



**CITY OF TYLER, TEXAS
CITY COUNCIL COMMUNICATION**

Agenda Number: O-3

Date: February 28, 2007

Subject: Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 6 to adopt the 2006 International Fire Code with amendments.

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Item Reference: Tyler City Code Section 6-120; Sections 6-122 through 6-123

ADOPTION OF 2006 INTERNATIONAL FIRE CODE AND AMENDMENTS

On March 22, 2006, the City Council adopted the 2003 Edition of the International Fire Prevention Code. This is one of the standard technical codes that are used nationwide.

The Fire Department has reviewed, and recommends adoption of, the 2006 Edition of the International Fire Code (IFC), along with the amendments described below. Adoption of the 2006 International Fire Code will facilitate proper inspection activities by the City of Tyler relating to fire hazards.

**IMPORTANT AMENDMENTS TO THE 2006 INTERNATIONAL FIRE CODE
INCLUDE THE FOLLOWING:**

New Section 101.2.2. Scope. A specific provision is added so that the International Fire Code shall apply at Tyler Pounds Regional Airport. This is consistent with current practice, but it is recommended that this be explicitly stated in the ordinance.

Section 102.6. When provisions of the 2006 International Fire Code do not apply to specific situations, then compliance with nationally recognized standards or publications listed in the 2006 International Fire Code shall be evidence of compliance with the Code, when not in conflict with the 2006 International Building Code and City Code Chapter 6.

Section 103. Appoints the Fire Chief or designee as the "Fire Code Official" primarily responsible for enforcing the 2006 International Fire Code [Section 103.2]. References to removal from office are deleted, as this is already governed by City Charter, City Code, and City Policy. References to appointment of "deputies" in Section 103.3 are deleted. Deletes the liability provisions in Section 103.4 and the legal defense wording in Section 103.4.1.1, as liability of City officials, City employees, and members of City boards is already governed by City Code Section 2-62.

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Section 108. This section on the “Board of Appeals” is deleted and is replaced with the current ordinance language relating to the “Construction Board of Adjustment and Appeals”.

New Sections 110.5, 110.5.1, 110.6, 110.6.1, and 110.6.1.1. Adopts the following amendments to the: Section 110.5 (securing of burned buildings within 48 hours after a fire); Section 110.5.1 (materials to comply with Building and Residential Codes within 6 months after a fire); Section 110.6 (requirements for removal of debris or partially burned building after a fire); Section 110.6.1 (requirements relating to obtaining a permit in order to repair a burned building), and Section 110.6.1.1 (requirements for means/materials used to secure/repair a partially burned building).

Sections 307.1 through 307.4. Outdoor Burning. These sections are deleted and replaced with the City’s current outdoor burning ordinance language.

New Section 310.9. Smoking. Adds a reference to the City’s current Smoking Ordinance in City Code Chapter 4, Article II.

Section 311.5. This section is a change from the 2003 Edition, and requires any building deemed to be unsafe under IFC Section 110 to be placarded. City Code Chapter 7 already establishes a procedure for handling substandard buildings that tracks State law, and contains tagging requirements for substandard buildings. Due to the restrictive placard provisions in Section 311.5, and in order to avoid conflicts with City Code Chapter 7, IFC Section 311.5 is deleted.

Section 508.5.1. Fire Hydrant Spacing. Section 508.5.1 currently states that where a portion of a facility or building constructed or moved within the jurisdiction is more than 400 feet from a hydrant on a 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 Code Official. The current exceptions are for 1) Group R-3 and U occupancies, in which the distance requirement shall be 600 feet; and 2) the distance shall be 600 feet for buildings equipped without an automatic sprinkler system.

As with the amendment to the 2003 International Fire Code, the Fire Department again recommends that Section 508.5.1 be amended to provide that where a portion of a facility or building constructed or moved within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official. Maximum spacing along fire access roads shall be 500 feet in residential areas and 300 feet in commercial areas. For buildings equipped with an approved automatic sprinkler system, the distance requirement shall be 600 feet. The above changes are needed to reconcile differences between the Water Department requirements and the International Fire Code.

