

**ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 38, FIRE PREVENTION AND PROTECTION, OF THE SAN MARCOS CITY CODE BY, AMONG OTHER THINGS, PROVIDING THAT THE FIRE MARSHAL SHALL BE APPOINTED BY THE FIRE CHIEF AND REVISING THE LOCAL ADOPTION OF AND AMENDMENTS TO THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING THE ADDITION OF PENALTIES FOR VIOLATIONS AND PROVIDING THAT NO CULPABLE MENTAL STATE IS REQUIRED FOR VIOLATIONS OF THIS CHAPTER; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Chapter 38, Fire Prevention and Protection, of the San Marcos City Code is hereby amended to read as follows (Added text is indicated by underlining. Deleted text is indicated by strikethroughs.):

Chapter 38

**FIRE PREVENTION AND PROTECTION**

**ARTICLE 1. IN GENERAL**

**Sec. 38.001. Reserved.**

**Sec. 38.002. Arson reward.**

(a) The city ~~will pay~~ hereby offers a reward of \$250.00 for information ~~that leads leading~~ leading to the arrest and conviction, ~~in a court of competent jurisdiction,~~ of any person ~~found to be guilty of~~ committing the crime of arson within the corporate limits of the city limits.

(b) ~~The amount of the reward is \$250.00, payable from the general fund of the city~~ This reward is a standing offer, and shall be paid out of the general fund of the city.

(c) ~~Placards of eight inches by 12 inches in size, showing the amount of the reward which is offered, shall be placed in wooden frames, under glass, and displayed in at least 12 different public buildings. A certified copy of this section, a copy of the placard and a list of the buildings where the placards have been posted shall be furnished to the state board of insurance.~~

**Secs. 38.003—38.025. Reserved.**

## **ARTICLE 2. - FIRE MARSHAL**

**Secs. 38.026. ~~Reserved~~ Appointment of Fire Marshal.**

The fire marshal shall be appointed by the Fire Chief. The appointment shall be in accordance with civil service laws as modified by a current meet and confer agreement.

**Sec. 38.027. Reserved.**

**Sec. 38.028. ~~Fire and arson investigators~~ Appointment of Peace Officers.**

(a) ~~The fire marshal division of the marshal's department, created under section 62.502 of this Code, is responsible for investigating the origin of fires and instances of arson. The San Marcos Fire Department shall function as a law enforcement agency, if approved as a law enforcement agency by the Texas Commission on Law Enforcement (TCOLE).~~

(b) ~~The fire marshal may, with the approval of the director of the marshal's department, appoint licensed peace officers to act as fire and arson investigators under the fire marshal's supervision, and to perform other law enforcement duties assigned by law. If approved by TCOLE, the fire marshal shall be the TCOLE agency administrator for the San Marcos Fire Department. In the event the fire marshal is not a sworn Texas Peace Officer, the Fire Chief may appoint a current sworn peace officer, to be the agency administrator for TCOLE purposes.~~

(c) ~~The fire marshal, with approval of the fire chief, may assign licensed peace officers to perform law enforcement duties related to the responsibilities of this Chapter and other state mandated law enforcement activities required by law.~~

**Sec. 38.029. ~~Right of entry; examination and correction of dangerous conditions.~~**

(a) ~~On the complaint of any person, the fire marshal, at any reasonable time, is entitled to enter any building or premises.~~

(b) ~~The fire marshal shall enter and is entitled, at any time, to enter and make a thorough examination of any mercantile, manufacturing or public building; place of amusement; or place where public gatherings are held; or any premises belonging to a building or place.~~

~~(c) — The fire marshal shall order the removal of a building or structure or other remedial action if it is determined that:~~

~~(1) — The building or other structure that, because of lack of repair, age, dilapidated condition or other reason, is susceptible to fire and is so located or occupied that fire would endanger persons or property in the building or structure;~~

~~(2) — A dangerous condition is created by:~~

~~a. — An improper arrangement of stoves, ranges, furnaces or other heating appliances, including chimneys, flues and pipes with which they are connected, or by their lighting systems or devices; or~~

~~b. — The manner of storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes or combustible, flammable or refuse materials; or~~

~~(3) — Any other condition existing that is dangerous or is liable to cause or promote fire or create danger for fire fighters, occupants or other buildings or structures.~~

~~(d) — The occupant or owner of the building or premises shall immediately comply with an order made by the fire marshal under this section. The fire marshal may, if necessary, apply to a court of competent jurisdiction for writs or orders necessary to enforce this section, and the court may grant appropriate relief. The fire marshal is not required to give a bond.~~

### **Sec. 38.030. Investigation of fire.**

~~(a) — The fire marshal shall immediately investigate a fire occurring in which property is destroyed.~~

~~(b) — The fire marshal at any time may enter a building or premises at which a fire is in progress or has occurred and is under control of law enforcement or fire service officials to investigate the cause, origin and circumstances of the fire. If control of the building or premises has been relinquished, entry must be in compliance with search and seizure law and applicable federal law.~~

~~(c) — The fire marshal shall conduct the investigation at the place of the fire and before an insured loss may be paid. The fire marshal shall ascertain, if possible, whether the fire was caused intentionally, carelessly or accidentally. The fire marshal shall make a written report of the investigation.~~

~~(d) — If the fire marshal believes that further investigation is necessary, the fire marshal shall take sworn statements from persons with relevant information and shall have the statements put in writing. The fire marshal may administer oaths and compel the attendance of witnesses and the production of documents.~~

~~(e) — If the fire marshal believes there is sufficient evidence to charge a person with arson, attempted arson, conspiracy to commit fraud or another offense related to the matter under investigation, the fire marshal shall give to the appropriate prosecuting attorney all evidence and relevant information that has been obtained, including the names of witnesses. The fire marshal shall arrest the person if the person has not been arrested by some other authority. The fire marshal shall assist in the prosecution of any complaint.~~

~~(f) — The fire marshal may conduct or direct the conduct of an investigation in private and may exclude from the place of the investigation persons not needed for the investigation. Witnesses may be separated from each other and not be allowed to communicate with other witnesses until after they have testified.~~

~~(g) — The fire marshal may elect to withhold from the public any testimony taken in an investigation under this section.~~

~~(h) — If the fire marshal is unable to make a required investigation, the marshal may designate another person to make the investigation. This person will have the same authority in the investigation as this chapter provides for the fire marshal.~~

The fire marshal or the fire marshal's designee shall investigate all fires as required by departmental policy, local ordinance, or state law.

