

ORDINANCE NO. 2017-15

AN ORDINANCE OF THE CITY OF BURNET AMENDING CODE OF ORDINANCES CHAPTER 22 BY REPEALING SECTION 22-160 – ADOPTION OF THE INTERNATIONAL FIRE CODE, 2009 EDITION FOR THE PURPOSE OF ESTABLISHING A NEW SECTION 22-160 – ADOPTION OF THE INTERNATIONAL FIRE CODE, 2015 EDITION; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE:

WHEREAS, The City Council has determined that adoption and enforcement of an up to date and effective fire code is necessary for the preservation of the health, safety, general welfare and morals of the community; and

WHEREAS, the City Council has further determined that the 2015 edition of the International Fire Code published by the International Code Council, is such an up to date and effective code; and

WHEREAS, Council desires to adopt said up to date and effective code for the purpose of protecting the health, safety, general welfare and morals of the community:

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

The City Council of the City of Burnet does ordain as follows:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Section 22-160 – Adoption of the International Fire Codes, 2009 edition is hereby repealed and a new Section 22-160 – International Fire Code is establishes as follows:

(a) The International Fire Code, 2015 edition, a copy of which in on file in the office of the City Secretary, is hereby adopted as the Fire Code of the City of Burnet, said adoption being inclusive of Appendices B, C, D, E, F, G, H, I, K, AND L and such amendments as follow:

(1) Section 101.1. Title.
Insert: City of Burnet
101.1 Title. These regulations shall be known as the Fire Code of City of Burnet hereinafter referred to as “this code.”

(2) Section 105.1.2 Types of Permits.
Insert: Section 105.1.2.3 Permit Fees

Type	Cost	Notes
Burn Permits		

Residential Burn Permit	\$20	
HOA, POA, Subdivision	\$40	Community burn location
Res. or Com. Development	\$120	
Fireworks Displays	\$100	
New and Remodel Construction		
Fire Safety Plan Review	\$100	General – New Construction
Fire Safety Plan Review	\$50	General – Major Remodel
Sprinkler System	\$100	<12,000 sqft
Sprinkler System	\$200	> 12,000 sqft
Alarm System	\$100	<12,000 sqft
Alarm System	\$200	> 12,000 sqft
Commercial Hood Suppression	\$75	
System Inspections		
Underground Fire Main Inspection	\$30	
Sprinkler System Pressure Test	\$25	
Sprinkler System Final	\$50	<12,000 sqft
Sprinkler System Final	\$100	> 12,000 sqft
Alarm System Final	\$50	<12,000 sqft
Alarm System Final	\$100	> 12,000 sqft
Commercial Hood Suppression Final	\$25	
Re-inspection Fees	½ rate	Of Initial Inspection charge
Licensing Inspections		
Foster Home	\$0	
Group Home	\$25	
Day Care	\$25	
Nursing Home/Asst. Living	\$75	
Hospital	\$100	
Private Correction Facility	\$50	
County or State Corrections Facility	\$0	
Insurance Inspection	\$25	
After Hour Inspection Rate	Fee +	Inspector over time rate – 1 Hr. Minimum

(3) Section 108.1 Board of appeals established.

Section 108.1, Board of appeals is amended as follows:

City council to serve as board of appeals. In order to conduct public hearings and to hear and decide appeals of orders, decisions or determinations made by the code official or building official relative to the application and interpretation of this article, the city council shall serve as the board of appeals to pass upon matters pertaining to building standards. The board of appeals may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the property owner and lien holders, with a duplicate copy to the code official. Appeals to the board shall be processed in accordance with the provisions established by this article.

- (4) Section 108.3 Qualifications.
Section 108.3, Qualifications is hereby deleted
- (5) Section 109.4 Violation penalties.
Section 109.4, Violation penalties is amended as follows:
109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor punishable by a fine of not more than not less than \$100 dollars or more than \$2000 dollars or by imprisonment not exceeding number of days to be at the discretion of the Judge or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (6) Section 111.4 Failure to comply.
Section 111.4, Failure to comply is hereby amended as follows:
Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 dollars or more than \$2000 dollars.
- (7) Section 307 Open burning, recreational fires and portable outdoor fireplaces.
Section 307, Open burning, recreational fires and portable outdoor fireplaces is hereby amended as follows:
Outdoor open burning is generally prohibited anywhere within the incorporated city limits of Burnet, Texas. There are allowable exceptions for specific situations in which burning is necessary or does not pose a threat to property or the environment, or as further allowed by this subchapter and state law. A permit issued by the Fire Marshal or his designee is required to exercise these exceptions.
- (8) Section 307.2.1 Definitions.
Section 307.2.1, Definitions is hereby amended to include definitions as follow:
Extinguished—The absence of any visible flames, glowing coals, or smoke.