New Section 2206.2.3.1. Adopts current amendment language. The storage of flammable or combustible liquids in above ground tanks outside of buildings is prohibited within the Fire District.

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New Section 2211.9. Adopts current amendment language. Fuel tanks of motor vehicles must be filled directly through approved hose from approved pumps attached to approved portable tanks or drawing from approved storage tanks. Storage and handling of combustible liquids shall be governed by Chapter 34 of the 2006 International Fire Code. No transfer of gasoline in any garage shall be made in any open container, and if the fuel tank of a vehicle is drained then it shall be drained outside of any building.

Chapter 45. Chapter 45 relating to “Referenced Standards” is deleted, and Standards are instead mentioned in Section 102.6.

Appendices. Section 101.2.1 of the 2006 International Fire Code states that the provisions in the appendices shall not apply unless specifically adopted. The attached draft specifically states that Appendices A (Board of Appeals), B (Fire-Flow Requirements for Buildings), and C (Fire Hydrant Locations and Distribution) are expressly deleted. Appendices E (Hazard Categories), F (Hazard Ranking), and G (Cryogenic Fluids – Weight and Volume Equivalents) are expressly adopted.

Appendix D. Fire Apparatus Roads/Fire Apparatus Road Gates. Similar to the 2003 Fire Code, the Fire Department recommends adoption of Appendix D relating to fire apparatus access roads, with certain amendments. Drawings related to access road width with a hydrant are deleted. Provisions relating to dead end access turnaround are also deleted. The minimum gate width of fire apparatus access road gates shall be 20 feet, unless otherwise approved by the Fire Code Official. The Fire Department previously determined that in many instances, 14 feet is sufficient for Fire Department access. Also, manual-opening gates shall not be locked with a padlock or chain and padlock unless of a type approved by the Fire Code Official. Per the recommendation of the Fire Department, the attached ordinance deletes Section D104 relating to commercial developments, Section D106 relating to multiple-family residential developments, and Section D107 relating to one- or two-family residential developments.

The Construction Board of Adjustment and Appeals has reviewed these changes and recommends adoption. The Construction Board also recommends that City Staff provide a training session for persons to be affected by the Fire Code amendments.

Please see the attached list of significant changes from the 2003 International Fire Code.

RECOMMENDATION:

It is recommended that the City Council adopt an ordinance amending Tyler City Code Chapter 6 to adopt the 2006 International Fire Code with amendments.