### **Sec. 38.031. Fire prevention and safety education.**

~~The fire marshal, or the fire marshal's designee, may use pertinent and timely facts relating to fires to develop educational programs and disseminate materials necessary to educate the public effectively regarding methods of fire prevention and safety.~~

## **ARTICLE 3. FIRE CODE STANDARDS**

### **Sec. 38.032. ~~38.050 Reserved~~ Code adopted.**

(a) The International Fire Code 2015, to include appendices B, D, E, F and G and references thereto, is hereby adopted and incorporated by reference as the fire code of the city, subject to and including by reference such revisions, corrections, additions and deletions as shall appear in this article. In the interpretation and application, the provisions of this article shall be held to be minimum requirements adopted for the promotion of public health, safety, morale

and general welfare. A copy of the fire code is on file in the city fire marshal's office and the city secretary's office.

(b) In the event there is a conflict between this article and the adopted codes herein and any city, state or federal law, the more restrictive requirements shall govern unless the less restrictive requirements are preemptive under state or federal law.

(c) A violation of this chapter is a strict liability offense, and requires no culpable mental state.

### **Sec. 38-33. Amendments to adopted code.**

The following sections, paragraphs, and sentences of the International Fire Code, 2015 edition are hereby amended as follows:

#### **Section 101.1; insert:**

**101.1 Title.** These regulations shall be known as the Fire Code of the City of San Marcos, hereinafter referred to as "this code."

#### **Section 102.6. add Section 102.6.1 to read as follows:**

**102.6.1 Historical Portions of Building.** The exemptions provided by 102.6 shall apply only to the portion of the building designated as historical or comply with section 1103.1.1 whichever is more restrictive.

#### **Section 103.2 is amended to read as follows:**

**103.2 Appointment.** The fire code official shall be appointed in accordance with the prescribed procedures of this jurisdiction.

#### **Section 105.7; add Section 105.7.19 to read as follows:**

**105.7.19 Electronic access control systems.** Construction permits are required for the installation or modification of an electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

#### **Section 109.4; insert:**

**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 Offense, punishable by a fine of not more than \$2,000 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 111.4; insert:**

**111.4 Failure to comply.** 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 \$0.00 dollars or more than \$2,000 dollars.

**Section 202; amend and/or add definitions as follows:**

**AMBULATORY CARE FACILITY.** Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

**DEFEND IN PLACE.** A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

**FIRE WATCH.** A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the fire code official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

**HIGH-PILED COMBUSTIBLE STORAGE.** Add a second paragraph to read as follows:

Any building classified as a group S Occupancy or Speculative Building exceeding 12,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

**HIGH-RISE BUILDING.** A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

**REPAIR GARAGE.** A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

**SELF-SERVICE STORAGE FACILITY.** Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

**STANDBY PERSONNEL.** Qualified fire service personnel, approved by the Fire Code Official. When utilized, the number required shall be as directed by the Fire Code Official. Charges for utilization shall be as normally calculated by the jurisdiction.

**UPGRADED OR REPLACED FIRE ALARM SYSTEM.** A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model
- Installing a new fire alarm control unit in addition to or in place of an existing one
- Conversion from a horn system to an emergency voice/alarm communication system
- Conversion from a conventional system to one that utilizes addressable or analog devices

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware

**Section 307.1 is amended to read as follows:**

**307.1. General.** A person shall not kindle or maintain or authorize to be kindled or maintained any open burning, bonfire, recreational fire, or portable outdoor fireplace, unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

**Section 307.2 is amended to read as follows:**

**307.2. Permit Required.** A permit shall be obtained from the fire code official in accordance with 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

**Section 307.4.1 is DELETED**

**Section 307.4.2 is DELETED**

**Section 307.4.3 is amended to read as follows:**

**307.4.1 Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

**Exception:** Portable outdoor fireplaces used at one- and two-family dwellings.

**Section 307.4.2. add Section 307.4.2 to read as follows:**

**307.4.2 Trench burns.** Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

**Section 308.1.4 is amended to read as follows:**

**308.1.4. Outdoor cooking.** Charcoal burners, open flame cooking appliances, LP gas burners, outdoor grills, barbecue grills, or any other outdoor cooking appliance that generates sufficient heat to cook in, on, or about the appliance, shall not be operated or stored on balconies or within 15 feet of a structure or combustible material.

**Exceptions:**

1. One- and two-family dwellings
2. Delete
3. Delete

**Section 308.1.6.2, Exception #3; change to read as follows:**

**Exceptions:**

3. Torches or flame-producing devices in accordance with Section 308.1.3.

**Section 503.1.1; add sentence to read as follows:**

Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure, unless otherwise approved by the Fire Code Official.

**Section 503.2.1; change to read as follows:**

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

**Exception:**

1. When approved by the Fire Code Official, vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

**Section 503.2.3; change Section 503.2.3 to read as follows:**

**503.2.3 Surface.** Fire apparatus access roads shall be designed in accordance with the City of San Marcos Engineering Standards and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

**Section 503.2.4; change Section 503.2.4 to read as follows:**

**503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be in accordance with:

1. For buildings less than 30-feet and less than 3 stories in height:
  - a. 20-feet (inside) for turns less than or equal to 90 degrees
  - b. 25-feet (inside) for turns greater than 90 degrees
2. For buildings 30-feet or more and/or 3 or more stories in height minimum interior turning radius of 30 feet.

For purposes of this section, the building height is measured from the lowest finished grade of the fire access roads to the point of accessible roof level, including parapet walls. For buildings with pitched roofs, the height is measured to the roof plate.

**Section 503.3; change to read as follows:**

**503.3 Marking.** Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

**Examples of acceptable markings:**

1. Striping - Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.
2. Signs - Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Code Official.

**Section 503.6 is amended to read as follows:**

**503.6. Gates.** All gates that obstruct emergency access roads or drives, whether on public or private property, must be permitted by the fire code official and approved by the fire chief. Where gates are installed across fire access roads they shall have an approved means of emergency operation. The gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

**Section 505.1; change to read as follows:**

**505.1 Address Identification.** New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 12 inches (304.8 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained.

**Exceptions:**

1. R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.
2. Structures located within the historic district may utilize a minimum of 6 inches (152.4 mm) high numbers as approved by the Fire Code Official.

**Section 506.1; change to read as follows:**

**506.1 Where required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require one or more key boxes to be installed in approved locations. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. An approved key box shall be provided on the following structures:

1. On new and existing structures:
  - a. At fire sprinkler riser/fire pump rooms, if one is provided, or
  - b. At main entry if equipped with other automatic fire protection system.

2. On all existing commercial structures comprised of multiple tenant spaces: a single approved Key Box may serve multiple occupancies in a single building provided the box is located in an approved location and is adequately sized for the number of keys.