Practical alternative—An economically, technologically, ecologically and logistically viable option.

Red Flag Warning—A Red Flag Warning means high fire danger with increased probability of a quickly spreading vegetation fire in the area within 24 hours. The weather criteria for red flag warnings vary based on the local vegetation type, topography, and distance from major water sources. They usually include the daily vegetation moisture content calculations, expected afternoon high temperature, afternoon minimum relative humidity and daytime wind speed.

Sensitive receptor(s)—A manmade structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "sensitive live vegetation" is defined as vegetation which has potential to be damaged by smoke and heat, examples of which include, but are not limited to: nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

Sunrise/sunset—Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.

(9) 307.3 Outdoor burning exceptions

307.3 Outdoor burning exceptions is hereby amended as follows:

Trees, brush and other plant growth may be burned on the property on which the material grew if they meet all of the following:

1. The plant waste must not have been created secondary to the work of a commercial lawn or tree cutting service or other person, group or entity providing the labor for monetary compensation.

2. The material must be burned by the property owner or his designee (for this purpose a designee can be a paid employee of the property owner). The property owner's designee may not be a commercial tree cutting or lawn service or any person, group or entity subcontracted for the sole purpose of providing the labor for the burn for compensation.

3. Commercial tree cutting services and lawn care services may not burn generally allowable material on their property if that material was brought from offsite.

(10) 307.4 Rules while conducting the burn.

307.4 Rules while conducting the burn is hereby amended as follows:

Once a permit for on-site burning is issued, the following rules shall be followed:

1. Immediately prior to igniting the controlled burn, the property owner or his designee will contact the local emergency dispatch at their non-emergency phone number and report the physical address location of the burn and a contact phone number.

2. Open burning must not be conducted within 50 feet of any structure or combustible material. Conditions that would enable fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

3. Sites permitted for open burning shall provide a method to control the fire that is adequate for the fire's size, the local geography and weather conditions such as a readily available garden hose or other reasonable method of managing the fire and preventing its spread outside the boundaries of the pile. The burning material shall be constantly attended by a person 17 years of age or older who is knowledgeable in the use of the provided fire extinguishing equipment and familiar with the requirements and/or special conditions of the permit.

4. Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

5. If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

6. Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.

(11) 307.5 is hereby amended as follows:

Burning shall be conducted in compliance with the following meteorological and timing considerations:

1. The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

2. Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period. Additionally, no burning shall commence on Red Flag warning days.

3. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.

(12) 307.6 is hereby amended as follows:

Electrical insulation, lumber that has been treated, glued, laminated, pressed, varnished, stained or painted, plastics, non-wood construction/demolition materials, fiberglass, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

(13) 307.7 is hereby amended as follows:

The burning of pallets and/or other packaging or product handling material made from dimensional lumber by commercial end users of such products shall be specifically prohibited.

(14) 307.8 is hereby amended as follows:

The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and

orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.

- (15) 307.9 Permit fee and duration.
307.0 Permit fee and duration is hereby amended as follows:
The fee for issued permits for the conducting of approved outdoor burning is subject to the following information:
1. Established Residential or Vacant Lots: \$20.00 for 30 calendar days
 2. HOA, POA, of Established Subdivision community Lot: \$40.00 for 30 calendar days
 3. Commercial or Residential Development Property under developer control: \$150 for 30 calendar days
 4. Exception: Extensions may be granted if the time period was shortened due to weather conditions, state or county issued burn bans, extended red flag warnings or any other reasonable situation as determined by the Fire Marshal.
- (16) 307.10 Revocation.
307.10 Revocation is hereby amended as follows:
The Fire Marshal and his representatives are authorized to revoke a burn permit and require that the open burning be immediately discontinued if:
- (17) 307.11 Refusal to issue permit.
307.11 Refusal to issue permit is hereby amended as follows:
In addition to burn piles containing non-allowed combustible material within, the Fire Marshal or his representatives may refuse to issue a permit for outdoor burning where the greater good or the health, safety and welfare of the public supersedes those of the individual, even though all conditions for permit issuance are being met.
- (18) 307.12 Outdoor burning allowed without permit.
307.12 Outdoor burning allowed without permit is hereby amended as follows:
Outdoor burning shall be authorized for fires used solely for recreational, religious or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. These fires shall be no larger than two feet in height and three feet in diameter and shall be allowed without permit or notification of the local authority.
- (19) 307.13 Penalty.
307.13 Penalty is hereby amended as follows:
Any person who violates any of the provisions of this section shall be guilty of a class C misdemeanor and upon conviction thereof, shall be punished by a fine not less than \$100.00 or greater than \$2,000.00.
- (20) Section 903.2.7 Group M. subparagraph 4.

Section 903.2.7 Group M, subparagraph 4 is hereby amended as follows:
Section 903.2.7 Group M. subparagraph 4. A Group M occupancy that meets or exceeds 5,000 square feet and utilizes 2,500 square feet or more for the sale, display, or storage of upholstered furniture or mattresses.

(21) Section 1103.5.3. Group I-2 Condition 2

Section 1103.5.3. Group 1-2 Condition 2 is hereby amended by the inclusion of the following:

Section 1103.5.3 Sprinkler system. Sprinkler system must be installed prior to operation or immediate "stop work" order administered upon discovery until sprinkler system is installed.

(22) Section 5608.2 Permit application.

Section 5608.2 Permit application is hereby amended as follows:

Any person, company or other entity desiring to ignite fireworks in a controlled public display, use pyrotechnic before a proximate audience or use flame effects before an audience must file an application with the city secretary at least 30 days prior to the proposed display along with a \$100.00 application fee. The applicant must:

1. Meet all requirements for the same as outlined in Title 28. Insurance; Part 1, Texas Department of Insurance; Chapter 34, State Fire Marshal; Subchapter H, Storage and sale of fireworks;

2. Provide state required documentation to the city for review and final approval of the event, including recommendations or proposals for any changes as required.

3. The Fire Marshal, with approval from the City Manager, may issue a permit for public fireworks displays; use of pyrotechnics before a proximate audience and/or use of flame effects before an audience. The event permitted may only be ignited as provided in the application and any restrictions added in the permit. At the time of the event, the Fire Marshal may require that the fire department be on standby at the site. As a requirement of the permit, the Permittee may be charged the reasonable costs for the fire department being on standby status for the display.

5608.2.1 The city, its agents, assigns and contractors may sponsor city fireworks displays with the express authorization of a majority vote of the city council. The person(s), company or entity contracted to operate the display, or use pyrotechnics or flames before an audience shall meet all state requirements. The Fire Marshal shall be notified of all city fireworks displays and shall review the proposed ignition site, the proposed trajectory and landing site for all fireworks displays and make recommendations or proposals for any changes. City sponsored fireworks, pyrotechnic and/or flame events shall be exempt from the local permit requirements. The Fire Marshal shall be notified of the location for storage of fireworks.

5608.2.2 The city reserves the right to deny any application. The city reserves the right, with or without notice, to revoke any fireworks permit. All permits shall expire, and no longer be valid, immediately after the fireworks, pyrotechnic or flame event permitted was to occur.

5608.2.3 Only those persons issued a valid permit shall be permitted to transport, store and ignite fireworks in compliance with a valid permit.

- (23) Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (24) Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (25) Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (26) Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted or the protection of heavily populated or congested areas): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.

Section 3. Repealer. That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 4. Severability. That should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

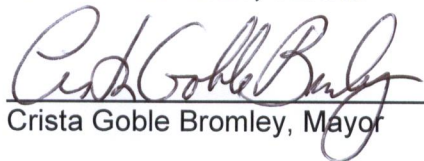
Section 5. Effective Date. That this ordinance is effective upon final passage and approval.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this 14th day of July, 2017.

FINALLY PASSED AND APPROVED on this 25th day of July, 2017.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix
Kelly Dix, City Secretary

