

FIRE PREVENTION

CHAPTER 9

Article 1. General

Sec.9-1. Fire Codes Adopted.

The International Fire Code, 2012 edition, in its entirety, save and except Section 108 entitled “Board of Appeals,” and adopting Appendices B, C, D and I but excluding Appendices A, E, F, G and H. The following amendments and additions are as follow:

(A) Section 101.1 Title.

These regulations shall be known as the Fire Code of the City of Big Spring, hereinafter referred to as “this code.”

(B) Section 105.1.1 Permits required.

Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the City Secretary or Building Official for the required permit. The permit shall be issued only after approval by the Fire Marshal.

(C) Section 105 Operational permits.

1. Operational permits shall be obtained by application to the City Secretary and approved by the Fire Marshal.
2. Operational Permits shall not be required for the following:
 - a) Carnivals and fairs (Section 105.6.4)
 - b) Cellulose nitrate film (Section 105.6.5)
 - c) Cryogenic fluids (Section 105.6.10)
 - d) Cutting and welding (Section 105.6.11)
 - e) Dry Cleaning (Section 105.6.12)
 - f) Exhibits and trade shows (Section 105.6.13)
 - g) Fire hydrants and valves (Section 105.6.15)
 - h) Floor finishing (Section 105.6.17)
 - i) Fruit and crop ripening (Section 105.6.18)
 - j) Fumigation and insecticidal fogging (Section 105.6.19)
 - k) Lumber yards and woodworking plants (Section 105.6.25)
 - l) Liquid – or gas-fueled vehicles or equipments in assembly buildings (Section

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105.6.26)

m) Open flames and candles (Section 105.6.32)

3. Operational permits shall be required for Explosives (Section 105.6.14) except for firework displays performed by licensed fireworks operators.
4. Section 105.6.30 Open Burning is amended as follows:

An operational permit is required for the kindling or maintaining of an open fire or fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Recreational fires are not exempt from the permitting requirement.

(D) Section 105. Construction Permits. Section 105.7 is amended as follows:

The Building Official, with the Fire Marshal's approval, is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.16.

(E) Section 108. Board of Adjustments and Appeals. A new Section 108 shall be added as follows:

Any person charged with violation of this code or who disagrees with a decision of a city official pursuant to this code may appeal such charge or decision to the City of Big Spring Board of Adjustments and Appeals in accordance with its procedures as set forth in Chapter 20 of the City of Big Spring Code of Ordinances.

(F) Section 109.4 Violation Penalties is amended as follows:

Any person 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 provision of this code, shall be guilty of a misdemeanor punishable by a fine of not more than Two-Thousand (\$2,000.00) Dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(G) Section 111.4 Failure to Comply is 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 guilty of a misdemeanor and punishable by a fine of not less than One-Hundred (\$100.00) Dollars or more than Two-Thousand (\$2,000.00) Dollars. Each day that a violation continues after such work order has been issued shall be deemed a separate offense.

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(H) Section 903.2.8 Group R is amended as follows:

An automatic sprinkler system installed in accordance with Section 903 shall be provided throughout all building with a group R1, R2, R3 and R4 fire area. One-Family and Two-Family dwellings shall be exempt from this requirement.

The owner of any One-Family or Two-Family dwelling shall not be prohibited from installing a fire suppression system in such dwelling as long as the system is installed according to applicable NFPA standards.

(I) Section 908.8 Visual Alarm Smoke Detectors is added to read as follows:

1. **Rental Property.** The owner of a rental property shall, at the request of a hearing impaired tenant, install at least one (1) visual alarm smoke detector in each separate bedroom in the dwelling unit occupied by a hearing impaired tenant.
2. **Hotel/Motel.** The owner, manager, or otherwise responsible person having control of a hotel/motel, apartment house or other short-term rental dwelling must be able to provide, upon the request by a hearing impaired person, a visual alarm smoke detector or shall have rooms available that are already equipped with a visual alarm smoke detector.
3. Requirements for Visual Alarm Smoke Detectors.

The visual smoke detector must:

1. Contain a strobe light with a visible effective intensity of not less than one-hundred-seventy-seven (177) caldela,
2. Operate on a 120-volt alternating current, and
3. Be otherwise installed according to manufacturer's recommendations.

(J) Section 908.9 Smoke Detectors in Rental Units is added to read as follows:

The owner or agent of the owner of all apartment houses, residential rental units or hotel/motel shall provide smoke detectors and must keep written documentation, available for review by fire officials, containing installation date of all smoke detectors, dates batteries have been changed, and dates smoke detectors were tested as per recommendation of the manufacturer. This documentation must be available to tenants upon request and be available at all times for inspection by the fire department.