**Section 507.1; add a new paragraph to read as follows:**

Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. Existing fire hydrants on public streets are allowed to be considered as available where streets are not provided with median dividers which cannot be crossed by fire fighters pulling hose lines.

**Section 507.2.1 is amended to read as follows:**

**507.2.1 Private fire service mains.** Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 and local jurisdiction construction standards.

**Section 507.4; change to read as follows:**

**507.4 Water Supply Test Date and Information.** The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, as required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report, or as approved by the fire code official. Reference Section 903.3.5 for additional design requirements.

**Section 507.5 is amended to read as follows:**

**507.5. Fire hydrant systems.**

- (a) A fire hydrant is an approved national standard three-way hydrant connected to six-inch or larger water mains.
- (b) A two-way hydrant is not recognized unless it was installed before January 1, 1985 or it was installed in conjunction with nationally approved sprinkler systems.
- (c) Fire hydrants shall conform to the latest version of the AWWA Standard for Dry Barrel Fire Hydrants.

- (d) Fire hydrants shall have one 4.5 inch steamer and two 2.5 inch side connections with National Standard threads. The centerline of the steamer connection shall be a minimum of 18 inches above the ground surface.
- (e) The City of San Marcos Water Department shall have the authority to develop and approve new fire hydrant installation methods and standards consistent with the application of this section.
- (f) Hydrants shall be installed in accordance with local jurisdiction construction standards.

**Section 507.5.1.2; add new sections to read as follows:**

**507.5.1.2 Intersections.** Fire hydrants shall be at every street intersection, or as otherwise required by the fire code official.

**507.5.1.2.1 Location.** Fire hydrants shall be located within 6 feet of the edge of the pavement unless the fire department determines another location is acceptable for fire department use.

**Section 507.5.2 is amended by adding the following:**

**507.2.1 Cost.** The cost of maintaining fire hydrants on private property will be the burden of the occupant and/or owner of that property.

**Section 507.5 is amended by adding the following:**

**507.5.7. Marking.** The location of all fire hydrants shall be identified with a blue reflective road dot placed near the center of the roadway in front of the hydrant.

**Section 508.1.6.12 is amended by adding the following:**

- 12.1 Any or all of the above documents will be placed in a wall mounted document box, as prescribed by the fire code official. No documents or other such items, other than those required by the fire code official, will be permitted to be stored in this cabinet.

**Section 509.1.2; add new Section 509.1.2 to read as follows:**

**509.1.2 Sign Requirements.** Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 6 inches (101.6 mm) when located outside, or as approved by the fire code official. The letters shall be of a color that contrasts with the background.

**Section 609.2; change to read as follows:**

**609.2 Where Required.** A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the fire code official.

**Exceptions:**

1. Tents, as provided for in Chapter 31.
2. {No change to existing Exception.}

Additionally, fuel gas and power provided for such cooking appliances shall be interlocked with the extinguishing system, as required by Section 904.12.2. Fuel gas containers and piping/hose shall be properly maintained in good working order and in accordance with all applicable regulations.

**Section 901.4 change to read as follows:**

**901.4.7 Wall Mounted Document Box.** A wall mounted document box shall be placed in fire sprinkler riser rooms or at any fire alarm control unit. Documents stored in this box shall include building floor plans, alarm plans, sprinkler plans and any other documents required by the fire code official.

**Section 901.6.3; add Sections 901.6.3 and 901.6.3.1 to read as follows:**

**901.6.3 False Alarms and Nuisance Alarms.** False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

**901.6.3.1 False Alarm and Nuisance Alarm Penalty.** The owner or manager of an occupancy in which the fire alarm system signals or transmits more than three false alarms, as the result of a mechanical, electrical, or component failure within the alarm system, in any rolling 12-month period shall be fined as follows for subsequent false or nuisance alarm beyond the third false or nuisance alarm in the rolling 12-month period:

- a) fourth false or nuisance alarm shall be fined at \$500
- b) fifth false or nuisance alarm shall be fined at \$1,000
- c) sixth and all subsequent false or nuisance alarms shall be fined at \$1,500.

False alarms as the result of weather related activation or false alarms caused by the initiation of the alarm system by the activation of a manual pull station, or the activation by a person(s) tampering with a detection or signaling device or component of the alarm system, shall not be subject to penalty.

**Section 903.2.9; add Section 903.2.9.3 to read as follows:**

**903.2.9.3 Self-Service Storage Facility.** An automatic sprinkler system shall be installed throughout all self-service storage facilities.

**Exception:** One-story self-storage facilities that have no interior corridors.

**Section 903.2.10; change to read as follows:**

**903.2.10 Group S-2 enclosed parking garages.** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the International Building Code or where located beneath other groups.

**Section 903.3.1.2.3; add section to read as follows:**

**Section 903.3.1.2.3 Attics and Attached Garages.** Sprinkler protection is required in attic spaces of such buildings three or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

**Section 903.3.1.2.4; add section to read as follows:**

**Section 903.3.1.2.4 Exterior closets.** Sprinkler protection shall be provided in closets (regardless of size) that are accessible from the exterior of the building.

**Section 903.3.1.4; add to read as follows:**

**903.3.1.4 Freeze protection.** Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

**903.3.1.4.1 Attics.** Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

**Exception:** Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and

2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

**Section 903.3.5; add a second paragraph to read as follows:**

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 5 psi safety factor. Reference Section 507.4 for additional design requirements.

**Section 903.4; add a second paragraph after the exceptions to read as follows:**

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

**Section 903.4.2; add second paragraph to read as follows:**

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

**Section 905.2; change to read as follows:**

**905.2 Installation Standard.** Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

**Section 905.3; add Section 905.3.9 and exception to read as follows:**

**905.3.9 Buildings Exceeding 10,000 sq. ft.** In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

**Exceptions:**

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.

2. R-2 occupancies of four stories or less in height having no interior corridors.

**Section 905.4, change Item 1, 3, and 5, and add Item 7 to read as follows:**

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

**Exception:** Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a {No change to rest.}

4. {No change.}
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of an exit stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}
7. When required by this Chapter, standpipe connections shall be placed at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

**Section 905.9; add a second paragraph after the exceptions to read as follows:**

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

**Section 906.1 is amended by deleting the exception.**

**Section 907.1; add Section 907.1.4 to read as follows:**

**907.1.4 Design Standards.** Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

**Section 907.2.1; change to read as follows:**

**907.2.1 Group A.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the International Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

**Exception:** {No change.}

Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

**Section 907.2.3; change to read as follows:**

**907.2.3. Group E.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

**Exceptions:**

1. {No change.}
  - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms.

