel or other metal of equivalent structural strength that forms a ring eye not less than 6 inches in diameter.
- 2. Anchors shall be constructed to withstand a load of at least 15,000 pounds.

(b) Installation:

- 1. Anchors shall be installed on top of the building in a manner that makes a triangular pattern of anchors available for use on each side of the building. The exact pattern for installation shall be approved by the fire official.
- 2. Anchors shall be installed to withstand a load of at least 15,000 pounds.
- 3. Anchors shall be installed and maintained in a manner that prevents corrosion.

(6) Section 3301, General, is amended to add Section 3301.7, which will read as follows:

3301.7 Fireworks Prohibited in or within 5,000 feet of City Limits. Unless possessed pursuant to a permit issued under Section 3308.2, it shall be unlawful for any person to manufacture, possess, store, transport, offer for sale, expose for sale, sell or use or explode any fireworks within the city or within 5,000 feet of the limits of the City of Victoria.

Unless possessed pursuant to a permit issued under Section 3308.2, the presence of any fireworks within the city or within 5,000 feet of the limits of the City of Victoria in violation of this chapter is hereby declared to be a nuisance. The fire marshal is hereby directed and required to seize and cause to be destroyed any fireworks found within the jurisdiction in violation of this division and any member of the fire prevention division of the fire department of the City of Victoria or any police officer of the City of Victoria or any other peace officer is empowered to stop the transportation of and detain any fireworks found being transported illegally or to close any building where any fireworks are found stored illegally until the fire marshal can be notified in order that said fireworks may be seized and destroyed in accordance with the terms of this section. Notwithstanding any penal provision of this division, the city attorney is authorized to file suit on behalf of the city or the fire marshal or both for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or using of fireworks within the jurisdiction of the City of Victoria and to aid the fire marshal in the discharge of such official's duties and to particularly prevent any person from interfering or attempting to interfere with the seizure and destruction of such fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure and destruction. The fire marshal or any member of the fire prevention division of the fire department of the city is hereby authorized to enter any building where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.

In any instance where the fire marshal or any other duly authorized member of the fire department has probable cause to believe that fireworks are being stored in a building they shall promptly enter the building for the purpose of inspection and it shall be the duty of the owner or lessee, or their agents, to open and permit the entry to the building.

(7) Section 3308, Fireworks Display, is amended to add Section 3308.2.1, Permitted Fireworks Displays, which will read as follows:

It shall be lawful for a person to a conduct fireworks display in the city or within 5,000 feet of the limits of the city provided a permit has been obtained for such purposes from the fire marshal. An application for a permit shall be made in writing at least 10 days in advance of the date of display. After such privilege shall be granted, possession

and use for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

The following requirements must be met by an applicant in order to obtain a permit approval of the fire marshal for a fireworks display. The applicant shall

1. Furnish a certificate of insurance to the city showing liability insurance coverage in the minimum amount of \$300,000.00 per occurrence for personal injuries and \$100,000.00 per occurrence for property damage arising out of the permitted display and arising from any acts of the permittee, or permittee's agents or employees. If the permittee is to conduct the fireworks display on City property, then the insurance certificate shall name the city as an additional insured.
2. Furnish written permission from the property owner where the display is to be located.
3. Provide a qualified pyrotechnic technician who will be present at all times during the display.
4. Employ a sufficient amount of firefighters to properly man a pumper and additional fire fighters to enforce the fire codes for public safety during the display.
5. Allow only persons who are under the direct supervision of the pyrotechnic technician to discharge the fireworks.
6. Employ personnel to man an ambulance during the display.

(8) Appendices C and D are amended to provide that the provisions of said appendices are not mandatory, but may be used as a basis for the exercise of discretion by the fire official.

2.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined any sum not to exceed \$2,000.00 as provided in Section 1 -8 of the City Code.

3.

In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this ordinance by injunction issued by a court of competent jurisdiction.

4.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

5.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

6.

The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

7.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly.

8.

The City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after passage of the ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, Section 10 of the City Charter.

9.

The provisions of this ordinance shall become effective 10 days after adoption of this ordinance.

PASSED FIRST READING, this the ~~26th~~ day of ~~September~~ 2002.

AYES: 6
NAYS: 0
ABSTENTIONS: 0

PASSED SECOND READING, this the 1st day of October, 2002.


AYES: 6
NAYS: 0

ABSTENTIONS: 0
PASSED THIRD READING, this the 14th day of October, 2002.
AYES: 6
NAYS: 0
ABSTENTIONS: 0
APPROVED AND ADOPTED, this the 14th day of October 2002.

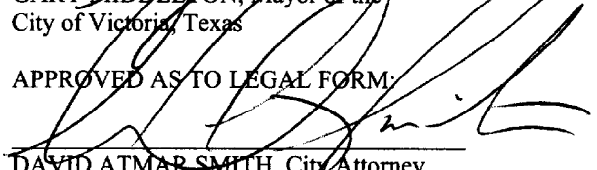


ATTEST:


SCARLET SWOBODA, City Secretary


GARY MIDDLETON, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:


DAVID ATMAR SMITH, City Attorney

Distribution: Legal Department
Victoria Fire Department
Building and Environmental Inspection Department
The Victoria Advocate

Copies Sent: October 15, 2002