**Drafted/Recommended By:
Department Leader**



Neal Franklin, Fire Chief

**Edited/Submitted By:
City Manager**

Significant Changes Between the 2003 and 2006 International Fire Codes

2003 Section	2006 Section	Page (old, new)	Comments
			Re-adopt Fire District Ordinance.
102.3	102.3	1	Change of use or occupancy. This change clarifies that any change of use or occupancy will require the building to meet IBC requirements for the new occupancy or use. No real change in intent.
102.5	102.5	1	Historic Buildings. Was deleted in 2003 IFC. Due to rewording, this section should now be retained. It now exempts designated historic buildings, but requires them to have an approved fire protection plan. Requirements for Fire Safety can be found in Section 1103 of the International Existing Building Code.
102.6	102.6	1	Referenced codes and standards. Delete section 102.6 and readopt current amendment. Also delete Chapter 45 on same.
103	103	2	Code Official. Delete Sections 103.3, 103.4, and 103.4.1 in their entirety, and amend Section 103.2 with current amendment.
108	108	11, 10	Construction Board of Adjustment and Appeals. Delete Section 108 in its entirety and readopt local amendment.
110.5	add	12	Readopt local amendment relating to burned buildings. Note the Legal Dept. is working on strengthening this amendment.
Definitions	Definitions	19	High-Hazard Group H. Clarifies when occupancies are High Hazard and when they are not. Seems to help eliminate earlier confusion.
307	replace	26, 28	Open burning; Delete sections 307.1 thru 307.4 and readopt local amendment related to open burning.
310.9	add	28, 31	No Smoking Ordinance. Add city ordinance as new section 310.9 but leave other no smoking provisions intact.
	308.3.8	30	New section prohibits candles, incense, etc. in dormitories.
	311.5	32	Any building deemed unsafe under Section 110 of IFC must be placarded. This section deleted.
408.3	408.3	36, 38	This change adds college dormitories to the groups of schools that must hold fire drills.
508.5.1	508.5.1	41, 43	Fire hydrant spacing. Readopt current amendment which spaces hydrants at 300 feet for commercial, 500 feet for residential and 600 feet if building is sprinklered.
903.2.1.2	903.2.1.2	65, 69	Group A-2 Assembly, Restaurants and nightclubs. Will now require fire sprinklers at 100 occupants instead of 300.
904.11.1	904.11.1	71, 76	Changes the height of a manual pull for an automatic fire extinguishing systems in commercial kitchens from 4-5 feet to 42-48 inches.
1004.1.1	Deleted	99, 105	Deleted section relating to actual number of occupants building is designed for.
New	1004.1.1	105	Added provision to allow Building Official to set an occupant load less than the design occupant load, if the building's actual use indicates a lower number is intended.
1004.2	1004.2	100,	Changes the absolute minimum required area per occupant

		105	from 5 sq. ft. to 7 sq. ft.
1008.1.8.7	1008.1.8.7	107, 114	In stairways serving not more than 4 stories, doors are permitted to be locked from the inside. The new requirement requires them to be capable of being simultaneously remotely unlocked without unlatching from the fire command center or another similar location.
Table 1014.1	Table 1015.1	115, 122	Changes the maximum occupant load for a single exit for day care from 50 to 10 persons.
New	1009.5.3	116	Enclosures under stairwells. Provides that enclosed areas under most stairwells must be protected with 1 hour fire resistance.
1013.2	1014.2	113, 120	Egress through intervening spaces. Allows egress through storage areas in some instances and under some conditions in M occupancies.
2206.2.3.1	Add 2206.2.3.1	188, 200	Readopt local amendment 2206.2.3.1. Above ground tanks are prohibited in the Fire District
2211.9	Add 2211.9	200, 213	Readopt local amendment 2211.9 Contains restrictions on draining fuel tanks and storage of fuel in garages.
Chapter 45 deleted	delete	361, 383	Referenced codes and standards. Delete and replace with new section 102.6, following current amendment.
Appendices	Readopt		A (Board of Appeals), B (Fire-flow Requirements), and C (Fire Hydrant Locations and Distribution) are deleted in entirety. Readopt Appendices E (Hazard Categories), F (Hazard Ranking), and G (Cryogenic Fluids).
Appendix D		375, 397	Readopt changes to Appendix D. Make the following changes:
Previously deleted	Section 105	376, 398	Adopt Section D105.
			This section requires a 26 foot wide fire access road in the vicinity of buildings for buildings exceeding 30 feet [basically 3 or more stories] above the fire vehicle access grade. Overhead power and utility lines are not allowed in the vicinity of potential aerial ladder use.
			At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
			<i>Note: Section 503.2.1 requires a minimum width for fire apparatus access roads of 20 feet. Section 503.2.2 allows the fire code official to increase this width where needed for firefighting operations. Appendix Section D103.1, which is currently adopted, requires a minimum road width of 26 feet where fire hydrants are present. With these sections in mind, and the fact that we send an aerial apparatus to all structure fires, the Fire Department believes that in order to clarify when 26 feet will be required, Section 105 of Appendix D should be adopted. This section clear identifies those areas where the increased width is needed.</i>

ORDINANCE NO. O-2007-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6, "BUILDINGS AND STRUCTURES", ARTICLE VIII., "FIRE PREVENTION", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, RELATING TO ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE WITH AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety, and welfare; and

WHEREAS, the 2003 International Fire Code with local amendments is currently in effect; and

WHEREAS, the Fire Department has reviewed the 2006 International Fire Code and recommends its adoption with some local amendments; and

WHEREAS, the 2006 International Fire Code with amendments as recommended by the Construction Board of Adjustment and Appeals should be adopted;

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

PART 1: That Tyler City Code Chapter 6, "Buildings and Structures", Article VIII., "Fire Prevention", is hereby amended by amending Section 6-122 to read as follows:

Sec. 6-122. Fire Prevention Code-Adoption.