(For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.) {No change to remainder of exceptions.}

**Section 907.2.13, Exception 3; change to read as follows:**

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

**Section 907.4.2; add Section 907.4.2.7 to read as follows:**

**907.4.2.7 Type.** Manual alarm initiating devices shall be an approved double action type.

**Section 907.6.1; add Section 907.6.1.1 to read as follows:**

**907.6.1.1 Wiring Installation.** All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

**Section 907.6.3; delete all four Exceptions.**

**Section 909.22; add to read as follows:**

**909.22 Stairway or Ramp Pressurization Alternative.** Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with Building Code requirements for a smokeproof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water (25 Pa) and a maximum of 0.35 inches of water (87 Pa) in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind effect. Such systems shall comply with Section 909, including the installation of a separate fire-fighter's smoke control panel as per Section 909.16, and a Smoke Control Permit shall be required from the fire department as per Section 105.7.

**909.22.1 Ventilating equipment.** The activation of ventilating equipment for the stair or ramp pressurization system shall be by smoke detectors installed at each floor level at an approved location at the entrance to the smokeproof enclosure. When the closing device for the stairway or ramp shaft and vestibule doors is activated by smoke detection or power failure, the mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

**909.22.1.1 Ventilation Systems.** Smokeproof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring and ductwork shall comply with one of the following:

1. Equipment, control wiring, power wiring and ductwork shall be located exterior to the building and directly connected to the smokeproof enclosure or connected to the smokeproof enclosure by ductwork enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
2. Equipment, control wiring, power wiring and ductwork shall be located within the smokeproof enclosure with intake or exhaust directly from and to the outside or through ductwork enclosed by not less than 2-hour barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
3. Equipment, control wiring, power wiring and ductwork shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

**Exceptions:**

1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.
2. Where encased with not less than 2 inches (51 mm) of concrete.
3. Control wiring and power wiring protected by a listed electrical circuit protective system with a fire-resistance rating of not less than 2 hours.

**909.22.1.2 Standby Power.** Mechanical vestibule and stairway and ramp shaft ventilation systems and automatic fire detection systems shall be provided with standby power in accordance with Section 2702 of the Building Code.

**909.22.1.3 Acceptance and Testing.** Before the mechanical equipment is approved, the system shall be tested in the presence of the fire code official to confirm that the system is operating in compliance with these requirements.

**Section 910.2; change Exception 2 and 3 to read as follows:**

2. Only manual smoke and heat removal shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall be required in areas of buildings equipped with control mode special application sprinklers with a response time index of  $50(m^*S)^{1/2}$  or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

**Section 910.2; add subsections 910.2.3 with exceptions to read as follows:**

**910.2.3 Group H.** Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m<sup>2</sup>) in single floor area.

**Exception:** Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

**Exception:** Buildings of noncombustible construction containing only noncombustible materials.

**Section 910.3; add section 910.3.4 to read as follows:**

**910.3.4 Vent Operation.** Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.

**910.3.4.1 Sprinklered buildings.** Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically.

The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

**Exception:** Manual only systems per Section 910.2.

**910.3.4.2 Nonsprinklered Buildings.** Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

**Exception:** Listed gravity-operated drop out vents.

**Section 912.2; add Section 912.2.3 to read as follows:**

**912.2.3 Hydrant Distance.** An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

**Section 912.4.1; change to read as follows:**

**912.4.1 Locking fire department connection caps.** Approved, locking caps shall be installed on any fire department connection that is installed as a result of new construction. Additionally, where remodeling of a building or structure requires the addition of an approved sprinkler or standpipe system, locking caps shall be installed. Where fire department connections exist on current buildings but the caps are missing or damaged, they must be replaced with locking caps, as approved by the fire code official.

**Section 913.1; add second paragraph and exception to read as follows:**

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. - 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

**Exception:** When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.

**Section 1010.1.9.4 Bolt Locks; change Exceptions 3 and 4 to read as follows:**

**Exceptions:**

3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M or S occupancy. {Remainder unchanged}
4. Where a pair of doors serves a Group A, B, F, M or S occupancy. {Remainder unchanged}

**Section 1015.8 Window Openings; change number 1 to read as follows:**

1. Operable windows where the top of the sill of the opening is located more than 55 feet (16 764 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

**Section 1031.2; change to read as follows:**

**1031.2 Reliability.** Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

**Section 1103.7; add Section 1103.7.8 and 1103.7.8.1 to read as follows:**

**1103.7.8 Fire Alarm System Design Standards.** Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

**Exception:** Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

**1103.7.8.1 Communication requirements.** Refer to Section 907.6.6 for applicable requirements.

**Table 3206.2, footnote j; change text to read as follows:**

**j.** Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (m • s) 1/2 or less that are listed to control a fire in the

stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

**Section 3310.3, add Section 3310.3:**

**3310.3 Fencing.** Where construction or demolition sites have fencing or some other type of security barrier installed around the site, an approved padlock shall be installed on no less than one gate. Approved padlocks may be required by the fire code official on additional gates. These padlocks shall be purchased by the property owner or contractor but shall be keyed, as directed, by the fire code official.

**Section 5601.1.3; add second paragraph and exception to read as follows:**

The possession, manufacture, storage, handling and use of fireworks are prohibited outside the city limits for a distance of five thousand (5,000) feet, provided that the territory encompassed within the five thousand (5,000) feet outside the city limits is not within the extraterritorial jurisdiction of another municipality. A violation of this ordinance is declared to be a common and public nuisance. The owner, lessee or occupant of the property or structure where fireworks are being stored or used shall be deemed responsible for violation of this section.

**Exceptions:**

5. The possession of fireworks otherwise allowed by State Law.

**Section 5703.6; add a sentence to read as follows:**

**5703.6 Piping Systems.** Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An approved method of secondary containment shall be provided for underground tank and piping systems.

**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), to read as follows:**

**5704.2.9.6.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of San Marcos Ordinance.

**Section 5704.2.11.4; add a sentence to read as follows:**

**5704.2.11.4 Leak Prevention.** Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An approved method

of secondary containment shall be provided for underground tank and piping systems.

**Section 5704.2.11.4.2; change to read as follows:**

**5704.2.11.4.2 Leak Detection.** Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

**Section 5704.2.11.4; add Section 5704.2.11.4.3 to read as follows:**

**5704.2.11.4.3 Observation Wells.** Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

**Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited) to read as follows:**

**5706.2.4.4 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of San Marcos Ordinance.

**Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited) to read as follows:**

**5806.2 Limitations.** Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of San Marcos Ordinance.

**Section 6104.2: delete.**

**Appendix B, Section B103.1; change to read as follows:**

**B103.1 Decreases.** The fire code official is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

**Appendix B, Section B103.2; change to read as follows:**

**B103.2 Increases.** The fire code official is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

**Appendix D, Section D102.1; change to read as follows:**

**D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg) in accordance with the City of San Marcos Engineering Standards.

