

ORDINANCE NO. 2015 - 10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SAN MARCOS, TEXAS REVISING AND UPDATING
ARTICLE 3, STANDARDS, OF CHAPTER 38, FIRE
PREVENTION AND PROTECTION, OF THE CITY CODE;
INCLUDING PROCEDURAL PROVISIONS; AND
PROVIDING FOR PENALTIES.**

RECITALS:

1. In 2005, the city adopted the 2003 International Fire Code to maintain a consistent standard of construction on a national level. Since that time, our city maintains an update of codes on a five year cycle.
2. In an effort to maintain ISO accreditation and keep up with current national standards, the city needs to maintain a current adoption of code.
3. The City Council wishes to adopt this International Fire Code, along with the other codes in the International Code series, together with changes to the International Fire Code to reflect the City's unique needs.

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

SECTION 1. Article 3, Standards, of Chapter 38, Fire Prevention and Protection, of the City Code is repealed in its entirety and is replaced by the following:

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 102.6-7 is amended to read as follows:

102.67. 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.

~~102.7.1 Where the code references the International Existing Building Code, the reference shall be the International Building Code and the International Fire Code. Where the code references the International Electric Code, the reference shall be the National Electric Code, 2002 2008 edition.~~

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 105.6.302 is deleted.

Section 105.6.357 is amended by deleting the exception.

~~*Section 105.6.38 is deleted.*~~

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 109.3-4 is amended to read as follows:

109.3-4 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:

~~*Facility.* A building or use in a fixed location, including exterior storage areas, piers, wharves, tank farms, and similar uses. This term includes recreational vehicles, mobile home parks, manufactured housing parks, sales lots, and storage lots.~~

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.

403.2.2.12.3.4 Enforceability. The public safety plan, as described in 403.2.12.2 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 503.1.1* is amended to read as follows:~~

~~503.1.1. Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility or any portion of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility.~~

~~Exception: The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:~~

- ~~1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.1.1.1, 903.3.1.2 or 903.3.1.3;~~
- ~~2. Fire apparatus access roads cannot be installed due to location on property, topography, waterways, non negotiable grades or other similar conditions, and an approved alternative means of fire protection is provided; or~~
- ~~3. There are not more than two Group R-3 or Group U occupancies.~~

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 1500 gpm in areas used for commercial or industrial.

(b) Fire hydrant flows determine 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:

~~605.44.13~~ 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 ~~334~~401.1 is amended by adding the following:

~~334~~401.3 Permits. Permits shall be required as set forth in Section 105.7.

Section ~~334~~404.3 is amended to read as follows:

331404.3. Open burning prohibited. No person shall burn material in the city limits.

Section 3304.4 is deleted.

Section 331404.7 is amended to read as follows:

331404.7 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 331410.1 is amended to read as follows:

331410.1 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 ~~1412~~3312.1 is amended to read as follows:

~~1412~~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 ~~2404~~3104.15.4 is amended to read as follows:

~~2404~~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 ~~shall~~ may be approved by the fire code official.

Section ~~3301~~5601.1.3, exception 4, is deleted.

Section ~~3301~~5601.2.4 is amended to read as follows:

~~3301~~5601.2.4 Financial responsibility. Before a permit is issued, as required by Section ~~3301~~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 ~~3308~~ 5608 is amended by adding the following:

~~3308~~ 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	1000 gpm
10 feet or less	1500 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
1500	22,611	12,719	8,140	3,618
1750	30,109	16,936	10,839	4,817
2000	38,678	21,756	13,924	6,188
2250	48,319	27,179	17,395	7,731
2500	59,031	33,205	21,251	9,445
3000	83,671	47,065	30,122	13,387
3500	112,598	63,336	40,535	18,016
4000	145,811	82,019	52,492	23,330
4500	183,311	103,112	65,992	29,330
5000	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.

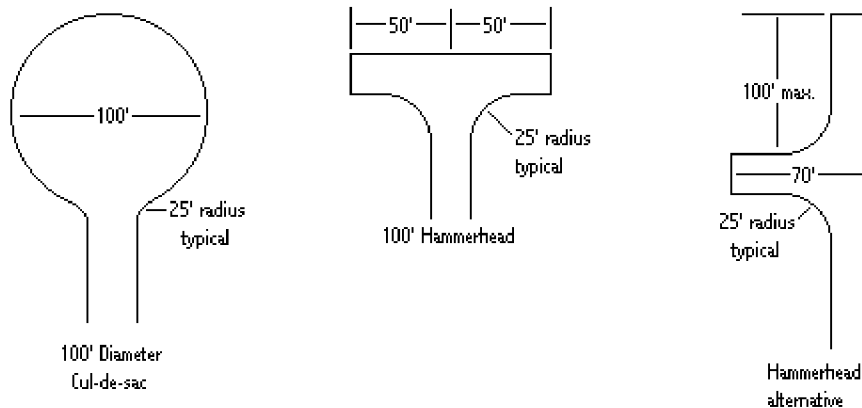
D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

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

Length (feet)	Width (feet)	Turnarounds required
0-150	20	None required
151-500	20	Shown in Figure D102.3
501-750	24	Shown in Figure D102.3
Over 750	Special approval required	

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.

Section 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 \$1000.00.

(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. The following fees related to the administration of Chapter 38 are set:

**Chapter 38. Fire Prevention and Protection
Fee Schedule**

Fire Sprinkler System Permit

\$150.00 for systems with up to 200 heads
\$0.50 for each additional head
\$1500 maximum fee

Fire Alarm System Permit

\$100.00 for systems with up to 200 initiating and/or signaling devices
\$0.50 for each additional initiating and/or signaling device
\$500 maximum fee

Fixed Pipe Suppression System Permit

\$50.00 per system

Standpipe/Water Supply Permit

\$100 per system when not installed in conjunction with new building

construction

Smoke Control System Permit

\$75.00 for each system

Flammable or Combustible Liquid Tanks Permit

\$120.00 for each system

Preliminary Plan Review

\$60.00 per hour for the preliminary review of plans, which have not been submitted for approval and for which no permit has been issued

Re-inspection/Retest

\$30.00 for each re-inspection. This fee shall be paid before any subsequent inspections are made.

After Hours Fee

\$60.00 per hour if the Fire Official directs an inspector, due to the contractor's or owner's request, to review a plan, conduct an inspection, or witness a test after the normal working hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. If the inspector is recalled from off-duty, the minimum charge is for two hours. This fee must be paid before the city releases public utilities and before the city issues a Certificate of Occupancy.

License Inspections

State licensed facilities that require annual fire inspections for operational permits. Non-profit or government organizations are exempt from this section.

Daycares	\$50.00
Nursing or care centers	\$150.00
Hospitals	\$200.00
Institutional restrained	\$200.00
Licensed in home facilities	\$50.00
Foster homes or adoption centers	exempt

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 resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. Any person violating any provision of this ordinance commits a misdemeanor and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction.

SECTION 6. This Ordinance will take effect 10 days after the date of its final passage, and the City Secretary will publish notice of its adoption in a newspaper of general circulation in the City.

PASSED AND APPROVED on first reading on March 3, 2015.

PASSED AND APPROVED on second reading on March 17, 2015.

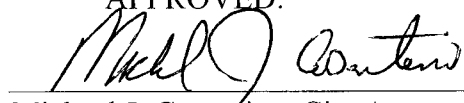
PASSED, APPROVED AND ADOPTED on March 17, 2015.


Daniel Guerrero, Mayor

ATTEST:


Jamie Lee Pettijohn, City Clerk

APPROVED:


Michael J. Cosentino, City Attorney