The International Fire Prevention Code, 2006 edition, with amendments as set out in Section 6-123, is hereby adopted. (Ord. No. O-96-5, 1-24-96) (Ord. No. O-2001-64, 12/5/2001) (Ord. No. 0-2006-33; 3/22/06) (Ord. No. 0-2007-25; 2/28/07)

PART 2: That Tyler City Code Chapter 6, "Buildings and Structures", Article VIII., "Fire Prevention", is hereby amended by deleting current Section 6-123 in its entirety and adopting a new Section 6-123 to read as follows:

Sec. 6-123. Fire Code-Amendments.

- a. Section 101 is amended by adopting a new Section 101.2.2. to read as follows:

Section 101.2.2. Applicability to Airport. The provisions of this code shall apply to Tyler Pounds Regional Airport. (Ord. No. 0-2007-25; 2/28/07)

- b. Section 102.6 is deleted in its entirety and a new Section 102.6 is adopted as follows:

102.6. General. Where provisions of this Code do not apply to specific situations involving the protection of life and property from the hazards of fire, smoke and explosion, compliance with the most current editions of nationally recognized standards or publications listed in Code, when not in conflict with the provisions of the International Building Code or City Code Chapter 6, shall be evidence of compliance with this Code. (Ord. No. 0-2007-25; 2/28/07)

c. Section 103 is amended by deleting Sections 103.3, 103.4, and 103.4.1 in their entirety, and amending Section 103.2 to read as follows:

103.2. Appointment and liability. The Fire Chief or designee is hereby designated as the fire code official. Indemnification of City officials, City employees, and members of City appointed boards is governed by City Code Section 2-62. (Ord. No. 0-2007-25; 2/28/07)

d. Section 108 is deleted in its entirety and new Section 108 is adopted as follows:

108. Construction Board of Adjustment and Appeals

108.1. Appointment.

There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The Board shall be appointed by the applicable governing body.

108.2. Membership and Terms.

108.2.1. Membership. The Construction Board of Adjustment and Appeals should consist of seven members. Such board members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. At least one regular member shall have either a Master Electrician's license or be a licensed electrical engineer. In addition to the regular members, there should be two alternate members, one member at large from the building industry and one member at large from the public. A board member shall not act in a case in which the member has a personal or financial interest. Terms shall be as set forth in City Code Section 1-20

108.2.2. Quorum and Voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the fire code official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

108.2.3. Secretary of Board. The building official shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

108.3. Powers.

The Construction Board of Adjustment and Appeals shall have the power, as further defined in 108.4, to hear appeals of decisions and interpretations of the fire code official and consider variances of the technical codes.

108.4. Appeals

108.4.1. Decision of the fire code official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the fire code official one of the following conditions are claimed to exist:

1. The fire code official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

108.4.2. Variances. The Construction Board of Adjustment and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and welfare.

108.4.2.1. Conditions of the Variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the

variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

108.4.3. Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the fire code official. Appeals shall be in a form acceptable to the fire code official.

108.4.4. Unsafe or Dangerous Buildings or Service Systems. In the case of a building, structure or service system which, in the opinion of the fire code official, is unsafe, unsanitary or dangerous, the fire code official may, in the order, limit the time for such appeals to a shorter period.

108.5. Procedures of the Board.

108.5.1. Rules and Regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairperson. The board shall meet within 30 calendar days after notice of appeal has been received.