**Appendix D, Section D103.1; change to read as follows:**

**D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26-feet.

**Appendix D, Section D103.2; change to read as follows:**

**D103.2 Grade.** Fire apparatus access roads shall not exceed 10% in grade and not exceed 5% on cross-slope.

**Exception:** Grades steeper than 10% as approved by the Fire Code Official.

**Appendix D, Section D103.3; change to read as follows:**

**D103.3 Turning radius.** The minimum turning radius shall be in accordance with:

1. For buildings less than 30-feet and less than 3 stories in height:
  - a. 20-feet (inside) for turns less than or equal to 90 degrees
  - b. 25-feet (inside) for turns greater than 90 degrees
2. For buildings 30-feet or more and/or 3 or more stories in height minimum interior turning radius of 30 feet.

For purposes of this section, the building height is measured from the lowest finished grade of the fire access roads to the point of accessible roof level, including parapet walls. For buildings with pitched roofs, the height is measured to the roof plate.

**Appendix D, Section D103.5; change to read as follows:**

**D103.5 Fire apparatus access road gates.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less 24 feet. Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).
2. Gates shall be of 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 shall be approved by the fire code official.
6. Methods of locking shall be submitted for approval by fire code official.
7. Electric gate operators, where provided, shall be listed in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

**Appendix D, Section D105.2; change to read as follows:**

**D105.2 Width.** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet.

**Secs. 38.034—38.050 38.053. Reserved.**

**ARTICLE 3.—STANDARDS**

**Sec. 38.051.—Definitions.**

~~In this article:~~

~~Applicable governing body means the city council.~~

~~Board of adjustments and appeals or board means the construction board of adjustments and appeals established in chapter 14.~~

~~*Building code* means the building code adopted in section 14.002.~~

~~*Code official* means the fire marshal.~~

~~*Fire code* means the fire code adopted in section 38.052.~~

~~*Fire official* means the fire marshal.~~

~~*Hazardous material* means any substance or materials which pose an unreasonable or imminent risk to life, health or safety of persons, property or the ecological balance of the environment. The term includes, but is not limited to, explosives, radioactive materials, petroleum or petroleum products, gases, poisons, etiologic agents, flammables, and corrosives.~~

~~*Mechanical code* means the mechanical code adopted in section 14.002.~~

~~*Plumbing code* means the plumbing code adopted in section 14.002.~~

**~~Sec. 38.052. -- Fire code adopted.~~**

~~The International Fire Code 2015 Edition, including Appendixes B, D, E, F, G, I and J is adopted. A copy of this code with appendices is filed in the city secretary's office.~~

**~~Sec. 38.053. -- Amendments.~~**

~~The International Fire Code adopted in section 38.052 is amended as follows:~~

~~*Section 101* is amended by adding the following:~~

~~101.1 Title. These regulations shall be known as the Fire Code of the City of San Marcos, hereinafter referred to as "this code".~~

~~101.6 Nothing within this code shall be construed as limiting the application and enforcement of this code in areas such as Extra Territorial Jurisdiction (ETJ) as may be allowed by local, state, or federal laws, ordinances, or codes.~~

~~*Section 102.6* is amended by adding the following subsection:~~

~~102.6.1. The exemptions provided by 102.6 shall apply only to the portion of the building designated as historical or comply with section 1103.1.1 whichever is more restrictive.~~

~~*Section 102.7* amended to read as follows:~~

~~102.7. Referenced code and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the more stringent provision shall apply. This determination shall be made by the fire code official.~~

~~Section 103.2 is amended to read as follows:~~

~~103.2 Appointment. The fire code official shall be appointed in accordance with the prescribed procedures of this jurisdiction.~~

~~Section 105.6.32 is deleted.~~

~~Section 105.6.37 is amended by deleting the exception.~~

~~Section 107.45 is amended to read as follows:~~

~~107.4.5 Rendering equipment inoperable.~~

~~(a) — 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.~~

~~(b) — No fire protection system may be taken out of service or allowed to remain out of service beyond normal working hours without the prior approval of the fire code official. The fire code official shall be notified prior to any fire sprinkler or standpipe system being temporarily or permanently removed from service. No operation protected by a fire suppression system may be used or operated while the fire suppression system is out of service.~~

~~Section 108.1 is amended to read as follows:~~

~~108.1. Construction board of adjustments and appeals. The construction board of adjustments and appeals will hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code.~~

~~Section 108.3 is deleted.~~

~~Section 109.4 is amended to read as follows:~~

~~109.4 Violation penalties. Persons who violate this code or who fail to comply with any of the requirements in this code, or who erect, install, alter, repair or do work in violation of the approved construction documents or contrary to the directives of~~

~~the fire code official or in violation of a permit or certificate issued under provisions of this code, shall be liable for a fine up to \$2,000.~~

~~Section 110 is deleted.~~

~~Section 111.4 is amended to read as follows:~~

~~111.4. Failure to comply. Any person who continues work after having been served with a stop work order, except such work the fire code official has directed to be performed to remedy a violation or unsafe condition, shall be liable for a fine not to exceed \$2,000. Each day that a violation continues after notice of violation has been served shall be deemed a separate offense.~~

~~The following definitions in Section 202 are amended to read as follows:~~

~~Fire code official. The fire marshal or a duly authorized representative.~~

~~Section 307.1 is amended to read as follows:~~

~~307.1. Open burning prohibited. No person shall burn material in the city limits.~~

~~Section 308.1.4 is amended to read as follows:~~

~~308.1.4. Outdoor cooking. It is unlawful to use or to store a charcoal burner, open flame, LP gas burner, outdoor grill, barbecue, or other outdoor cooking appliance with open flame on the premises of a residential building with three or more dwelling units or of a multifamily residential building with two or more stories. The provision does not apply to the use of permanently mounted outdoor cooking devices located ten or more feet from any structure.~~

~~Section 315.23 is amended by adding the following subsection:~~

~~315.23.5. High-piled combustible storage. High-piled combustible storage shall comply with section 2301.~~

~~Section 401.1 is amended by deleting the exception.~~

~~Section 403 is amended by adding the following:~~

~~403.13.2(10.) The need for additional bathroom facilities and parking plans. (11.) The need for other specific requirements as prescribed by the fire official.~~

~~403.12.3.4 Enforceability. The public safety plan, as described in 403.12.2 and approved by the fire official, shall be complied with and is enforceable under provisions of this code. Any violation of the plan shall be punishable by a fine of at least \$500.00.~~

*Section 503.2* is amended to read as follows:

~~503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.78 and Appendix D.~~

*Section 503.2.2* is amended to read as follows:

~~503.2.2. Authority. The fire code official shall have the authority to require an increase or permit a decrease in the minimum access widths if the fire code official deems the change appropriate for the specific location.~~

*Section 503.3* is amended to read as follows:

~~503.3. Marking. Approved markings, signs, or other notices to identify such roads or prohibit the obstruction thereof shall be provided for fire apparatus access roads. The Fire code official shall provide the acceptable standards and specifications. Signs, markings, and other notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.~~

*Section 503.4* is amended by adding the following exception:

~~Exception: Where specifically allowed by the fire code official.~~

*Section 503.6* is amended to read as follows:

~~503.6. Gates. All gates that obstruct emergency access roads or drives, whether on public or private property, must be permitted by the fire code official. All gates or obstructions must comply with written installation standards and maintenance requirements as set forth by the fire code official.~~

*Section 503* is amended by adding the following:

~~503.7. Access. All gates that have access codes, locks, key controls, or other obstructions shall be maintained in an operable condition so that they can be opened by the fire department or other emergency service when needed. Failure to maintain these gates in an operable condition may result in the imposition of a fine and/or revocation of the gate permit.~~

*Section 505.1* is amended to read as follows:

~~505.1. Address numbers. New and existing buildings shall have their address numbers, building numbers, or building identification placed in a position to be plainly legible and visible from the street or road fronting the property. The numbers and letters shall contrast with their background and shall be a minimum of six inches in height for commercial buildings and three inches in height for~~

residential building. The numbers and letters shall have a minimum stroke width of 0.5 inches (12.7 mm). Where the building cannot be viewed from the public way, an approved alternate means may be used to identify the structure.

*Section 506* is amended by adding the following subsection:

~~506.3. Location. Lock boxes approved by the fire code official shall be installed in all new buildings that have fire sprinkler systems, alarm systems, or other fire protection systems that are connected to an alarm service.~~

*Section 507.2.1* is amended to read as follows:

~~507.2.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 and local jurisdiction construction standards.~~

*Section 507.3* is amended to read as follows:

~~507.3. Fire flow. The purpose of this section is to provide direction for the design and installation of fire service and water utilities. This section shall be used in conjunction with all other adopted and referenced codes and standards. If this section conflicts with other codes or standards, the most restrictive shall apply.~~

~~507.3.1. Definitions. For the purposes of this section, the following words shall have the meanings shown herein.~~

~~*Commercial* means the use of a building or structure for commercial operations including, but not limited to, hotels, motels, apartments, and dwellings excluding one and two family dwellings.~~

~~*Residential* means a one or two family dwelling.~~

~~507.3.2. Fire flows required.~~

- ~~(a) — Every fire hydrant shall be capable of providing a minimum flow of 500 gpm in areas used for residential and 1,500 gpm in areas used for commercial or industrial.~~
- ~~(b) — Fire hydrant flows determined by the Insurance Services Organization's (ISO) Fire Suppression Rating Schedule shall be provided for all new buildings and changes of occupancy classification in existing buildings. Calculations are in Appendix B.~~
- ~~(c) — Fire hydrant flows for buildings provided with fire sprinkler systems shall either meet the requirements of subsection (b) or not be less than the required flow of the sprinkler system plus 500 gpm.~~

- (d) ~~The flow requirements listed in this section shall be met with a minimum of 20 pounds per square inch residual. This residual must be maintained in residential, commercial, and industrial areas. Flow in residential areas is to be calculated at 1.5 gpm per living unit.~~
- (e) ~~If the fire code official determines that an occupancy is of a hazardous nature, or if special hazards exist in addition to the normal hazard of the occupancy, section 901 of the International Fire Code shall apply.~~

*Section 507.5 is amended to read as follows:*

*507.5. Fire hydrant systems.*

- (a) ~~A fire hydrant is an approved national standard three-way hydrant connected to six-inch or larger water mains.~~
- (b) ~~A two-way hydrant is not recognized unless it was installed before January 1, 1985 or it was installed in conjunction with nationally approved sprinkler systems.~~
- (c) ~~Fire hydrants shall conform to the latest version of the AWWA Standard for Dry Barrel Fire Hydrants.~~
- (d) ~~Fire hydrants shall have one 4.5-inch steamer and two 2.5-inch side connections with National Standard threads. The centerline of the steamer connection shall be a minimum of 18 inches above the ground surface.~~
- (e) ~~Hydrants must be located so that no portion of any new structure is more than 500 feet, as the hose lies, on accessible approved roadways.~~
- (f) ~~Hydrants shall be spaced no less than every 500 feet in residentially zoned areas and no less than one every 300 feet in commercially and industrially zoned areas.~~
- (g) ~~The City of San Marcos Water Department shall have the authority to develop and approve new fire hydrant installation methods and standards consistent with the application of this section.~~
- (h) ~~Hydrants shall be installed in accordance with local jurisdiction construction standards.~~

*Section 507.5.1 is amended to read as follows:*

~~507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 500 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.~~

*Section 507.5.2 is amended by adding the following:*

~~507.2.1 Cost. The cost of maintaining fire hydrants on private property will be the burden of the occupant and/or owner of that property.~~

*Section 507.5.3 amended by adding the following subsection:*

~~507.5.3.1 Water main standards required.~~

~~(a) Water mains shall be at least eight inches and large enough to supply the required fire flows. All developers shall provide an engineer certified computer model or hand calculation to the fire and engineering departments. The model or calculation shall indicate the minimum fire flows that will be met. Existing mains shall come into compliance with this requirement when they undergo major repairs or when the fire flow demands of new construction or new occupancy classifications in existing construction exceed the existing fire flows.~~

~~(b) New eight inch dead end main more than 1320 feet long must be looped.~~

~~(c) New eight inch looped main shall not exceed 2500 feet, unless approved by the fire and engineering departments.~~

~~(d) Any six inch lead lines for hydrants cannot exceed 100 foot and, in no case, reduce the amount of required fire flow. Six inch lines are not permitted for use as a utility line or fire line for fire hydrants for commercial structures.~~

~~(e) Private fire service mains and water tanks shall be periodically inspected, periodically tested, and maintained in accordance with NFPA 25. Reports for the inspection or test shall be on a form as specified by the fire code official.~~

*Section 507.5.4 is amended to read as follows:*

~~507.5.4. Obstruction. Posts, fences, vehicles, growth, trash, storage, and other materials or objects shall neither be placed within five feet nor kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. No person shall place or maintain an obstruction near fire protection equipment or a fire hydrant so that the fire department is deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.~~