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- (K) **Section 908.10 Smoke Detector Inspections** is added to read as follows:

The Fire Chief or his designated inspector may inspect any dwelling unit required to have a smoke detector under this code at any reasonable hour to determine that the dwelling unit contains smoke detectors in good working order as required by this code. If the Fire Inspector determines that the smoke detector needs repair, it shall be repaired and made operational within one working day after notice to the landlord by the inspector.

- (L) **Chapter 61, Section 6112 Residential use of Liquid Petroleum Gas** is added to read as follows:

Liquefied petroleum gas for residential installation to any type of structure, except as noted below, shall be prohibited within the incorporated city limits.

Section 6112.1 LP-gas Installations. LP-gas installations permitted or approved prior to this code adoption shall be allowed if they continue to meet other local and state code requirements. LP-gas installations that were not permitted or approved prior to this code adoption may apply for a permit within thirty (30) days of notification. The installation shall be in strict compliance with all applicable rules and regulations, including those set forth by the Texas Railroad Commission LP-gas safety rules. The tank location and additional safety requirements will be subject to approval by the Fire Chief or his agent.

Section 6112.2 LP-gas Distributors. It shall be a violation of this code for any LP-gas distributor to place or fill any LP-gas tank in a residential setting unless the same has affixed to it a decal indicating that the tank has been permitted by the city.

- (M) **Chapter 61, Section 6113 Miscellaneous Use** is added to read as follows:

Section 6113.1. Liquefied petroleum gas cylinders used for non-commercial cookers and gas grills shall be restricted to no more than ten water gallon capacity tanks and shall be mounted in compliance with the appliance manufacturer's recommendations. These installations shall be exempt from permits. Such cylinders shall be stored in accordance with the applicable LP-gas safety rules.

Section 6113.2. Motor homes and other similar use recreational vehicles must be in compliance with applicable Texas Railroad Commission LP-gas safety rules.

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(N) **Chapter 61, Section 6114. Liquefied Petroleum Gasses** is added to read as follows:

Section 6114.1. Commercial or industrial use of liquefied petroleum gas must be in strict compliance with applicable LP-gas safety rules and regulations including those set forth by Texas Railroad Commission in effect at time of installation.

Section 6114.2. Commercial or industrial installations shall be subject to applicable permits and the approval of the Fire Chief or his agent.

Section 6114.3. LP-gas containers at commercial or industrial installations shall comply with the minimum distance requirements set forth in Section 9.185, Table 1, of the Texas Railroad Commission LP-Gas Safety Rules.

(Ord. of 2-12-13)

Sec. 9-2 to 9-11. Reserved.

Article 2. Fire Marshal

Sec. 9-12. Fire Marshal Assignment.

The Fire Marshal of the City of Big Spring shall be an employee of the Fire Department holding at least the rank of Lieutenant with such person to be assigned by the Fire Chief at his discretion and to receive such assignment pay as the City Council shall approve. (Ord. of 4-14-31, §1; Ord. of 6-11-13)

Sec. 9-13. Duties and Authority.

The Fire Marshal shall perform all functions set forth in the International Fire Coed, 2012 Edition or any subsequent edition that may be adopted by the City Council as the fire code of the City. The Fire Marshal shall also perform all duties and have such authority as is set forth in this Article 2. (Ord. of 4-14-31, §1; Ord. of 6-11-13)

Sec. 9-14. Duty to investigate fires.

The fire marshal shall investigate the cause, origin and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. (Ord. of 4-14-31, §2)

Sec. 9-15. Inspection of Premises, etc.

The fire marshal, upon complaint of any person having an interest in any building or property adjacent, or without complaint, shall have the right, at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty, monthly or more often to enter upon and make or cause to be entered upon and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto.

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Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or system, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of the building or premises. If the owner or occupant deems himself aggrieved by such order he may, within five (5) days, appeal to the city council, which shall investigate the cause of the complaint and, unless by its authority the order is revoked, such order shall remain in force and be forthwith complied with by the owner or occupant. Any owner or occupant who fails to comply with such order shall be deemed guilty of a misdemeanor. (Ord. of 4-14-31, §8-11)

Sec. 9-16. Right of entry.

The fire marshal shall have the authority, at all times of day or night, when necessary in the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion. (Ord. of 4-14-31, §7)

Sec. 9-17. Record of fires.

The fire marshal shall keep in his office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this article. (Ord. of 4-14-31, §2)

Sec. 9-18 to 9-32. Reserved.