108.5.2. Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the fire code official or varies the application of any provision of this code, the fire code official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity. (Ord. No. 0-2007-25; 2/28/07)

e. Section 110 is amended by adding a new Section 110.5 to read as follows:

Section 110.5. Securing of burned buildings within 48 hours after fire.

Whenever any building or other structure in the City is partially burned, the owner thereof, or the person in charge or control thereof, shall secure all windows, doors, or other structural openings of the building or structure to prevent access by unauthorized persons within forty-eight (48) hours of the occurrence of the fire. A burned building or structure shall be considered as properly secured when access to the interior is prevented by:

1. The use of window locks, door locks, padlocks, or other appropriate locking mechanisms; or
2. Completely enclosing over structural openings with appropriate building materials; or
3. Totally enclosing the building with a temporary chain link construction fence at least six (6) feet in height that is locked during non-construction periods; or
4. Other acceptable means of securing the building approved by the Fire Chief or designee upon written request of the owner, contractor, or other person in control of the premises. (Ord. No. 0-2007-25; 2/28/07)

f. Section 110 is amended by adding a new Section 110.5.1 to read as follows:

Section 110.5.1. Materials to comply with Building and Residential Codes within 6 months after fire.

Whenever any building or other structure in the City is partially burned, the means and materials used to secure and/or repair the building or structure shall, within six (6) months of the occurrence of the fire, meet either Building Code or Residential Code requirements, as applicable. (Ord. No. 0-2007-25; 2/28/07)

g. Section 110 is amended by adding a new Section 110.6 to read as follows:

Section 110.6. Removal of debris or partially burned building after fire.

The owner or person in control of or in possession of any premises in the City upon which any material substances have been rendered useless or unmerchantable by reason of any fire on such premises, or any debris resulting from such fire, shall remove the same from such premises after written notice to do so has been served by the fire code official.

Whenever any building or other structure in the City is partially burned, the owner thereof, or the person in charge or control thereof, shall within ten (10) days after written notice from the fire code official to do so, remove all refuse, debris, charred and partially burned lumber and material from the premises. If said building or other structure shall be burned to such an extent that it is rendered incapable of being repaired as required by this Code or any other ordinance, the owner of the property upon which same is located or any person in charge or control thereof, shall within ten (10) days after notice from the fire code official to do so, apply for and obtain a permit from the Development Services Department to remove all of the remaining portion of the building or structure from the ground.

The fire code official may extend the ten-day period for removal of such burned or partially burned building when the insurance adjustment, if any, is still pending, but not to exceed one hundred eighty (180) days. (Ord. No. 0-2007-25; 2/28/07)

h. Section 110 is amended by adding a new Section 110.6.1 to read as follows:

Section 110.6.1. Permit required to remedy burned buildings.

Whenever any building or other structure in the City is partially burned, the owner thereof, or the person in charge or control thereof, shall within sixty (60) days after written notice to remove or repair the building has been served by the fire code official, apply for and obtain a permit from the Development Services Department to repair the building or other structure. The fire code official, following consultation with the Development Service Department, may extend the sixty (60) day period for good and satisfactory reasons, as determined by the fire code official in his/her sole discretion. (Ord. No. 0-2007-25; 2/28/07)

i. Section 110 is amended by adding a new Section 110.6.1.1 to read as follows:

Section 110.6.1.1. Requirements for means/materials used to secure/repair burned buildings.

Whenever any building or other structure in the City is partially burned, the means and materials used to secure and/or repair the building or structure shall, within six (6) months of the occurrence of the fire, meet either Building Code or Residential Building Code requirements, as applicable. (Ord. No. 0-2007-25; 2/28/07)

j. Sections 307.1 through 307.4 are deleted in their entirety and are replaced with a new Section 307.1 to read as follows:

307.1. Outdoor burning. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained by upon any premises within the City limits.