*Section 507.5.5* is amended to read as follows:

~~507.5.5 Clear space around hydrants. A 5-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.~~

*Section 507* is amended by adding the following:

~~507.5.7. Marking. The location of all fire hydrants shall be identified with a blue reflective road dot placed near the center of the roadway in front of the hydrant.~~

*Section 604.2.14.3* is amended to read as follows:

~~604.2.14.3. Emergency systems. Exit signs, exit illumination as required by Chapter 10, and elevator car lighting are classified as emergency systems and shall operate within 10 seconds of failure of the normal power supply for egress lighting and shall be capable of being transferred to the standby source.~~

*Section 605.9* is amended to read as follows:

~~605.9. Temporary wiring. Temporary wiring for electrical power and lighting installations is not allowed to exceed a period of 90 days. This includes decorative holiday lighting, carnivals and similar purposes. Temporary wiring methods shall meet the applicable provisions of the ICC International Electrical Code or National Electrical Code as adopted. Temporary wiring for construction purposes shall be removed at the end of construction.~~

*Section 605* is amended by adding the following:

~~605.13 Labels for disconnecting means. Each disconnecting means for each service feeder, or branch circuit shall be legibly marked to indicate its purpose at the point where it originates. Where the service feeder or branch is located on a building or other structure, a description of the device and address of the building must be prominently displayed utilizing a marking of sufficient durability to withstand the environment involved. A list of acceptable marking devices and labels can be obtained through the electric utility department.~~

*Section 903.1* is amended by adding the following:

~~903.1.2 More restrictive section applies. Where fire sprinklers are required in other sections of this code, the most restrictive requirement will apply to methods of construction, installation, or other system requirements.~~

*903.2.10* is amended to read as follows:

~~903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy where one of the following conditions exist:~~

~~1. Where a Group S-2 fire area exceeds 18,000 square feet;  
Exception: Open parking garages.~~

~~2. Where the fire area of an enclosed parking garage exceeds 12,000 square feet;  
or~~

~~3. Where enclosed parking garages are located beneath other groups.~~

~~Exception: Enclosed parking garages located beneath Group R-3 occupancies.~~

*Section 903.2 is amended by adding the following:*

~~903.2.13. Other occupancy classifications. An automatic sprinkler system shall be provided throughout all buildings classified as Group B or Group F-2 having a fire area exceeding 18,000 square feet.~~

~~903.2.14 Additions and Expansions. Any building constructed after April 1, 2002 that exceeds 18,000 sq. ft. or any attached construction, alteration, or addition to an existing structure of any group that causes the structure to exceed 18,000 sq. ft. For purposes of this section, an automatic fire sprinkler system is to be installed in the non-conforming or existing structure in addition to the new construction area.~~

*Section 903.3.1.2 is amended by adding the following:*

~~903.3.1.2.2 Exterior closets. Sprinkler protection shall be provided in closets (regardless of size) that are accessible from the exterior of the building.~~

~~Section 903.4.5.5 Alarm Notification. All water flow monitor notifications shall be latching and remain continuous until water flow suspended.~~

~~Section 903.4.5.6 Addressable Systems. All initiation devices must be descriptive to location and use. Central reporting must be consistent to identification of location and use of area alarm system notification.~~

*Section 906.1 is amended by deleting the exception.*

*Section 3301.1 is amended by adding the following:*

~~3301.3 Permits. Permits shall be required as set forth in Section 105.7.~~

*Section 3304.3 is amended to read as follows:*

~~3304.3. Open burning prohibited. No person shall burn material in the city limits.~~

~~Section 3304.4 is deleted.~~

~~Section 3304.7 is amended to read as follows:~~

~~3304.7 Electrical. Temporary wiring for electrical power and lighting installations used in connection with the construction, alteration or demolition of buildings, structures, equipment or similar activities shall comply with the Section 605.9.~~

~~Section 3310.1 is amended to read as follows:~~

~~3310.1 Required access. Approved vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 50 feet of temporary or permanent fire department connections. Vehicle access shall be provided to within 150 feet of all portions of the exterior wall of the first story of each building prior to the erection of combustible material within that building. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.~~

~~Section 3312.1 is amended to read as follows:~~

~~3312.1 When required. Water supply complying with Section 507 shall be provided within 500 feet of all portions of the exterior wall of the first story of each building prior to the erection of combustible material for that building.~~

~~Section 3104.15.4 is amended to read as follows:~~

~~3104.15.4. Operations such as the warming of foods, cooking demonstrations, and similar operations that use solid flammables, butane, or other similar devices which do not pose an ignition hazard may be approved by the fire code official.~~

~~Section 5601.1.3 , exception 4, is deleted.~~

~~Section 5601.2.4 is amended to read as follows:~~

~~5601.2.4 Financial responsibility. Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond or a public liability insurance policy in such form, amount and coverage as determined by the jurisdiction to be adequate in each case, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.~~

*Section 5608 is amended by adding the following:*

5608.11 Retail display and sale. Fireworks shall not be displayed for retail sale nor made available to the public.

*Appendix B is amended to read as follows:*

**Appendix** \_\_\_\_\_ **B**

**Fire Flow Calculations**

The following information is a summary and is provided to assist in understanding the required fire flow calculation method. Refer to the Insurance Services Organization's (ISO) Fire Suppression Rating Schedule for actual calculations. Where any question or discrepancy exists Fire Suppression Rating Schedule should be followed.

The ISO's method for calculation of fire flows consider the square footage, type of construction, type of occupancy, exposure, and communication of the building to be protected. The required fire flow ("F") is determined as follows where:

- A = effective area
- C = construction coefficient\*
- O = occupancy factor\*
- E = exposure factor\*
- M = communication factor\*
- F = required flow
- $F = 18(O)(E)(M)(C)(\sqrt{A})$

The effective area is the sum of 100% of the ground floor and 50% of all additional floors. The final result is rounded to the nearest 250 gpm up to 2500 gpm and to the nearest 500 gpm beyond 2500 gpm.

\*See the ISO Fire Suppression Rating Schedule for details on calculation.

**Residential Construction**

For one and two family dwellings not exceeding two stories in height, the following fire flows shall be used.

Distance between buildings	Required fire flow
Over 100 feet	500 gpm
31 — 100 feet	750 gpm

11—30 feet	1,000 gpm
10 feet or less	1,500 gpm

**Commercial Construction**

Maximum square footage by construction type and gpm fire flow (without modification for occupancy and exposures):

GPM	Fire Resistive	Non-Combustible	Ordinary	Frame
1,500	22,611	12,719	8,140	3,618
1,750	30,109	16,936	10,839	4,817
2,000	38,678	21,756	13,924	6,188
2,250	48,319	27,179	17,395	7,731
2,500	59,031	33,205	21,251	9,445
3,000	83,671	47,065	30,122	13,387
3,500	112,598	63,336	40,535	18,016
4,000	145,811	82,019	52,492	23,330
4,500	183,311	103,112	65,992	29,330
5,000	225,098	126,617	81,035	36,016

-  
The square footage is the total of 100% of the first floor and 50% of each additional floor up to and including the 4th floor.

Appendix D is amended to read as follows:

**APPENDIX \_\_\_\_\_ D**

**FIRE APPARATUS ACCESS ROADS**

**Section D101 General**

~~D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code.~~

~~Section D102 Minimum specifications~~

~~D102.1 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.~~

~~Exception: Grades steeper than 10 percent as approve by the fire chief.~~

~~D102.2 Turning radius. The minimum turning radius shall be determined by the fire code official.~~

~~D102.3 Dead Ends. Dead end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D102.3.~~

~~Section D103 Aerial Fire Apparatus Access Roads~~

~~D103.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.~~

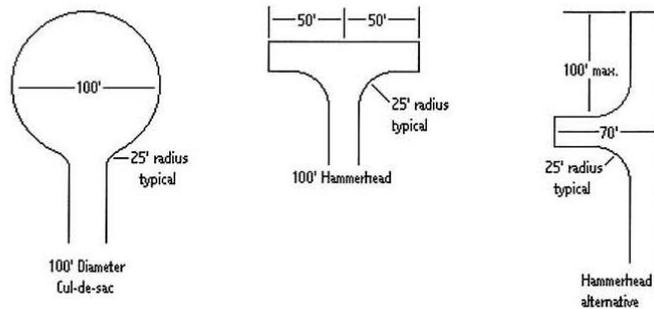
~~D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.~~

~~D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.~~

~~Table D102.3 Requirements for Dead end Fire Apparatus Access Roads~~

<del>Length (feet)</del>	<del>Width (feet)</del>	<del>Turnarounds required</del>
<del>0—150</del>	<del>20</del>	<del>None required</del>
<del>151—500</del>	<del>20</del>	<del>Shown in Figure D 102.3</del>
<del>501—750</del>	<del>24</del>	<del>Shown in Figure D 102.3</del>
<del>Over 750</del>	<del>Special approval required</del>	

~~Figure D102.3 Dead end Fire Apparatus Access Road Turnaround~~



**Sec. 38.054. Violations declared nuisances: extraterritorial application.**

(a) The following are declared public nuisances:

- (1) The sale, possession, storage, discharge, or offer for sale of fireworks; or
- (2) Any violation of this article which poses a serious danger to the safety of persons or property.

(b) It is unlawful for a person to create or maintain a public nuisance, or to engage in any activity that constitutes a public nuisance, within the city limits or within 5,000 feet of the city limits.

**Sec. 38.055. Motor vehicle parking.**

It is unlawful for a person to store, park or stand a motor vehicle inside a residential unit, a storage facility attached to a residential unit or a stairwell or under a stairway or a balcony, on premises of a multifamily dwelling.

**Sec. 38.056. Establishment of motor vehicle routes for transportation of hazardous chemicals.**

The U.S. Department of Transportation regulations referenced in chapter 27 of the fire code shall be followed, except that tank vehicles transporting hazardous chemicals to local businesses may take the shortest route to the business served.

**Sec. 38.057. New materials, processes or occupancies which may require a permit.**

The city manager, the fire chief and the fire marshal may act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which will require permits, in addition to those described in the fire prevention code. The fire marshal will post a list of any permit requirements in a conspicuous place in his office and distribute copies to interested persons.

**Sec. 38.058. Flow meters.**

(a) A flow meter device is required on all private water service lines connected to a public water supply, including all separate taps from the public water supply to private property.

(b) Acceptable flow meter device standards and specifications can be obtained from the city engineering department.

(c) The flow meter device must be inspected by a certified flow meter device installer using prescribed forms by the city.

(d) The flow meter device must be protected by a concrete (or comparable quality) vault meeting city engineering department standards.

(e) The flow meter must be installed in the public right-of way for access by city personnel.

**Sec. 38.059. Backflow prevention in fire suppression systems.**

Where a private fire suppression or fire sprinkler system exists, a required backflow prevention device may be off-set up to 75 feet from the tap, for the fire system only, with approval of the water purveyor.

**Sec. 38.060. Hazardous materials spills.**

(a) Any person who causes or permits a release or spill of hazardous material affecting property within the city or its extraterritorial jurisdiction shall be responsible for the abatement, control, capture and proper disposal of such hazardous material and for all associated costs incurred by the fire department and other city departments and agencies that assist to abate the release or spill.

(b) The abatement activities shall be under the direction and control of the fire chief or his authorized representative. The fire chief may relinquish his direction and control to another agency, firm or other licensed party for the purposes of extended operations, remediation, control, capture or proper disposal of the hazardous materials. The fire chief can reinstate his direction and control at any point in order to protect the health and welfare of persons or property or to expedite the abatement, control, capture or proper disposal of the hazardous material and/or any by-products thereof. It is unlawful for any person to fail to obey an order given by the fire chief at the scene of a hazardous material release or spill.

(c) For purposes of this section, costs incurred by the fire department or other departments of the city shall include, but shall not be limited to, all expenses attributable to the cleanup or abatement of any hazardous materials incident, including costs of equipment operations, materials utilized, specialists, experts, contract labor, overtime costs, costs incurred by area fire departments requested through mutual aid agreement with the city, and any other incidental costs of the city as a result of the incident. Costs do not include fire suppression, rescue, medical treatment and similar services which are within the scope of fire department duties.

(d) Cost recovery shall be in the manner and form designated by the fire department. Any individual, agency, corporation, firm, or party who fails to respond within ten days to a certified notice of collection under this section is in violation of this section.

(e) Any violation of this section punishable by a fine of at least \$1,000.00.

(f) The remedies provided by this section is in addition to any other remedies provided by law. Nothing in this section prohibits the city from pursuing other legal actions to recover the costs of abatement.

**SECTION 2.** In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

**SECTION 3.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 4.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 5.** This ordinance will take effect after its passage, approval and adoption on second reading, and publication in accordance with section 3.12 of the City Charter.

**PASSED AND APPROVED** on first reading on April 16, 2019.

**PASSED, APPROVED AND ADOPTED** on second reading on May 7, 2019.

Jane Hughson  
Mayor

Attest:

Approved:

Jamie Lee Case  
City Clerk

Michael J. Cosentino  
City Attorney