Exceptions:

1. Owners of individual, residentially zoned lots two (2) acres or larger may burn trees, brush and other plant growth on said lots if for purposes of maintenance or land clearing only and not for purposes of residential or commercial development, and if no practical alternative to burning exists, and if materials to be burned are generated solely on such property. No other materials, including household garbage, leaves, grass, and commercial wastes, shall be burned.

2. If a violent weather condition destroys buildings, trees or other vegetation, and clean-up is of the essence, burning of storm debris in residentially zoned areas may be allowed if it can be shown that burning would substantially expedite the clean-up; and if no practical alternative exists.

3. Any burning carried out pursuant to subsections 1. or 2 above must conform to State law and to TCEQ or successor Rules.

4. Any burning carried out pursuant to subsection 1. or 2. above shall not be conducted on any Ozone Action Day designated by the TCEQ or successor, and such burning shall not be conducted on any day in which there is in effect an order issued by Smith County that prohibits outdoor burning in unincorporated areas of Smith County due to drought conditions. (Ord. No. 0-2007-25; 2/28/07)

k. Section 310 is amended by adding a new Section 310.9 to read as follows:

310.9. Smoking. In addition to this Section, smoking regulations are located in City Code Chapter 4, Article II. (Ord. No. 0-2007-25; 2/28/07)

1. Section 311.5 is deleted in its entirety.

m. Section 508.5.1 is hereby amended to read as follows:

508.5.1. Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a 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 code official.

Maximum spacing along fire apparatus roads shall be 500 feet in residential areas and 300 feet in commercial areas.

Exceptions:

For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 mm). (Ord. No. 0-2007-25; 2/28/07)

n. Section 2206 is amended by adding a new Section 2206.2.3.1 to read as follows:

2206.2.3.1. Flammable or combustible liquids in above ground tanks outside of buildings prohibited in Fire District. The storage of flammable or combustible liquids in above ground tanks outside of buildings is prohibited within the Fire District as defined in City Code Section 6-120. (Ord. No. 0-2007-25; 2/28/07)

o. Section 2211 is amended by adding a new Section 2211.9 to read as follows:

2211.9. Fuel tanks, storage and handling of flammable or combustible materials, and transfer of gasoline in garages. The fuel tanks of motor vehicles shall be filled directly through approved hose from approved pumps attached to approved portable tanks or drawing from approved storage tanks. Storage and handling of flammable or combustible liquids shall conform to Chapter 34 of this Code. No transfer of gasoline in any garage shall be made in any open container and if the fuel tank of a vehicle is drained for any purpose, it shall be drained outside of any building. (Ord. No. 0-2007-25; 2/28/07)

p. Chapter 45 is deleted in its entirety.

q. Appendices A, B and C are deleted in their entirety. Appendices E, F and G are hereby adopted. Appendix D is hereby adopted, and is amended as set forth herein. (Ord. No. 0-2007-25; 2/28/07)

r. Section D103.1 is hereby amended to read as follows:

D103.1. Access road with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). Delete Figure D103.1 in its entirety. (Ord. No. 0-2007-25; 2/28/07)

s. Section D103.4 and Table D103.4 are deleted in their entirety.

t. Section D103.5 is amended to read as follows:

D.103.5. Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm), unless otherwise approved by the fire code official.

2. Gates shall be the swinging or sliding type.

3. Construction of gates shall be of materials that allow manual operation by one person.

4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices are subject to approval by the fire code official.

6. Manual opening gates shall not be locked with a padlock or chain and padlock unless approved by the fire code official.

7. Locking device specifications shall be submitted for approval by the fire code official. (Ord. No. 0-2007-25; 2/28/07)

u. Sections D104, D106 and D107 are deleted in their entirety.

(Ord. No. O-96-5, 1-24-96; Ord. No. O-96-47, 6-5-96) (Ord. No. 0-2001-64, 12/5/2001) (Ord. No. 0-2006-33; 3/22/06) (Ord. No. 0-2007-25; 2/28/07)

PART 4: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 5: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be March 2, 2007.

PASSED AND APPROVED this 28th day of February, A. D., 2007.

JOSEPH O. SEEBER, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY